



## *Meeting Agenda*

**Tuesday, October 27**

**1:00 p.m. - 6:00 p.m.**  
**Registration**

**Ocean Tower Ballroom II Foyer**

**2:00 p.m. - 3:30 p.m.**

**Ocean Tower Ballroom II Salon C**

**Associates Boot Camp: Nuts and Bolts of Drafting for Clients**

**Young Lawyers**

So, you think you can write? Find out what clients are looking for and how to tailor your writing, not for professors or judges, but for the people who really need to understand what you're saying. Practical tips are the center point of this writing workshop, which focuses on the critical skills of drafting for clients - analysis, organization, drafting, editing and presentation. Your future clients will thank you!

**Sponsoring Committees:**

*Law Student, LL.M., and New Lawyer Outreach Committee; Young Lawyers Interest Network (YIN)*

*Program Chair:*

**Jen Green**, Linklaters LLP, London, United Kingdom

*Moderator:*

**Russell W. Dombrow**, Huron Consulting Group, Miramar, Florida

*Speakers:*

**Jason Palmer**, Stetson University College of Law, Gulfport, Florida

**Iselin Gambert**, The George Washington University Law School, Washington, DC

**3:30 p.m. - 5:00 p.m.**

**Ocean Tower Ballroom II Salon C**

**Associates Boot Camp: Nuts and Bolts of Ethical Considerations in International Business**

**Young Lawyers**

*(This program to qualify for ethics CLE)*

Spotting ethical red flags: You've advised your client on corporate formalities, registering to do business, investment and trade regulations, intellectual property protections and tax law in

anticipation of a cross-border transaction, and have finally put your feet up at the end of the day to relax. But can you rest easy, or have you forgotten a key ethical rule that could put your practice (or your firm's professional indemnity insurance) at risk? Sleep easy after this panel, where we consider the main ethical problems and complications that we face as international practitioners. From cross-border transactions and multiple jurisdictional admissions to alternative dispute resolution, this is a program every international lawyer (or lawyer-to-be) must attend!

**Sponsoring Committees:**

*Law Student, LL.M., and New Lawyer Outreach Committee; Young Lawyers Interest Network (YIN)*

*Program Chair:*

**Jen Green**, Linklaters LLP, London, United Kingdom

*Moderator:*

**Russell W. Dombrow**, Huron Consulting Group, Miramar, Florida

*Speakers:*

**Honorable Susan Criss**, 212<sup>th</sup> Judicial District Court of Galveston, Galveston, Texas

*(Invited)*

**Bryan Harrison**, University of Miami School of Law, Coral Gables, Florida

**Jan Jacobowicz**, University of Miami School of Law, Coral Gables, Florida

**Brian Nelson**, American University Washington College of Law, Washington, DC

**Wendi Ribaud**, University of Miami School of Law, Coral Gables, Florida

**Daniel Schwartz**, University of Miami School of Law, Coral Gables, Florida

**5:00 p.m. - 6:30 p.m.**

**Ocean Tower Ballroom II Salon C**

**Associates Boot Camp: Pathways to Employment in International Law**

**Young Lawyers**

"How-to" for law students looking to launch their career in international law, young lawyers seeking to transition their skills into the global arena, or experienced practitioners who wish to expand their practices into international law. Top practitioners speak frankly about their formative experiences and tips they have about getting your foot in the door - from job skills and law school courses to take (or miss!), to interview tips and where to spend those critical summer breaks...

**Sponsoring Committees:**

*Law Student, LL.M., and New Lawyer Outreach Committee; Young Lawyers Interest Network (YIN)*

*Program Chairs:*

**Jen Green**, Linklaters LLP, London, United Kingdom

**Russell W. Dombrow**, Huron Consulting Group, Miramar, Florida

*Moderator:*

**Jennifer Dabson**, Office of Special Events and Continuing Legal Education, American University Washington College of Law, Washington, DC

*Speakers:*

**Joshua L. Fellenbaum**, Sydney, Australia

**George R. Harper**, Harper Meyer Perez Hagen O'Connor & Albert LLP, Miami, Florida

**Eduardo "Ed" A. Ramos**, Holland & Knight LLP, Miami, Florida

**6:30 p.m. - 7:30 p.m.**

**Ocean Tower Ballroom II Salon B**

**Speed Networking - Opportunity to Meet ABA Leadership and International Lawyers**

**Young Lawyers, Law Practice**

Back by popular demand, because we had so much fun the first time! Start the 2009 Fall Meeting by getting to know ABA International's Leadership, other international lawyers, and others aspiring to be international lawyers. Bring your business cards. Participants will have the opportunity to engage in a number of speed networking rounds to learn about each other or make business opportunities. With this program, there is no need to break the ice. It's already done for you. Just take a seat and start talking!

**Sponsoring Committees:**

*Women's Interest Network (WIN); Sexual Orientation and Gender Identity Issues Network (GIN); Young Lawyers Interest Network (YIN); Law Student, LL.M., and New Lawyer Outreach Committee; Membership Committee*

*Program Chairs:*

**Cyndee Todgham Cherniak**, Lang Michener LLP, Toronto, Ontario, Canada  
**Janet H. Moore**, International Lawyer Coach, Houston, Texas

*Moderator:*

**Cyndee Todgham Cherniak**, Lang Michener LLP, Toronto, Ontario, Canada

*Speaker:*

**Juliana Garcia**, International Strategy & Business Development Advisory, New York, New York

**7:30 p.m. - 9:00 p.m.**

**Palm Terrace**

*Event Free to all Fall Meeting Attendees – Ticket required for admission*

**WIN / SIN / GIN / YIN / Outreach Welcome to Florida Reception**

*Sponsored by The Florida Bar International Law Section*



## *Meeting Agenda*

**Wednesday, October 28**

**7:00 a.m. - 6:00 p.m.**  
**Registration**

**Ocean Tower Ballroom II Foyer**

**7:00 a.m. - 6:00 p.m.**  
**Exhibits and Cyber Cafe**

**Ocean Tower Ballroom II Salon A**

**7:15 a.m. - 8:30 a.m.**  
**Continental Breakfast**

**Ocean Tower Ballroom II Salon A**

**8:15 a.m. - 9:30 a.m.**  
*Breakfast at the Bar Series*

**Ocean Tower Ballroom I Salon B**

### **Who are Mareva, Anton Piller and What are they Doing in my Court? Dispute Resolution/Litigation, Corporate Counsel**

This program will discuss “Mareva injunctions” and the possibility of a new law that affords pre-judgment relief that ensures a collection pool in money damages cases. So far, the experience in the U.S. with regard to this common law remedy utilized in other common law jurisdictions such as England and Canada. At present, the Uniform Law Commission is studying whether a model law would be appropriate. Other types of remedies, such as enforcement of foreign injunctions or orders preserving evidence, are more common abroad, but are starting to find their way into American courtrooms. This program discusses these remedies, and includes Canadian lawyers to discuss their experiences, as well as the director of the Uniform Law Commission to explain the process and impact of uniform laws.

#### **Sponsoring Committees:**

*International Litigation Committee*

#### *Program Chair:*

**Steven M. Richman**, Duane Morris LLP, Princeton, New Jersey

#### *Moderator:*

**Glenn P. Hendrix**, Arnall Golden Gregory LLP, Atlanta, Georgia

*Speakers:*

**Jon-David Giacomelli**, Ross & McBride LLP, Toronto, Ontario, Canada

**Elissa M. Goodman**, Borden Ladner Gervais LLP, Toronto, Ontario, Canada

**Guy Lipe**, Vinson & Elkins LLP, Houston, Texas

**Steven M. Richman**, Duane Morris LLP, Princeton, New Jersey

**John A. Sebert**, National Conference of Commissioners on Uniform State Laws, Chicago, Illinois

**8:15 a.m. - 9:30 a.m.**

**Ocean Tower Ballroom I Salon C**

*Breakfast at the Bar Series*

## **Managing Acquisitions in a Fire Sale Environment – Opportunities and Pitfalls in Latin America**

**Business/Transactional, Latin America/Caribbean**

In several markets around the world, including Latin America and the US, liquidity shortages, over leveraged positions, bank failures and government intervention is forcing companies to sell-off assets. Speed, more than price, is paramount to the success of these deals. This represents a quantifiable opportunity for buyers who have managed to hoard cash through the financial crisis. Leading the charge are PE and VC firms as well as wealthy individuals who can approve a purchase quickly. Countering the opportunity is the considerable risk that comes with buying assets with minimal time to conduct proper due diligence. Buyers, and their advisors need to be better informed of both the opportunities – where they can be found and who are the new buyers as well as the risks – an explanation of the best practices undertaken by savvy investors to avoid or mitigate risks associated with these attractive investments.

*Program Chair:*

**John Price**, Krill, Miami, Florida

**Andrew J. Markus**, Carlton Fields PA, Miami, Florida

*Moderator:*

**Ian McCluskey**, Krill, Miami, Florida

*Speakers:*

**Cate Ambrose**, Latin American Venture Capital Association, New York, New York

**Jose Miguel Fuster**, Darby Overseas Investments, Ltd., Washington, DC

**John Price**, Krill, Miami, Florida

**9:45 a.m. - 10:30 a.m.**

**Mona Lisa**

## **Welcome Remarks – Stephen N. Zack**

Members of the Section and attendees to the 2009 Fall Meeting will be welcomed to Miami Beach and to South Florida, by Stephen N. Zack, *President-Elect* of the American Bar Association.

## **Opening Plenary Address – Dr. Hernando de Soto**

This year's Fall Meeting will kick off with a keynote address by the renowned Dr. Hernando de Soto, President of Peru's Institute for Liberty and Democracy, on the topic of the world economic crisis. *Time* magazine has chosen de Soto as one of the five leading Latin American innovators of the century and among the 100 most influential people in the world. He has also been listed by *Forbes* magazine as one of the 15 innovators "who will reinvent your future," and in 2005, readers of *Foreign Policy* magazine in the U.S. and *Prospect* magazine of the UK ranked him among the top 13 "public intellectuals" in the world. Dr. De Soto is also a dynamic and engaging speaker, and no one will leave the conference without fresh insights into the current situation.

**10:30 a.m. - 10:45 a.m.**  
**Networking Break**

**Ocean Tower Ballroom II Salon A**

**10:45 a.m. - 12:15 p.m.**

**Ocean Tower Ballroom I Salon C**

**Public Private Partnerships- Opportunities Worldwide for Your Clients  
Business/Transactional, International Trade/Regulatory**

The emphasis on economic stimulus in the U.S. has spurred states to consider how to build the numerous infrastructure projects that may be required as a matter of safety and public welfare. Europe and Canada are far ahead of the U.S. in developing partnerships between government and the private sector, so called Public Private Partnerships or P3s, that allow crucial projects to be built much more quickly and with less public funding. This program will provide attendees with background into how these projects are developed, why Europe and Canada are ahead of the U.S., and what the U.S. government and the States are doing to facilitate P3s. It will also provide practical pointers to help attendees represent the inevitable non-U.S. P3 sponsor who expresses an interest in P3s in their states.

