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TABLE OF CONTENTS

Letter from the Chair	2
2018 Annual Conference Planning Committee	3
2018 Annual Conference Sponsors and Exhibitors	4
2018 Annual Conference Cooperating Entities	8
Meeting Agenda	
Tuesday, April 17	10
Wednesday, April 18	16
Thursday, April 19	31
Friday, April 20	47
Saturday, April 21	61
General Information	62
Hotel Floor Plans	64
Programs by Tracks	68
Mark Your Calendar	Inside Back Cover

Dear Colleagues,

We look forward to welcoming you in person to the Section's 2018 Annual Conference. Our theme this year – **At the Crossroads: The Fusion of Private and Public International Law**. With thanks to our 60+ committees we are very excited to share with you a very substantive and timely schedule of CLE programming. The evening events will be stellar – at amazing and iconic venues: The Rainbow Room and Bryant Park. We have also put together an “Insider’s Guide” to provide suggested places to see in the City when not at the Conference. You will find a copy of the Insiders Guide on the conference app and conference webpage.

You are all a vital part of this Conference and we hope you will become active, and continue your activity, in our Section going forward. We look forward to your participation and to a great Conference!

Sincerely,



Steven M. Richman
Section Chair

2018 Annual Conference Co-Chairs

Birgit Kurtz

Hedwin Salmen-Navarro

Ken Rashbaum

Deniz Tamer

PLANNING COMMITTEE

Section Chair

Steven M. Richman

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Hon. Elizabeth S. Stong • U.S. Bankruptcy Court • New York, NY

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Luncheon

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Thursday Networking
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Mexico and Its Legal System: Lawyers' Essays on the Continuing Evolution

Mexico and Its Legal System: Lawyers' Essays on the Continuing Evolution provides concrete practice-oriented insight into key topics of Mexican law, including federalism, civil procedure, dispute resolution, immigration, foreign investment, and land ownership. Concurrently, it explores how the law approaches gender equality, assures fair and transparent elections, and shapes the role of the legal profession.

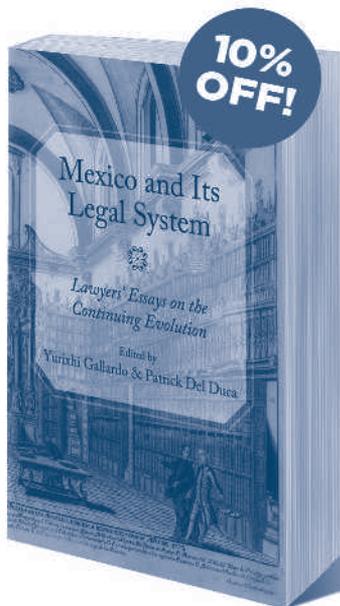
The book is a rich resource for practicing lawyers and business people dealing with Mexico, but also speaks broadly to the fundamental rule of law and law reform aspirations of lawyers generally. The book affords insight relevant to current political and economic developments on both sides of the border shared by Mexico and the United States.

The work is an extraordinary tool for students of law, political science and sociology, who seek to approach Mexican law through concurrent legal and sociological perspectives.

About the Editors

Patrick Del Duca is a partner in Los Angeles of Zuber Lawler & Del Duca LLP. Included in the 2010-2018 editions of *THE BEST LAWYERS IN AMERICA*[®] and author of *CHOOSING THE LANGUAGE OF TRANSNATIONAL DEALS: PRACTICITIES, POLICY AND LAW REFORM* (ABA, 2010), he serves as Membership Officer of the ABA's Section of International Law. He is trained in common law, having earned a JD degree from Harvard Law School, and civil law, having earned a *laurea in giurisprudenza* from the Università di Bologna law faculty. He received a Ph.D in law from the European University Institute in Florence, Italy.

Yurixhi Gallardo is Professor of the School of Law at Universidad Panamericana, Guadalajara Campus. She teaches in the areas of political theory and professional ethics. She earned her Ph.D at Universidad Panamericana, Guadalajara campus. She has master's degrees in Humanistic Studies from the Universidad Abat Oliba CEU, Barcelona, and in History of Thought from Universidad Panamericana, Mexico City campus. She has completed a specialization in Anthropology and Ethics at Universidad Panamericana, Guadalajara campus, where she also earned her law degree.



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Association canadienne des conseillers (ACCJE)
Association of Corporate Counsel



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MEETING AGENDA

TUESDAY, APRIL 17

TUESDAY, APRIL 17, 2018

10:00 AM – 7:00 PM
Registration Open

Ballroom I

10:00 AM – 11:00 AM *Alvin/Carnegie*
How International Law Can Lead to Pathways of Employment (NON-CLE)

Join us for this valuable ‘how to’ program for law students and young lawyers seeking to bring their skills to the global arena, as well as experienced practitioners who wish to expand their practices into international law. This Pathways panel will feature young lawyers who have built or expanded successful international practices.

Introduction:

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

Speakers:

Sabrina Acloque, *Cambridge Human Rights Commission, Cambridge, MA*

Stephanie Brown Cripps, *Freshfields Bruckhaus Deringer US LLP, New York, NY*

Teresa Davidson, *Volvo Financial Services Region, The Americas*

Douglas A. Hand, *Hand Baldackin & Amburgey LLP, New York, New York*

11:00 AM – 12:00 PM *Alvin/Carnegie*
The Path to Lawyer Well-being: Practical Recommendations for Positive Change (Substance Abuse and Mental Illness)

Co-chairs of the National Task Force on Well-Being will discuss the group’s report, “The Path to Lawyer Well-Being: Practical Recommendations for Positive Change,” published August 2017. This groundbreaking initiative of the Commission on Lawyers Assistance Programs, National Organization of Bar Counsel and Association of Professional Responsibility Lawyers puts into action the group’s mission of “creating a movement to

improve the health and well-being of the legal profession.”

Panelists will provide information on two recent studies that revealed the high rates of substance use and mental health disorders among law students and lawyers, statistics that served as catalysts for the report. They will present recommendations for multiple legal stakeholders, including legal employers, regulators and bar associations, on what they can each do to institute a culture change so that well-being becomes a priority. Much focus will be placed on ABA model rule 1.1, competence, and the recognition that well-being is an essential aspect of competent and ethical practice. Speakers will present information on how all members of the profession can work to promote lawyers’ well-being, thereby ensuring fitness to practice, competent representation and ethical engagement.

Speakers:

Bree Buchanan, *State Bar of Texas Lawyers’ Assistance Program, Austin, TX*

James C. Coyle, *Colorado Supreme Court, Denver, CO*

11:00 AM – 12:30 PM *Broadway*
Women Change Makers for the Legal Profession (Elimination of Bias in the Profession)

This program will be in two parts, showcasing complementary approaches to overcoming a major challenge confronting our profession. For decades, we have witnessed the struggles of women in the profession. With many diversity initiatives, we saw some improvements (for example better pay, with women now earning 89% of men’s salary according to the ABA Commission on Women in the Profession’s January 2017 “A Current Glance at Women in the Law”). In the past ten years, and with the encouragement of some vocal corporate clients, a number of firms have labored to change their policies to retain women lawyers. Nonetheless, the profession is suffering a tremendous talent drain with

women underrepresented at the senior levels of the profession, despite women graduating from law school in roughly equal numbers to men for almost 30 years. When senior women lawyers leave the profession, there is a reduced range of legal talent, a narrower base for firms and businesses to develop robust attorney-client relationships, a limited ability to recruit and retain skilled women lawyers at all levels, and, ultimately, serious challenges to firms' and businesses' revenues and to the future of the profession.

Part 1

As a profession, we lack broad-based, reliable information about the reasons why there is a marked gender gap. Of course, there are theories. Some believe that women have greater need for work/life balance or less focus on developing the business that Big Law expects of their partners, lack senior role models, or are discouraged by bias or discrimination. Some believe that, to achieve a sustainable solution, we must reframe without blame or victimization the way we look at the challenge and consider a transformative approach – one that relies first on evidence-based approaches to understanding the factors that enhance or impede careers. This provides an opportunity to question existing norms and to use that knowledge to achieve a better future for the profession. Come to this roundtable and learn about the groundbreaking research by the new ABA Presidential Initiative on Achieving Long-Term Careers for Women in Law, and the work of the Women Lawyers Division of the Law Society of England and Wales.

Part 2

One way to reframe without blame or victimization the way we approach the challenge and consider a transformative approach to halting this disempowerment is for:

1. Women to change internal negative beliefs about their own gender. Only then can women be each other's greatest allies in all arenas of life.
2. Women to support each other, to heal from the negative effects of the current system, in order to grow spiritually. This will empower women to bring their strengths to lead their communities, and globally, to a vibrant and loving future.
3. Women to reject disempowerment. To do this, we must reframe the way we look at inequality. We must fully understand the current ways of the legal profession (and its underlying norms) without blame or victimization. Then from a healed and empowered place, women can step forth and take leading roles in shaping the world.

With this inner awakening of their extraordinary attributes women will improve not only the legal profession, but the human race. Come to this interactive experience and explore how we may be Change Makers for the legal profession and beyond.

Committee Sponsor:

Women's Interest Network

Committee Co-Sponsor:

Young Lawyers' Interest Network

Panel Chair:

Yee Wah Chin, *Ingram Yuzek Gainen Carroll & Bertolotti, LLP, New York, NY*

Panel Chair & Speaker:

Auraellia Wang, *Google, Hong Kong*

Moderator:

Elizabeth X. Wang, *Compass Lexecon, Boston, MA, Beijing, China*

Speakers:

Christina Blacklaws, *Vice President, Law Society of England and Wales, Tunbridge Wells, UK*

Stephanie A. Scharf, *Scharf Banks Marmor LLC; Co-Chair, ABA Presidential Initiative on Achieving Long-Term Careers for Women in Law; Chair, ABA Commission on Women in the Profession, Chicago, IL*

Ocean WhiteHawk, *SAMADHI Training Centre, Hong Kong*

11:00 AM – 12:00 PM *Uris/Julliard*

The Internationally Mobile Client - Tips, Tricks and Traps in Matters of Family, Immigration and Tax Law – a Smorgasbord of Advice (Skills)

This program will interest and inspire advisors of internationally mobile clients who may be contemplating moving to live in another jurisdiction. Whether you are an attorney in a niche/specialist firm, or an attorney from a multi-service firm, you need to be attuned to a variety of opportunities for your clients. All sorts of considerations – immigration, prenup/postnup, tax and others, go into the mix for consideration. The lawyers on this panel are from diverse countries with diverse perspectives, and are guaranteed to get you thinking about better ways to help your clients and build your practices.

The format of the program will be probing questions by the chair to each of the panelists, not set piece speeches.

Sponsor:

Union Internationale des Avocats (UIA)

Panel Chair & Moderator:

Simon Bruce, *Farrer & Co, London, United Kingdom*

Speakers:

Colleen Caden, *Pryor Cashman LLP, New York, NY*

Muriel Cadiou, *Law Office, Paris, France*

Ana Maria Kudisch Castello, *Kudisch Abogados, Benito Juárez, México*

Daniela Horvitz Lennon, *Horvitz & Horvitz, Santiago, Chile*

Carolina Marín Pedreño, *Dawson Cornwell, London, United Kingdom*

12:45 PM – 1:35 PM *Broadway*

How to Conduct an International Internal Investigation (Skills)

In-house attorneys are often called upon to conduct cross-border internal investigations or local investigations in an overseas location. This session will provide corporate counsel an overview of how to manage

international investigations, from building an investigative protocol and operational framework before a crisis to initial response, investigation, and post-investigation follow-up. Our speakers will address jurisdictional concerns, locating evidence, and practical tips on cultural differences.

Committee Sponsor:

International Corporate Counsel

Panel Chair:

Deniz Tamer, *MTICC, New York, NY*

Moderator:

Peggy Kubicz Hall, *Greene Espel, PLLP, Minneapolis, MN*

Speaker:

Jeffrey Johnson, *Cargill, Minneapolis, MN*

1:35 PM – 2:25 PM *Uris/Julliard*

How to Draft an Arbitration Clause in a Globalized Environment (Skills)

Globalization of companies and trade relations have turned cross border transactions into a reality. With increasing frequency, buyers, sellers, targets and even legal counsel are in different jurisdictions, transforming deals in a melting pot of different legal systems and cultures. Besides, in many countries, relevant deals will normally involve local government or state controlled companies as parties, which might lead to an interplay of both public and private law issues. In this scenario, parties must be prepared to design dispute resolution provisions that go beyond standard boilerplate language or the mere question of whether to resort to arbitration or court litigation. They must be able to capture and reflect the different background of the players as wells the peculiarities of different legal systems and issues involved, so that whenever a dispute arises, undesired surprises are avoided. How to work it all out? In practice, what are the specific issues to be taken into consideration? All parties potentially involved in a complex dispute are welcome to discuss this feature.

Committee Sponsor:

International Arbitration

Panel Chair & Moderator:

Sergio André Laclau, *Veirano Advogados, São Paulo, Brazil*

Speakers:

Henry G. Burnett, *King & Spalding, New York, NY*

Julianne Hughes-Jennett, *Hogan Lovells, London, United Kingdom*

Michael L. Martinez, *Marriott International, Inc., Bethesda, MD*

2:25 PM – 2:40 PM

Ballroom I

Break

2:40 PM – 3:30 PM

Alvin/Carnegie

How to Advise Clients on Global Mobility Matters: Employment, Immigration, and Tax Law, Oh My! (Skills)

In today's global economy, it is usually a matter of "when" your corporate clients will send employees to work overseas rather than "if" they will. Whether companies are sending employees abroad for extended business trips or assigning them to newly-established foreign offices on a long term or permanent basis, such international movement of employees can result in major immigration, employment and tax law consequences for both the employer and the employee. This session will provide an overview of how to advise a corporate client on an international assignment – from the initial assignment planning stage, through preparation of the assignment letter or employment contract, and procurement of necessary work permits and visas.

Committee Sponsor:

Immigration & Naturalization

Panel Chair & Moderator:

Audrey Lustgarten, *Lustgarten Global LLC, Harbor Springs, MI*

Speakers:

Michelle Gyves, *Proskauer Rose LLP, New York, NY*

Michelle Jacobson, *Fragomen, Del Rey, Bernsen & Loewy, LLP, Chicago, IL*

Richard Tonge, *Grant Thornton, New York, NY*

2:40 PM – 4:10 PM

Broadway

International Corporate Liability – Do's and Don'ts in Cross Borders Investigations

This panel will compare Corporate criminal liability in France, Switzerland, Greece, UAE and UK. It will discuss interesting issues such as enforcement tools and trends, self-reporting, Co-operation with domestic enforcement agencies. It will also focus on do's and don'ts in cross borders International investigations.

Committee Sponsor:

International Anti-Money Laundering

Committee Co-Sponsors:

International Criminal Law; International Anti-Corruption; Europe

Panel Chair & Speaker:

Saverio Lembo, *Bär & Karrer, Switzerland*

Moderator:

David B. Anders, *Wachtell, Lipton, Rosen & Katz, USA*

Speakers:

Prof. Ilias G. Anagnostopoulos, *Anagnostopoulos, Greece*

Christine Braamskamp, *K&L Gates LLP, United Kingdom*

Stéphane de Navacelle, *Navacelle, Paris, France*

Ibtissem Lassoued, *Al Tamimi & Company, Dubai, UAE*

3:30 PM – 4:20 PM

Uriel/Julliard

How to Protect Client and Witness Personal Data in the Era of Cyber Crime (Skills)

Data is perhaps the most precious resource in the world. Personal data is a particularly valuable asset. And protecting such client

and witness data is one of the greatest challenges facing lawyers and law firms today. Given the inherent nature of data and the globalization of commerce and law, specific personal data may be subject to legal protection in multiple jurisdictions. On the other hand, some jurisdictions in the Middle East and elsewhere have no laws whatsoever on the subject. No matter where on the planet you practice, you need to have at least a basic working knowledge of how personal data is collected and used and the laws governing its protection. This highly practical and informative program will begin with a brief primer and overview, to define key terms (“person,” “data,” “data processor,” etc.) and to introduce fundamental concepts, for those who have no prior knowledge of the field. In addition, panelists will survey relevant laws and emerging developments and will “flag” the legal and policy issues that are on the global horizon.

Committee Sponsor:
Middle East

Committee Co-Sponsors:
Privacy, Cybersecurity & Digital Rights; Europe; Canada; Asia/Pacific; China; India; Africa; Mexico; Latin American & Caribbean; Eurasia/Russia; International Litigation; International Arbitration; International Mediation

Panel Chair & Moderator:
Cagatay Yilmaz, *Yilmaz Law Offices, Istanbul, Turkey*

Speakers:
Christophe Hery, *Lmt Avocats, Paris, France*
David Manek, *Navigant, Chicago, IL*

4:20 PM – 4:35 PM
Break

Ballroom I

4:35 PM – 5:25 PM *Alvin/Carnegie*
Enforcement without Borders: The Rise of Cross Border Anti-Corruption Investigations and Their Impact on Global Corruption (Skills)

Using recent enforcement actions involving Odebrecht, Rolls Royce, Embraer, and Vimpelcom as a backdrop, this panel will explore the increasing collaboration between international regulators, including conducting parallel investigations, document and evidence sharing, and coordinated resolutions. Coordination between jurisdictions has created investigative efficiencies and allowed jurisdictions with limited resources to receive documents and evidence that they may have otherwise been unable to collect. As a result, multinational companies that uncover corruption-related misconduct must now consider the perspective of regulators overseeing compliance with the FCPA, the UK Bribery Act, and the obligations set forth in anti-corruption laws in every jurisdiction in which they operate. The panel will consider whether international collaboration can and should lead to a global anti-corruption framework and whether ISO 37001 is the appropriate starting point. The panel will also discuss the ethical implications of advising multinational corporations subject to inconsistent frameworks and policies, as well as *U.S. v. Allen*, in which the Second Circuit held that the Fifth Amendment’s prohibition on the use of compelled testimony applies in a U.S. criminal proceeding even when a foreign sovereign compelled that testimony. The panel will discuss strategies for approaching such cross-border investigations from a practical standpoint.

Committee Sponsor:
International Anti-Corruption

Committee Co-Sponsors:

International Criminal Law; International Litigation

Panel Chair & Moderator:

Nick Berg, *Ropes & Gray, Chicago, IL*

Speakers:

Ron Machen, *WilmerHale, Washington, DC*

Michael Munro, *Odebrecht Engenharia e Construcao, Sao Paulo, Brazil*

Laura Perkins, *Hughes Hubbard, Washington, DC*

Panel Chair & Moderator:

David E. Taylor, *China Aid Association; Law Offices David E. Taylor, PC, Columbia, SC*

Speakers:

Alejandro Alvarez, *Executive Office of the Secretary General United Nations, New York, NY*

Bob Fu, *China Aid Association, Midland, TX and Los Angeles, CA*

Nicola Christine Port, *Chubb, New York, NY*

5:25 PM – 6:15 PM

Broadway

How Lawyers Can Develop the Rule of Law Through the United Nations (Skills)

This panel will address practical ways private lawyers may help the UN implement its Rule of Law initiatives both internationally and nationally within Member States. A practical, nuts and bolts session, panel discussion will help lawyers understand how to assist the UN, including the many rules and practices for petitions and other representation of their clients through UN mechanisms as well as an understanding of what the UN actually does to help on a national basis implementation of the rule of law. The panel will also discuss the opportunities of private lawyers to assist in achieving the UN Rule of Law initiative generally and in terms of the recently adopted Sustainable Development Goal 16 which provides: “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.”

Committee Sponsors:

Seasoned Lawyers Interest Network; UN & International Organizations

Committee Sponsor:

International Human Rights

Panel Chairs:

Jeffrey Epstein, *New York, NY*

Bruce Rashkow, *Columbia Law School, New York, NY*

6:35 PM – 10:00 PM

Yankee Game at Yankee Stadium in Bronx, New York

WEDNESDAY, APRIL 18, 2018

6:45 AM – 7:30 AM

Ballroom I

5K Run/2K Power Walk

Meet at the Registration Desk

6:30 AM – 7:00 PM

Ballroom I

Registration Open

7:30 AM – 8:30 AM

Ballroom II

Continental Breakfast

Join us for coffee or tea and a light breakfast before we start the day's sessions.

8:30 AM – 10:00 AM

Ballroom III

PLENARY: Global Risk in the New World Order – A Briefing for Attorneys

Spend a morning with a true foreign policy expert and notable international lawyers as they discuss the changes you need to understand in Washington, and how they will impact the world. What are the biggest risks we will face as the international order unravels? What are the bright spots to look at in Trump's world view, as well as the troubling danger signs? In this nonpartisan presentation, the speakers will guide audiences through a customized briefing – or enlightening overview – of the world's constant and emerging risks.