**Sponsoring Committees:**

*International Procurement Committee; International Commercial Transactions, Franchising and Distribution Committee*

*Program Chairs:*

**Andrew J. Markus**, Carlton Fields PA, Miami, Florida  
**Paul Lalonde**, Heenan Blaikie, LLP, Toronto, Ontario, Canada

*Moderator:*

**Andrew J. Markus**, Carlton Fields PA, Miami, Florida

*Speakers:*

**Cristina Alvarez**, Cintra Concesiones de Infraestructuras de Transporte, S.A., Madrid, Spain  
**Julia Paschal Davis**, Office of the Maryland Attorney General, Baltimore, Maryland  
**Ilan Dunskey**, Heenan Blaikie, LLP, Toronto, Ontario, Canada  
**Douglas Fried**, Chadbourne & Parke LLP, New York, New York

**10:45 a.m. - 12:15 p.m.**

**Ocean Tower Ballroom II Salon B**

**American Diversity Objectives: Demands of In-House Counsel and Latin  
American Business  
Corporate Counsel, Law Practice, Latin America/Caribbean**

Corporate client demands for greater diversity, inclusion and equality among outside counsel have helped drive the legal profession's interest in and commitment to diversity. For multinational corporations and law firms, however, issues of diversity, inclusion and equality are not always quite the same as in the United States. Different laws, customs, religious beliefs, histories and experiences make diversity, inclusion and equality a particular challenge for the corporation or law firm striving for consistent and egalitarian treatment of and policies for a global workforce while still trying to promote diversity in a meaningful global context. Even diversity "buzzwords" and semantics can vary significantly from nation to nation. In this session we will examine how multinational corporations doing business in Latin America define diversity, the types of diversity strategies they are implementing, and the recommendations they would offer to other lawyers seeking to promote diversity in the US and Latin America.

**Sponsoring Committees:**

*International Corporate Counsel Forum; U.S. Lawyers Practicing Abroad; Young Lawyers Interest Network (YIN); Women's Interest Network (WIN)*

*Program Chairs:*

**Ingrid Busson**, Calyon, New York, New York  
**Sandra Yamate**, Chicago, Illinois

*Moderator:*

**Sandra Yamate**, Chicago, Illinois

*Speakers:*

**Donise E. Brown**, Starbucks Coffee Company, Hollywood, Florida  
**Willie Miller**, Kraft Foods, Inc., Northfield, Illinois  
**Antonio C. Franck**, Haynes and Boone, LLP, Mexico City, Mexico  
**Robert Ivanschitz**, Legal and Corporate Affairs Central America, Microsoft Corporation, Redmond, Washington

**10:45 a.m. - 12:15 p.m.**

**Ocean Tower Ballroom I Salon B**

**Determination of Foreign Law Before National Courts  
Dispute Resolution/Litigation**

Think you have your forum selection all figured out? What happens if the selected forum decides to subject the dispute to a foreign law? Will some neutral academic hijack the proceedings? Did you know some national courts take up to five years to make rulings on rudimentary questions of foreign law – and what comes out is often unrecognizable? Come and find out the rules of the game and what you can do as an advocate to retain some control and influence. Leading academics and practitioners will show you the ropes and map out strategies for effective representation.

**Sponsoring Committees:**

*Intellectual Property Rights Committee; International Litigation Committee*

*Program Chair:*

**Peter M. Haver**, Denkl Mirow & Haver, Düsseldorf, Germany

*Moderator:*

**Peter M. Haver**, Denkl Mirow & Haver, Düsseldorf, Germany

*Speakers:*

**Paulo Brancher**, Barretto Ferreira, Kujawski, Brancher e Gonçalves – Sociedade de Advogados, São Paulo, Brazil  
**Elizabeth Chien-Hale**, Institute for Intellectual Property in Asia, Fremont, California  
**Joseph E. Neuhaus**, Sullivan & Cromwell LLP, New York, New York  
**Michael D. Nolan**, Milbank, Tweed, Hadley & McCloy LLP, Washington, DC  
**Louise Ellen Teitz**, Roger Williams University School of Law, Bristol, Rhode Island

10:45 a.m. - 12:15 p.m.

Ocean Tower Ballroom II Salon C

**Climate Change and the Looming North/South Trade Battle**  
**International Trade/Regulatory, Latin America/Caribbean**

Climate change presents huge challenges for governments, business and citizens alike. As countries begin to restrict carbon emissions, the regulatory burden threatens to push emission-intensive activities offshore. Carbon leakage undercuts emission reductions and threatens to penalize countries that regulate emissions by transferring jobs to countries that do not. Developed country governments are countering this threat by considering adoption of emission allowances, carbon tariffs and other import restrictions to offset carbon leakage. Developing countries claim that these measures are contrary to international trade obligations and that they should not have to bear the burden of combating climate change at the expense of their development prospects. The implications are potentially troublesome for all, and pit north against south, poor countries against rich, environment against labor.

**Sponsoring Committees:**

*International Environmental Law Committee; International Corporate Counsel Forum; International Trade Committee; China Committee*

*Program Chair:*

**Milos Barutciski**, Bennett Jones LLP, Toronto, Ontario, Canada

*Moderator:*

**Milos Barutciski**, Bennett Jones LLP, Toronto, Ontario, Canada

*Speakers:*

**Vladimir Miranda Abreu**, TozziniFreire Advogados, São Paulo, Brazil

**Lester Ross**, Wilmer Cutler Pickering Hale and Dorr LLP, Beijing, China

**Andrew Shoyer**, Sidley Austin LLP, Washington, DC

**Gray Taylor**, Bennett Jones LLP, Toronto, Ontario, Canada

10:45 a.m. - 12:15 p.m.

Mona Lisa

*This program will also be offered via teleconference.*

**Damned If You Do, Damned If You Don't: Navigating Conflicting U.S. and Foreign Regulation of Investment and Trade With Cuba**

**Cuba, Latin America/Caribbean, International Trade/Regulatory, Young Lawyers**

*(This program to qualify for ethics CLE)*

How do you advise your client when compliance with one country's laws violates the laws of another? Elements of the U.S. trade embargo of Cuba seek to impose sanctions of one form or another on non-U.S. entities that engage in business with Cuba. Simultaneously, "blocking measures" in Canada, Mexico and Europe penalize companies that comply with the U.S. trade embargo. Often, these conflicting regimes force companies to decide between violating the laws of one jurisdiction or another. The situation has intensified in recent years as trade and investment in Cuba has increased and as economies (particularly Canada, the U.S. and Mexico) have become more integrated. Leading practitioners and in-house counsel will provide an overview of key measures of U.S. and foreign regimes and discuss the design and implementation of compliance strategies that address these conflicts and minimize exposure to enforcement action in one or more jurisdictions.

**Sponsoring Committees:**

*Canada Committee; Export Controls and Economic Sanctions Committee; Latin American and Caribbean Committee; International Trade Committee; Mexico Committee; Europe Committee; International Investment and Development Committee; International Financial Products and Services Committee; International Corporate Counsel Forum*

*Program Chair:*

**John W. Boscariol**, McCarthy Tétrault LLP, Toronto, Ontario, Canada

*Moderator:*

**John W. Boscariol**, McCarthy Tétrault LLP, Toronto, Ontario, Canada

*Speakers:*

**H. Scott Fairley**, Theall Group LLP, Toronto, Ontario, Canada

**Peter L. Flanagan**, Covington & Burling LLP, Washington DC

**John Grayston**, Grayston & Company, Brussels, Belgium

**Luis F. Martinez**, Basham, Ringe y Correa, S.C., Mexico City, Mexico

**10:45 a.m. - 12:15 p.m.**

**Rivo Alto**

**Trends & Recent Developments in Regulating Non-Governmental Organizations****Public International Law/Rule of Law, International Trade/Regulatory**

Recently, several states have taken dramatic legislative action to regulate the nature and scope of nongovernmental organization (NGO) activities. In some cases, these regulations have sought to restrict issues NGOs may address, or constrain their access to third-party funding. Governments have justified these measures as necessary in the face of alleged NGO corruption and interference in the political process. However, other observers view these laws as thinly veiled attempts to limit NGO influence across a wide range of matters ranging from human rights to greater government transparency. A panel of experts will examine the content and impact of legislative initiatives in Africa, China, and Latin America and the Caribbean, as well as efforts within the NGO community to define and implement internal accountability norms for the industry. Building on these presentations, a brief workshop session with audience members will help identify potential responses to some of the challenges raised.

**Sponsoring Committees:**

*NGO and Not-for-Profit (NGO-NPO) Organizations Committee; Latin America and Caribbean Committee; International Human Rights Committee; Goal VIII Rule of Law Committee*

*Program Chairs:*

**Robert C. Blitt**, Chair, University of Tennessee College of Law, Knoxville, Tennessee

**David S. Fushtey**, The Governance Counsel, Vancouver, British Columbia, Canada

*Moderator:*

**Leon Irish**, President, International Center for Civil Society Law, Crownsville, Maryland

*Speakers:*

**Robert C. Blitt**, University of Tennessee College of Law, Knoxville, Tennessee

**Adriana Ruiz-Restrepo**, RRA Attorneys, Bogotá, Colombia

**Karla Simon**, Catholic University of America Columbus School of Law, Washington DC

**Eduardo Szazi**, Szazi Bechara Advogados, São Paulo, Brazil

**12:30 p.m. - 1:45 p.m.**

**Ocean Tower Ballroom I Salon A**

*Ticketed Event*

**Luncheon with Assistant Secretary of State for Western Hemisphere Affairs  
Thomas A. Shannon, Jr.**

Thomas A. Shannon, Jr. is currently the Assistant Secretary of State for Western Hemisphere Affairs. He has been a career member of the Senior Foreign Service, serving as Special Assistant to the President and Senior Director for Western Hemisphere Affairs at the National Security Council from 2003 to 2005. From 2002 to 2003, he was Deputy Assistant Secretary of Western Hemisphere Affairs at the Department of State, where he was Director of Andean Affairs from 2001 to 2002. He was also U.S. Deputy Permanent Representative to the Organization of American States (OAS) from 2000 to 2001.

He has served as Director for Inter-American Affairs at the National Security Council from 1999 to 2000; as Political Counselor at the U.S. Embassy in Caracas, Venezuela from 1996 to 1999; and as Regional Labor Attaché at the U.S. Consulate General in Johannesburg, South Africa from 1992 to 1996.

During his career as a Foreign Service Officer, Mr. Shannon also served as Special Assistant to the Ambassador at the U.S. Embassy in Brasilia, Brazil from 1989 to 1992; as Country Officer for Cameroon, Gabon, and Sao Tome and Principe from 1987 to 1989; and as the Consular/Political Rotational Officer at the U.S. Embassy in Guatemala City, Guatemala from 1984 to 1986. On June 1, 2009, Assistant Secretary Shannon was nominated to be the next U.S. Ambassador to Brazil and awaits Senate confirmation.

The topic of his luncheon address will be an *Overview of U.S. Foreign Policy in the Western Hemisphere*.