Moderator:

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

Speakers:

The Honorable Marc-Andre Blanchard, *Canadian Ambassador to the United Nations, New York, NY*

Avril Haines, *former White House Deputy National Security Advisor*

Stephen Mathias, *United Nations Deputy Legal Counsel, New York, New York*

Patrick M. McCarthy, *PwC Global Intelligence Operations Center, Arlington, VA*

Andrew J. Shapiro, *Beacon Global Strategies LLC, Washington, DC*

10:15 AM – 11:45 AM

Ballroom III

Where Was the Board? Where Were the Lawyers? Averting Ethical Crises in Multi-National Enterprises (Ethics)

This panel of experts will discuss the ethical responsibilities of Boards and professional legal ethical duties of counsel in recent ethical crises at multi-national enterprises. Examples will include: VW's use of "defeat device" software; Rolls Royce's sales practices that violated the UK Bribery Act, the U.S. Foreign Corrupt Practices Act, and Brazilian anti-bribery laws; Yahoo!'s delay in reporting massive cyber breaches to its Board of Directors, to stockholders, and to Verizon Communications, Inc. (with whom it had entered into an agreement for Verizon's acquisition of Yahoo!'s Internet businesses); Uber's use of "greyballing" software, its discrimination against women employees, and its alleged conduct involving trade secrets of an autonomous vehicle competitor; Zenefits' creation of a software "macro" to circumvent California and New York insurance brokerage licensing requirements; Wells Fargo's misdeeds in cross-selling products to customers without approval or knowledge of the customers; and the current investigations of ThyssenKrupp's alleged violations of anti-bribery laws related to submarine sales in several countries. In each case, the panel will discuss whether the ethical crises that confronted each Board arose, in part, because the General Counsel or others in the company's legal department may not have fulfilled their professional ethical responsibilities. Our panel will discuss the following ethical issues that face Boards, General Counsel, and Outside Counsel: (i) What appear to be the causes of unethical practices taking root in large enterprises? (ii) Why do senior officers in multi-national enterprises of high reputation repeatedly put the brand at stake by unethical conduct? (iii) What are the telltale signs of unethical conduct in a multi-national enterprise? (iv) What can a Board do to avert ethical crises? (v) When an ethical crisis happens,

how should a Board respond? (vi) What responsibilities do General Counsel and other lawyers (in house and outside) have for averting and responding to such crises? (vii) Do these cases offer lessons that might help Boards and counsel avert such crises?

Committee Sponsor:

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Committee Co-Sponsors:

Export Controls and Economic Sanctions; Privacy, Cybersecurity & Digital Rights; International M&A and Joint Venture

Panel Chair:

Bhali Rikhye, *Bartlett, McDonough & Monaghan, LLP, Mineola, NY*

Panel Chair and Moderator:

Roland Trope, *Trope and Schramm LLP and Adjunct Professor, U.S. Military Academy at West Point, New York, NY*

Speakers:

Robert Bostrom, *Abercrombie & Fitch, New Albany, OH*

Paulette Garafalo, *Paul Stuart, New York, NY*

E. Christopher Johnson, Jr., *Center for Justice, Rights & Dignity, Detroit, MI*

Eileen McCarthy, *JetBlue, New York, NY*

Claudia Ray, *Kirkland & Ellis LLP, New York, NY*

Teresa Wynn Roseborough, *The Home Depot, Atlanta, GA*

10:15 AM – 11:45 AM *Ballroom IV*

Dueling Privilege Rules: Resolving Conflicts of Law Over Privilege in International Arbitration

Disputes regarding document production are becoming commonplace in international arbitration. When lawyers, clients and claims for multiple jurisdictions are thrown together in an international arbitration, it is rarely clear how a claim of privilege (whether attorney-client privilege, work product privilege, or otherwise) as an impediment to production should be resolved. This panel will focus on the three major aspects of this problem. First, we will consider

how to determine which jurisdiction's privilege rules apply, or if international law should govern. Next, assuming that the applicable law is international law, the panel will discuss the ideal characteristics of international privilege norms. Finally, the panel will examine the potential ethical duties that may arise for counsel in advising their clients when the applicable privilege rule is not clear.

Committee Sponsor:

Young Lawyers Interest Network (YIN)

Committee Co-Sponsor:

International Litigation

Panel Chair & Moderator:

Nick Renzler, *Foley Hoag LLP, Washington, DC*

Speakers:

Christina Beharry, *Foley Hoag LLP, Washington, DC*

Nathan O'Malley, *Musick Peeler, Los Angeles, CA*

Ellyn Rosen, *ABA Center for Professional Responsibility, Chicago, IL*

10:15 AM – 11:45 AM *Ballroom V*

The Cross-Border Tools to Settle Tax Disputes for Private Taxpayers

Larger businesses that routinely cross international borders may find themselves in tax disputes between several countries, but private citizens may similarly find themselves in a quandary of double taxation. Although large businesses know about alternative dispute resolutions, many private citizens do not. These private citizens often face conflicting positions from tax authorities relating to residency, transfer pricing, and other issues. These private taxpayers need to know the procedures available to them in both bilateral tax treaties and the Multilateral Convention to Implement Tax Treaty Related Measures to Prevent Base Erosion and Profits Shifting. The mutual agreement procedure in both of these documents provides for countries to negotiate resolution of double tax issues.

Often these documents provide that if the countries cannot resolve the matter within a particular length of time, then they will enter binding arbitration. Most of these cases settle and, for example, Canada annually settles over 200 tax cases using the mutual agreement process. This panel will focus on the general structure of the mutual agreement process and binding arbitration; the procedural requirements for a taxpayer to initiate the mutual agreement process; how taxpayers can use the mutual agreement process to benefit to settle cross-border tax disputes; and role playing of a negotiation process

Committee Sponsor:
International Tax

Committee Co-Sponsors:
International Contracts; International Corporate Counsel; Privacy, Cybersecurity & Digital Rights; International Trade; UN and International Institutions

Panel Chair & Speaker:
Robert Misesy, *Reinhart Boerner Van Deuren, Chicago, IL, and Milwaukee, WI*

Moderator & Speaker:
Vitaly Timokhov, *TaxChambers LLP, Toronto, Canada*

Speaker:
Barbara Mantegani, *Mantegani Tax PLLC, McLean, VA*

10:15 AM – 11:45 AM *Alvin/Carnegie*
“Welcome Home”: Legal Ethics at the Border When Government Agents Pull You Aside and Ask for Your Laptop and Cellphone (Ethics)

Whether you are a U.S. citizen or not, any time you cross a border into the U.S., the U.S. Government has authorized its border agents to stop you on the entry gangway, and ask you to temporarily hand over, and give them the access codes to, your digital devices. For lawyers, that usually means handing over access to your clients’ confidential information, attorney work product, secrets and private data. What

you do at that point can affect your clients’ lives and your own professional future. In this program, you will learn what is actually happening in warrantless borders searches of digital devices, and why. You will learn the legal arguments on both sides of the warrantless border search issue, and you will participate in the discussion of how and what to negotiate in this special situation. You will learn the strategies and techniques already being used by some firms to protect confidential and other privileged information when their lawyers travel abroad, and you will hear the experiences of those who have been stopped for these searches. We hope to have time during the program for attendees to practice one-on-one negotiations in warrantless airport search situations.

Committee Sponsor:
U.S. Lawyers Abroad

Committee Co-Sponsor:
International Employment Law

Panel Chair & Moderator:
Carolyn Knox, *Ogletree, Deakins, Nash, Smoak & Stewart, P.C., San Francisco, CA*

Panel Chair & Speaker:
Bruce Horowitz, *Paz Horowitz Abogados S.A., Quito, Ecuador*

Speakers:
Esha Bhandari, *American Civil Liberties Union, New York, NY*

Guillermo S. Christensen, *Brown Rudnick LLP, Washington, DC*

Anthony Paccione, *NYCBA Professional Ethics Committee, New York, NY*

10:15 AM – 11:45 AM *Broadway*
How Trade Remedies Impact Global Development

Trade remedies globally have become more prevalent in the last decade. More countries are using them. Now all major global economies are subject to the disciplines of the WTO, including the ADA and ASCM. Depending on a person’s perspective, trade remedies may be an important part of the

problem or a part of the solution. Even the recent U.S. 232 investigation into steel is tied to trade remedy issues, and shows an alternative approach to issues underlying conventional trade remedy cases. Some trade remedy cases have risen to prominence in the media, despite the underpinning principles being poorly understood. Trade remedies are no longer an esoteric area for trade specialists, more and more practice areas need to care about trade remedies. For example, trade remedies can become a major consideration in M&As, since existing or potential trade remedy measures can make target much less attractive and adequate due diligence is required. A trade remedy case can dramatically change the viability of a fixed price supply contracts. The increasing use of trade remedies renews questions about risks of protectionism and diverging global views about the proper use of trade remedies. The panel will bring together public and private sector perspectives to discuss the prevalence and relevance of recent trade remedy cases.

Committee Sponsor:
International Trade

Panel Chair, Moderator & Speaker:
Jonathan O'Hara, *McMillan LLP*,
Ottawa, Canada

Speakers:
Vera Kanas, *TozziniFreire Advogados*,
São Paulo, Brazil

Jiang Peng, *Hylands Law Firm*,
Beijing, China

Jing Zhang, *Mayer Brown LLP*,
Washington, DC

10:15 AM – 11:45 AM *Uris/Julliard*

Hacked Elections: Confronting the Challenge of Digital Interference with the Democratic Process

Widespread reports of foreign interference in American and European elections have sowed alarm and confusion. The targeting of email servers and voting systems, proliferation of “fake news,” and weaponization of social media have

exposed a new kind of threat to democratic institutions. In a world that is so heavily reliant on digital communications, are elections safe from meddling by hostile governments and non-state actors? Do recent events blur the lines between cyber-attacks, acts of war, and violations of human rights? Do private companies have a responsibility to safeguard our public institutions? How does the law impact our ability to combat new threats and what can legal professionals do to address them? Join our panel as we discuss these timely issues and others.

Committee Sponsor:
National Security

Committee Co-Sponsors:
Privacy, Cybersecurity & Digital Rights;
Europe; International Human Rights

Co-Sponsor:
ABA Cybersecurity Task Force

Panel Chair & Moderator:
Zachary N. Klein, *Newark, NJ*

Speakers:
Col. Gary Brown, *USAF (ret.)*,
Washington, DC

Harri Hursti, *Nordic Innovation Labs*,
New York, NY

Jamil N. Jaffer, *IronNet Cybersecurity*,
Washington, DC

Robert S. Litt, *Morrison & Foerster LLP*,
Washington, DC

Jody Westby, *Global Cyber Risk LLC*,
Washington, DC

11:45 AM – 1:15 PM *Ballroom III*

Banker Liability in M&A Transactions: Recent Developments Regarding Independence, Conflicts of Interest and Fairness Opinions

Investment bankers play a key role advising sellers directly or through their boards of directors in M&A transactions. In recent years, courts and securities regulators in different jurisdictions have examined issues relating to the independence of investment

advisers and potential conflicts of interest. Independence can be alleged to be tainted by matters such as a bank acting as a lender to a buyer or receiving a success fee, and in some jurisdictions, has led to courts or regulators questioning the value of a fairness opinion provided by such an adviser. This panel will discuss evolving trends in Canada, Europe and the U.S., and will provide guidance for deal-lawyers representing targets and bankers in M&A transactions. The panel will discuss recent developments, including an instance where a Canadian court refused to approve a public acquisition despite having been approved by over 80% of the target's shareholders, in large part, due to what it determined were deficiencies in the fairness opinion provided to the Board of the target company. The transaction was ultimately approved following the receipt of a second fairness opinion from an independent advisor which resulted in costs of approximately \$4 million to the target. The panel will also discuss the post-Rural Metro landscape in the United States and how litigation filed against banks impacts deal-making. The program chair anticipates a lively discussion of these issues including the recent and evolving case law in this area. After comparing general trends in different jurisdictions, the panel will use a hypothetical problem to compare how different jurisdictions address (i) banker liability in M&A transactions; (ii) how banker disclosures or fairness opinions might impact deal closure; (iii) how the content of fairness opinions differs in different jurisdictions and best practices in different jurisdictions regarding content of fairness opinions; (iv) what potential conflicts bankers should disclose and the timing of that disclosure; and (v) allocation of risk for banker liability in engagement letters.

Committee Sponsor:
International M&A and Joint Venture

Committee Co-Sponsors:
International Financial Products and Services Committee; Canada; Europe

Panel Chair & Moderator:
Jason Saltzman, Borden Ladner Gervais LLP, Toronto, Canada

Speakers:
Joseph J. Basile, Foley Hoag LLP, Boston, MA

David Hennes, Ropes & Gray LLP, New York, NY

Hermann Knott, Andersen Tax & Legal, Cologne, Germany

Kathleen S. McCormick, Young Conaway Stargatt & Taylor, LLP, Wilmington, DE

11:45 AM – 1:15 PM *Ballroom IV*

Combating Terrorism Through Sanctions, Civil & Criminal Liability, and International Cooperation

Counterterrorism efforts may be most commonly associated with boots on the ground and covert intelligence, but lawyers also play a critical role in cases that involve or implicate terrorist organizations on a daily basis. Join us as experts from the U.S., Middle East, and Europe discuss the latest developments in the laws that are used to fight terrorism, including how different jurisdictions are responding to new types of risks, the global effect of U.S. legislation such as the Foreign Sovereign Immunities Act and the Justice Against Sponsors of Terrorism Act, the challenges associated with international sanctions and counter-terrorist financing regulations, and the key consequences for companies and individuals identified as violating terrorism financing controls. Our discussion will incorporate practical examples of cases from our global experts to compare and contrast the approaches of different jurisdictions and highlight how the international community works together to combat terrorism.

Committee Sponsor:
International Criminal Law

Committee Co-Sponsors:
International Anti-Money Laundering; National Security

Panel Chair:

Melissa Ginsberg, *Patterson Belknap Webb & Tyler, New York, NY*

Moderator:

Anna Laniado, *Laniado Law, Miami, FL*

Speakers:

Holger Bielez, *Wolf Theiss, Austria*

Muhammad Faridi, *Patterson Belknap Webb & Tyler LLP, New York, NY*

Ibtissem Lassoued, *Al Tamimi & Company, Dubai*

Danielle Polebaum, *U.S. Department of State, Washington, DC (INVITED)*

11:45 AM – 1:15 PM *Ballroom V*

Financing Your Dream Property Overseas – Challenges and Opportunities in Mortgage Lending for International Real Estate Investors

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Protect, Restore and Maximize Value

How can foreign investors get local financing? Is your client dreaming of owning that flat in New York, Barcelona, Canada, or a beach house in Mexico, but needs a loan? It can be difficult to obtain mortgage loans from local banks when the investor has no ties to the local jurisdiction and when governments are more carefully scrutinizing the backgrounds of foreign individuals buying local property. Would this financing require a joint venture with a local partner? Do the recent EEA financial institution regulations and EU bail-in provisions have any impact? Would the KYC (Know your Customer) regulations, OFAC and the Patriot Act make things more difficult in the United States.

Committee Sponsor:

Cross Border Real Estate Practice

Committee Co-Sponsors:

International Private Client; International Tax; International Anti-Money Laundering; Europe; International Financial Products

and Services; Mexico; Canada; China; Asia/Pacific

Panel Co-Chair & Moderator:

Margaret Baisley, *Baisley Law, New York, NY*

Panel Co-Chair and Speaker:

Gerard Hernandez Colet, *Cuatrecasas, Barcelona, Spain*

Speakers:

Bruce Greenberg, *Duff & Phelps, Mexico City, Mexico*

John Hutmacher, *Blakes, Toronto, Canada*

Ben Rosen, *Rosen Law, Los Cabos, Mexico*

11:45 AM – 1:15 PM *Alvin/Carnegie*

Privacy and Free Speech in the Digital Age

Traditional concepts of “privacy” seem antiquated in this age of technology, where smartphone cameras are ubiquitous, drones have become a newsgathering tool, and an individual’s family, vacations, and even meals are widely shared on the Internet. Yet at the same time, concerns over privacy rights have caused some to call for even greater levels of protection – including the European Court of Justice, in recognizing a “right to be forgotten” that allows individuals to demand that their outdated personal data be removed from search engines, and state laws allowing minors to remove embarrassing information from the Internet. This panel will explore what expectations of privacy are reasonable in the digital age, how the competing interests of privacy and freedom of speech can be protected, and provide guidance to successfully navigate through the conflicting laws of other nations.

Sponsor:

ABA Forum on Communications Law

Panel Chair & Moderator:

Jill Mariani, *New York County District Attorney Office, New York, NY*

Panel Chair & Speaker:

Kelli Sager, *Davis Wright Tremaine LLP, Los Angeles, CA*

Moderator:

David J. Bodney, *Ballard Spahr LLP, Phoenix, AZ*

Speakers:

Lynn Oberlander, *General Counsel, Gizmodo Media Group*

Mark Stephens, *Howard Kennedy LLP, London, United Kingdom*

11:45 AM – 1:15 PM *Broadway*

More than Good Intentions, Stage Two: New Legislation on Foreign Aid Effectiveness

The Foreign Assistance Transparency and Accountability Act of 2016, signed into law by President Obama in 2016, is the most significant legislation in U.S. foreign assistance in decades. The new law will require foreign assistance implementers, including rule of law implementers, to follow best practices in the monitoring and evaluation of U.S. Government foreign assistance, including increased measurements and reporting of assistance outcomes. Rule of Law implementers will be required to measure more than resources spent and programs conducted and will have increased reporting requirements of tangible “outcomes” of legal and economic developments caused by rule of law programming. Experts in monitoring and evaluation of U.S. foreign assistance from U.S. government, NGOs, and others will discuss the new FATAA law and expectations regarding how the new law will be implemented.

Committee Sponsor:

International Corporate Counsel

Committee Co-Sponsor:

International Anti-Corruption

Panel Chair & Moderator:

Norman Greene, *Schoeman Updike Kaufman & Gerber LLP, New York, NY*

Panel Chair & Speaker:

James Filpi, *U.S. Department of Commerce, Washington, DC*

Speakers:

Gergana T. Danilova-Trainor, *U.S. Government Accountability Office, Washington, DC*

Altin Ilirjani, *U.S. Agency for International Development, Washington, DC*

Salome Tsereteli-Stephens, *ABA Rule of Law Initiative, Washington, DC*

11:45 AM – 1:15 PM *Uris/Julliard*

Gaseoso, Oplata, and Bribes: How Corruption and Anti-Corruption Around the World are Evolving

We’ve seen a great deal of publicity recently reporting on governments working together to prosecute corruption offenders, but how is corruption itself evolving with the spread of information, communication, and business? In this panel, we will explore how corruption and its prosecution have changed over the last few years, as the world seemingly grows closer. Is the language of corruption changing? Are corruption efforts becoming more uniform across countries? How are cultural norms related to corruption and its prosecution adapting to globalization? How are businesses shaping their anti-corruption processes and procedures as they extend their international reach? And how are legislative and prosecutorial efforts keeping up with these changes?

Committee Sponsor:

International Anti-Corruption

Committee Co-Sponsors:

Eurasia/Russia; Europe; Latin America & Caribbean; International Criminal Law

Panel Chair:

Marc Alain Bohn, *Miller & Chevalier, Washington DC*

Panel Chair & Moderator:

Ann Sultan, *Miller & Chevalier, Washington DC*

Speakers:

The Hon. Fausto Martin De Sanctis, *Federal Court of Appeals – 3rd Region, Sao Paulo, Brazil*

Kateryna Gupalo, *Arzinger Law Office, Kyiv, Ukraine*

Edward A. Imperatore, *Southern District of New York, New York, NY (Invited)*

Lori Reber, *Global Compliance, Coty Inc., London, United Kingdom*

1:15 PM – 2:15 PM

Ballroom II

Networking Lunch

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2:30 PM – 4:00 PM

Ballroom III

Foreign Investments Control: Towards the Globalization of Protectionism?

After many years of worldwide trends favoring free trade, major economies have begun to show signs of protectionist tendencies. For example, at the G20 finance ministers meeting in March 2017, prior language seeking to “resist all forms of protectionism” was dropped. This panel will review and discuss examples of recent foreign investments in which national security and other national interests played a role, including: (i) Aixtron (CFIUS refusal of acquisition of Aixtron SE’s U.S. business by indirect Chinese investors); (ii) Hinkley Point (Chinese investment in UK power); (iii) BHP Billiton (hedge fund activist Elliott is urging BHP Billiton to scrap its dual Australian/UK corporate structure, while the Australian government has said it will block any attempts to change miner’s corporate structure); (iv) the acquisition by General Electric of the energy business of Alstom (and the highly publicized intervention by French state). The panel will also discuss recent and contemplated state policy changes, including recent proposals by the Italian, German and French finance ministers to reinforce the foreign investment regime at the European level, U.S. policies and projects and the current climate in China vis-à-vis both incoming and outgoing investment.

The panel will suggest approaches across various jurisdictions, how these impact how foreign investments are handled and relevant strategies in navigating foreign investment regimes.

Committee Sponsor:

International M&A and Joint Venture

Committee Co-Sponsors:

National Security; China; Europe

Panel Chair & Speaker:

Raphaël Dalmas, Partner, Astura, Paris, France

Panel Chair & Moderator:

Forrest G. Alogna, *Darros Villey Maillot Brochier, Paris, France*

Speakers:

Brian Egan, *Partner, Steptoe & Johnson LLP, Washington, DC*

Yong (Alex) Hao, *JunHe, New York, NY*

Guohua (Annie) Wu, *Jincheng Tongda & Neal, Beijing, China*

2:30 PM – 4:00 PM

Ballroom IV

The Global Witness: Managing Legal Ethics and Other Challenges in Preparing for Testimony in an Interconnected World (Ethics)

Join us as we discuss the challenges and ethical considerations that attorneys must keep in mind as they prepare witnesses to testify in trials in different jurisdictions. Leading practitioners from multiple countries will compare and contrast competing approaches, including the degree to which attorneys are permitted to help witnesses prepare, the extent to which attorney-client privilege and/or work product doctrines are recognized, and how (if at all) different jurisdictions recognize a right against self-incrimination. We’ll also discuss the steps attorneys should take to ensure they are aware of and in compliance with local legal and ethical guidelines when they interview witnesses outside their home jurisdiction, and the special factors that attorneys representing individuals who may be witnesses or defendants in multiple trials

in different countries should consider. This program will be useful to in-house counsel and law-firm practitioners alike, as the number of cases in which witnesses testify outside their home jurisdiction—or lawyers travel to other jurisdictions for interviews or testimony—continues to increase. (While this panel will primarily use examples from criminal cases, many of the legal principles will be relevant to civil cases as well.)

Committee Sponsor:

International Criminal

Committee Co-Sponsors:

International Antitrust Law; International Anti-Money Laundering; International Litigation

Panel Chair, Moderator & Speaker:

Melissa Ginsberg, *Patterson Belknap Webb & Tyler, New York, NY*

Speakers:

Stephane de Navacelle, *Navacelle, Paris, France*

Deirdre McEvoy, *Siemens, New York, NY*

Ethan Litwin, *Dechert LLP, New York, NY*

2:30 PM – 4:00 PM *Ballroom V*

Fire at Will? Not So Fast: A Global Guide to Employment Compliance

Hiring and firing employees in the EU and other jurisdictions implicates a host of global laws that companies do not have to deal with in the U.S. This panel will discuss the various laws triggered overseas when companies based in the U.S. hire employees or terminated the relationship. Employment agreements that are common to corporations in the U.S. may not stand up to the scrutiny of the EU or European or Chinese authorities. For example, the FCPA and data privacy laws are common pitfalls that trip up U.S. companies employing workers overseas. In addition, U.S. companies that regularly rely on restrictive covenants in their employment or separation agreements are often surprised to discover that such clauses are invalid in many jurisdictions.

Committee Sponsor:

International Employment Law

Committee Co-Sponsors:

Europe, China, and Africa

Panel Chair & Moderator:

Kelly Bunting, *Greenberg Traurig, Philadelphia, PA*

Speakers:

Sanjay Chhabra, *Archer & Angel in New Delhi, India (INVITED)*

Luis Miranda, *Miranda Alliance Business Development LLC, Houston, TX*

Paola Galich Roukema, *Mayora & Mayora, Guatemala*

Dennis G. Veldhuizen, *CLINT Lawyers and Mediators, Amsterdam, Netherlands*

2:30 PM – 4:00 PM *Alvin/Carnegie*

Big Data, Artificial Intelligence, Privacy and Personal Data

Do data analytics, artificial intelligence, and “big data” amassed by companies conducting business on the internet pose a challenge for privacy rights and the protection of personal data of individuals or the confidential and proprietary information of organizations and institutions? What role does traditional intellectual property rights play in protecting information such as emails or search queries? Are the “privacy policies” of companies operating on the Internet and utilizing “cookies” and other techniques reasonable contracts of adhesion? What should be the role of governments and internet standards organizations be in regulating or establishing a framework for proper or acceptable operations? A panel of data analytics experts ranging from a professor of computer science to a former member of the White House National Security Council and director for cybersecurity examine how new computer technologies are changing how personal, corporate, or governmental data is collected, stored, analyzed and used, and how various regulatory entities, agencies, and regimes are attempting to address the ethical and

legal concerns by developing best practices, policy initiatives, and legislation.

Committee Sponsor:

International Intellectual Property Rights

Panel Chair & Moderator:

Daniel McGlynn, *SolAero Technologies Corp., Albuquerque, NM*

Speakers:

Elise Bertino, *Cyber2S Lab and Computer Science Department, Purdue University, West Lafayette, IN*

Andrew Burt, *Immuta, College Park, MD*

Joseph W. Jerome, *Center for Democracy & Technology, Washington, DC*

Ari Schwartz, *Venable LLP, Washington, DC*

2:30 PM – 4:00 PM

Broadway

**Business and Human Rights:
Putting Human Rights in
Practice at a Global Company**

It is no secret that some governments around the world don't live up to widely recognized standards for protecting the human rights of their citizens. Increasingly even states with strong respect for the rule of law and international human rights standards are passing laws, developing policies and establishing regulations that infringe on human rights. Governments have an affirmative duty to respect the human rights of their citizens, but companies also have a responsibility to respect human rights. So what is a company to do? In this session, representatives from multinational corporations will discuss how their businesses are addressing human rights and taking affirmative, dedicated steps to implement their human rights commitments, including by developing internal structures to address these issues; working to build relationships that can be leveraged to support this work; generating and maintaining internal buy-in for these issues; advocating to governments for laws, regulations and policies that respect human rights and developing strategies for identifying and managing human rights risk. Participants will come away

with an understanding of good practice and strategies for integrating attention to human rights that could be applied in their industry.

Committee Sponsor:

International Human Rights

Panel Chair:

Lisa De Gray, *Washington, DC*

Moderator:

Katie Shay, *Business and Human Rights, Oath, Washington, DC*

Speakers:

Dr. Ariel Meyerstein, *Corporate Sustainability, Citi, New York, NY*

Alex Walden, *Free Expression & Human Rights, Google, Washington, DC*

2:30 PM – 4:00 PM

Uris/Julliard

**Trumpeting New U.S-Sino
Trade Relations**

Has the Trump card really changed the China deck? President Trump has stated an intention to revisit U.S.-China trade relations, with a goal of reducing the U.S. trade deficit with China, a greater opening of the Chinese markets to U.S. companies and greater reciprocity in trade relations. China is seeking economic and trade policies that will be consistent with its recovery from its economic slowdown and a softening of U.S. resistance to Chinese investment in the U.S. The two countries have taken several steps to improve trade relations and achieve these respective goals, but strong disagreements and significant roadblocks still exist. This panel will examine what steps have been taken, what steps are still on the table, and the future prospects of these efforts.

Committee Sponsor:

China

Committee Co-Sponsors:

Asia/Pacific; International Intellectual Property; International Investment and Development; International M&A and Joint Venture; International Procurement; International Securities and Capital Markets; International Trade

Panel Chair & Speaker:

Paul Edelberg, *Fox Rothschild LLP*,
New York, NY

Moderator:

Santiago Concha, *C&R Law, Bogota*,
Colombia

Speakers:

Robin Gerofsky Kaptzan, *Shanghai Duan
& Duan Law Firm, Shanghai, China*

Lindsay B. Meyer, *Venable LLP*,
Washington, DC

Anne Salladin, *Stroock & Stroock & Lavan
LLP, Washington, DC*

4:00 PM – 4:30 PM

Break

4:00 PM – 4:30 PM

Imperial

“How-To” Series – Section Publishing

Do you consider yourself an expert within your practice area of international law? If so, world-wide recognition is at your doorstep, by becoming a published author in one of the ABA Section of International Law’s several channels of publication. Whether you aspire to write or edit a book, contribute a scholarly law review article or book chapter, author a succinct news article or an informative committee newsletter essay, publishing through our Section is an effective way to demonstrate your expertise. At this informational session Publications Officer Nancy Stafford and the editors of *The International Lawyer*, *The International Law News* and *The Year-in-Review* will coach you on how to start on your way as a published author of the ABA Section of International Law.

4:30 PM – 6:00 PM

Ballroom III

Busted Deals and How to Prevent Them

In 2008 Rahm Emmanuel, then newly-elected President Obama’s chief of staff, famously dusted off the old chestnut, “[y]ou never want a serious crisis to go to waste.” The study of error and fallibility has experienced a renaissance of sorts in recent

years, spurred among other things by the continuing popularization of behavioral economics and the study of cognitive biases as well as the search for a silver lining to the financial crisis. M&A lawyers are constantly confronted by deal failures. Many of these deal failures have to do with business issues, but some of them have to do with issues within the competence of the deal lawyers. The focus of the panel is to provide attendees with an improved toolkit to prevent, manage and resolve deal killer issues in a way that maximizes deal survival. This panel will review the most common causes of deal failure falling within lawyers’ bailiwick, and discuss outcome-determinative practical and legal solutions to prevent, manage and attempt to resolve such issues. For each issue, the panel’s discussion will examine a real deal in which the issue was a direct cause of the deal’s failure. Notable examples include: (i) Verizon’s acquisition of Yahoo’s internet business following the post-announcement disclosure that hundreds of millions of user accounts had been hit by cyber-attacks; (ii) the merger of the London Stock Exchange Group and Deutsche Börse (blocked by the European Commission); (iii) Toshiba’s dispute with Western Digital over whether the terms of their JV limit Toshiba’s sale of its \$20bn memory chip business; and (iv) the earn-out litigation in Delaware court relating to Valeant’s acquisition of Sprout. Digging into each case, panelists will also confront how the applicable solutions would differ in different jurisdictions, including both civil and common law jurisdictions, whether based on differences of culture (including the role and expertise of M&A attorneys) or differences of corporate governance, market practices or the relevant regulatory and legal regime.

Committee Sponsor:

International M&A and Joint Venture

Committee Co-Sponsors:

International Antitrust Law; Europe

Panel Chairs, Moderators and Speakers:**Forrest G. Alogna**, *Darros Villey Maillot Brochier, Paris, France***Elena Norman**, *Young Conaway Stargatt & Taylor, LLP, Wilmington, DE***Panel Chair and Speaker:****Sebastian V. Niles**, *Wachtell, Lipton, Rosen & Katz, New York, NY***Speaker:****Sébastien Besson**, *Lévy Kaufmann-Kohler, Geneva, Switzerland***4:30 PM – 6:00 PM** *Ballroom IV***The Usual Suspects? Choosing an Arbitrator and Eliminating Bias in International Arbitration (Elimination of Bias in the Profession)**

In international arbitration, the single most important decision for a party and its counsel is choosing an arbitrator. Despite a seemingly unfettered freedom of choice, the same names end up on a disproportionate number of arbitral tribunals, reinforcing the view of international arbitration as insular—an elite, exclusive “club” of a privileged few. The ethical obligation to provide a client with the best chance to prevail encourages counsel to choose a familiar, well-known name with an established “track record.” (If you could choose your judge in a court case, wouldn't you choose a judge with a familiar jurisprudence that is favorable to your client over a judge who is a little-known “dark horse”?) Another major factor is the phenomenon of “trading appointments”—implicit, unstated agreements between high-profile figures in the field to appoint one another as arbitrator. But efforts are now afoot to try to shake up the arbitrator selection process, which could lead to more tribunals with fresh faces. What does this mean for international arbitration practice? Join us for a candid, informative, and thought-provoking discussion of the dynamics, pressures, and incentives in the arbitrator selection process.

Committee Sponsor:*International Arbitration***Sponsor:***Case Western Reserve University School of Law***Committee Co-Sponsors:***International Litigation; International Mediation; International Ethics; International Corporate Counsel; Women's Interest Network; Seasoned Lawyers Interest Network; Sexual Orientation & Gender Identity Issues Network; Young Lawyers Interest Network***Panel Chair:****Douglas Pilawa**, *Case Western Reserve University, Cleveland, OH***Speakers:****Stephen Anway**, *Squire Patton Boggs, Cleveland, OH***Miriam Harwood**, *Curtis Mallet-Prevost, Colt & Mosle, New York, NY***Jennifer Permesly**, *Skadden Arps, New York, NY***Anibal Sabater**, *Chaffetz Lindsey, New York, NY***4:30 PM – 6:00 PM** *Ballroom V***Managing an International Workforce During and Amidst the Turmoil of Nationalism and Globalization – Separating Immigration Fact from Fiction**

As part of a worldwide movement towards restrictionist immigration policies, U.S. immigration policy has been changing at such a pace that many legal counsel and human resource professionals cannot keep up with what is fact and what is fiction. Pending litigation, public announcements as to policies and plans as well as real and rumored enforcement initiatives are reported in the press on a daily basis. The publicity of the real and rumored changes is making it increasingly difficult for legal counsel and their corporate clients to manage, reassure and advise their populations of international and cross-border workers in such an uncertain and ever-changing environment. This panel will

explore changes in the U.S., Europe and beyond and will discuss their impact on global mobility. The panel will also explore employment law and other concerns in dealing with the international workforce in such an environment.

Committee Sponsor:

Immigration and Naturalization

Committee Co-Sponsors:

International Employment Law; Europe

Panel Chair & Moderator:

David Grunblatt, *Proskauer Rose, Newark, NJ*

Speakers:

Qiang Bjornbak, *Law Offices of Qiang Bjornbak, Los Angeles, CA*

Noah Klug, *Klug Law Firm, New York, NY*
Stefan Muller, *Wenger and Vieli; Zug, Switzerland*

Betina Schlossberg, *Schlossberg Legal PLC, Ann Arbor, MI*

Jennifer Stevens, *Laura Devine Attorneys, New York, NY*

4:30 PM – 6:00 PM *Alvin/Carnegie*

Legal Ethics Challenges in Meeting New Privacy Obligations of Both Lawyers and Clients in Cross-Border Transactions (Ethics)

The attorney's ethical duty to maintain the confidentiality of privileged attorney-client communications and client confidential information is threatened in an age of cyber-hacking, governmental eavesdropping and massive disclosure obligations in e-discovery. In cross-border transactions and litigations (especially with the EU), this duty involves competing legal duties under competing sources of law. Effective May 2018, the EU's new General Data Protection Regulation will impose monetary sanctions on clients and lawyers for failure to maintain confidentiality of personal data of EU "data subjects." Corporate clients are demanding cybersecurity commitments in attorney engagement letters. The attorney's ethical duty of competency includes an

ethical duty to be "competent" in relevant information technologies. This program will address how the EU GDPR varies from the 1995 EU Data Protection Directive (and "Safe Harbor"), the US-EU "Privacy Shield" voluntary compliance program under GDPR, and how law firms (not to mention clients) need to adopt internal procedures, policies, trainings and third-party flow-down requirements to comply. The audience will be invited to share "best practices" and scenarios for comparative analysis. The program will address—

- The attorney's broad role in accessing and storing "personally identifiable information"
- Overview of EU privacy law on personal information as a human right and comparison to U.S. legal framework
- "Adequate protection" and cross-border "privacy contamination": GDPR, US-EU Privacy Shield and Canadian PIPEDA
- The ethical duty of "competent" representation as it applies to cross-border transactions and cross-border litigation; avoiding pitfalls of privacy "contamination"
- The ethical duty to preserve confidential information of clients (and former clients)
- Impact on other ethical duties such as avoiding conflicts of interest, fairness to opposing counsel in e-discovery, complying with national security and governmental sanctions and respecting the rights of third persons
- Lawyers' engagement letters: What disclosures? What permissions do we need from clients?
- Avoiding aiding and abetting a client's acquisition or abuse of third-party "trade secrets" that the client acquired by "improper means" under U.S. Defense of Trade Secrets Act (2016)
- Lawyer's responsibility for conduct of subordinate lawyers and for non-lawyers: protocols regarding cyber-security, privacy data and client confidential

information accessible by employees and subcontractors

Committee Sponsor:

Europe

Committee Co-Sponsors:

International Contracts; International Corporate Counsel; International Ethics; International Financial Products & Services; International Intellectual Property Rights; International M&A and Joint Venture; Latin America & Caribbean; National Security; Privacy, Cybersecurity & Digital Rights; Transnational Practice Management; U.S. Lawyers Abroad

Panel Chair, Moderator & Speaker:

William B. Bierce, *Bierce & Kenerson, P.C., New York, NY*

Speakers:

Paulo Brancher, *Azevedo & Sette, Sao Paulo, Brazil*

Hanim Hamzah, *Zicolaw Network, Singapore*

Cassandre Piffeteau, *D'Alverny Avocats, Paris, France*

Maia T. Spilman, *Law Offices of Maia T. Spilman, New York, NY*

Richard Austin, *Deeth Williams Wall LLP, Toronto, Canada*

4:30 PM – 6:00 PM

Broadway

Human Rights in Investor-State Arbitration: In or Out?

Arbitral tribunals sitting in investment treaty arbitration cases increasingly are finding themselves grappling with human rights issues, and how these intersect with the principles of international law that are generally applicable to investor-state disputes. It has become more common for respondent States to raise allegations of human rights violations against claimant Investors, and to argue that these violations should deprive Investors of the protections granted to them and to their investments under the relevant bilateral investment treaties pursuant to which the disputes are brought. The human rights violations that

are raised in the investment treaty arbitration context often affect vulnerable groups, such as women and indigenous populations. The discussion of human rights issues in investor-State cases is also becoming more frequent because of the increased transparency surrounding the cases, and the ability of human rights organizations to have their voices heard by filing amicus curiae submissions in the arbitrations. As a result, claimant Investors are being made to address human rights issues and to carefully craft arguments in response without undermining the seriousness and sensitivity of the allegations. The panel will discuss these questions and present the perspectives of different stakeholders and the impact and bias on diverse groups including women and minorities.

Committee Sponsor:

Diversity

Committee Co-Sponsors:

International Human Rights; International Criminal Law

Panel Chair:

Mark Wojcik, *The John Marshall Law School, Chicago, IL*

Moderator:

Alexandra A.K. Meise, *Mitchell Silberberg & Knupp LLP, Washington, DC*

Speakers:

Jesse Coleman, *Columbia Center on Sustainable Investment, Columbia Law School, New York, NY*

Cedric Soule, *King & Spalding, New York, NY*

4:30 PM – 6:00 PM

Uris/Julliard

Training Tomorrow's Lawyers to be Ready for Tomorrow's Challenges

In a globalized world, lawyers are regularly challenged with cross-border cases and their issues, but are often ill-prepared to tackle the multi-jurisdictional aspects of such cases. In many law schools, the enrollments in international and comparative law courses, as well as in international commercial and trade law courses, have

waned. Equally significant, the extent and reach of U.S. foreign law student programs, especially those conducted abroad during the summer, have also taken a “hit,” due to many factors—among them safety and cost concerns as well as summer externship availability in the U.S. offering future employment prospects. Notwithstanding a few institutions that require a course on the international aspects of law, a large percentage of graduating law students have had no exposure to the concepts, doctrines and policies guiding the international economy and politics. This panel of practice and academic experts will explore the facts and reasons for this apparent reaction and focus on ways to improve U.S. international legal education, toward the goal of sending lawyers into the profession who are well-prepared to handle the international aspects of their clients’ needs, and who continue to develop those skills as they proceed throughout their careers.

The mission of our committee, so to speak, is to foster development of international legal education efforts to best prepare tomorrow’s lawyers to handle matters with international ramifications. Many, if not all, of our past programs have met CLE requirements (including submission of excellent written materials), and we are committed to doing the same this spring.