**2:00 p.m. - 3:30 p.m.**

**Ocean Tower Ballroom II Salon B**

**Ethical and Legal Considerations in Dealing with Compliance, Document Management and eDiscovery in the Global Financial Crisis: View from the Inside**

**Corporate Counsel, Dispute Resolution/Litigation**

*(This program to qualify for ethics CLE)*

The program will feature in-house counsel providing real life advice on ethical and legal issues resulting from the Global Financial Crisis and the dilemma of providing a Corporate Compliance Program, Document Retention Program and adequate eDiscovery Protocols in the time of limited financial resources in their company. What is the baseline? What is the legal minimum? What is the ethical minimum in the time of credit default swaps, Ponzi schemes, government bailouts and limited corporate budgets? Companies struggle to deal with these cutting edge issues. What is the right thing to do?

**Sponsoring Committees:**

*Corporate Social Responsibility Committee; Foreign Legal Consultant Committee; International Corporate Counsel Forum; International Litigation Committee*

*Program Chairs:*

**Carole Basri**, Corporate Lawyering Group LLC, New York, New York  
**Albert Garrofé**, Cuatrecasas Gonçalves Pereira, New York, New York

*Moderator:*

**Carole Basri**, Corporate Lawyering Group LLC, New York, New York

*Speakers:*

**Carmen Araujo**, International Operations, General Motors Company, Fort Lauderdale, Florida

**David A. Lewis**, Proskauer Rose LLP, New York, New York

**Simon Strong**, FTI Consulting, Inc., Miami, Florida

**2:00 p.m. - 3:30 p.m.**

**Ocean Tower Ballroom I Salon B**

**Old Law, New Facts: Madoff, Fraud and the TransAtlantic Perspective  
Dispute Resolution/Litigation, Latin America/Caribbean**

There is nothing new about Ponzi schemes, but there is something new about the magnitude and global involvement of the frauds perpetrated by Bernie Madoff and others. This program looks at financial fraud in the new millennium from both legal and practical perspectives, focusing on the civil remedies available to practitioners where both common and civil law jurisdictions are involved, the search for assets and how the applicable law transcends national boundaries.

**Sponsoring Committee:**

*International Litigation Committee*

*Program Chair:*

**Steven M. Richman**, Duane Morris LLP, Princeton, New Jersey

*Moderator:*

**Kieran Cowhey**, Dillon Eustace, Dublin, Ireland

*Speakers:*

**Justice Carolyn Berger**, Delaware Supreme Court, Wilmington, Delaware

**Dieter A. Hofmann**, Walder Wyss & Partners, Zurich, Switzerland

**Kate Matthews**, Shadbolt LLP, London, United Kingdom

**Marvin G. Pickholz**, Duane Morris LLP, New York, New York

**2:00 p.m. - 3:30 p.m.**

**Ocean Tower Ballroom II Salon C**

**Cartel and Leniency in Latin America at Times of Crisis: Lessons to be  
Learned from the U.S. and EU Experiences  
International Trade/Regulatory, Latin America/Caribbean**

The current financial crisis has had a ripple effect around the world. In an attempt to mitigate its devastating effects, companies all over the world might be tempted to reach out to their competitors thereby engaging in conduct targeted by antitrust law in various jurisdictions. The risk of such behavior may be greater for Latin American companies due to local managers' general unawareness of antitrust regulations.

While many of the controversies surrounding parallel cartel investigations in the United States and Europe are settled, or at least well identified, their interaction with Latin American competition regimes poses practical questions that remain unanswered. This program will discuss the main aspects of cartel prosecution and leniency procedure in different Latin American countries that have

recently introduced leniency programs, with a particular focus on multi-jurisdictional prosecution involving the United States and/or the European Union.

**Sponsoring Committees:**

*Latin America and Caribbean Committee; International Corporate Counsel Forum; International Antitrust Law Committee*

*Program Chairs:*

**Alfredo O'Farrell**, Marval, O'Farrell & Mairal, Buenos Aires, Argentina  
**Susana Cabrera**, Garrigues, Madrid, Spain

*Moderator:*

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

*Speakers:*

**Susana Cabrera**, Garrigues, Madrid, Spain  
**Enrique Felices**, Miranda & Amado Abogados, Lima, Peru  
**Daryl A. Libow**, Sullivan & Cromwell LLP, Washington, DC  
**Carlos Umaña Trujillo**, Brigard & Urrutia, Bogotá, Colombia  
**Cristianne Saccab Zarzur**, Pinheiro Netto Advogados, São Paulo, Brazil

**2:00 p.m. - 3:30 p.m.**

**Mona Lisa**

**The U.S. and Post-Fidel Cuba: History, Opportunities, and Challenges for the Future**

**Cuba, Latin America/Caribbean, International Trade/Regulatory**

The relationship between Cuba and the United States has been a particularly stormy one over the past 50 years. The proximity of the island nation and its historical, cultural and economic links to the United States have made the antagonism all the more dramatic. As Fidel Castro has faded from the Cuban political scene, and the Obama administration has taken concrete steps to review and revise its policy towards the island nation, interest in the future of the relationship has grown. This program will present a brief overview of U.S. - Cuba relations, the development and implementation of U.S. sanctions against the Cuban government, the current status of U.S. legislation and regulation related to Cuba, the issues surrounding U.S. claims for expropriated assets and the prospects for change in the legal and policy framework. The program will also go into some detail on the prospects for future housing and commercial property development in Cuba.

*Program Chair:*

**Jose A. Santos, Jr.**, JM Dealer Services, Inc., Deerfield Beach, Florida

*Moderator:*

**Pedro A. Freyre**, Akerman Senterfitt, Miami, Florida

*Speakers:*

**George R. Harper**, Harper Meyer Perez Hagen O'Connor & Albert LLP, Miami, Florida  
**Maria de Lourdes Duke**, Fundacion Amistad, New York, New York  
**Raúl Rodriguez**, Rodriguez and Quiroga Architects, Coral Gables, Florida

**2:00 p.m. - 3:30 p.m.**

**Rivo Alto**

## **Trafficking in Persons: The Challenges of Victim Protection**

**Public International Law/Rule of Law**

Trafficking in persons (TIP) is a worldwide criminal offense that impedes upon the fundamental human rights of an alarming number of individuals. The International Labor Organization (ILO) indicates that there are 12.3 million people in forced labor, bonded labor, forced child labor and sexual servitude at any given time. Other estimates indicate that anywhere from four to 27 million have fallen prey to such acts. TIP often works in concert with other crimes like money laundering and forces individuals into severely debilitating situations. Ambassador Luis CdeBaca, who directs the Office to Monitor and Combat Trafficking in Persons at the U.S. Department of State, will lead the discussion by explaining the US government's current efforts to prosecute traffickers while properly assisting victims. Panelists will then expand on international standards that emphasize the importance of TIP victim assistance and protection as well as discuss process related challenges that prevent countries from fulfilling such international obligations. While governments legally bind themselves to instruments like the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, practice has shown that national implementation of victim protection measures can be less than adequate. Panelists will suggest ways in which such challenges can be overcome.

### **Sponsoring Committees:**

*International Human Rights Committee; UN and International Institutions Coordinating Committee; International Anti-Money Laundering Committee; Immigration and Naturalization Committee;*

### **Other Sponsors:**

*ABA-UNDP International Legal Resource Center; ABA Center for Human Rights; ABA Commission on Immigration; ABA Rule of Law Initiative Latin America and the Caribbean Program*

### *Program Chairs:*

**Isabella Bunn**, Oxford University Regent's Park College, Oxford, United Kingdom  
**Don S. DeAmicis**, Ropes & Gray LLP, Boston, Massachusetts

### *Moderator:*

**Don S. DeAmicis**, Ropes & Gray LLP, Boston, Massachusetts

### *Speakers:*

**Ambassador Luis CdeBaca**, Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, Washington, DC  
**Jonathan Todres**, Georgia State University College of Law, Atlanta, Georgia  
**Ana Isabel Vallejo**, Lucha: A Women's Legal Project, Florida Immigrant Advocacy Center, Miami, Florida

**3:30 p.m. - 4:00 p.m.**

**Ocean Tower Ballroom II Salon A**

**Networking Break**

4:00 p.m. - 5:30 p.m.

Ocean Tower Ballroom I Salon C

## Cybercrime Across Borders: The Pitfalls and Remedies

Business/Transactional, Dispute Resolution/Litigation

The world now lives in the computer age. Internet security breaches cause billions of dollars in losses to private and public entities on an annual basis. Most of these losses are never recovered, but the majority of them could have been prevented. Cybercrime, which includes computer hacking, fraud, and the theft of proprietary information, can be prosecuted effectively and much of it can be prevented. A panel of experts from law enforcement agencies and the private sector explain how the increasing threat to computer databases and to the internet can be addressed, and how so much of global cybercrime can be deterred.

### Sponsoring Committee:

*International Criminal Law Committee*

*Program Chair & Moderator:*

**Alexander Vesselinovitch**, Katten Muchin Rosenman LLP, Chicago, Illinois

*Speakers:*

**Kyle French**, Computer Crimes Division, Office of the Illinois Attorney General, Chicago, Illinois

**Sigal P. Mandelker**, Proskauer Rose LLP, New York, New York

**Shawn Henry**, Federal Bureau of Investigation, Washington DC

**Lucy L. Thomson**, Enforcement, Security and Intelligence Division, CSC, Washington, DC

4:00 p.m. - 5:30 p.m.

Ocean Tower Ballroom II Salon B

## State of Necessity and *Force Majeure* in an Age of Global Economic Crisis

Corporate Counsel, Dispute Resolution/Litigation

The emergency exception doctrines of state of necessity and *force majeure* are well known in customary international law. The former came to particular reknown in the context of investment arbitration following Argentina's 2001 financial crisis. ICSID tribunals established under the U.S.-Argentina Bilateral Investment Treaty took differing views about the respondent state's ability to rely on the doctrine to avoid its treaty obligations towards foreign investors. In the current global crisis, it is foreseeable that these emergency doctrines may be invoked more frequently by states seeking to balance their international obligations against threats to their essential interests. It is timely and imperative to re-examine these doctrines. Who should bear the burdens of the current crisis? Are the standards for invoking these doctrines self-judging or are they subject to arbitral determination? What is the necessity doctrine's scope in the wake of the Argentine cases? This panel will explore these and other pressing questions, which undoubtedly will have significant implications for foreign investors and for investor-state arbitration.