Committee Sponsor:

International Legal Education

Committee Co-Sponsors:

Europe; New Member & Law Student Outreach; Transnational Practice Management; International Trade; International Environmental Law; U.S. Lawyers Abroad; Young Lawyers Interest Network; Seasoned Lawyers Interest Network; Women’s Interest Network

Panel Chairs & Moderators:

Diane Penneys Edelman, *Villanova University Charles Widger School of Law, Villanova, PA*

Robert E. Lutz, *Southwestern Law School, Los Angeles, CA*

Speakers:

Elizabeth Andersen, *ABA Rule of Law Initiative, Washington, DC*

Lucinda A. Low, *President, American Society of International Law, Steptoe & Johnson, Washington, DC*

Andrew Strauss, *University of Dayton School of Law, Dayton, OH*

Sara Zucker, *Harvard Law School, Cambridge, MA*

7:00 PM – 10:00 PM

Welcome Reception at the Rainbow Room

Sponsored By

FRAGOMEN
WORLDWIDE

Business attire, national dress or black tie as the attendee may wish

The Rainbow Room offers impeccable service and refined contemporary cuisine, reinforcing its standing as a quintessential New York venue. The views alone are breathtaking while the landmark design and grandeur of the room are equally unmatched.

THURSDAY, APRIL 19, 2018

7:00 AM – 7:00 PM
Registration Open

Ballroom I

7:30 AM – 8:45 AM
Committee Breakfast Meetings

Ballroom II

The Section's more than fifty (50) substantive committees are its driving force for programs, policies, and publications, and are the easiest way to get involved with the Section of International Law. Join us to learn more about the Section's committees and their activities, as well as opportunities to become more active in the committees and the Section.

The committees that are expected to meet during this breakfast include:

- China Committee
- Export Controls & Economic Sanctions Committee
- Immigration & Naturalization Committee
- India Committee
- International Animal Law Committee
- International Antitrust Law Committee
- International Arbitration Committee
- International Contracts Committee
- International Corporate Counsel Committee
- International Ethics Committee
- International Family Law Committee
- International Financial Products & Services Committee
- International Human Rights Committee
- International Intellectual Property Rights Committee
- International Litigation Committee
- International M&A and Joint Venture Committee
- International Private Client Committee
- International Refugee Law Committee
- International Trade Committee

Latin America & Caribbean Committee
Mexico Committee

Middle East Committee

Seasoned Lawyer Interest Network (SIN)

Women's Interest Network (WIN)

The Section will present the 2018 Outstanding International Corporate Counsel Award to Ian McDougall, Executive Vice President and General Counsel for the LexisNexis, Legal & Professional division of Reed Elsevier, at this breakfast.

9:00 AM – 10:30 AM *Ballroom III*

Impact Investing: Disrupting the Global Capital Markets for Social, Environmental and Financial Returns

The field of socially and environmentally responsible investing has its roots deep in ancient civilizations, and in the past ten years impact investing (i.e., investing with the intention of creating a positive, measurable social or environmental return) has risen to the forefront of the global financial markets. Impact investing aims to tackle the world's biggest challenges and has particular potential to drive social and environmental change in emerging markets. By creating a bridge between traditional investing and philanthropy, impact investing has garnered advocates ranging from the Pope and celebrities to major investment banks and funds. The industry covers the fields of sustainable agriculture, renewable energy, healthcare, inclusive finance, education and entrepreneurship, among others, and its investors include individuals, development financial institutions and private funds. Current estimates of impact investments count more than \$150 billion in assets under management, projected to reach \$300 billion by 2020, with a growing trend for cross-border transactions. With the rise of technological innovations alongside a millennial generation that places a high priority on social and environmental issues, the industry is now at a tipping point. This panel of experts will address the current

state of the impact investing market, including its international deal flow. The panel will examine the legal issues arising from the innovative deal structures being used in impact investing, including pay for performance investments (such as social impact bonds), as well as implications in securities and investment law. Panelists will also discuss the legal structures of financial intermediaries in impact investing, including private equity funds, and issues pertinent to investors. Current and prospective legal and policy challenges in the U.S. and in key non-U.S. jurisdictions will be addressed.

Committee Sponsor:

International Investment and Development

Committee Co-Sponsors:

International Securities and Capital Markets; International Private Equity

Panel Chairs & Speakers:

Aaron Bourke, *Reed Smith LLP, New York, NY*

Deborah Burand, *New York University Law School, New York, NY*

Panel Chair & Moderator:

Leila Bham, *U.S. Securities and Exchange Commission, Washington, DC*

Speakers:

Jonathan Ng, *U.S. Agency for International Development, Washington, DC*

Maria Santos Valentim, *Soros Economic Development Fund, New York, NY*

9:00 AM – 10:30 AM *Ballroom IV*

So You Have an Arbitration Award – Now What (Enforcement through Litigation)?

The international arbitration framework is designed to provide incentives for voluntary compliance by the award debtor. However, in many cases the award is not voluntarily complied with, either because the award debtor is or risks becoming insolvent or is taking steps to conceal his/her assets. What remedies does the arbitral tribunal have at its disposal to ensure that the award is collectible? What can you do after the

award has been rendered? In addition, an increasing number of arbitration disputes involve allegations of bribery and corruption. How should these issues be addressed in the arbitration proceedings themselves, particularly with an eye towards the ultimate enforcement of the arbitral award? Arbitration involving State entities also raise a number of interesting issues, including issues of sovereign immunity. How should those issues be addressed during the arbitration to facilitate post award enforcement? All of these questions and more will be addressed by this cross-jurisdictional panel of arbitration and asset recovery experts.

Committee Sponsors:

International Litigation; International Arbitration

Panel Chair & Speaker:

Cristina Cárdenas, *Reed Smith LLP, Miami, FL*

Moderator:

Ava J. Borrasso, *Ava J. Borrasso P.A., Miami, FL*

Speakers:

Eliana Baraldi, *Souto Correa, São Paulo, Brazil*

Lincoln Caylor, *Bennett Jones LLP, Toronto, Canada*

Yves Klein, *Monfrini Bitton Klein, Geneva, Switzerland*

9:00 AM – 10:30 AM *Ballroom V*

Where Did All the People Go? Labor Issues in the New Global Political Environment

Two of Donald Trump's key campaign promises were to renegotiate trade agreements and to restrict immigration to "Make America Great Again." These initiatives have had, and will have an effect on the organization of labor markets throughout the Americas and across the globe. This scenario is further complicated by China's increasing economic and political power and rising right-wing conservatism in some EU countries.

These trends, coupled with the NAFTA negotiations and terse dialog with North Korea, could dramatically change the way the U.S. engages with the rest of the world. Panelists will explore how global companies might address and manage employment disruption in the current political environment. This panel discussion will be lively and touch on areas of growing concern for lawyers across the globe.

Committee Sponsor:

International Employment Law

Committee Co-Sponsor:

Immigration & Naturalization Law

Panel Chairs & Speakers:

Amanda Hunter, *Hicks Morley, Toronto, Canada*

Carolyn Knox, *Ogletree, Deakins, Nash, Smoak & Stewart, P.C., San Francisco, CA*

Moderator:

Ernesto Velarde Danache, *Ernesto Velarde-Danache, Inc., Leon, Guanajuato, Mexico*

Speakers:

Audrey Lustgarten, *Lustgarten Global LLC, Harbor Springs, MI*

Lesli Ligorner, *Morgan Lewis & Bockius, Shanghai, China*

Stephen Mathias, *Kochhar & Co., Bangalore, India*

9:00 AM – 10:30 AM *Alvin/Carnegie*

Is GDPR Article 48 a Catch-22 for Litigants in the U.S.?

One of the important distinctions between the European Directive and the GDPR is that the latter expressly prohibits the transfer of personal data outside the EU pursuant to a foreign judgment or decision or administrative decision unless such transfer proceeds pursuant to an applicable treaty. This interactive panel of transatlantic lawyers and judges will explore the impact of this new provision on transcontinental litigation and governmental investigations. As a practical matter, what will the impact be on international practitioners? Does the

Privacy Shield provide an answer? Is this the end of letters rogatory to request data from EU Member States? How can technological advances help to navigate this Catch-22 in a compliant and cost-effective manner? Does The Hague Convention offer a solution?

Committee Sponsor:

Privacy, Cybersecurity and Digital Rights

Committee Co-Sponsor:

International Litigation

Panel Chair & Moderator:

Daniel S. Meyers, *TransPerfect Legal Solutions, New York, NY*

Speakers:

Alexander Blumrosen, *KAB Avocats, Paris, France*

Therese Craparo, *Reed Smith LLP, New York, NY*

Kenneth N. Rashbaum, *Barton LLP, New York, NY*

9:00 AM – 10:30 AM *Broadway*

The Role of General Counsel in Corporate Sustainability

We are now all human rights lawyers, including general counsels whose job it is to protect their company and deliver value with limited resources. Based on the UN Global Compact's recent Guide for General Counsel on Corporate Sustainability, this panel will discuss what corporate sustainability means in an international marketplace; the evolving role of in-house counsel; how GCs can drive change, starting from the very top down to the bottom line; and how to integrate human rights principles in everyday activities that go beyond just compliance.

Committee Sponsor:

International Corporate Counsel

Panel Chair:

Deniz Tamer, *MTICC, New York, NY*

Moderator:

Ian McDougall, *LexisNexis Legal & Professional, New York, NY*

Speakers:

Christina Koulias, *United Nations Global Compact, New York, NY*

Kenjiro D. LeCroix, *General Motors Company, Detroit, MI*

Amelia Miazad, *Business in Society Institute at Berkeley Law, Berkeley, CA*

9:00 AM – 10:30 AM *Uris/Julliard*

NAFTA-The Next Generation

The North American Free Trade Agreement (NAFTA) was signed in 1992. At that time, it was touted as a breakthrough trade agreement that set the standard for the next generation of trade agreements. Twenty-five years later, the world, and certainly the global economy, has transformed and what once was a ground-breaking agreement has become, some would say, old, tired and in some areas, irrelevant.

NAFTA is being renegotiated but what will the next iteration be: will it be a tectonic shift that will redefine the trilateral North American market; will it modernize the agreement that currently exists and in so doing, bring new disciplines into the Agreement; will it incorporate commitments made in the TPP, or Canada's Agreement with the European Union or will it simply be a tweak to save political face and meet the political timelines dictated by the respective countries? This panel will bring together international trade lawyers from each of the three respective countries, and a renowned trade professor (perhaps Chris Parlin) and perhaps a negotiator (Kenneth Smith Ramos) to look at the political and social dynamics that are influencing the NAFTA negotiations in each country and discuss how they interrelate, and how they will affect, or have affected, the outcome of the negotiations and/or implementation. Depending on what issues are dominating, or have dominated, the negotiations, the panel will delve into and explore the legal details of the Agreement but do so in a way that takes into account the socio/political and global context.

Committee Sponsors:

Canada; Mexico

Panel Chair:

René Mauricio Alva, *EC Legal Rubio Villegas, Mexico City, Mexico*

Panel Chair & Moderator:

Dunniela Kaufman, *Kaufman Trade Law, Washington, DC*

Speakers:

Marney Cheek, *Covington & Burling LLP, Washington, DC*

Fernando Holguin-Casa, *EC Legal Rubio Villegas, Chihuahua, Mexico*

Matthew Kronby, *Bennett Jones, Toronto, Canada*

10:30 AM – 11:00 AM

Book Signing/Meet the Authors

Visit the Section Membership Booth to meet Membership Officer Patrick Del Duca to discuss the new book *Mexico and Its Legal System: Lawyers' Essays on the Continuing Evolution*. Patrick Del Duca (and perhaps Dra. Gallardo, co-editor of the book, and one or more fellow contributors) will be available to autograph your purchase and address any questions that you may have on the book's bold and insightful approach to rule of law challenges and opportunities. See the full page advertisement included at the end of this program agenda.

Section books will be available throughout the Annual Conference for purchase at the Membership Booth.

10:30 AM – 11:00 AM

Ballroom I

Break

10:40 AM – 11:00 AM

Imperial

"How-To" Series – Section Policy

Do you see an international legal or policy issue or problem that deserves to be addressed or solved? Now is your chance! By elevating issues through the ABA policy-making process you can make a real difference. Once an official ABA policy

has been adopted through a Report and Resolution, ABA members can testify at legislative hearings and can write regarding the ABA position. Other mechanisms, such as Blanket Authority (providing expedited adoption of policy by our Section after acquiescence by other ABA constituents), enable the Section to comment on pending legislation or executive actions worldwide. This program will showcase actual case studies of ABA policy-making by members and Committees of our Section, and will detail the power and the glory, as well as the frustrations and “how to” of getting through the bureaucracy—the route and rewards of getting to “yes.”

11:00 AM – 12:30 PM

Ballroom III

Recent Trends in Merger and Acquisition Law and Practice: The Interrelationship Between Stockholder Voting and Director Duties

The Delaware Supreme Court’s 2015 decision *Corwin v. KKR Fin. Holdings, LLC* held that corporate directors enjoy business judgment rule protection in connection with challenges to acquisition transactions that are not subject to entire fairness review and are approved by a fully informed, uncoerced majority of disinterested stockholders. Post-Corwin case law in Delaware has explored the limits of this rule, including the 2017 decision *In re Saba Software*, in which the Court of Chancery declined to apply Corwin to a stockholder-approved third-party merger following alleged financial fraud and the Company’s repeated failure to restate its financials, resulting in impending delisting. The Court of Chancery found that the Corwin rule did not apply where the stockholder vote may have been obtained through “situational coercion” resulting from the board’s failure to act (i.e., restate financials) in the face of a known duty to act. The stockholders thus faced a choice between depressed merger consideration and illiquid stock. Whatever the limits,

for Delaware companies this developing case law provides wider protection to directors for potential fiduciary breaches in connection with transactions.

After discussion the recent Delaware case law, panelists will explore how the balance between stockholder voting and director duties has been reached in other jurisdictions, both common law and civil law. In the UK, the key directors’ duties are set out in the Companies Act and those duties are owed to the Company and not to the shareholders. Recently, there has been an increasing appetite for shareholders / institutional investors to bring claims against companies in the face of alleged misinformation about the transaction (for example, the recently settled RBS rights issue group claims). These claims have been brought after the fact. In civil law jurisdictions, the question of whether a shareholder decision is required for certain transactions and more generally board member liability for board decisions came to particular prominence in the recent €8.5bn takeover of Zodiac by Safran in France. There, the UK hedge fund activist TCI intervened, insisting among other things that a shareholder vote should be held at the level of Safran, the bidder, regarding the transaction (as would have been required in the UK, but not in France). Safran and its board refused. TCI then requested that a resolution regarding the principle of the transaction with Zodiac be included on the agenda of Safran’s annual meeting (ordinarily shareholder resolutions are permitted under French law, subject to certain qualifications), but Safran’s board refused noting that this would violate the allocation of powers between the governing bodies of French corporations (*sociétés anonymes*). Other civil law jurisdictions such as Germany and Austria also provide strict rules governing the allocation of powers between the governing bodies. As rule, directors cannot be required to submit business decisions to the shareholders for approval. However, they often decide to do so to obtain (full) protection from

subsequent liability claims. The question of shareholder votes is also coming to the fore in the context of related-party transactions, as both EU and local laws are undergoing reform. The panel will explore these trends, developing law, and vigorously discuss the trade-offs different systems make between shareholder decisions and board decisions. The panel should be of interest to litigator and transactional lawyers alike.

Committee Sponsor:

International M&A and Joint Venture Committee

Panel Chair & Moderator:

Elena Norman, *Young Conaway Stargatt & Taylor, LLP, Wilmington, DE*

Speakers:

Louisa Caswell, *Addleshaw Goddard LLP, London, United Kingdom*

Blair Connelly, *Latham & Watkins, New York, NY*

Katrin Hanschitz, *Knoetzl, Vienna, Austria*

The Honorable Collins J. Seitz, *Justice Delaware Supreme Court, Dover, DE*

11:00 AM – 12:30 PM *Ballroom IV*

Arbitration and Forum Selection Clauses in Online and Consumer Contracts: What American Businesses Need to Know

From online shopping sites to social networks, from shrink wraps to click-wraps, most online and consumer contracts contain dispute-resolution clauses providing for compulsory arbitration or designating the courts of a specific jurisdiction to hear all disputes. The validity and enforceability of such clauses vary greatly across jurisdictions. In Canada, for instance, many Canadian provinces have adopted legislation prohibiting them, mandating wording or form requirements, or limiting their scope to specific types of disputes. This conference aims to present an overview of the main applicable rules, identify best practices and provide practical

advice to businesses offering their products and services to Canadians.

Committee Sponsor:

Canada

Panel Chair & Moderator:

Patrick Ferland, *LCM Attorneys Inc., Montreal, Canada*

Speakers:

Michael Geist, *University of Ottawa, Faculty of Law, Ottawa, Canada*

Matthew Gottlieb, *Lax O'Sullivan Lisus Gottlieb LLP, Toronto, Canada*

Geneviève Saumier, *McGill University, Montreal, Canada*

11:00 AM – 12:30 PM *Ballroom V*

Applying the Rule of Law to Protect Military Dogs as Deserving Heroes of War

Dogs have been used in warfare since ancient times. Today, thousands of Military Working Dogs are deployed by the United States and other nations to serve alongside human soldiers in fighting technologically advanced warfare — from bomb sniffing to elite Navy Seal dogs parachuting in for high-profile targets. But few legal protections exist today for these canine soldiers who are currently classified as military equipment. Listen to a diverse panel discuss issues relating to the treatment of these four-pawed soldiers and join in the conversation to propose changes in the law to insure the health care, safety, and prompt return of the canine soldier.

Committee Sponsor:

International Animal Law

Co-Sponsoring Entities:

ABA Veterans Legal Services Commission; ABA Animal Law Committee of the Tort Trial and Insurance Practice Section; Animal Law Committee of the New York City Bar Association; Animal Legal Defense Fund

Panel Chair:

Frances Arricale, *Los Angeles, CA*

Panel Chair & Moderator:

Jill Mariani, *New York County District Attorney's Office, New York, NY*

Speakers:

Meredith Ayan, *SPCA International, New York, NY*

Sgt. Ryan Henderson (Retired), *"Satan" Tactical Explosive Detector Dog, Dallas, TX*

Richard Kehoe, *State Director for US Senator Richard Blumenthal, Hartford, CT*

Kristen Maurer, *Mission K9 Rescue, Houston, TX*

Marilyn Forbes Phillips, *Duke University School of Law, Womble Bond Dickinson, Durham, NC*

11:00 AM – 12:30 PM *Alvin/Carnegie*

The State of International Law Harmonization: From Fair Trade and Human Rights to Intellectual Property

For several decades, there has been a strong drive for international law harmonization ranging from efforts to protect the health, safety and human rights of workers in export industries, especially in developing countries, to the global protection of intellectual property rights. This panel will assess the current state of international harmonization of both IP and human rights issues, focusing on topics of current interests and controversy. In the IP area, what will be the consequences of Brexit and the Unified Patent Court, and the copyright reform proposals in the U.S. and the EU? What are the international views of the dubious compliance of the U.S. with its Berne Convention obligation to protect certain "moral rights" – the attribution and integrity rights at least of foreign authors? Comparing such issues with human rights harmonization efforts, the panelists consider whether private efforts may be more effective than public ones, and whether changing the leverage and power dynamics can achieve better compliance than legislation and multilateral trade agreements to address such issues.

Committee Sponsor:

International Intellectual Property Rights

Panel Chair:

Daniel McGlynn, *SolAero Technologies Corp., Albuquerque, New Mexico*

Moderator:

Stephen Y. Chow, *Burns & Levinson, Boston, MA*

Speakers:

Trevor Cook, *Wilmer Hale, New York, NY*

Jane C. Ginsburg, *Columbia University School of Law, New York, NY*

Mark Schultz, *Southern Illinois University School of Law, Carbondale, IL*

David Snyder, *American University, Washington, DC*

11:00 AM – 12:30 PM *Broadway*

A Discussion of the Current Refugee Crisis: How Legally Innovative Strategies and Best Practices Can Improve Humanitarian Outcomes

The current refugee crisis has been described as "the greatest humanitarian disaster of our lifetime." With millions displaced and growing, how can legal initiatives contribute to solving an overwhelming humanitarian need? This panel discussion will include an interactive dialogue with leading experts. We will discuss the legal foundations – such as the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol, along with multilateral agreements. Our preeminent speakers will share their experiences in the field. The conflict of law between national and international laws, as well as the political pressures and realities that affect outcomes, will be addressed. Our experts will discuss best practices and innovative solutions going forward. What has worked well, what as lawyers could we contribute to, and what innovative legal trends offer real world solutions that ameliorate humanitarian suffering, promote the rule of law, and yield outcomes that benefit all – refugees, their communities, and host countries. We welcome you to

join us, ask questions of our experts, and participate in a crucially important, and timely humanitarian dialogue.

Committee Sponsor:

International Refugee Law

Committee Co-Sponsors:

International Human Rights; Immigration & Naturalization

Panel Chair:

Heather Weckel, *Law Office of Heather Weckel, Belmont, CA*

Moderator:

Aaron Schildhaus, *Scharf, Banks & Marmor, Chicago, IL*

Speakers:

Deborah Anker, *Harvard Law Immigration and Refugee Law Clinic, Cambridge, MA*

Jelena Aparac, *Lecturer and Legal Advisor in International Law, Paris, France*

Firas Kayal, *United Nations High Commissioner for Refugees (UNHCR), New York, NY*

Regina Paulose, *Global Think Tank A Contrario ICL, Miami, FL*

11:00 AM – 12:30 PM

Uris/Julliard

NAFTA-Part Two: How Will Experienced Trade Lawyers Seek to Perfect the New Provisions?

With the “NAFTA-Part One” program of the previous panel as background, seasoned lawyers will interrogate how the trade bar in each country is likely to employ modernized and new agreement provisions to benefit existing supply chains that minimize costs for their clients’ industries. This Panel’s experts will assess what fresh import/export opportunities can be created for these industries, including automobiles, aerospace, oil refining, and chemicals. Specialists will examine provisions addressing digital trade and improved protections for intellectual property, the environment, labor, and the services trade. They will anticipate the effects of the sea changes in dispute settlement for foreign investment and for antidumping/countervailing duties. NAFTA-Part One examines the effect of political and social dynamics on this renegotiation. This Panel looks at how NAFTA at 25 will look in practice.

Committee Sponsor:

Seasoned Lawyers Interest Network

Panel Chair & Speaker:

Prof. Robert E. Lutz, *Southwestern Law School, Los Angeles, CA*

Speakers:

Timothy Brightbill, *Wiley Rein, Washington, DC*

Richard Dearden, *Gowlings, Ottawa, Canada*

Prof. Steven Powell, *University of Florida School of Law, Gainesville, FL*

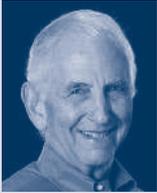
Vanessa Sciarra, *National Foreign Trade Council, Washington, DC*

Prof. Gisela Bolivar Villagomez, *Aguilar & Loera, Mexico City, Mexico*

12:45 PM – 2:00 PM

Ballroom II

**Luncheon: A Dialogue
with Daniel Ellsberg**



Dr. Daniel Ellsberg is the former high-level military analyst and heroic whistleblower whose historic distribution of The Pentagon Papers led to his trial on 12 felony counts with a possible

sentence of 115 years. He knew the risks when he acted and was willing to brave the consequences. All accusations were dismissed due to government misconduct, which led to the conviction of White House personnel and figured in the proceedings against President Nixon. His recent book *The Doomsday Machine, Confessions of a Nuclear War Planner* is an insiders account of government folly which threatens not only our nation but humanity itself. Join Dr. Ellsberg and Jonathan Granoff, Chair of the Section's Task Force on Nuclear Nonproliferation, for a substantive dialogue addressing current threats and solutions.

The Section will present the 2018 Louis B. Sohn Award for Public International Law to Prof. Ved Nanda and Judge Stephen Schwebel at beginning of this luncheon.

Sponsored By



M. & M. BOMCHIL ABOGADOS



THURSDAY, APRIL 19

2:30 PM – 4:00 PM *Ballroom III*

An Analysis of Comparative (International) Transactional Approaches in Venture

The panelists will explain, discuss and contrast the role of lawyers in venture capital fundings in various jurisdictions, with focus on the Silicon Valley and other North American hubs in Canada and Mexico, Europe and Israel. The panelists will also examine and contrast the transactional cycle customary for venture capital fundings in each of these jurisdictions. The objective of this presentation is to offer attendees the opportunity to familiarize themselves with the role of lawyers in venture capital fundings in a variety of international jurisdictions, each of which is a currently-compelling hub of venture capital development. Attendees should benefit from a “translation” of the venture capital practice in each of these jurisdictions, in turn allowing for enhanced international “deal-making” capabilities. The panelists will also focus on the practical elements associated with venture deal-making in these jurisdictions.

Committee Sponsor:

International Private Equity

Panel Chair & Moderator:

E. Eric Rytter, *Dorsey & Whitney LLP, New York, NY*

Speakers:

Ignasi Costas, *Rousaud Costas Duran SLP, Barcelona, Spain*

Luis Fernando González Nieves, *SOLCARGO, Mexico City, Mexico*

Jason Saltzman, *Borden Ladner Gervais LLP, Toronto, Canada*

Randall B. Schai, *Jones Day, San Francisco, CA*

2:30 PM – 4:00 PM *Ballroom IV*

Riding Two Horses to the Finish Line? Contrasting the Regimes for Collective Damages for Competition Litigation Claims in Europe and North America

In an era where anti-competitive conduct crosses borders and has effects in multiple jurisdictions, this panel will compare and contrast the avenues for private redress in Europe and North America for competition litigation claims. Topics to be covered include: (i) How have collective damages claims developed in Europe and how does that experience compare to the U.S.?; (ii) What sorts of damage awards are available? For example, can indirect purchasers recover for their losses? What about so-called “umbrella claims”?; (iii) How will Brexit influence a claimant’s choice of jurisdiction?; (iv) Which jurisdictions might benefit most from the Damages Directive?; (v) What procedural challenges and opportunities arise both for claimants and defendants embroiled in parallel proceedings? How can proceedings in one region be used to gain an advantage in the other?; and (vi) What are the main pitfalls in class certification in antitrust class actions?

Committee Sponsor:

International Litigation

Committee Co-Sponsor:

International Antitrust Law

Panel Chair:

Jonathan Tickner, *Peters & Peters Solicitors LLP, London, United Kingdom*

Panel Chair & Moderator:

Nikiforos Iatrou, *WeirFoulds LLP, Toronto, Canada*

Speakers:

Erika Levin, *Lewis Bach, New York, NY*

Brian E. Robison, *Gibson Dunn, Dallas, TX*

Jacquelyn F. MacLennan, *White and Case, Brussels, Belgium*

2:30 PM – 4:00 PM

*Ballroom V***Cross Border Babies: Insemination, Surrogacy, Adoption, and Nationality**

After many years of little or no progress, marriage equality recently has been on the uptick and is being recognized in more and more jurisdictions, including the United States. However, progress on marriage equality has not always meant “equal dignity in the eyes of the law” particularly when it comes to questions of family life such as medically assisted procreation, surrogacy and adoption and the “constellation of benefits” linked to marriage. These family law issues, problematic in many jurisdictions even for opposite sex couples, become more complex when same sex couples are involved and all the more complex when cross border arrangements are made. *Pavan et al. v. Smith* (U.S. Supreme Court 2017) illustrates the complexities of how the constellation of benefits of marriage (notably as regards the desire to create a family and rear children) are applied in a single state, and myriad and often contradictory decisions are arising around the world in cross border situations, where opposite sex and same sex couples have sought to parent children in the face of national rules that would thwart them. This panel will discuss national prohibitions on medically assisted procreation, surrogacy and the adoption of children conceived in such circumstances, the growing trend for couples to seek out solutions in jurisdictions where the same prohibitions do not apply and the differing treatment given to the progeny depending on the jurisdiction, how the parents are treated, who is or can be recognized as a natural or adoptive parent and whether the child even has access to the nationality of the his or her parents.

Committee Sponsor:

Sexual Orientation and Gender Identity Network

Committee Co-Sponsors:

International Family Law, Immigration & Naturalization Law

Panel Chair & Moderator:

Joseph Smallhoover, *Bryan Cave LLP, Paris, France*

Speakers:

Teertha Gupta, *Barrister, London, United Kingdom*

Robert Klitzman MD, *Columbia University, New York, NY*

Julia Pasche, *Schneider Schiffer Weiermüller, Munich, Germany*

Jennifer Stevens, *Laura Devine Solicitors & Attorneys, New York, NY*

2:30 PM – 4:00 PM

*Alvin/Carnegie***Private Art Market and Public Oversight: Can Creativity, Beauty and Passion be Regulated?**

At the 2015 World Economic Forum in Davos, Professor Nouriel Roubini (NYU Stern) said that “Regulation is needed in the art market because it is vulnerable to money laundering, tax evasion, trading on inside information and price manipulation.” Since then, a number of high-profile scandals involving artworks worth millions of dollars have come to light. What is being done about it? Have regulations been enacted? Have these regulations had any effect? Has the art market become a safer place? Experienced art law practitioners from different jurisdictions will discuss (1) the current problems challenging the private art market, illustrated by numerous legal proceedings and court decisions in various jurisdictions, (2) the status of any regulatory efforts, (3) the impact these efforts have had, and (4) what to expect in the future.

Committee Sponsor:

Art & Cultural Heritage Law

Committee Co-Sponsors:

Europe; International Private Client; International Tax; International Trade; International Anti-Money Laundering; International Anti-Corruption Committee

Panel Chair & Moderator:

Birgit Kurtz, *Gibbons P.C., New York, NY*

Speakers:

Sandra L. Cobden, *Christie's, New York, NY*

Sunita D. Doobay, *TaxChambers LLP, Toronto, Canada*

Roelof van Holthe tot Echten, *lawfirm Oostwaard, Hilversum, The Netherlands*

2:30 PM – 4:00 PM *Broadway*

Gender and Racial Diversity Before International Courts and Tribunals (Bias in the Profession)

This program will explore the law and practice of international courts and tribunals regarding gender and racial diversity. It will consider the benefits of gender and racial diversity on international judicial and arbitral decision-making and evaluate the current state of affairs with reference, among others, to the judicial and arbitral appointment processes. It will also assess existing initiatives to promote gender and racial diversity on international courts and tribunals (including, for example, the recent “Equal Representation in Arbitration Pledge”), and will seek to offer new proposals for reform. Finally, the program will debate ethical issues relating to gender and race before international courts and tribunals (for example, are we ethically obligated to promote gender and racial diversity in international courts and tribunals?).

Committee Sponsor:

International Courts Judicial Affairs

Committee Co-Sponsors:

UN and International Organizations; International Arbitration; International Criminal Law; Sexual Orientation and Gender Identity Issues Network; Women's Interest Network; Africa; Middle East; Asia/Pacific; India; Latin America & Caribbean; International Ethics

Panel Chair:

Paula Henin, *Skadden Arps, New York, NY*

Panel Chair & Moderator:

Kabir Duggal, *Baker McKenzie, New York, NY*

Speakers:

Eric de Brandedere, *Leiden Law School, Leiden, The Netherlands*

Lindsay Elizabeth Gastrell, *ICSID, Washington, DC*

Nienke Grossman, *University of Baltimore School of Law, Baltimore, MD*

2:30 PM – 4:00 PM *Uris/Julliard*

Understanding and Complying with the Administration's New Sanctions

Since the new Trump Administration has made imposing tougher sanctions and enforcing them more stringently a hallmark of his Administration. Among other things, the new Administration has implemented new and expanded sanctions against Cuba, Iran, and North Korea, and it also has taken a very aggressive enforcement posture, as evidenced by the case that resulted in ZTE agreeing to pay fines amounting to \$1.19 billion for suspected sanctions violations. However, these new sanctions have not always been consistent with positions taken by U.S. allies. During this program, a panel comprised of Government officials, in-house counsel, and practitioners from the US, EU, and Canada will discuss how U.S. sanctions have evolved under President Trump and the extent to which they are and are not consistent with sanctions imposed by Canada and the EU. In addition, the panel will offer insights on best practices for complying with the different sanctions regimes for U.S. and non-U.S. companies.

Committee Sponsor:

Export Controls and Economic Sanctions

Committee Co-Sponsors:

Canada; Europe; International Trade; International Corporate Counsel; National Security; Privacy, Cybersecurity & Digital Rights

Panel Chair & Speaker:

Geoffrey Goodale, *FisherBroyles, LLP, Washington, DC*

Moderator:

Anahita Thoms, *Baker McKenzie, New York, NY and Germany*

Speakers:

Jessica Horwitz, *Bennett Jones LLP, Toronto, Canada*

Sandra Oudkirk, *US Department of State, Washington, DC*

Tina Shaughnessy, *Varian Medical Systems, Washington, DC*

4:00 PM – 4:30 PM

Book Signing/Meet the Author

Visit the Section Membership Booth to meet Scott Shostak to discuss the new book *Russia Corporate, Financial, and Commercial Law*. Scott Shostak will be available to autograph your purchase and discuss the book and any questions you may have. See the full-page advertisement included at the end of this program agenda.

Section books will be available throughout the Annual Conference for purchase at the Membership Booth.

4:00 PM – 4:30 PM

Ballroom I

Break

4:00 PM – 4:30 PM

Imperial

“How-To” Series: Developing CLE Programs with the Section

Do you have an idea for a program? If so, attend this nuts and bolts session on how to develop your CLE program and effectively present it. Join the Section Programs Team and CLE Board to learn about opportunities, the importance of CLE, timing and presentation formats.

4:30 PM – 6:00 PM

Ballroom III

Merger Control 101 for M&A Drafting

In cross-border M&A transactions, accurate assessment of the risk of non-consummation due to competition law concerns has been critical for many years. Merger parties and their antitrust counsel regularly perform

such risk assessments and negotiate provisions in their merger agreements addressing who bears the risk, how counsel for the parties will work together to get the transaction completed as quickly and with as little divestitures as possible, and what remedies the buyer is willing to offer to complete the acquisition. The need for these steps is greater than ever as competition law authorities become more aggressive in their merger control analysis across the globe and the number of countries with antitrust pre-merger notification requirements has grown exponentially. This program will provide multijurisdictional advice from top-tier outside antitrust counsel from the United States, the European Union, Brazil and China, who – along with a very experienced in-house competition law attorney – will provide practical information on how to address these issues. The program will address the following matters:

- Assessing the antitrust risk of non-consummation and determining how that risk will be apportioned between the merger parties.
- Negotiation of remedies: an analysis on how to design and implement possible remedy scenarios, including the key steps in each jurisdiction and the level of follow-up enforcement.
- Planning for multi-jurisdictional review and assuring the accuracy of notification data.
- Collaborative efforts: practical examples on how to allocate collaborative efforts among the parties by means of contractual provisions as well as the setting of an effective notification timetable.
- Information Management: how to regulate the information flow prior to approval from the relevant authorities, including how to conduct effective due diligence and avoid gun-jumping concerns.

Committee Sponsor:

International Antitrust Law

THURSDAY, APRIL 19

Committee Co-Sponsors:

China; Europe; International M&A and Joint Venture; Latin America and Caribbean; International Corporate Counsel

Panel Chair & Moderator:

Alfredo M. O'Farrell, *Marval, O'Farrell & Mairal, Buenos Aires, Argentina*

Panel Chair & Speaker:

Michael H. Byowitz, *Wachtell, Lipton, Rosen & Katz, New York, NY*

Speakers:

John Davies, *Freshfields Bruckhaus Deringer, London, United Kingdom*

Gail Levine, *Uber Inc., Arlington, VA*

Mariana Tavares de Araujo, *Levy & Salomao Advogados, Rio de Janeiro, Brazil*

Natalie Yeung, *Slaughter & May, Hong Kong*

4:30 PM – 6:00 PM *Ballroom IV*

Hidden in Plain Sight: Pursing U.S.-Based Assets in Cross-Border Insolvency and Enforcement of Judgments Proceedings

When local insolvency laws do not provide adequate means for insolvency administrators to include bankrupt company's assets located abroad in a bankruptcy estate, failing companies' management and beneficiaries often attempt to transfer assets to foreign jurisdictions (often the United States) in anticipation of the forthcoming bankruptcy. Confronted with this issue in Russia, a growing number of creditors have individually pursued assets of failing Russian companies in the United States. This can be accomplished either by obtaining a judgement in Russia and seeking its recognition in the U.S. courts, or by initiating separate proceedings in the U.S. If, however, insolvency proceedings are simultaneously initiated against the debtor in Russia and in the U.S., creditors in the U.S. proceedings face additional challenges, as the defendants usually attempt to use pending Russian proceedings (in many cases, controlled by the debtor or its affiliates) as the basis for dismissal of claims in the U.S. courts.

The panel will discuss the issues of public and private interests affected by the practice of debtors concealing assets in jurisdictions outside the scope of local insolvency laws, challenges faced by creditors in cross-border insolvency proceedings, enforcement of Russian judgments in the U.S., and extraterritorial effect of Russian insolvency laws.

Committee Sponsor:

Eurasia/Russia

Committee Co-Sponsors:

International Courts & Judicial Affairs; International Litigation

Panel Chair & Moderator:

Grigory Marinichev, *Morgan Lewis & Bockius LLP, Moscow, Russia*

Speakers:

Dmitry Dyakin, *Egorov Puginsky Afanasiev & Partners, Moscow, Russia*

Pamela Marie Egan, *Rimon, P.C., San Francisco, CA*

John H. Gutke, *Fox Rothschild LLP, Las Vegas, NV*

J. Warren Rissier, *Morgan, Lewis & Bockius LLP, Los Angeles, CA*

4:30 PM – 6:00 PM *Ballroom V*

For Better, For Worse - Examining the Impact of Pre-Marital Agreements and Regimes on International Succession

Can a person validly waive or limit their rights to claim against their spouse's estate in a prenuptial agreement? Can a person's entry into a matrimonial regime in one country bind the courts of another country when looking at that person's inheritance rights? Multi-jurisdictional enforceability and the rights of parties to pre-and post-nuptial agreements will be the subject of this panel. Substantive and procedural issues of cross border jurisdiction and enforceability, as well as fundamental principles of forced heirship and testamentary freedom, will be considered by five experienced succession

and family law litigators from all over the world.

Committee Sponsors:

International Private Client; International Family Law

Panel Chair & Moderator:

Eliza Hebditch, *Farrer & Co LLP, London, United Kingdom*

Speakers:

Jean-Louis Collart, *Mentha Avocats, Geneva, Switzerland*

Richard Dew, *Ten Old Square Chambers, London, United Kingdom*

Diane Le Grande de Belleruche, *Befair avocats, Paris, France*

Sarah Grandfield, *Verrill Dana LLP, Boston, MA*

Jennifer Wilkie, *Brodies, Edinburgh, Scotland*

4:30 PM – 6:00 PM *Alvin/Carnegie*

Crimes Involving Cultural Heritage: Public and Private Perspectives on the Trade in Cultural Property

The international art market has seen several high-profile stolen property and smuggling cases over the past few years, including Hobby Lobby's settlement with the U.S. Department of Justice and the arrest of Nancy Wiener, a New York dealer in Asian art. The national and international legal system regulating the global cultural property trade is inadequate to serve the rational ends of any constituency and must, at this point, be considered broken. Can a new system be created to deal with the needs of collectors, auctioneers, dealers, source countries, and government regulators? This panel will discuss the international treaties and domestic laws that apply to cultural property crimes, highlighting recent legislative developments and high-profile cases, and will address new treaties and legislative fixes for the broken system.

Committee Sponsor:

Art & Cultural Heritage Law

Committee Co-Sponsors:

International Criminal Law; Customs Law

Panel Chair & Moderator:

Michael McCullough, *Pearlstein McCullough & Lederman LLP, New York, NY*

Speakers:

Elyse M. Dreyer, *Sotheby's, New York, NY*

Anne-Sophie Nardon, *Borghese Associés, Paris, France*

K.T. Newton, *US Attorney's Office - Eastern District of Pennsylvania, Philadelphia, PA*

4:30 PM – 6:00 PM *Broadway*

Social Entrepreneurship: A Way for Law Firms to Do Good and Do Well (Law Practice Management)

Social entrepreneurs represent a new way of doing business with a clear double focus: to grow their own businesses while also developing innovative products or service solutions to difficult social and economic problems, such as chronic poverty, inadequate schools, poor health care, and a lack of access to justice. Like any new client sector, social entrepreneurs need innovative approaches to legal services, delivered in dynamic and frequently challenging social, political, and economic environments. Because a social entrepreneurship practice includes fee-generating legal services, and not only *pro bono* work, it usually must deliver highly-responsive, sophisticated legal services within slender profit margins and with finely-tuned cross-practice coordination.

Our panel will examine social entrepreneurship and how law firms can support the sustainable development of communities and economies, locally and throughout the world, which, in turn, create economic growth, new legal markets, and new potential clients for them – in other words, how to “do good” for the world, but also “do well” in their bottom line.