### Sponsoring Committees:

*International Arbitration Committee; International Investment and Development Committee*

*Program Chair:*

**Mark McNeill**, Shearman & Sterling LLP, Paris, France

*Moderator:*

**Mark McNeill**, Shearman & Sterling LLP, Paris, France

*Speakers:*

**Gabriel Bottini**, Office of the Solicitor General for the Republic of Argentina, Buenos Aires, Argentina  
**Mélida Hodgson**, Foley Hoag LLP, Washington, DC  
**Ian Laird**, Crowell & Moring LLP, Washington, DC  
**Roberto J. Aguirre Luzi**, King & Spalding LLP, Houston, Texas

**4:00 p.m. - 5:30 p.m.**

**Ocean Tower Ballroom I Salon B**

**Effective Use of American Discovery Methods in Disputes Before Foreign Courts**

**Dispute Resolution/Litigation**

*(This program to qualify for ethics CLE)*

This session will feature a panel discussion of civil law lawyers and U.S. attorneys of the use of U.S. discovery procedures in aid of foreign litigation and arbitration, including those provided for by 28 U.S.C. Section 1782. The panelists will provide an overview of available techniques, analyze when and how they can best be used and offer advice and strategies for maximizing their effectiveness. The objectives of the session will include developing a list of practical considerations for non-U.S. lawyers to take into account before pursuing U.S. discovery and issues of which their American counterparts should be aware when conducting discovery for use abroad.

**Sponsoring Committees:**

*International Commercial Transactions, Franchising and Distribution Committee; International Arbitration Committee; International Litigation Committee*

*Program Chair:*

**Marielle Koppenol-Laforce**, Houthoff Buruma, N.V., Rotterdam, The Netherlands

*Moderator:*

**Luis M. O'Naghten**, Akerman Senterfitt, Miami, Florida

*Speakers:*

**Marielle Koppenol-Laforce**, Houthoff Buruma N.V., Rotterdam, The Netherlands  
**Nathan O'Malley**, Conway & Partners, Rotterdam, The Netherlands  
**Lawrence Schaner**, Jenner & Block LLP, Chicago, Illinois  
**Dr. Christof Siefarth**, Görg Rechtsanwälte, Köln (Cologne), Germany

4:00 p.m. - 5:30 p.m.

**Mona Lisa**

**SHOWCASE PROGRAM**

**Cuba in Transition: The Future of Property**

**Cuba, Latin America/Caribbean, Business/Transactional**

After fifty years of communist control, Cuba appears to be at the threshold of change. Over the last twenty years many communist countries transitioned to democratic capitalism. Poland, Hungary and other nations emerged as strong independent economies and nations. Are there similarities and differences that can provide an image of what Cuba may look like in ten or twenty years? What is the future of private property as a constitutional concept in Cuba?

*Program Chairs:*

**Andrew J. Markus**, Carlton Fields PA, Miami, Florida

**Professor Jon Mills**, University of Florida Levin College of Law, Gainesville, Florida

*Moderator:*

**Professor Jon Mills**, University of Florida Levin College of Law, Gainesville, Florida

*Speakers:*

**Yosbel Ibarra**, Greenberg Traurig, LLP, Miami, Florida

**Augusto Maxwell**, Akerman Senterfitt, Miami, Florida

**Roland Sanchez-Medina, Jr.**, Sanchez-Medina and Associates, P.A., Coral Gables, Florida

4:00 p.m. - 5:30 p.m.

**Rivo Alto**

**Mediating International Child Abduction Cases and Other High Conflict**

**Cross-Border Custody Disputes**

**Public International Law/Rule of Law, Young Lawyers**

There is increased momentum in the international community for mediation of cross-border child custody and visitation disputes. Recent initiatives in Europe and South America have demonstrated that mediation can be an effective means of dispute resolution in these legally complex and logistically challenging cases. In this session, a panel of distinguished practitioners and academics will discuss legal, practical, ethical and cultural issues that impact international child custody disputes. The panel will share observations and insights in the struggle to protect “the child’s best interest” in the context of nationalism and The Hague Convention on Civil Aspects of International Child Abduction.

**Sponsoring Committees:**

*International Family Law Committee; International Mediation Committee*

*Program Chairs:*

**Melissa Kucinski**, Bulman, Dunic, Burke & Feld, Chtd., Bethesda, Maryland

**Jeremy Morley**, The International Family Law Office of Jeremy D. Morley, New York, New York

*Moderator:*

**Lawrence Katz**, Miami, Florida

*Speakers:*

**Timothy Arcaro**, Nova Southeastern University Shepard Broad Law Center, Fort Lauderdale, Florida

**Melvin Rubin**, Melvin A. Rubin, Attorney, Coral Gables, Florida

**Jessica Sandberg**, Alwa Law Firm, Stockholm, Sweden

**Jennifer Zawid**, University of Miami School of Law, Coral Gables, Florida

**7:00 p.m. - 8:30 p.m.**

*Ticketed Event*

**Reception at The Bath Club**

*5937 Collins Avenue, Miami Beach*

*Sponsored by the following firms: Bron & Salas Abogados; Estudio Beccar Varela; González & Ferraro Mila; M. & M. Bomchil Abogados; Marval, O Farrell & Mairal; Negri & Teijeiro; Richards, Cardinal, Tutzer, Zabala & Zaefferer; Vitale, Manoff & Feilbogen; Zang, Bergel & Viñes Abogados*

*Round-trip transportation from Eden Roc to The Bath Club will be provided; buses will depart from the front entrance of the hotel running on a continuous cycle for the duration of the event.*

**8:30 p.m. - 10:00 p.m.**

*Ticketed Event*

**Committee Dinners at The Bath Club**

*5937 Collins Avenue, Miami Beach*

*Round-trip transportation from Eden Roc to The Bath Club will be provided; buses will depart from the front entrance of the hotel running on a continuous cycle for the duration of the event.*

Enjoy this first full evening of networking opportunities by dining with your fellow Committee members after the first full-day of programming. This social setting will provide a great opportunity to meet your colleagues in the Section, learn about and shape committee plans for the year, and become more active in the Section.



## *Meeting Agenda*

**Thursday, October 29**

**7:00 a.m. - 6:00 p.m.**  
**Registration**

**Ocean Tower Ballroom II Foyer**

**7:00 a.m. - 6:00 p.m.**  
**Exhibits and Cyber Cafe**

**Ocean Tower Ballroom II Salon A**

**7:15 a.m. - 8:30 a.m.**  
**Continental Breakfast**

**Ocean Tower Ballroom II Salon A**

**8:30 a.m. - 10:00 a.m.**

**Ocean Tower Ballroom I Salon C**

**Transfer Pricing: More than Income Tax**

**Business/Transactional, International Trade/Regulatory, Corporate Counsel**

This program will begin with an introduction to the issues involved in customs law transfer pricing (Value for Duty) compared to income tax transfer pricing in terms of outlining similarities and differences between the two disciplines and discussing the interrelationship and complexity involved when attempting to apply an income tax transfer price for customs valuation purposes. Other non-income tax transfer pricing concerns, opportunities and pitfalls will also be discussed. Presentations will then be made by the U.S. and Canadian Customs Authorities as to the possibility, if any, and the methodology for using income tax transfer price studies (TPS) for customs purposes. The last half of the program will involve case studies utilizing experienced practitioners on both sides of the border who will outline some of the ways in which income tax transfer pricing can or cannot be used for customs valuation purposes and who will also discuss some of the problems associated with using income tax transfer pricing for customs purposes, including the amendments that must be made for customs purposes, as well as the problems that arise when the transfer price is changed by way of year-end tax adjustments. This is a must program for anyone who thinks that the income tax transfer price is also the customs value for duty.

**Sponsoring Committee:**

*Customs Law Committee*

*Program Chairs:*

**Dalton Albrecht**, Miller Thomson LLP, Toronto, Ontario, Canada

**Larry Friedman**, Barnes, Richardson & Colburn, Chicago, Illinois

*Moderator:*

**Larry Friedman**, Barnes, Richardson & Colburn, Chicago, Illinois

*Speakers:*

**Luis Abad**, KPMG, Trade and Customs Services, New York, New York

**Dalton Albrecht**, Miller Thomson LLP, Toronto, Ontario, Canada

**Monika Brenner**, Valuation and Special Programs Branch, Office of International Trade, U.S. Customs & Border Protection, Washington, DC

**Luis Martinez**, Basham, Ringe y Correa, S.C., Mexico City, D.F., Mexico

**Damon V. Pike**, The Pike Law Firm, P.C., Atlanta, Georgia

**8:30 a.m. - 10:00 a.m.**

**Ocean Tower Ballroom II Salon B**

**Protecting Your Brand: Trademark Infringement and Counterfeiting**  
**Corporate Counsel, Business/Transactional**

With increasing frequency, U.S. Customs is detaining, seizing and destroying merchandise entering the U.S. for trademark infringement and counterfeiting. Cases involve merchandise entering the U.S., and merchandise being transshipped to foreign destinations. The prevalence of such cases, often involving electronics and other technology-based goods manufactured in China, disrupts market share for genuine goods, which companies have registered with the USPTO and recorded with U.S. Customs. Companies like Apple, Inc. and other prominent firms are protecting their legal rights with increasing vigilance, working in close cooperation with U.S. Customs and other governmental agencies. Importers are often caught in the middle, resulting in forfeiture of merchandise, and little or no recourse for recovering their investments. This panel will examine the causes and trends associated with this growing problem, and the significant impact of this rapidly developing phenomenon on members of the trade community, including U.S. and foreign manufacturers, importers, distributors, retailers and their customers.

**Sponsoring Committee:**

*Customs Law Committee*

*Program Chair:*

**Peter A. Quinter**, Becker & Poliakoff, P.A., Fort Lauderdale, Florida

*Moderator:*

**Peter A. Quinter**, Becker & Poliakoff, P.A., Fort Lauderdale, Florida

*Speakers:*

**Sandra Bell**, Regulations & Rulings, Office of International Trade, U.S. Customs & Border Protection, Department of Homeland Security, Washington, DC

**Ual Bradley**, U.S. Immigration & Customs Enforcement, U.S. Department of Homeland Security, Miami, Florida

**Rob Calia**, Global Intellectual Property Center, U.S. Chamber of Commerce, Washington, DC

**Laurie H. Van Löben Sels**, Townsend and Townsend and Crew LLP, San Francisco, California

8:30 a.m. - 10:00 a.m.

Ocean Tower Ballroom I Salon B

**The Compleat "Toolbox" of International Procedure: How to Perfect Service, Obtain Evidence and Enforce Judgments Abroad**  
**Dispute Resolution/Litigation, Young Lawyers**

International procedural law is no longer confined to the dusty corners of law libraries; it has become the forward battleground for the assertion of sovereign interests in a globalized economy. This in turn has very practical consequences on how litigants go about the most basic and essential steps in any type of civil litigation: serving process on a party located abroad; obtaining documents and witness testimony from parties or third parties in foreign jurisdictions; obtaining a judgment in one jurisdiction that can be enforced easily and predictably against assets located in another. The Hague Conventions on Service (1965), Evidence (1970), Apostille (1961) and Choice of Court (2005) together represent the international litigator's "toolbox." This roundtable will take a critical look at how these instruments work in practice, what improvements and changes we can expect going forward, and whether we have reached the limits of effective international judicial assistance and cooperation under existing treaties, while focussing on practical "take aways" for the practicing lawyer.

**Sponsoring Committees:**

*International Litigation Committee; Private International Law Committee*

*Program Chairs:*

**David P. Stewart**, Georgetown University Law Center, Washington, DC

**Alexander Blumrosen**, Bernard-Hertz-Béjot, Paris, France

*Moderator:*

**David P. Stewart**, Georgetown University Law Center, Washington, DC

*Speakers:*

**Alexander Blumrosen**, Bernard-Hertz-Béjot, Paris, France

**Monica Gaw**, Bureau of Consular Affairs, U.S. Department of State, Washington, DC

**Cara LaForge**, Legal Language Services, New York, New York

**Elaine Metlin**, Dickstein Shapiro LLP, Washington, DC

**Christophe Bernasconi**, Permanent Bureau, Hague Conference, The Hague, The Netherlands

8:30 a.m. - 10:00 a.m.

Ocean Tower Ballroom II Salon C

**SHOWCASE PROGRAM**

**Managing Partner Forum - Responses to Challenges and Pressures U.S. Law Firms Face in the Recession**  
**Law Practice**

A challenging economic climate, intense competitive forces, demanding clients and a war for talent are all frontline challenges currently faced by managing partners of mid to large sized U.S. firms. This session will bring together national and office managing partners of successful U.S. firms to debate and share ideas about how to make the most of these challenging market conditions. Topics to be covered include: rightsizing the firm; creating more flexible resources vs specialization; the three leading indicators of trouble in a law firm; are demanding clients killing the billable hour?; should my firm be outsourcing?; associate pay and incentivisation; maintaining partner morale; competing simultaneously with "mega firms" and "niche players;" responding to requests for panel pitches and discounts; does the firms' governance structure need to change?; are clients' expectations

of law firms changing?; do law firms need to change their collection methods?; and are current billing and receivable methods outdated?

**Sponsoring Committee:**

*International Law Practice Management Forum*

*Program Chairs & Moderators:*

**Stephen Denyer**, Allen & Overy LLP, Frankfurt, Germany

**Justin Vineberg**, Davies Ward Phillips & Vineberg LLP, Montréal, Québec, Canada

*Speakers:*

**Cesar L. Alvarez**, Chief Executive Officer, Greenberg Traurig, LLP, Miami, Florida

**Bowman Brown**, Chairman, Executive Committee, Shutts & Bowen LLP, Miami, Florida

**Alvin B. Davis**, Managing Partner, Squire, Sanders & Dempsey, LLP, Miami, Florida

**Gary L. Sasso**, President and Chief Executive Officer, Carlton Fields PA, Tampa, Florida

**Andrew M. Smulian**, Chairman and Chief Executive Officer, Akerman Senterfitt, Miami, Florida

**Steven Sonberg**, Managing Partner, Holland & Knight LLP, Fort Lauderdale, Florida

**8:30 a.m. - 10:00 a.m.**

**Mona Lisa**

**The Latin American Petrochemical Revolution: Opportunities and Challenges for the Region's Ground-Breaking Petrochemical Infrastructure Development Projects**

**Latin America/Caribbean, Business/Transactional, Global Financial Crisis**

Despite the economic challenges facing the world and the region, ground-breaking efforts are underway in countries such as Brazil, Mexico and Venezuela to dramatically reform the petrochemical sector and develop projects that expand both up-stream and down-stream petrochemical production. Companies such as Braskem, Petróleos Mexicanos (PEMEX) and Petroquímica de Venezuela (Pequiven) are at the forefront of Latin America's ongoing "petrochemical revolution." In this participatory discussion panel, counsel from PEMEX, Pequiven and the International Finance Corporation—an experienced lender and investor in Latin American petrochemical projects—will explore and discuss the latest trends and opportunities in the region's petrochemical sector, and will share their perspective on the legal and practical challenges that must be overcome in order to successfully develop and finance petrochemical infrastructure projects in Latin America.

**Sponsoring Committee:**

*Latin American and Caribbean Committee*

*Program Chairs:*

**Miguel A. Zaldivar**, Hogan & Hartson LLP, Miami, Florida

**Gonzalo Rodriguez Matos**, Hogan & Hartson LLP, Miami, Florida

*Moderator:*

**Miguel A. Zaldivar**, Hogan & Hartson LLP, Miami, Florida

*Speakers:*

**Victor Barrientos**, Petroquímica de Venezuela (Pequiven), Carabobo, Venezuela

**Jose Bosch**, Pemex Gas y Petroquímica Basica (PEMEX), Mexico City, D.F., Mexico

**Walid Labadi**, International Finance Corporation (IFC), Washington, DC

**8:30 a.m. - 10:00 a.m.**

**Rivo Alto**

**“How To” Series: Developing Programs and Publishing with the Section**

Do you have an idea for a program that is timely and topical? If so, then attending this nuts and bolts of how to develop programs for the Section will be instrumental in helping you to develop your proposal. Member and committee involvement through the development of programming continues to be the lifeline of the Section ; whether it be for a seasonal meeting, a brown-bag, webcast, teleconference or stand-alone, there are ample opportunities for your program idea to take flight. Join us to learn more about how to chart the course of your proposal.

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 publications. Whether you aspire to write a book, a scholarly law review, a succinct news article or an informative committee newsletter, publishing with one of the Section’s publications is an effective way to demonstrate your expertise. At this informational session, the Publications Officer and the editors of *The International Lawyer* and the *International Law News* will tell you how to get started on your way as a published author for the ABA Section of International Law.

A book signing with Michael D. Sherman will follow this program in Ocean Tower Ballroom II Salon A.

*Program Chairs & Speakers:*

**Steven M. Richman**, Deputy Officer, Programs Committee

**Marcy Stras**, Deputy Officer, Programs Committee

**Marilyn J. Kaman**, Section Publications Officer

**Patricia Heard**, Co-Executive Editor, *The International Lawyer*

**Beverly Dureus**, Co-Executive Editor, *The International Lawyer*

**Russell Kerr**, *The International Law News*

**Michael D. Sherman**, Editor, *U.S. Customs: A Practitioner’s Guide to Principles, Processes and Procedures*

**10:00 a.m. - 10:30 a.m.**

**Ocean Tower Ballroom II Salon A**

**Networking Break**

*Sponsored by Fowler White Burnett, PA*

**10:30 a.m. - 12:00 p.m.**

**Ocean Tower Ballroom II Salon B**

**The Essential Aspects of IP Due Diligence  
Corporate Counsel, Young Lawyers**

This program will provide a unique opportunity for corporate counsel and legal practitioners from around the globe to learn the basics of Intellectual Property due diligence in international transactions. Attorneys from the U.S. and Latin America will share their unique perspective concerning the acquisition of trademarks, patents, copyrights, and domain names in varying jurisdictions. The panel will discuss cross-border transactions by addressing specific issues regarding recording, registration, use, and transfer of intellectual property rights. The panel will also lead an interesting discussion pertaining to the most efficient manner to assess economic as well as and non-monetary IP contingencies.

**Sponsoring Committee:**

*Foreign Legal Consultant Committee*

*Program Chair & Moderator:*

**Gustavo P. Giay**, Marval O'Farrell & Mairal, Buenos Aires, Argentina

*Speakers:*

**Elliot Basner**, Diageo, Fort Lauderdale, Florida

**Karen A. Butcher**, Morgan, Lewis & Bockius LLP, Washington, DC

**Rodrigo Marre**, Mackenna, Irarrazaval, Cuchacovich & Paz Abogados, Santiago, Chile

**Marissa Lasso de la Vega F.**, Alfaro Ferrer & Ramirez, Panama City, Panama

**10:30 a.m. - 12:00 p.m.**

**Ocean Tower Ballroom I Salon B**

**Should We Stay or Should We Go?**

**Dispute Resolution/Litigation, Young Lawyers**

“AS A MOTH IS DRAWN TO THE LIGHT, SO IS A LITIGANT DRAWN TO THE UNITED STATES” (Lord Denning)

Why do so many foreign claimants, particularly from Latin America, bring suit in the United States – even against foreign defendants, and particularly in federal court in Miami? Is it the nice weather?

What are the standards courts examine in deciding whether a case should stay in the United States? What are the key decision points on deciding to sue in the United States? In this global environment, is it getting easier or harder for foreign defendants to obtain dismissals from U.S. courts? This multi-jurisdictional panel will examine when foreign plaintiffs will be able to maintain suit in the United States, focusing on recent cases dealing with *forum non conveniens* and attempts to assert personal jurisdiction over foreign defendants and foreign sovereigns. Discussion will also focus on strategic considerations for foreign plaintiffs and defendants alike to consider in connection with litigation in the United States.

Format of the panel will be a roundtable discussion of these issues, with active audience participation.

**Sponsoring Committees:**

*International Litigation Committee; Latin America and Caribbean Committee*

*Program Chair:*

**Lisa J. Savitt**, Crowell & Moring LLP, Washington, DC

*Moderator:*

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

*Speakers:*

**Honorable Mary Barzee Flores**, Circuit Judge, General Jurisdiction Division, Eleventh Judicial Circuit, Miami, Florida

**Fabio F. Cunha**, Corporate & Legal Affairs, Embraer Aircraft Holding, Inc., Fort Lauderdale, Florida

**Annette C. Escobar**, Astigarraga Davis, Miami, Florida

**Aryeh S. Portnoy**, Crowell & Moring LLP, Washington, DC

10:30 a.m. - 12:00 p.m.

Ocean Tower Ballroom II Salon C

**Career Success Strategies in Turbulent Times: A Program for Experienced Lawyers**  
**Law Practice, Business/Transactional**

Have recent market changes negatively impacted your law practice? Are you wondering how to continue your career climb during these turbulent times? This program will teach lawyers how to analyze their current career situation and plan strategic next steps. Lawyers who have stable positions--as well as those in career transition--will learn to improve their career position through personal branding, positioning, and career networking.

**Sponsoring Committee:**

*Seasoned Lawyers Interest Network (SIN)*

*Program Chair & Moderator:*

**Janet H. Moore**, International Lawyer Coach, Houston, Texas

*Speakers:*

**Jose Gonzalez**, AIU Holdings, New York, New York

**Janet H. Moore**, International Lawyer Coach, Houston, Texas

**Nick Rumin**, Rumin Search Consulting LLC, New York, New York

10:30 a.m. - 12:00 p.m.

Mona Lisa

**Mexico's Introduction of Adversarial Criminal Procedure: A Judicial Earthquake Propelled by Constitutional Amendment**  
**Latin American/Caribbean, Public International Law/Rule of Law**  
*(This program to qualify for ethics CLE)*

This panel will consider the prosecution of criminal misconduct alleged in connection with the operation of a business. Working from the perspective of their various roles, the panelists will consider the matter from the determination of whether to file charges, through trial and appeals, all with comparative commentary by a U.S. criminal defense expert. Panelists will focus on the new federal constitutional mandate for adoption of adversarial criminal procedures and the present achievements of select Mexican states that have led the implementation of these reforms. This program provides essential information to those who would advise companies and their executives on conducting business in Mexico, as well as grounding to lawyers concerned with the criminal justice system and its support for protection of human rights.