Committee Sponsor:

Transnational Practice Management

THURSDAY, APRIL 19

Panel Chair & Speaker:

Norman Clark, *Walker Clark LLC, Fort Myers, FL*

Moderator:

Neil Gold, *Windsor University, Vancouver, Canada*

Speakers:

Stephen Denyer, *Law Society of England and Wales, London, United Kingdom*

Luz Estella Nagle, *Stetson University, Gulfport, FL*

Carmen Pombo, *Fundación Fernando Pombo, Madrid, Spain*

Sabine Toussaint, *The William J. Clinton Foundation, New York, NY*

4:30 PM – 6:00 PM *Uris/Julliard*

International Anti-Corruption Proceedings: Cooperation Between Latin America and Other Jurisdictions in International Proceedings

Cross-border anticorruption procedures is an increasingly important aspect of the legal practice, and international cooperation is an integral part of it. The members of the panel will discuss some international procedures and the details of the consequences in different jurisdictions. The panelists will specifically discuss the FIFA procedure, the Odebrecht procedure and probably other one. The panelists will discuss both the international and domestic laws in their respective countries in cases originating from foreign jurisdictions, and will provide examples of cases and practical experiences in their individual jurisdictions.

Committee Sponsor:

Mexico

Panel Chair:

Luis Pérez Delgado, *Goodrich, Riquelme y Asociados, A.C., Mexico City, Mexico*

Panel Chair & Moderator:

Alejandro E. Staines, *Calderon y de la Sierra y Cia, S.C., Mexico City, Mexico*

Speakers:

Alejandra Montenegro Almonte, *Miller & Chevalier Chartered, Washington, DC*

Saverio Lembo, *Bär & Karrer AG, Geneva, Switzerland*

Jose Martin, *Squire Patton Boggs (US) LLP, Miami, FL*

John Walsh, *Wilmer Cutler Pickering Hale and Dorr, Denver, CO*

6:00 PM – 7:30 PM *Manhattan Ballroom*
Networking Reception at the Hotel

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ABOGADOS

CLARO & CIA. 1880

GUERREROOLIVOS

MORALES & BESA
ABOGADOS

PORZIO RIOS GARCIA
ABOGADOS

**URENDA
 RENCORET
 ORREGO Y
 DÖRR**
ABOGADOS

7:30 PM – 11:00 PM

Committee Dinners

Arranged by each committee, contact committee leadership for more information.

FRIDAY, APRIL 20, 2018

7:00 AM – 7:00 PM
Registration Open

Ballroom I

7:30 AM – 8:45 AM

Ballroom II

Committee Breakfast Meetings

The Section's more than fifty (50) substantive committees are its driving force for programs, policies, and publications, and are the easiest way to get involved with the Section of International Law. Join us to learn more about the Section's committees and their activities, as well as opportunities to become more active in the committees and the Section.

The committees that are expected to meet during this breakfast include:

- Customs Law Committee
- International Animal Law Committee
- International Anti-Corruption Committee
- International Energy & Natural Resources Committee
- International Investment & Development Committee
- International Legal Education and Specialist Certification Committee
- International Life Sciences and Health Law Committee
- International Mediation Committee
- International Procurement Committee
- International Refugee Law Committee
- Latin America & Caribbean Committee
- Lawyers Abroad Committee
- Transnational Practice Management Committee
- UN & International Organizations Committee

The Section will present the 2018 World Order Under Law Award to Elizabeth Andersen, Associate Executive Director, Global Programs, Director, Rule of Law Initiative, American Bar Association.

9:00 AM – 10:30 AM

Ballroom III

Legal Ethics Challenges and Pitfalls in Representing Clients in Multi-Jurisdiction Cartel Investigations, Antitrust Litigation and Merger Investigations (Ethics)

Over 100 jurisdictions around the world have antitrust/competition laws. Enforcement agencies increasingly cooperate in investigating international cartels and cross-border transactions. Unfailingly in the wake of cartel investigations, private damages lawsuits are filed. Counsel must coordinate the client's response to these investigations and lawsuits across all jurisdictions.

However, jurisdictions around the world vary widely in the recognition and scope of the attorney-client and work product privileges, and the approach to confidentiality. A company headquartered in the United States or a Commonwealth jurisdiction may assume that lawyers everywhere all have a duty to keep confidential private communications with the company and this equates to privilege. Yet, privilege is not in fact a unitary concept applied across all jurisdictions and in certain countries, it may not in fact exist. This program will explore the differences in key jurisdictions regarding privilege and lawyer confidentiality and the implications for clients in structuring engagements by in-house or external counsel. It will introduce the legal ethical issues that can create tensions in terms of counsel's ability to protect client confidences for matters involving multiple jurisdictions. Attendees will learn just how different the rules are and the potentially high hurdles to be addressed in crafting representations that can promote the presence of privilege in jurisdictions recognizing the same, when the matter also involves a jurisdiction that doesn't recognize privilege

Committee Sponsor:
International Antitrust Law

FRIDAY, APRIL 20

MEETING AGENDA (continued)

Committee Co-Sponsors:

International Criminal Law, International Litigation

Panel Chair & Moderator:

Yee Wah Chin, *Ingram Yuzek Gainen Carroll & Bertolotti, LLP, New York, NY*

Panel Chair & Speaker:

Lisl Dunlop, *Manatt, Phelps & Phillips, LLP, New York, NY*

Speakers:

Mingfang Gong, *Junbe, Beijing, China*

Mark Katz, *Davies Ward Phillips & Vineberg LLP, Toronto, Canada*

Leif T. Simonson, *Kobre & Kim LLP, New York, NY*

9:00 AM – 10:30 AM *Ballroom IV*

International Distributorship, Franchise & Trade Agreements: From Key Deal Terms to Dispute Resolution Mechanisms in Civil & Common Law Jurisdictions

This panel will address key issues common in cross-border business transactions from both a civil law and common law perspective. The panel will be moderated by an international franchise lawyer who will lead the discussion of issues covering recent developments in international transactions for the sale of goods and services, distributorship & franchise agreements as well as the United Nations Convention on Contracts for the International Sale of Goods (CISG) and international trade issues. The panel will also address dispute-resolution mechanisms available when deals fall apart, including recent developments in international mediation, litigation and arbitration. Predicate issues such as variations in application of legal privilege amongst civil and common law jurisdictions and steps to limit the potential waiver of confidential information will also be covered. Tax structuring for international transactions, franchising and distributorship agreements from a U.S. perspective will be addressed.

Committee Sponsor:

International Contracts

Committee Co-Sponsors:

Canada; International Litigation; International Trade; Latin America & Caribbean

Panel Chair:

Adrián L. Furman, *M & M Bomchil, Buenos Aires, Argentina*

Moderator & Speaker:

Peter Viitre, *Sotos, Toronto, Canada*

Speakers:

Ava J. Borrasso, *P.A., Miami, FL*

Marcos Rolim Fernandes Fontes, *Cunha Ricca, Sao Paulo, Brazil*

Kenneth S. Levinson, *Faegre Baker Daniels, Minneapolis, MN*

John H. Rooney, Jr., *P.A., Miami, FL*

9:00 AM – 10:30 AM *Ballroom V*

The Forthcoming ALI “Restatement of the Law of International Arbitration”: What Every International Arbitration & Litigation Practitioner Needs to Know

For 100 years, the prestigious American Law Institute (“ALI”) developed “Restatements,” the most respected sources of secondary authority in the U.S. legal system, which have been highly influential far beyond U.S. soil. For example, ALI’s current “Restatement of the Foreign Relations Law of the U.S.” has been cited not only by U.S. courts (including the U.S. Supreme Court), but also by an impressive range of foreign and international courts and tribunals—including the ICJ, the international Centre for the Settlement of Investment Disputes (“ICSID”), and UNCITRAL, as well as national courts in Canada, the U.K., and Australia, among other countries. Similarly, the forthcoming “Restatement of the U.S. Law of International Commercial Arbitration” is sure to carry great weight both in the U.S. and elsewhere around the world. This landmark publication – being developed by arbitrators, practitioners,

scholars/academics, and judges from around the globe, scheduled for release in 2019 – covers virtually every aspect of international arbitration law, and will be relied on by arbitral institutions, arbitrators, counsel, parties, and judges worldwide for decades to come. In this informative and highly-engaging presentation, leaders of the project will brief us on key provisions of the “Restatement,” highlighting areas of consensus and areas of controversy, anonymously “polling” audience members (using handheld technology) on fact patterns addressed in the draft “Restatement.” If you practice international arbitration or litigation anywhere in the world, you definitely do not want to miss this!

Committee Sponsor:

International Arbitration

Committee Co-Sponsors:

International Litigation; International Mediation; International Courts & Judicial Affairs; UN & International Organizations

Panel Chairs:

Cynthia C. Galvez, *Wiley Rein LLP, Washington, DC*

Hon. Delissa A. (“Lisa”) Ridgway, *U.S. Court of International Trade, New York, NY*

Panel Chair & Speaker:

Brent O.E. Clinkscale, *Womble Bond Dickinson (US) LLP, Greenville, SC*

Moderator:

David W. Rivkin, *Debevoise & Plimpton LLP, Immediate Past President of the International Bar Association, New York, NY*

Speakers:

Prof. Christopher R. Drahozal, *University of Kansas School of Law, Associate Reporter, ALI Restatement of the U.S. Law of International Commercial Arbitration (forthcoming), Lawrence, KS*

Jan Paulsson, *Three Crowns LLP, London, Paris, and Washington, DC*

Prof. Marike Paulsson, *University of Miami School of Law, Miami, FL*

9:00 AM – 10:30 AM

Alvin/Carnegie

**Intergenerational Transfers:
Lessons to be Learned from Family
Owned Enterprises in Transition**

Aging business owners whose biggest part of their family fortune is the family business often wish to see an orderly intergenerational transfer of those businesses. However, such transfers face a myriad of issues requiring significant care and planning. This diverse panel of lawyers with specific expertise will detail the problems and solutions facing such clients: how to integrate (or squeeze out) children; how to work through the structures and cultural differences impacting every cross-border family business; what to do about untimely divorces (theirs and their children’s); how to assure the validity of marital agreements, wills, trusts and foundations; and how to manage the tax aspects and impacts of any transfer solution chosen (e.g., sale of shares).

Committee Sponsor:

International Family Law

Committee Co-Sponsors:

International Private Client; International Tax Law

Panel Chair & Moderator:

Markus Zwicky, *Zwicky Windlin & Partner, Zug, Switzerland*

Speakers:

Simon Bruce, *Farrer & Co LLP, London, United Kingdom*

Javier Canosa, *Canosa Abogados, Buenos Aires, Argentina*

Caroline Abela, *Weir Foulds LL.P., Toronto, Canada*

Michael Parets, *Ernst & Young, Zürich, Switzerland*

David Starks, *McKinley Irvin, Seattle, WA*

9:00 AM – 10:30 AM

Broadway

Blockchain: Disrupting the Economy of Trust in International Trade

Following the lead of the financial industry, international trade has already begun to integrate the use of blockchain in its instruments, regulations, and transactions. In September 2016 Barclays self-reported the first use of blockchain platform in an international trade finance deal. Since then, various actors have begun to explore the myriad applications of blockchain including but not limited to leveraging the internet of things to track goods and equipment between ports, expediting customs and border security, financing transactions, and facilitating exchange of digital content and IP across borders with inconsistent regulatory schemes. Additionally, some have even proposed that widespread access to real-time transparency could potentially decrease threats of corruption and human trafficking. By removing risks associated with trade, blockchain allows actors hailing from countries with weak institutions or infrastructure unprecedented opportunities to access markets and financing. Simultaneously, its use is already encouraging institutions whose role it has been to manufacture trust via centralization, such as banks, insurers, and governments, to rethink their purpose and potential redundancies.

Legal practitioners will need to learn how to leverage the use of blockchain in trade agreements, contract drafting and negotiation, and dispute resolution. As the use of blockchain and its applications in international trade and cross border payments expands, this panel will explore opportunities in and intersections with the legal industry with an interdisciplinary faculty of experts in technology, supply chain, and international trade.

Committee Sponsor:
International Trade

Panel Chair & Moderator:
N. Isabelle Figaro, *Brooklyn Legal Services, New York, NY*

Speakers:

Cyndee Todgham Cherniak, *LexSage, Toronto Canada*

Glen Kutler, *IBM, New York, NY*

Rebecca Liao, *Skuchain, San Francisco, CA*

Aileen Schultz, *Integra Ledger, Toronto, Canada*

9:00 AM – 10:30 AM

Uris/Julliard

The Rise of Foreign Agent Laws: The Emerging Trends in their Enactment and Application in the U.S., Russia and Across the Globe

The U.S. Foreign Agents Registration Act (FARA) has been on the books for 80 years and has seen limited application. Russia's more recent Foreign Agents Law, purportedly modeled on FARA, has targeted NGOs which receive foreign funds and engage in a broadly defined "political activity." The Russian law has adversely affected a great number of NGOs in that country and some are challenging it before the European Court of Human Rights. It also inspired other States across the globe to enact similar laws which affect NGOs and the civil society space. In the United States, the application of FARA to Russian media companies has been recently debated. The panel will explore and compare these laws in the context of globalization, legal pluralism, national security, and human rights.

Committee Sponsor:
Eurasia/Russia

Committee Co-Sponsors:
International Litigation, International Human Rights, UN and International Organizations

Panel Chair:
Maria Zulick Nucci, *Sparks, NV*

Panel Chairs & Moderators:
Michael Shapiro, *Philadelphia, PA*
Diana Tsutieva, *Foley Hoag LLP, Washington, DC*

Speakers:
Jess Gavron, *Middlesex University, London, United Kingdom*

Melissa Hooper, *Human Rights First, Washington, DC*

Maria Kanevskaya, *NGO Lawyers Club, Russia/Advocates for Civil Society, Washington, DC*

Robert K. Kelner, *Covington & Burling LLP, Washington, DC*

10:30 AM – 11:00 AM

Ballroom I

Break

10:30 AM – 11:30 AM

Booth

Books Board Meeting

Our Section's Books Board meets periodically to assess book proposals, formulate feedback to aspiring authors and editors, guide the progress of book marketing, and propose recommendations regarding publication initiatives. Our Section's Publications Officer, Nancy Stafford, extends an open invitation for you to attend this meeting. If you already are a published Section author, if you would like to become a Section author, if you would like to advance the work of your Committee by involving it in Section Publications, or if you simply are curious about the publication process, please join us.

11:00 AM – 12:30 PM

Ballroom III

Brexit and Beyond: What Does It Mean? What Lies Ahead? What Do I Need to Know to Draft a More Brexit Proof Contract?

In June 2016, the citizens of the United Kingdom voted in a referendum to exit the European Union. Almost a year later the United Kingdom held snap elections with the Tories losing their majority in Parliament. With negotiations underway to exit the European Union it is still not clear what form the exit will take: will it be a "Hard Brexit" or a "Soft Brexit." A majority of businesses are not interested in waiting for the British and European politicians to give form to the exit have already moved their European headquarters in London to

the continent or are adding a continental Europe headquarters. Our panel, which includes high profile experts from the UK and Europe, will continue their discussion from the Spring 2017 Meeting in Washington, DC and discuss how this political uncertainty will impact investment opportunities, which jurisdictions will attract increased investment in this new climate and how best lawyers should advise their clients in these uncertain times. Our panelists will analyze various legal topics affecting your practice (such as M&A, contracts, enforceability of arbitral awards) in light of the most recent negotiation developments. Join us to remain vigilant as the situation develops and keep you apprised of all updates.

Committee Sponsor:

Europe

Committee Co-Sponsors:

International Trade; International M&A Joint Venture

Panel Chairs & Speakers:

Mattia Colonnelli de Gasperis, *Colonnelli de Gasperis Studio Legale, Milan, Italy*

Nancy Matos, *Deloitte Legal, Amsterdam, Netherlands*

Moderator:

Ann Liebschutz, *DMGS, Washington, DC*

Speakers:

Kate Matthews, *Boddy Matthews Solicitors, Surrey, United Kingdom*

Jeffrey Golden, *P.R.I.M.E. Finance / 3 Hare Court Chambers, London, United Kingdom*

David Greene, *Edwin Coe LLP, London, United Kingdom*

11:00 AM – 12:30 PM

Ballroom IV

International Arbitration & The Middle East/North Africa Region

Arbitration has a long – albeit complicated – heritage in the Middle East/North Africa region. Historically a favored means of dispute resolution, arbitration's reputation was tarnished and its development slowed to a crawl in the decades following a string

of rulings against states and state-owned entities in the 1950s and the 1960s. But change is in the air. Recent years have seen a new blossoming in international arbitration legislation, jurisprudence, and practice across the region. The result is greater certainty and predictability for users, as well as greater trust and confidence in the region's capacity to deliver world-class arbitration services. Join us for this highly-interactive, multi-media presentation, which will engage audience members with (anonymous) "voting" on various questions using individual hand-held technology, as stellar experts provide an insider's perspective on international arbitration and the MENA region.

Committee Sponsor:
Middle East

Committee Co-Sponsors:
International Arbitration; International Litigation; International Mediation; International Courts & Judicial Affairs; International Contracts; International Corporate Counsel; International Investment & Development; International Energy & Natural Resources; International Trade; Customs Law; International Procurement

Panel Chairs:

Cynthia C. Galvez, *Wiley Rein LLP, Washington, DC*

Hon. Delissa A. ("Lisa") Ridgway, *U.S. Court of International Trade, New York, NY*

Speakers:

Meriam Al-Rashid, *Dentons LLP, New York, London, and Cairo*

Jalal El ("Jil") Ahdab, *Ginestié Magellan Paley-Vincent, Paris, France*

Amal Bouchenaki, *Herbert Smith Freehills LLP, New York, NY*

11:00 AM – 12:30 PM

Ballroom

Till Death Do Us Differ: A Comparison of the Approach to Ethics by Civil and Common Law Jurisdictions to the Conduct of Estate Litigation (Ethics) V

There can be nothing more profoundly personal than a death within a family. Disputes arising out of the devolution of a deceased estate are characterized by high levels of emotion on the part of beneficiaries and other family members who feel unfairly excluded from a Will. In conducting litigation in relation to such disputes, lawyers must nonetheless abide by their legal and ethical obligations as Officers of their Courts (if they are indeed qualified as such!). This panel will look at cross-jurisdictional approaches to the conduct of estate litigation with an emphasis on confidentiality rules between attorneys, as well as attorney client privilege, disclosure obligations and duties to the court.

Committee Sponsors:

International Family Law; International Private Client

Panel Chair & Moderator:

Frances Goldsmith, *Libra Avocats, Paris, France*

Speakers:

Emma Hargreaves, *Serle Court, London, United Kingdom*

Thomas Rohner, *Pestalozzi Attorneys at Law, Zurich, Switzerland*

John M. Teitler, *Teitler & Teitler, New York, NY*

11:00 AM – 12:30 PM

Alvini/Carnegie

Surprise! Your Client is Subject to EU Data Protection Reforms and Potential 4% Global Fines

Massive reforms of the EU data protection laws with extra-territorial application to U.S. and other non-EU companies with penalties up to 20,000,000 euros or 4% of global sales (including subsidiaries) whichever is higher, continue at a breakneck pace with EU member states enacting new

implementation guidance and laws almost daily and regulators nearly doubling their enforcement staffs in preparation. The updated EU laws apply to companies worldwide ranging in size from micro to massive who have customers, prospective customers, and/or employees located in the EU regardless of citizenship.

Despite increasing warnings from EU data protection authorities to companies worldwide, including small and medium enterprises, the majority of U.S. companies are not updating their data collection, management, use, storage, sharing, security etc., policies, practices, contracts and systems, etc., in time to prevent EU enforcement actions before the new laws go into effect on May 25, 2018. The reformed EU data protection laws even apply to U.S. and other non-EU companies without EU locations or customers in the EU of their own, but whose business customers use their products/service to interact with EU customers, prospective customers and/or employees. This is especially applicable to telecom and digital communications companies, as well as internet service, cloud storage, software as a service (SaaS), digital marketing and ad tech, healthcare, HR, and online retail platform providers, as well as nearly every other industry sector. The new EU laws include the General Data Protection Regulation (GDPR) and draft ePrivacy Regulation (former EU “Cookie Law”). Both are scheduled to take effect on May 25, 2018, without the need for adoption by member states and have global extra-territorial jurisdiction. In addition to individuals located in the EU (regardless of citizenship or resident status) the draft ePrivacy Regulation also protects data of companies located in the EU. Personally identifying information protected under EU law is also much broader than is common in the U.S. and includes email addresses, IP addresses and device IDs.