**Sponsoring Committees:**

*Mexico Committee; International Criminal Law Committee; International Litigation Committee*

**Other Sponsors:**

*The World Justice Project, Appleseed Mexico*

*Program Chairs:*

**Marco Tulio Montañés-Rumayor**, The World Bank Group, Washington, DC

**Patrick Del Duca**, Zuber & Taillieu LLP, Los Angeles, California

*Moderator:*

**Patrick Del Duca**, Zuber & Taillieu LLP, Los Angeles, California

*Speakers:*

**Eduardo Amerena**, Cardenas-Amerena Abogados, S.C., Mexico City, Mexico  
**Manuel Caloca Gonzalez**, Department of Law, Tecnológico de Monterrey - ITESM,  
Monterrey, Nuevo León, Mexico

**10:30 a.m. - 12:00 p.m.**

**Ocean Tower Ballroom I Salon C**

### **SHOWCASE PROGRAM**

#### **Piracy: An International Problem in Search of a Solution**

##### **Public International Law/Rule of Law, International Trade/Regulatory**

With the recent seizures of vessels off the coast of Somalia, the age-old practice of piracy has captured international attention - and the once arcane law of piracy has moved again to the forefront of debate in international law. While piracy poses obvious problems for national (and global) security, it also imposes additional risks and costs upon those engaged in international commerce. This program will address the evolution of public international law relating to piracy and will examine specifically the rules governing a nation's right to interdiction on the high seas, in territorial waters, and on land. The program will also address the impact of piracy upon the private sector, examining such commercial-law issues as the rights of buyers and sellers of seized cargo, charterparty claims and the obligations of marine insurers.

#### **Sponsoring Committees**

*Law of the Sea Committee; International Transportation Committee*

*Program Chairs:*

**Dr. Steven L. Snell**, American University Washington College of Law, Washington, DC  
**Catherine Pawluch**, Gowling Lafleur Henderson LLP, Toronto, Ontario, Canada

*Moderator:*

**Dr. Steven L. Snell**, American University Washington College of Law, Washington, DC

*Speakers:*

**James Bergeron**, North Atlantic Treaty Organization (NATO), London, United Kingdom  
**Lizabeth L. Burrell**, Curtis, Mallet-Prevost, Colt & Mosel/ Former President of the  
Maritime Law Association of the United States, New York, New York  
**Bruce G. Paulsen**, Seward & Kissel LLP, New York, New York  
**Jonathan S. Spencer**, The Spencer Company, New York, New York

**12:15 p.m. - 1:45 p.m.**

**Ocean Tower Ballroom I Salon A**

*Ticketed Event*

#### **Committee Business Lunches**

Not sure whether to attend the Committee Business Lunch Meetings? If you miss them, you may also be missing the greatest benefit of Section membership. Our 60 committees cover every possible aspect of public and private international law. Most of the substantive work of the Section is conducted at the committee level. The Committee Business Meetings provide a great opportunity to meet your colleagues in the Section, learn about and shape committee plans for the year, and become more active in the Section. Section members can join as many committees as they wish – and committee membership is free! Be sure to sign-up at the time of registration to purchase your ticket to sit with committee members for a working lunch.

2:00 p.m. - 3:30 p.m.

Ocean Tower Ballroom I Salon B

**Cross-Examination in International Arbitrations: One Person's Meat is Another Person's Poison**  
**Dispute Resolution/Litigation, Young Lawyers**

Cross-examination is a vital part of Anglo-American common law adversarial litigation – a skill that advocates spend years honing. But in most parts of the civil law world it's not part of courtroom practice and not even considered particularly useful. In an international arbitration, where the participants may come from several legal backgrounds, cross-examination can become a mine field. While one person can come away from a cross-examination thinking the case has just been made, another can think it was a waste of time. And what is the duty of counsel who is faced with a tribunal that is hostile to cross-examination – attempt to win over the arbitrators and hope to win on the merits, or create a record to lay the groundwork for a legal proceeding to set aside the award on the basis of lack of due process? See how legal cultures clash when top advocates undertake a mock cross-examination before a panel of leading international arbitrators, not only in the hearing room but during the post-hearing deliberations. The participants will not only play their roles but will also review each other's views in a lively give and take format.

**Sponsoring Committees:**

*International Arbitration Committee; International Litigation Committee; Canada Committee*

*Program Chairs:*

**Douglas Harrison**, Stikeman Elliott LLP, Toronto, Ontario, Canada

**Kevin O'Gorman**, Fulbright & Jaworski LLP, Houston, Texas

*Moderator:*

**Douglas Harrison**, Stikeman Elliott LLP, Toronto, Ontario, Canada

*Speakers:*

**Dominique Brown-Berset**, Brown & Page, Geneva, Switzerland

**Nicholas Fletcher**, Berwin Leighton Paisner LLP, London, United Kingdom

**Marc J. Goldstein**, Marc Goldstein Litigation & Arbitration Chambers, New York, New York

**Fernando Mantilla-Serrano**, Shearman & Sterling LLP, Paris, France

**Eduardo Zuleta**, Gómez-Pinzón Zuleta Abogados S.A., Bogota, Colombia

2:00 p.m. - 3:30 p.m.

Ocean Tower Ballroom II Salon C

**Internet Based Social Networking**  
**Law Practice, Young Lawyers**

Have you ever wondered what "social networking" is, and how it could help you develop more clients? This program will take the mystery out of LinkedIn, Facebook, Twitter and other social networking options. Experienced international lawyers who use social networking will also teach you how to use it to bolster your business.

**Sponsoring Committee:**

*International Law Practice Management Forum*

*Program Chair & Moderator:*

**Janet H. Moore**, International Lawyer Coach, Houston, Texas

*Speakers:*

**Cyndee Todgham Cherniak**, Lang Michener LLP, Toronto, Ontario, Canada  
**Dan Harris**, Harris & Moure PLLC, Seattle, Washington  
**Jacqui Hurd**, LexisNexis/Martindale-Hubbell, London, United Kingdom  
**Janet H. Moore**, International Lawyer Coach, Houston, Texas

**2:00 p.m. - 3:30 p.m.**

**Mona Lisa**

**Taking the Gain Out of Corruption: Asset Recovery from Corrupt Actors  
Using a Public-Private Partnership  
Latin American/Caribbean, Dispute Resolution/Litigation, Global Financial Crisis**

For too long, corrupt actors around the world have been able to enrich themselves by stealing, bribing and extorting with impunity. These corrupt actors use their ill-gotten gains to employ sophisticated lawyers, accountants, bankers and other professionals to move assets around the globe for them and to hide them from the public view, often permanently. Victim governments and their instrumentalities, often with limited resources and even more limited technical expertise, are called upon to investigate and pursue these criminals and their assets on a very uneven playing field. That is where the public-private partnership asset-recovery model comes in. Join us for a presentation by a group of preeminent corruption fighters and world renowned asset recovery specialists for an in-depth examination of this paradigm-shifting asset recovery approach.

**Sponsoring Committee:**

*Latin America and Caribbean Committee*

*Program Chairs:*

**Edward H. Davis, Jr.**, Astigarraga Davis, Miami, Florida  
**Arnoldo B. Lacayo**, Astigarraga Davis, Miami, Florida

*Moderator:*

**Leslie Benton**, Transparency International USA, Washington, DC

*Speakers:*

**Edward H. Davis, Jr.**, Astigarraga Davis, Miami, Florida  
**Glenn Gordon**, Securities & Exchange Commission, Miami, Florida  
**Antenor Madruga**, Barbosa Mussnich & Aragao Advogados, Brasilia, Brazil  
**Jose Ugaz Sanchez-Moreno**, Benites Forno & Ugaz Abogados, Lima, Peru

**2:00 p.m. - 3:30 p.m.**

**Ocean Tower Ballroom I Salon C**

**The American Dilemma: A Transparent Immigration Policy and Border  
Security -- Is It Possible?**

**Public International Law/Rule of Law, International Trade/Regulatory, Young Lawyers**

The Obama Administration has promised a government of transparency, one that will follow the letter of the law and fully inform the public. In the immigration and border security arena, this represents a major shift in policy from the George W. Bush Administration. What does a transparent policy mean to the historic challenge of balancing the free flow of goods and people with national security? What is the impact on the United States' relationship with its neighbors in Canada and Mexico? Can the behemoth Department of Homeland Security meet the transparency challenge? As government agencies increasingly share information, what will guarantee the accuracy of the data? How will individual and corporate privacy be safeguarded? What is at risk if a balance

is not maintained? This panel will address this American dilemma in light of what is undeniably a global economy, global workforce and global security challenge.

**Sponsoring Committees:**

*National Security Committee; Mexico Committee; Canada Committee; International Employment Law Committee*

*Program Chair:*

**Fausta M. Albi**, Larrabee Mehlman Albi Coker LLP, San Diego, California

*Moderator:*

**Fausta M. Albi**, Larrabee Mehlman Albi Coker LLP, San Diego, California

*Speakers:*

**Henry Chang**, Chang & Boos, Toronto, Ontario, Canada

**Maureen Dugan**, U.S. Customs and Border Protection, Office of Field Operations, Washington, DC

**Arturo Sarukhan**, Ambassador of Mexico to the United States, Washington, DC

**Kathleen Walker**, Past President, American Immigration Lawyers Association, Brown McCarroll LLP, El Paso, Texas

**2:00 p.m. - 3:30 p.m.**

**Ocean Tower Ballroom II Salon B**

**Nuts and Bolts of Islamic Finance**

**Young Lawyers, Business/Transactional**

Islamic Finance is growing in importance, and not just among Muslim investors. Our panel of experts explain the basics of Sharia-compliant structures, how they are making inroads into financings around the globe, and why the credit crunch affected Islamic financing structures differently. Things every international attorney needs to know; come interested, and leave conversant in these important issues. Suitable for law students, young lawyers and practitioners of any level looking for a simple, but not simplistic, introduction into the realm of Islamic Finance.

**Sponsoring Committees:**

*Islamic Finance Committee; Law Student, LL.M., and New Lawyers Outreach Committee; Young Lawyers Interest Network (YIN)*

*Program Chair:*

**Jen Green**, Linklaters LLP, London, United Kingdom

*Moderator:*

**Michael J.T. McMillen**, Fulbright & Jaworski LLP, Dubai, United Arab Emirates *(Invited)*

*Speakers:*

**Farhad Alavi**, The Law Offices of R.A. Kerr, PLLC, Washington, DC *(Invited)*

**Carlos F. Gonzalez**, Diaz Reus & Targ, LLP, Miami, Florida

**Hamid Khan**, McKenna Long & Aldridge LLP, Denver, Colorado

**3:30 p.m. - 4:00 p.m.**

**Ocean Tower Ballroom II Salon A**

**Networking Break**

4:00 p.m. - 5:30 p.m.

Ocean Tower Ballroom II Salon B

**SHOWCASE PROGRAM**

*This program will also be offered via teleconference.*

**Will the American Assault on Tax Havens Finally Succeed?  
Corporate Counsel, Business/Transactional, International Trade/Regulatory**

The White House, IRS, Treasury and Justice Department crackdown on individuals and companies who improperly utilize tax havens has significant implications for investors and businesses worldwide. The panel will review recent IRS initiatives, such as the expansion of the foreign account reporting and voluntary disclosure program and the enhanced enforcement of withholding tax compliance by non-financial businesses as well as financial institutions, and examine other international areas of IRS focus. The panel will discuss the Administration's 2009 proposals to combat under-reporting of income through the use of accounts and entities in offshore jurisdictions and to reform the international tax system. In addition, recent developments in the UBS summons litigation, international information exchange agreements and treaties, and the OECD initiative will be presented.

**Sponsoring Committees:**

*International Tax Committee; International Corporate Counsel Forum; International Private Client Committee*

*Program Chair:*

**Alan S. Lederman**, Gunster Yoakley & Stewart P.A., Miami, Florida

*Moderator:*

**Jose A. Santos, Jr.**, JM Dealer Services, Inc., Deerfield Beach, Florida

*Speakers:*

**Alan S. Lederman**, Gunster Yoakley & Stewart P.A., Miami, Florida

**Bobbe Hirsh**, K&L Gates LLP, Chicago, Illinois

**Steven A. Musher**, Internal Revenue Service, Washington, DC

4:00 p.m. - 5:30 p.m.

Ocean Tower Ballroom I Salon B

**The Evolving State of Commercial Arbitration in China – Can a Foreign Party  
Get a Fair Hearing and an Enforceable Award?  
Dispute Resolution/Litigation, Business/Transactional**

You represent a Western company doing business in China that's negotiating a deal with a Chinese company. The Chinese company insists that the contract provide for arbitration in China. Your client is concerned that they will not get a fair hearing or have their award enforced in China based on comments they heard about arbitration in China ten years ago. What's your advice based on the current state of commercial arbitration in China? Experienced counsel, arbitrators, and the heads of China's largest arbitration organizations will update you on arbitrating in China today, including the availability of interim relief, whether arbitral forums are available outside China to resolve China-related commercial disputes and whether and to what extent adverse arbitration awards are enforced against Chinese parties.

**Sponsoring Committees:**

*China Committee; International Arbitration Committee*

*Program Chairs:*

**Joan Grafstein**, JAMS, Atlanta, Georgia  
**Robert B. Davidson**, JAMS, New York, New York

*Moderator:*

**Robert B. Davidson**, JAMS, New York, New York

*Speakers:*

**Andrew Aglionby**, Baker & McKenzie LLP, Hong Kong, S.A.R., China  
**Fei Ning**, Jun He Law Offices, Shanghai, China  
**Michael J. Moser**, Hong Kong International Arbitration Centre, Hong Kong, S.A.R., China  
**Wang Hongsong**, Beijing Arbitration Commission, Beijing, China  
**Yu Jianlong**, China International Economic and Trade Arbitration Commission, Beijing, China

**4:00 p.m. - 5:30 p.m.**

**Ocean Tower Ballroom II Salon C**

**Becoming An ExPat Lawyer: Part I**

**Law Practice, Young Lawyers, Corporate Counsel**

Interested in practicing overseas? This program launches the first in a series aimed at exploring ways in which lawyers can create a meaningful practice outside the U.S. As the first in a series, Part I draws on the varied backgrounds of experienced legal practitioners to examine private practice opportunities abroad in the settings of international firms and of "local counsel," and how to get a job practicing law overseas. Follow-up programs will address opportunities in international judicial proceedings and opportunities in NGOs and educational organizations. The program will include brief presentations by panelists, focusing on the expatriated law practice and the substantive nature of that practice. These presentations will be enhanced by moderator follow-up and insistent prompting of questions from the audience. The program take-away will be informative (what to expect from private practice abroad) and instructive (how to best implement a personal or professional decision to practice outside the U.S.). It will also cover how lawyers, particularly those at the beginning of their career, can pursue a meaningful practice outside the U.S. The program will focus on how to create the expatriated law practice (*i.e.*, U.S. nationals choosing to practice law outside of the U.S.) and the substantive nature of that practice.

**Sponsoring Committees:**

*U.S. Lawyers Practicing Abroad Committee; Law Student, LL.M., and New Lawyer Outreach Committee; Young Lawyers Interest Network (YIN)*

*Program Chairs:*

**Amy Sommers**, Squire, Sanders & Dempsey, LLP, Shanghai, China  
**Laurence P. Wiener**, Negri & Teijeiro Abogados, Buenos Aires, Argentina  
**Linda Strite Murnane**, UN International Criminal Tribunal for the Former Yugoslavia, The Hague, The Netherlands

*Moderator:*

**Laurence P. Wiener**, Negri & Teijeiro Abogados, Buenos Aires, Argentina

*Speakers:*

**Robert L. Brown**, Greenebaum Doll & McDonald, Louisville, Kentucky  
**Adam B. Farlow**, Allen & Overy LLP, London, United Kingdom  
**B. Don Taylor, III**, Whitney R. Harris World Law Institute, Washington University School of Law, St. Louis, Missouri  
**Nancy M. Thevenin**, Baker & McKenzie LLP, New York, New York

4:00 p.m. - 5:30 p.m.

Mona Lisa

## **Cross-Border Insolvency in Latin America**

**Latin America/Caribbean, Dispute Resolution/Litigation, Global Financial Crisis**

The most recent economic crisis evidenced a strong underlying interconnection among the economies of the world – and inevitably, among their legal systems. This is palpable in corporate insolvency cases with international repercussions. At this panel, moderators from the United States and European Union will present primary bankruptcy cases filed in their jurisdictions affecting creditors, debtors, assets, claimants and third parties in Latin America. Insolvency experts from Argentina, Brazil, Chile and Mexico will respond specific questions from moderators seeking for responses on aspects of how Latin American jurisdictions embrace the UNCITRAL's Model Law on Cross-Border Insolvency, what sort of cooperation are local judges able to provide foreign courts in cross-border insolvency proceedings and what mechanisms do local laws provide for the reorganization of financially-troubled businesses. Speakers will point out tips and traps on cross-border insolvency in their jurisdictions.

### **Sponsoring Committees:**

*Mexico Committee; Latin America and Caribbean Committee; International Secured Transactions and Insolvency Committee*

### **Other Sponsors:**

*Association Internationale des Juenes Avocats (AIJA)*

### *Program Chairs:*

**Alejandro Suarez**, Fredrikson & Byron P.A., Minneapolis, Minnesota

**Stephanie R. Traband**, Jones, Walker, Waechter, Poitevent, Carrère & Denègre LLP, Miami, Florida

### *Moderators:*

**Gregory S. Grossman**, Astigarraga Davis, Miami, Florida

**Giuseppe Scotti**, Deangelis Scotti Studio Legale, Parma, Italy

### *Speakers:*

**Tomas Miguel Araya**, M.& M. Bomchil Abogados, Buenos Aires, Argentina

**Diego Peralta**, Carey y Cia Ltda., Santiago, Chile

**Fernando Quiroga**, Martinez Arrieta Abogados, Monterrey, Nuevo León, México

**Luiz Fernando Valente de Paiva**, Pinheiro Neto Advogados, São Paulo, Brazil

4:00 p.m. - 5:30 p.m.

Ocean Tower Ballroom I Salon C

## **Rule of Law and Anti-Corruption: Initiatives, Strategies and Impact**

**Public International Law/Rule of Law**

The last two decades of international efforts to promote governance and the rule of law have helped us realize that corruption is one of the major obstacles to economic and social development. There is a common consensus and understanding that corruption undermines the institutional integrity of the different branches of government. Its harmful effects are directly felt by the poor and traditionally disadvantaged groups (women, youth, indigenous populations, people of color) as they become the recipients of public services, policies and programs that lack transparency, integrity and, in many cases, are procured through bribery and fraud without proper oversight and accountability.

The program will bring together academics, practitioners, multilateral organizations and representatives of civil society organizations with extensive worldwide experience in the process of

combating corruption and promoting the rule of law, particularly in the context of developing countries. The discussion will challenge panelists on two levels. First, it will focus on the institutional strategies developed (how and why) to respond to the challenges brought by corruption across regions and areas: investment financing, rule of law and legal reform efforts, civil society strengthening and monitoring and watchdog efforts, multi-stakeholders dialogues, work on the local and international levels and strategy creation. Second, it will ask them to go beyond the status quo of rule of law and corruption efforts and put the discourse into context by inviting them to answer the following: Are we making any impact? Could we identify some lessons learned on how to improve development effectiveness and achieve strategic impact? How can we best assure that the poor and traditionally disadvantaged groups will not be the hardest hit by this phenomenon?

**Sponsoring Committees:**

*NGO and Not-For-Profit Organizations Committee; Women's Interest Network (WIN)*

*Program Chairs:*

**Meaghan McGrath-Beaumont**, International Finance Corporation (IFC), Washington, DC  
**Lelia Mooney**, Rule of Law Officer, American Bar Association Section of International Law, Washington, DC

*Moderator:*

**Lelia Mooney**, Rule of Law Officer, American Bar Association Section of International Law, Washington, DC

*Speakers:*

**James A. Goldston**, Justice Initiative, Open Society Institute, New York, New York  
**Richard Messick**, Legal Department, The World Bank Group, Washington, DC  
**Robert Meyers**, Miami-Dade Commission on Ethics and Public Trust, Miami, Florida  
**Olga Nazario, PhD**, Casals and Associates Inc., Miami, Florida  
**Alpita Shah**, Fraud and Corruption, International Finance Corporation (IFC), Washington, DC

**7:00 p.m. - 9:00 p.m.**

*Ticketed Event*

**Reception at Casa Casuarina (formerly known as the Versace Mansion)**

*1116 Ocean Drive, Miami Beach*

*Sponsored by the following firms: Alessandri & Compañía; Bofill Mir & Álvarez Hinzpeter Jana; Carey y Compañía; Claro y Compañía; Guerrero, Olivos, Novoa y Errázuriz; Morales & Besa; Philippi, Yrarrázaval, Pulido & Brunner; Prieto & Compañía*

*Round-trip transportation from Eden Roc to Casa Casuarina will be provided; buses will depart from the front entrance of the hotel.*



## *Meeting Agenda*

**Friday, October 30**

**7:00 a.m. - 6:00 p.m.**  
**Registration**

**Ocean Tower Ballroom II Foyer**

**7:00 a.m. - 6:00 p.m.**  
**Exhibits and Cyber Cafe**

**Ocean Tower Ballroom II Salon A**

**7:15 a.m. - 8:30 a.m.**  
**Continental Breakfast**

**Ocean Tower Ballroom II Salon A**

**7:15 a.m. - 7:45 a.m.**  
**Division Chairs Continental Breakfast**

**Ocean Tower Ballroom I Salon A**

Vice Chair Michael Burke will host this meeting of Division Chairs to discuss issues of mutual concern such as how to foster cooperation amongst committees across divisions.

**7:45 a.m. - 8:30 a.m.**

**Ocean Tower Ballroom I Salon A**

**Meet Your Division Chairs Continental Breakfast**

Most of the substantive work of the Section is conducted at the committee level. This breakfast provides an excellent social atmosphere for leaders of each committee to meet their Division Chair. Everyone should walk away having built a stronger relationship amongst the committee leadership.