Committee Sponsor:

Privacy, Cybersecurity and Digital Rights

Panel Chair & Moderator:

Linda V. Priebe, *Culhane Meadows PLLC, Washington, DC*

Speakers:

Albert Janet, *Avocat à la Cour; Attorney-at-law, New York, NY, and Paris, France*

Simon J. McMenemy, *Ogletree Deakins International LLP, London, United Kingdom*

11:00 AM – 12:30 PM

Broadway

Celebrating 800 Years of Protecting the Commons: How the Principles of Carta di Foresta Continue to Shape Laws of the Globe

As jurists, we know and treasure the Magna Carta, for its foundational role in modern democracy. Yet too few know of its companion, the Carta de Foresta (“Charter of the Forest”), which boldly set out a revolutionary principle: Every free man shall lodge in the forest as he wishes. Eight centuries later, the powerful concept of a right to a shared, fundamental good espoused within the Carta continues to shape legal doctrine across fields as diverse as human rights, climate change, space exploration, intellectual property, and more. If anything, an increasingly interconnected world combined with the emergence of “open access” technology and the “sharing economy” deepen the relevance of legal doctrines to protect the commons. In a rapid response format, experts from diverse legal fields will explore what the Carta means to laws today, and imagine how its groundbreaking principles will continue to shape the law of the next generation.

Committee Sponsor:

International Environmental Law

Committee Co-Sponsors:

Task Force on the Carta di Foresta

Panel Chair:

Kim Smaczniak, *Silver Spring, MD*

Moderator:

Andreia Bonzo Araujo Azevedo, *Pinheiro Neto Advogados, Sao Paulo, Brazil*

Speakers:

David Bollier, *Author of "Think Like a Commoner", Director of the Reinventing the Commons Program, Schumacher Center for a New Economics, Great Barrington, MA*

Steve Mirmina, *Georgetown University Law Center, Washington, DC*

Bryce Rudyk, *Alliance of Small Island States (AOSIS), New York, NY*

11:00 AM – 12:30 PM *Uris/Julliard*

The Challenges of Representing Business Clients before Customs and Border Protection: Should Customs Commercial Operations, Historically in the Treasury Department, be Separated from Homeland Security Law Enforcement Operations?

For most years since its inception Customs was part of the Treasury Department as an agency involved with revenue collection like the internal revenue service. Customs duties were in fact one of the main sources of revenue for our country in the early states. Post-911 Customs commercial operations functions were moved to the Department of Homeland Security--consolidating it with immigration, border control and drug interdiction. Many in the importers community believe that customs commercial operations have suffered due to the preferential allocation of funds to immigration, drug interdiction and law enforcement activities. Long delays in rulings and decisions on protests, increased resistance to personal meetings with importers and the perceived "police mentality" of Customs personnel have been frequent complaints. How best to deal with these challenges in representing clients in Customs matters before the Department of Homeland Security? Should Customs commercial enforcement be separated from drug, immigration and criminal enforcement to focus on its original functions relating to revenue and commerce? Would returning Customs commercial operations to Treasury where revenue raising functions

are centered or moving it to the Commerce Department where export control and antidumping activities that involve customs are handled make customs commercial activities more relevant and accessible to the trade community?

Committee Sponsor:
Customs

Panel Chair & Moderator:

Les Glick, *Butzel Long, Washington, DC*

Panel Chair:

Vince Draa, *WW Grainger Inc., Lake Forest, IL*

Speakers:

Stephen Creskoff, *Law Offices of Stephen Creskoff, Washington, DC*

D. (Bonni) van Blarcom, *U.S. Library of Commerce, Washington, DC*

12:45 PM – 2:00 PM *Ballroom II*

Luncheon: View From the Bench: The State of International Law

Our distinguished guest judges will explore the current status of international law in judicial decision-making, including international precedent and the continuing relevance of, and attacks on, the place of international law in American courtrooms.

Moderator:

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

Speakers:

The Honorable Colleen McMahon, *Chief United States District Judge of the United States District Court for the Southern District of New York, Brooklyn, NY*

The Honorable Elizabeth Stong, *U.S. Bankruptcy Court, Brooklyn, NY*

2:30 PM – 4:00 PM

Ballroom III

Beyond Piracy: The New Maritime Security and Insurance Risks to Commercial Shipping

The threat of piracy in the Horn of Africa and armed robbery in the Gulf of Guinea dominated shipping security concerns over the last decade. Since 2012 that threat has been almost eliminated thanks to effective action by NATO, the EU and many independent naval deployers, international organizations and crucially the shipping community itself. Together they broke the pirate business model. But over the past three years new threats to commercial shipping, including the cruise line industry, has arisen, very different in nature and location. In the Red Sea and Bab el Mandeb Strait, Houthi militias in Yemen have launched missiles at transiting ships. This led to a remarkable convoy of commercial vessels by a British air defense destroyer poised not to counter pirates but incoming missiles. The rival governments of Libya have boarded and seized shipping for dealing with the other. Merchant ships face the challenge of migration across the Central Mediterranean where many vessels have had to rescue migrants from foundering boats. And ISIL remains a threat and could be one at sea, attack has been made on cruise line passengers ashore in Tunisia. The legal implications and commercial liabilities of the new challenges are very different from the piracy.

Committee Sponsors:

International Transportation

Committee Co-Sponsors:

National Security; Europe; UN & International Organizations; Middle East; Africa; International Contracts; International Financial Products and Services; International Refugee Law; International Trade

Panel Chair & Moderator:

James Henry Bergeron, *NATO Allied Maritime Command, Northwood, United Kingdom*

Speakers:

Stephen Askins, *Tatham Macinnes LLP, London, United Kingdom*

John Melvin, *Royal Navy, London, United Kingdom*

Lars Robert Pederson, *BIMCO, Copenhagen, Denmark*

Jonathan S. Spencer, *The Spencer Company, New York, NY*

2:30 PM – 4:00 PM

Ballroom IV

International Discovery: Cooperation between Latin America and the United States in Discovery Procedures

Cross-border litigation is an increasingly important aspect of the legal practice, and international discovery is an integral part of it, often requiring discovery in jurisdictions that lack domestic legal mechanisms for evidence gathering. The panel will discuss the legal tools available for engaging in international discovery, including treaties and domestic law. The panelists will specifically discuss 28 U.S.C. § 1782, the primary method of obtaining evidence in the United States to assist litigants in foreign and international tribunals, and The Hague Convention on the Taking of Evidence Abroad, the primary method of obtaining evidence in Latin America for foreign litigation. The panelists will discuss both the international and domestic laws in their respective countries for conducting discovery in cases originating from foreign jurisdictions, and will provide examples of cases and a practical guide to navigating the procedures of international discovery in their individual jurisdictions.

Committee Sponsor:

Latin America & Caribbean

Committee Co-Sponsors:

International Mediation; Mexico; International Litigation

Panel Chair & Moderator:

M. Paula Aguila, *Rivero Mestre LLP, Miami, FL*

Speakers:

Eddie Varon Levy, *Law Offices of Eddie Varon Levy, Mexico City, Mexico*

Horacio J. Ruiz Moreno, *Mitrani, Caballero & Ruiz Moreno, Buenos Aires, Argentina*

Cristina Pereyra-Alvarez, *JAMS, Retired Judge Eleventh Judicial Circuit of Florida, Miami, FL*

Andres Rivero, *Rivero Mestre LLP, Miami, FL*

Mauricio Salas, *BLP, San Jose, Costa Rica*

2:30 PM – 4:00 PM *Ballroom V*

The Procurement of Emergency Power in Sub-Saharan Africa

Despite excellent progress on power reforms and private investment, many African countries still suffer chronic power shortages that have persisted for over a decade. About 30 nations experience severe outages, load shedding, and rolling blackouts. Five countries—Nigeria, Ethiopia, DR Congo, Tanzania, and Kenya—are the worst hit. The key factor underlying the crisis is the lack of sufficient generation capacity. The situation is exacerbated by prolonged drought in the region, reducing the power that can be generated from existing hydropower facilities. As demand continues to increase, governments have resorted to meeting load demands through the procurement of emergency generation capacity. The procurement of emergency power is, however, fraught with many problems, such as persistent allegations of corruption and over-inflated capacity charges. This panel will examine issues surrounding power and emergency power projects in Sub-Saharan Africa, including legal and regulatory frameworks, project finance, the procurement process, best practices for African public and private utilities, and special initiatives supporting power generation in the region.

Committee Sponsor:

International Energy and Natural Resources

Committee Co-Sponsors:

International Investment and Development; International Procurement; Africa

Panel Chair and Moderator:

Kristin Drecktrah Paz, *Shutts & Bowen LLP, Miami, FL*

Panel Chair and Speaker:

Kingsley Osei, *State University of New York, Albany, NY*

Speakers:

Tonbofa Ashimi, *TONBOFA, Lagos, Nigeria*

Don S. De Amicis, *Transnational Strategy Group, LLC, Washington, DC*

Carolina Lopez-Rocha, *The World Bank, Washington, DC*

Joseph W. Whitehead, *Akin Gump Strauss Hauer & Feld LLP, Washington, DC*

2:30 PM – 4:00 PM *Alvin/Carnegie*

Governments' Cross-Border Requests for Cloud User Data: Protection of Public Safety and Human Rights in the Internet Age

In the pre-internet age, when Nation A needed to obtain evidence (e.g., a letter or a document) from Nation B for law enforcement investigation and prosecution, it would use a Mutual Legal Assistance Treaty (“MLAT”) or similar inter-government process to request Nation B to use its legal procedures (e.g., issuance of a warrant) to obtain the evidence, and then turn it over to Nation A. With the exponential growth of the global internet, more and more people are communicating and storing information on the internet. As a result, there is a corresponding growth in the number of instances where nation states need to obtain digital evidence from another jurisdiction. The traditional MLAT processes cannot keep up. Recent estimate is that under the MLAT process, it can take up to 10 months to obtain digital evidence from another jurisdiction; hardly optimal for solving crimes and protecting public safety. Modernizing and streamlining MLAT processes can be part of the solution, but that alone is not enough. This

CLE session will discuss the challenges, relevant questions and issues, and potential solutions that adhere to the rule of law, and respect and protect privacy and other human rights as well as public safety. The moderator and the speakers approach these issues from a diversity of roles, experiences, and perspectives, including corporate responsibility, civil society group, academic institution, private practice, and government affairs.

Committee Sponsor:
International Human Rights

Panel Chair & Moderator:
Bernard Shen, *Microsoft Corporation (Technology and Corporate Responsibility department), Redmond, WA*

Speakers:
James Garland, *Covington & Burling LLP, Washington, DC*

Judith Germano, *GermanoLaw LLC & NYU School of Law, New York, NY*

Frank Torres, *Microsoft Corporation (U.S. Government Affairs Department), Washington, DC*

2:30 PM – 4:00 PM *Broadway*

What will be the ethics and other impact of AI on Legal Practice and Law Practice Management? (Ethics)

This program will address preparing for the transformative Impact of artificial intelligence on the practice of law, clients, and law firms. How is AI currently being used by lawyers? How will it change the practice of law? How will those changes impact attorneys' ethical obligations to their clients? What will be the cross-border challenges? What early regulation can be anticipated? This panel of experts will address the status and current developments of AI in the legal workplace and its practical future impact on the practice of law, law firms, and multi-national companies. The panel will also discuss the legal issues, particularly legal ethics and privacy, which will need to be addressed as AI proliferates, and the early efforts at regulation responsive

to this newest wave of widespread technological change.

Sponsor:
Japan Federation of Bar Associations

Committee Co-Sponsor:
Asia/Pacific

Panel Chair & Speaker:
Jai Lee, *Yulchon LLC, Seoul, Republic of Korea*

Panel Chair & Moderator:
Yoshimichi Makiyama, *Kitamura & Makiyama, Tokyo, Japan*

Speakers:
Robin Gerofsky Kaptzan, *Shanghai Duan & Duan Law Firm, Shanghai, China*

David M. Levine, *Carey Rodriguez, Miami, FL*

Hiroyuki Sanbe, *Atsumi & Sakai, Tokyo, Japan*

Christopher Savoie, *Zapata Computing, Cambridge, MA*

2:30 PM – 4:00 PM *Uris/Julliard*

What the Usufruct? Learning How to Bridge the Common Law/Civil Law Divide

The world is shrinking. Rare is the client that only transacts business within its own local jurisdiction. Far more common is the client that uses overseas suppliers, that outsources certain business functions to foreign entities, and that markets, distributes, or sells its goods and services around the world.

The globalization of law means far more than just waking up to a barrage of emails that came in overnight from overseas clients, or scheduling conference calls at hours meant for sleeping so as to accommodate multiple time zones. It means both common and civil law practitioners learning how to communicate effectively with their respective counterparts from other legal traditions. It means learning how to prepare your civil law clients for the scope of civil discovery in common law jurisdictions. It means educating your common law

clients about their limited ability to protect themselves against consequential damages in a civil law jurisdiction. It means drafting termination and liquidated damage clauses so that they are enforceable under both legal traditions. It means communicating with your client under circumstances that increase the likelihood that the communication is covered by the attorney-client privilege in both civil and common law jurisdictions. Learning to navigate these basic differences between the civil and common law will not only benefit your client, but will also enhance your ability to work effectively with local counsel.

The panel will consist of approximately four seasoned private practitioners from two civil law jurisdictions and two common law jurisdictions: Quebec, a European country (most likely Switzerland), Ontario, and New York. The panelists will discuss liquidated damage clauses, limitations on liability, choice of law clauses, attorney client privilege and civil discovery using anecdotes from real cases and a power point presentation with slides detailing the legal standards under the common and civil law, as well as any nuances particular to the panelists' local jurisdictions.

Committee Sponsor:

Canada

Panel Chair & Speakers:

Pierre-Paul Daunais, *Stikeman, Montreal, Canada*

Anne Lefever, *Pillsbury, New York, NY*

Moderator:

Justice Dianne Renwick, *Appellate Division of the Supreme Court of the State of New York, NY*

Speakers:

Jonathan Cheney, *Addleshaw Goddard LLP, London, United Kingdom*

Philipp Fischer, *Oberson Abels SA, Geneva, Switzerland*

4:00 PM – 4:30 PM

Ballroom I

Break

4:30 PM – 6:00 PM

Ballroom III

Oligarchs and Opportunities: Legal Ethical Risks and Practice Management Challenges in Advising High Net-Worth International Clients (Ethics)

High net-worth clients with multinational business interests are a fast-growing client sector for commercial lawyers and litigators alike. The multi-jurisdictional nature of these clients' interests often frequently pose complex, and sometime perilous, professional responsibility issues, such as when the customary business ethics and practices in a client's home jurisdiction vary substantially from those that govern the lawyer's actions. These complex relationships also challenge lawyers and law firms to shift from traditional practice management and client relations paradigms, while still determining and complying with the professional ethical standards that apply. This panel will share experiences and insights about the special needs and expectations of international private clients, as well as how they manage the financial, professional, and ethical risks.

Committee Sponsor:

Transnational Practice Management

Panel Chair:

Norman Clark, *Walker Clark LLC, Fort Myers, FL*

Moderator:

Dennis E. Boyle, *Whiteford Taylor Preston, Washington, DC*

Speakers:

Elizabeth L. Heurtematte de Alfaro, *Lopez, Villanueva & Heurtematte, Panama City, Panama*

Vanessa King, *O'Neal Webster, Tortola, British Virgin Islands*

Peter D. Maynard, *Peter D. Maynard Counsel & Attorneys, Nassau, Bahamas*

Jorge Nembr, *Tosto e Barros,*
São Paulo, Brazil

Vladislav Zabrodin, *Capital Legal*
Services, St. Petersburg, Russian Federation

4:30 PM – 6:00 PM *Ballroom IV*

Global investors and Local Investments: Challenges and Opportunities Presented When Big Business Interacts with Private Rights

We will look at and consider the practical challenges encountered by big business entering new markets and the potential benefits of responsible investment: The speakers will focus on (i) the rights of indigenous/tribal communities; (ii) Nimbyism and infrastructure development; (iii) Community involvement in sustainable development; and (iv) equity participation in renewable energy projects.

Sponsor:

International Association of Young Lawyers (AIJA)

Panel Chair & Moderator:

Eoin Cassidy, *Mason Hayes & Curran,*
Dublin, Ireland

Speakers:

Constantin Benes, *Schönherr*
Rechtsanwälte GmbH, Vienna, Austria

Timur Bondaryev, *Arzinger Law Office,*
Ukraine

Jennifer Maxwell, *Blake, Cassels &*
Graydon LLP, London, United Kingdom

Alberto Silva, *Goodrich Riquelme*
Asociados, Mexico City, Mexico

Thomas Verstraeten, *Loyens & Loeff,*
Brussels, Belgium

4:30 PM – 6:00 PM *Ballroom V*

Employing a Family Member: Challenges and Pitfalls between Family Ventures and Family Feuds

Employing a family member may seem like the easiest solution to many entrepreneurs or company directors, but can ultimately create more problems than it resolves as it can either qualify as a misuse of corporate assets, be subject to disputes within the family when certain members are more implicated than others. This panel will address issues when employing a Spouse or Child: Financial Implications between Employment Law and Family Law; upon divorce; upon death; how to drag in, how to squeeze out; options for sale of shares; family constitutions and shareholder agreements; and tax and white-collar crime issues, when board meetings are held at the family dinner table.

Committee Sponsors:

International Employment Law;
International Private Client

Panel Chair and Moderator:

Markus Zwicky, *Zwicky Windlin &*
Partner, Zug, Switzerland

Speakers:

Pierre-Alain Conil, *Morel d'Arleux &*
Associés, Paris, France

Laura Dadswell, *Pennintons Manches*
LLP, London, United Kingdom

Martine Hoogendoorn, *Doorn en Keizer*
B.V., Amsterdam, Netherlands

Ronald Meissner, *Oppenhoff & Partner,*
Frankfurt, Germany

Michael Teitler, *Teitler & Teitler,*
New York, NY

4:30 PM – 6:00 PM *Alvin/Carnegie*
**Bitcoin, Crypto-Currencies and
the Future of Cross-Border
Financial Transactions**

Crypto-currencies such as Bitcoin present the international lawyer concerned with cross-border financial transactions with unprecedented challenges ranging from their use by cyber-criminals to their ambiguous regulatory and accounting treatment status. Some have defined Bitcoin and its genre as “anarcho-capitalism”, a manifestation of extreme libertarianism in which traditional mediums of exchange – such as money or legal tender—are controlled solely by individuals in a borderless free market world, not by nation-states, central banks, or the international financial system. Others view crypto-currencies as a new asset class, which will be subject to often conflicting national regulations. Are crypto-currencies truly a currency, or a commodity, security, or something entirely different? What impact do current investment offerings of crypto-currencies and their ecosystems have? What regulatory regime (if any) would be appropriate for crypto-currencies? What challenges do crypto-currencies pose for global cybersecurity efforts? The panelists include a law enforcement speaker and corporate cyber-forensics specialist concerned with the undesirable aspects of crypto-currencies facilitating anonymous financial transactions, and international financial regulation attorneys who will discuss the implications of crypto-currencies for cross-border financial transactions.

Committee Sponsor:
Privacy, Cybersecurity & Digital Rights

Panel Chair and Moderator:
Daniel McGlynn, *SolAero Technologies Corp., Albuquerque, NM*

Speakers:
Jeff Bandman, *Bandman Advisors, New York, NY*

Brad Carpenter, *Federal Bureau of Investigation Cyber Division, New York, NY*

Nancy Liao, *Yale Law School Center for the Study of Corporate Law, New Haven, CT*
David Wong, *Mandiant, New York, NY*

4:30 PM – 6:00 PM *Broadway*
**Converging Goals — Advancing
Policy Objectives Through
Public Procurement**

Many national governments spend a significant percentage of gross domestic product on public procurement. In the United States, federal procurement represents an approximately \$530 billion annual market. Although the primary goal of procurement is to purchase goods and services to obtain the best value for money, governments often use the public procurement system to advance secondary goals. These ancillary objectives may be achieved by “setting aside” government contracts for small businesses, establishing policies to reduce corruption and discrimination, or by creating preferences for domestic products. As the border between procurement and broader public policy has blurred, procurement attorneys have been forced to develop expertise in a variety of related regulatory regimes. The proposed panel will examine the growth of these practices around the world, debate their role going forward, and discuss best practices for practitioners in this area.

Committee Sponsor:
International Procurement

Panel Chair and Speaker:
Samuel Jack, *United States Agency for International Development, Washington, DC*

Panel Chair & Moderator:
Daniel Cook, *DLA Piper LLP (US), Washington, DC*

Speakers:
Benedetta Audia, *The United Nations, New York, NY*

Collin Swan, *The World Bank, Washington, DC*

4:30 PM – 6:00 PM

Uris/Julliard

Goals and Glitz: Immigration Options in Sports and Entertainment

A discussion of work permit and immigration options for individuals and companies in the arts, film, broadcasting, sports and entertainment businesses. What are the best practices to accomplish the movement of broadcasters, news crews, sports figures, artists, actors in film and theater, production and support personnel across borders? Do countries provide preferential treatment in this area? What are the tax consequences for entertainers and athletes moving across borders? This panel will compare how different countries facilitate the free movement of amateurs and professionals in those areas.

Committee Sponsor:

Immigration & Naturalization

Chair & Moderator:

Sergio R. Karas, *Karas Immigration Law Professional Corporation, Toronto, Canada*

Speakers:

Graeme Kirk, *Gross & Co Solicitors, London, United Kingdom*

Natalia Nastaskin, *United Talent Agency, New York, NY*

Greg Siskind, *Siskind Susser, PC, Memphis, TN*

7:00 PM – 10:00 PM

Closing Reception at Bryant Park (Casual Dress)

Join us at Bryant Park, a beloved, year-round New York City destination. Known as Manhattan's Town Square, the park is famous for its lush seasonal gardens. Located adjacent to the New York Public Library and surrounded by iconic skyscrapers, Bryant Park is visited by more than six million people each year and is one of the busiest public spaces in the world (we will have exclusive use of the Bryant Park Garden, Rooftop Restaurant and Indoor Grill).

SATURDAY, APRIL 21, 2018

8:00 AM – 9:00 AM

Ballroom V

Council Breakfast

9:00 AM – 12:00 PM

Ballroom V

Council Meeting

The Council is the Section's policy making body. At this meeting, the Council will debate major policy initiatives and will be addressed by visiting dignitaries and bar leaders. The Council Meeting is open to all Annual Conference registrants.

SATURDAY, APRIL 21

CLE INFORMATION

The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, CT, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, ME, MN, MS, MO, MP, MT, NH, NJ, 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. The expected number of credit hours will be posted to the 2018 Annual Conference website: www.ambar.org/SILAnnual18 under the CLE Events and Information tab approximately six weeks before the meeting. 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.

A limited number of registration fee reductions are available for this program upon application. The fee-reductions will be determined on a one-time only, case-by-case, first-come first-serve basis. Requests must be received at least three weeks before the program start date. You will be notified prior to the program if your application is approved. A minimal fee may be charged on all approved applications to defray expenses. For programs with tuition costs of \$500 or more, qualifying attorneys will receive at least a 50% reduction in the course fee(s) only. To apply, send a letter outlining the basis for your request of a fee reduction to intlawmeetings@americanbar.org.

CLE MATERIALS

Panel Materials may be accessed on our 2018 Annual Conference app at <https://silannual18.pathable.com/>.

CONFERENCE APP

The 2018 Annual Conference Meeting app serves as your all-in-one event guide by putting everything you need to know right onto your mobile device. Customize your Annual Conference experience by creating your schedule in advance, communicating with other attendees during the event, download hand-outs and material. The conference app is available for free in the App Store for iOS devices and in Google Play for Android devices. Download yours today! Search “ABA Section of International Law Events” in the App Store and Google Play, or download it directly at <https://silannual18.pathable.com/>.

DRESS CODE

For the 2018 Annual Conference, business attire is appropriate for programs and meetings as well as the planned social networking events, except we encourage casual attire for the Chair’s Closing Reception on Friday.

EVENT TICKETS

To purchase tickets to any Section sponsored ticketed events you must be registered for the meeting. Tickets for evening events are included with your all-inclusive registration fee (with the exception of the law student rate) and luncheons can be purchased on the registration form, online, or onsite the day before the events and luncheons. We regret that because we must guarantee our final numbers with the hotel and venues the day before, we cannot sell same-day tickets to either evening receptions or luncheons. There will, however, be a bulletin board at registration where meeting attendees can exchange and gift tickets.

EXHIBITION AREA

The Exhibitors and Sponsors exhibition area will be open from Tuesday, April 17 through Friday, April 20 at the Grand Hyatt. Representatives from a variety of service providers catering to the legal community will showcase their latest products and services to aid you in your practice. All meeting attendees are encouraged to visit the displays of the Section's partners throughout the meeting and in particular during the twice daily networking breaks.

PUBLICATIONS DISCOUNT (20%) FOR CONFERENCE ATTENDEES

Stop by the Section Membership and Publications Booth to preview the most popular Section titles and receive a 20% discount on all publication orders.

SPEAKER READY ROOM

The Speaker Ready Room is the Morosco conference room available from Tuesday, April 17 – Friday, April 20 from 8:00 am – 6:00 pm. This is a shared space. First come, first serve.

WIFI

Complimentary wireless internet access is available in the ABA meeting rooms and registration/networking area. Please note that the username and password are case-sensitive.

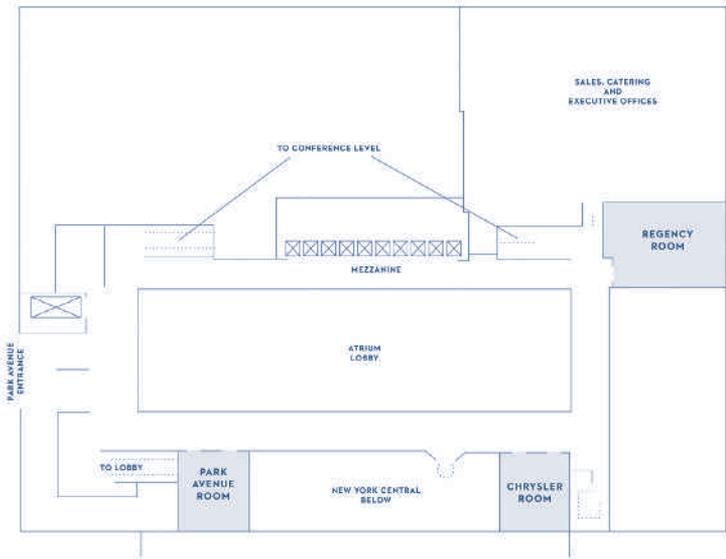
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3. Launch a web browser.
2. Connect to the Hotel Wireless Network.
4. When prompted, enter the Conference Code **“lexology”** (all lower case) and click on “submit”.
5. The conference Welcome Page will display and you can now browse the Internet.

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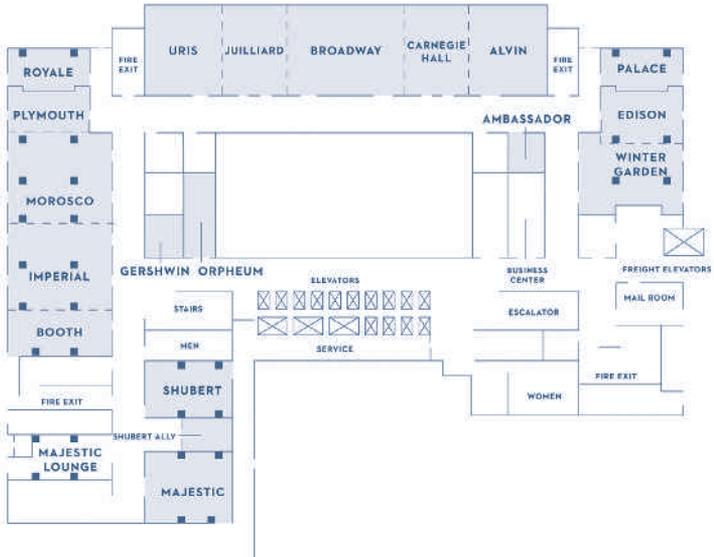
Grand Hyatt New York

HOTEL FLOOR PLANS

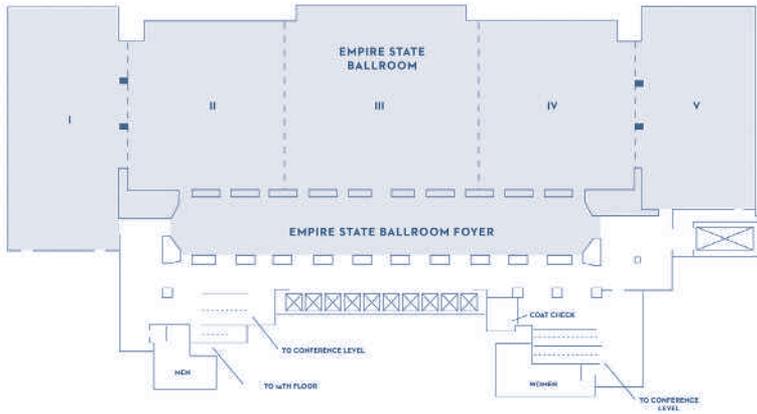
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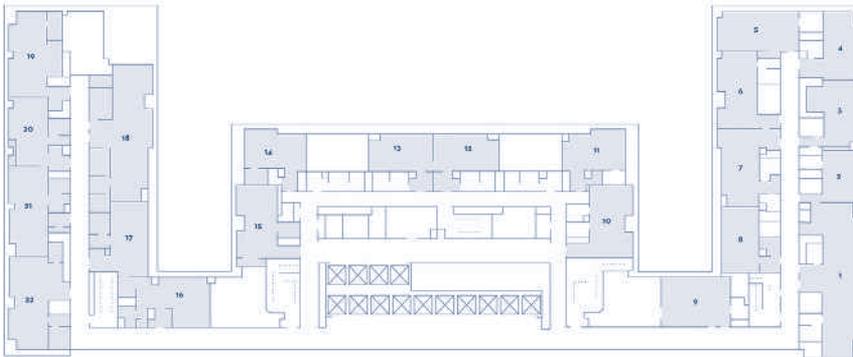
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PC: 5210301, 2016, 184 pages, Paperback, 6x9
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International Family Law Deskbook, Second Edition

The book includes extensive discussion of the international treaties that have come to form the basis for reciprocal relationships between the United States and more than eighty-five other nations, but it focuses on the law applied to these transnational family issues in the United States.
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The reputational damages that corporate clients can suffer by not integrating human rights and sustainability standards as part of their policies and operations can cause business more harm than litigation itself.
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This title provides a basic overview of the legal frameworks that govern business relationships in various markets and jurisdictions in South America.
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PC: 5210295, 2014, 489 pages, Paperback and E-book, 7x10
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Corporate Responsibility for Human Rights Impacts

Written by a highly respected panel of experts, this book examines the difficult and nuanced questions associated with key developments and trends in business and human rights law. This book contributes unique and thoughtful perspectives, legally grounded and passionately contended, to the ongoing dialogue about the intersection of human rights and corporate accountability.
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Attorneys involved in transnational operations will benefit from the experience and practical observations of dozens of transactional counsel, consultants, and executive experts on cross-border deals from around the world who offer useful insights into a host of relevant topics. This book will also help business people involved in international operations understand the role their attorneys and other supporting personnel play throughout the process of a transaction.
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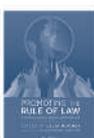
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This guide provides an overview of the bar admissions process in various jurisdictions around the globe, a process that is modeled after that generally used in the United States. For each jurisdiction, the authors provide information on the issues of language, educational requirements, character and fitness, traineeship requirements, challenges facing foreign applicants, reciprocity, and where to find additional information or who to contact about the bar admissions process.
PC: 5210218, 2012, 340 pages, Paperback, 7x10
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Promoting the Rule of Law: A Practitioner's Guide to Key Issues and Developments
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Russia Corporate, Financial, and Commercial Law

EDITED BY: SCOTT ALEXANDR SHOSTAK

Russia Corporate, Financial, and Commercial Law (Справочник По Праву России) is the only legal reference book to provide practical legal lessons from experienced experts, along with case studies that offer a detailed analysis of complex legal issues.

Following the dissolution of the Soviet Union in 1991, the Russian financial system was transformed from a centrally planned command economy to a market-based economy. With increasing business transactions and investment in Russia, implementing effective investment strategies and successful business relationships with (and between) Russian entities will require the ability to navigate the business laws of Russia.

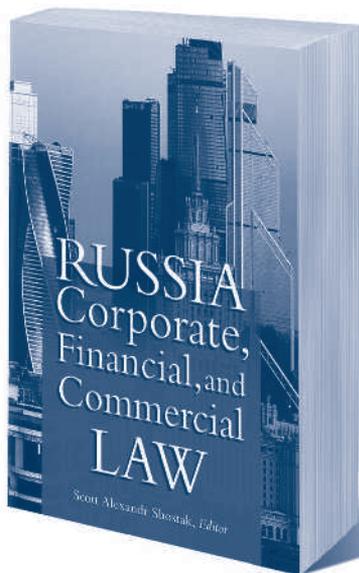
Written for attorneys, business professionals, government officials, academics, and the general public, *Russia Corporate, Financial, and Commercial Law* provides an authoritative legal resource on the Russian legal system, laws, rules, regulations, and court decisions.

CHAPTERS INCLUDE:

- Chapter 1: Russian Legal System
- Chapter 2: Russian Financial System; Overview of Transactional and Investment Laws
- Chapter 3: Overview of Mergers and Acquisitions Law in Russia
- Chapter 4: Natural Resource Law in Russia
- Chapter 5: Intellectual Property Law in Russia
- Chapter 6: Dispute Resolution in Russia: Arbitration, Mediation, and Litigation
- Chapter 7: Russian Bankruptcy, Insolvency, and Restructuring Laws

ABOUT THE EDITOR

Scott Alexandr Shostak has studied Russian law for over 25 years and provided advice to Russian government municipalities and regional offices, including as consultant to Фонд имущества санкт-петербурга, Property Fund of St. Petersburg, and КУГИ, the Mayor's Office of Saint Petersburg. He has extensive legal experience in economic development and real property law and currently practices law as a Senior Counsel for New York City Economic Development Corporation.



Product Code: 5210303
2018 • 228 pages • 7x10

List Price: \$99.95
ABA Member Price: \$84.95
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The Laws of Style

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Professional Gentleman*



We are in the midst of a cultural shift—an aesthetic inflection point—where business norms in manners of dress are changing. “Casual Friday” has given way to the full-time casual workplace. With so many sartorial options you need advice. *The Laws of Style* are just that - clear rules for sartorial presentation through the very practical viewpoint of the office reality of the service professional (lawyer, banker, accountant, consultant). And yet *The Laws* are so much more. This book is an exploration from an intrepid fellow service professional (leading fashion lawyer Douglas Hand) into spheres of self-expression with the goal of not only enhancing your career but enriching your life. To put this in some perspective: if you are a strutting fop, fresh out of graduate school, *The Laws* may rein in some of your exhibitionism. Your innate curiosity, however, will be refined and encouraged by *The Laws*, giving you a subtle sophistication within your budget. Alternatively, if you are a grinding service partner who couldn't care less about fashion, *The Laws* will escalate your style game and elevate your standing. *The Laws* will also expose you to menswear and why we wear it, giving you a degree of sartorial appreciation from which you can actually begin to revel in the self-expression your choice of dress affords you. Published by The American Bar Association, *The Laws of Style* will be released in February 2018.

Advance Praise for *The Laws of Style*:

Douglas Hand is the dapper-est dude in my hood. “The Laws of Style” is fascinating, obsessive and insanely useful.
- **Simon Doonan, Barneys New York Creative Ambassador**

Douglas is a rare animal, a man able to move as comfortably in New York fashion circles as he does in the more sober world of the law. That he can do that gives him an unparalleled platform from which to advise men on dressing for work to both fit in and stand out at the same time.

- **Nick Sullivan, Fashion Director ESQUIRE Magazine**

When I envision how my clothes are going to look on a capable man, Douglas is that man.

- **Todd Snyder, Menswear Designer**

“The Laws of Style” is a must read book offering the best advice on dressing professionally for work.

- **Steven Kolb, President of the Council of Fashion Designers of America**

To approach Douglas Hand is to behold style. Smart, handsome and gracious, Douglas also has the additional advantage of knowing how to “put himself together” for any occasion and conditions. In the endless speculation about who might be the first American to play James Bond onscreen, I submit Hand: Doug Hand.

- **Alec Baldwin, Actor**

Douglas Hand is one of the pre-eminent fashion lawyers in the United States and a generally sharp dressed man. He is a member of the Council of Fashion Designers of America (CFDA) Fashion Awards Guild and is also on the Fashion Institute of Technology (FIT) Foundation Board. Douglas is an adjunct professor of Fashion Law at both NYU School of Law and Cardozo School of Law. Ranked #8 on *The Observer's* American Menswear Power List, he has been featured and profiled in numerous media outlets including the *New York Times*, *The Wall Street Journal*, *Vanity Fair*, the *American Bar Association Journal*, *Women's Wear Daily* and *The Business of Fashion*. Before becoming a founding partner of HBA LLP, Douglas was an M&A lawyer at Shearman & Sterling LLP. He received his JD and an MBA from NYU. His ongoing musings on fashion, the law and style can be followed at @handlofthelaw.





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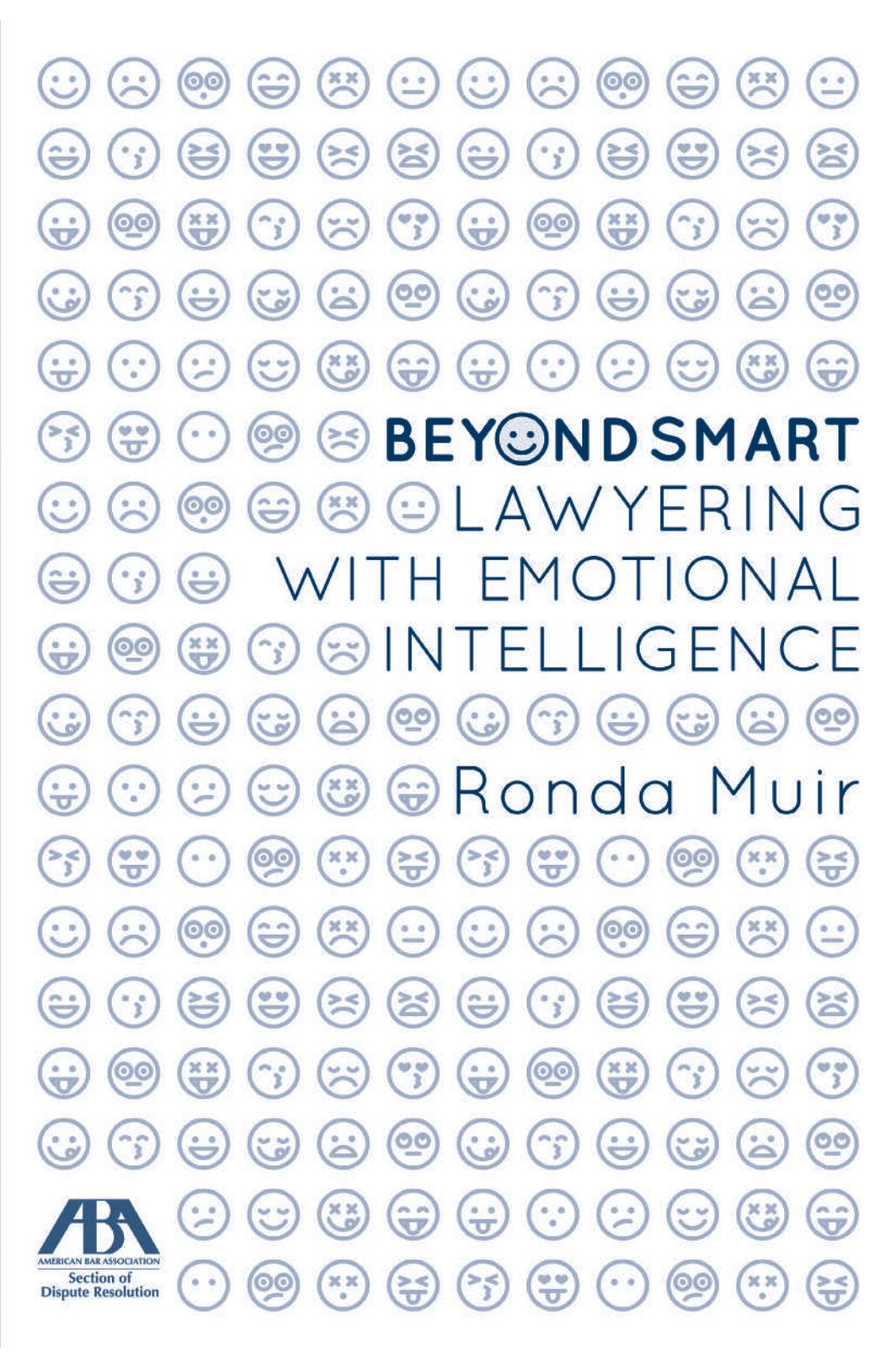
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