**8:30 a.m. - 10:00 a.m.**

**Ocean Tower Ballroom II Salon B**

**Cultural Differences in the Americas; Lemons to Lemonade: Unique Perspectives of Hispanic In-House Counsel**

**Corporate Counsel, Business/Transactional, Law Practice**

*(This program to qualify for ethics CLE)*

Experienced international lawyers understand that having studied Spanish in high school or roomed in college with a Latino is not enough to understand foreign cultures or work effectively in other countries. Do U.S.-Hispanic lawyers fare better than most? This unique program is organized by the International Law Section of the Hispanic National Bar Association (HNBA). Through a unique presentation format, U.S.-Hispanic attorneys serving as in-house counsel for major corporations

with significant business in Latin America offer expert perspectives on legal developments in Latin America. The program also focuses on how to successfully handle cultural and language barriers. The program is structured to create lively and interactive exchange with the audience (the 5<sup>th</sup> panelist) on the basis of actual, personal experiences.

**Sponsoring Committees:**

*Latin America and Caribbean Committee; Mexico Committee*

*Program Chair:*

**Jimmie V. Reyna**, Williams Mullen, Washington, DC

*Moderator:*

**M. Suzette Recinos**, Pitney Bowes, Stamford, Connecticut

*Speakers:*

**Luis Artime Sr.**, Walmart Stores, Inc., U.S. Legal, Bentonville, Arkansas

**Alberto Mora**, Mars, Inc., McLean, Virginia

**Peter M. Reyes**, Cargill, Inc, Minneapolis, Minnesota

**Ramona E. Romero**, E.I. du Pont de Nemours and Company, Wilmington, Delaware

**8:30 a.m. - 10:00 a.m.**

**Ocean Tower Ballroom I Salon B**

**Dealing with Damages**

**Dispute Resolution/Litigation, Young Lawyers**

*(This program to qualify for ethics CLE)*

While damages are frequently the desired outcome of litigation or arbitration from a Claimant's perspective, their calculation is often given scant attention. There is a variety of calculation methods available to the damages expert, with some more appropriate to a particular circumstance than others. While experts are expected to serve the tribunal (in addition to serving the party that appointed them), there may be additional professional and ethical guidance brought to bear by a particular expert's professional certifying body. That guidance, in turn, can significantly affect the expert's analysis and conclusions. Our panel will use a case study example to highlight differences in applicable damages methods and the ethical guidance and professional standards of various expert bodies from the perspective of the experts themselves, the counsel who retain them and the arbitrators who must evaluate their evidence.

**Sponsoring Committees:**

*International Arbitration Committee; International Litigation Committee*

*Program Chairs:*

**Richard E. Walck**, Global Financial Analytics LLC, Fairfax, Virginia

**Lawrence W. Newman**, Baker & McKenzie LLP, New York, New York

*Moderator:*

**Lawrence W. Newman**, Baker & McKenzie LLP, New York, New York

*Speakers:*

**Leonardo Giacchino**, Solutions Economics, Washington, DC

**Calvin Hamilton**, Hamilton Abogados S.L., Madrid, Spain

**William H. Knull, III**, Mayer Brown Rowe & Maw LLP, Houston, Texas

**Craig S. Miles**, King & Spalding LLP, Houston, Texas

**8:30 a.m. - 10:00 a.m.**

**Ocean Tower Ballroom II Salon C**

**United States International Trade Policy under the Obama Administration  
International Trade/Regulatory, Public International Law/Rule of Law**

The Obama Administration has signaled that a new framework for trade is required. This program will present perspectives on which issues will formulate that framework and shape United States trade policy for the next several years. It will present a chance to discuss topics that influence U.S. trade relationships with the countries of the world, such as: to what extent will trade be a component of U.S. foreign policy - and with whom? In which areas will we see changes in trade policy from the previous administration? What must the international lawyer understand about the future of U.S. trade policy? A comprehension of the objectives of U.S. trade policy and the means implemented to reach them is critical to the international practitioner. Those attending this program will be that much better prepared for the new trade rules.

**Sponsoring Committee:**

*International Trade Committee*

**Other Sponsors:**

*The Florida Bar International Law Section*

*Program Chair & Moderator:*

**Francisco A Corrales**, Silverberg & Weiss, P.A., Weston, Florida

*Speakers:*

**James R. Bacchus**, Greenberg Traurig, LLP, Orlando, Florida and Washington, DC

**Phillip A. Buhler**, Moseley Prichard Parrish Knight & Jones, Jacksonville, Florida

**Peter L. Fitzgerald**, Stetson University College of Law, St. Petersburg, Florida

**Todd G. Kocourek**, Sandler Travis & Rosenberg P.A., Miami, Florida

**Stephen J. Powell**, University of Florida Levin College of Law, Gainesville, Florida

**8:30 a.m. - 10:00 a.m.**

**Mona Lisa**

**Enforcing and Terminating Commercial Relations in Latin America After the  
Sub Prime Crisis**

**Latin America/Caribbean, Corporate Counsel, Global Financial Crisis**

The financial crisis has impacted almost all existing commercial agreements. Many of these agreements have force majeure provisions or other similar provisions, whose enforceability may be challenged or be more difficult to enforce. This panel will review from each country's perspective the impact that the crisis has had on various forms of commercial agreements and the obstacles to enforcing certain provisions and terminating various forms of commercial relationships in Latin America. Audience members will assist a lively discussion on those and other issues that arise when the crisis directly impacts a party's ability to comply with commercial relations.

**Sponsoring Committees:**

*Latin America and Caribbean Committee; International Commercial Transactions, Franchising and Distribution Committee; Mexico Committee*

*Program Chairs:*

**Guillermo Malm Green**, Brons & Salas Abogados, Buenos Aires, Argentina

**Andre de Almeida**, Almeida Advogados, São Paulo, Brazil

*Moderator:*

**Andrew J. Markus**, Carlton Fields PA, Miami, Florida

*Speakers:*

**Andre de Almeida**, Almeida Advogados, São Paulo, Brazil

**Jaime Carey**, Carey y Cía. Ltda., Santiago, Chile

**Luis Graham**, Chadbourne & Parke LLP, Mexico City, Mexico

**Guillermo Malm Green**, Brons & Salas Abogados, Buenos Aires, Argentina

**8:30 a.m. - 10:00 a.m.**

**Ocean Tower Ballroom I Salon C**

**Revisiting the International Criminal Court: What to Expect from the Review Conference**

**Public International Law/Rule of Law**

The Section of International Law 2009 Fall Meeting convenes on the eve of the First Review Conference of the Assembly of State Parties to the International Criminal Court. This session will include a discussion of issues to be addressed at the Review Conference (including possible new jurisdiction over the crime of aggression), what's at stake for the United States, how the U.S. should approach the conference and the Court generally. Three distinguished experts with extensive experience in U.S. government and international criminal tribunals currently chairs of Task Forces on the Court separately convened by the American Society of International Law and the Section of International Law will share their perspectives on the future of the Court and U.S. policy toward it.

**Sponsoring Committee:**

*International Criminal Law Committee*

**Other Sponsors:**

*American Society of International Law (ASIL)*

*Program Chair & Moderator:*

**Elizabeth Andersen**, American Society of International Law (ASIL), Washington, DC

*Speakers:*

**David M. Crane**, Syracuse University College of Law, Syracuse, New York

**William H. Taft, IV**, Fried Frank Harris Shriver and Jacobson LLP, Washington, DC

**Honorable Patricia M. Wald**, former Chief Judge, U.S. Court of Appeals for the District of Columbia Circuit, Washington, DC

**10:00 a.m. - 10:30 a.m.**

**Ocean Tower Ballroom II Salon A**

**Networking Break**

*Sponsored by Fulbright & Jaworski L.L.P.*

10:30 a.m. - 12:00 p.m.

Ocean Tower Ballroom I Salon C

## **CISG Hot Spots for Commercial Lawyers and Litigators**

**Business/Transactional, Dispute Resolution/Litigation, Young Lawyers**

This program will look at current issues that affect contract drafting and interpretation by commercial lawyers and litigators alike. Given that the CISG can have automatic application to contracts involving parties from Contracting States and may seriously modify their terms (a fact which many still not realize), potentially determining the outcome of litigation, this is a must-attend program. Topics include: Default Applicability: A Conflict of Laws Analysis of Articles 1(1)(a), 1(1)(b) and 6 of the CISG; Modification to the Parol Evidence Rule under Articles 8, 9, 11 and 29 of the CISG; Navigating the goods/services waters of Article 3(2) of the CISG; Modification to Damages and Remedies: Articles 74-77 of the CISG; Evolution of CISG jurisprudence in Argentina, Chile, Ecuador and Mexico-A Comparative Analysis

### **Sponsoring Committees:**

*International Commercial Transaction, Franchising & Distribution Committee; Canada Committee; Latin American and Caribbean Committee*

### *Program Chairs:*

**James M. Klotz**, Miller Thomson LLP, Toronto, Ontario, Canada

**Antonin I. Pribetic**, Steinberg Morton Hope & Israel LLP, Toronto, Ontario, Canada

### *Moderator:*

**James M. Klotz**, Miller Thomson LLP, Toronto, Ontario, Canada

### *Speakers:*

**Peter J. Mazzacano**, Osgoode Hall Law School, Toronto, Ontario, Canada

**Antonin I. Pribetic**, Steinberg Morton Hope & Israel LLP, Toronto, Ontario, Canada

**Steven M. Richman**, Duane Morris LLP, Princeton, New Jersey

**Pedro Urdaneta**, Imery Urdaneta Calleja Itriago & Flamarique S.C., Caracas, Venezuela

10:30 a.m. - 12:00 p.m.

Ocean Tower Ballroom II Salon B

## **It's a Small World: The Internationalization of Government Anti-Bribery Investigations**

**Corporate Counsel, Public International Law/Rule of Law, Global Financial Crisis**

Through unprecedented international cooperation, government enforcers and regulators are reaching beyond their own borders to investigate possible violations of their civil and criminal codes related to international business operations and transactions. The long arm of the law has not only extended its reach, it has strengthened its grip and become increasingly well coordinated. This has resulted in the recent trend toward more prosecutions of individuals and record-setting penalties for companies and individuals. Because of recent high-profile cases, anti-bribery compliance, in particular, has become a major concern for international companies. This program will spotlight the unprecedented collaboration between U.S. and non-U.S. enforcement agencies and examine the issues companies and their counsel need to understand when involved in a cross-border investigation, including: collecting data; navigating data privacy laws; understanding varying privilege laws; coordinating investigations and settlements with different enforcement agencies and handling extradition issues.

**Sponsoring Committees:**

*Export Controls and Economic Sanctions Committee; Customs Law Committee*

*Program Chairs:*

**J. Scott Maberry**, Fulbright & Jaworski LLP, Washington, DC

**Thaddeus McBride**, Fulbright & Jaworski LLP, Washington, DC

*Moderator:*

**J. Scott Maberry**, Fulbright & Jaworski LLP, Washington, DC

*Speakers:*

**Kathleen Hamann**, Fraud Section, Criminal Division, U.S. Department of Justice, Washington, DC

**William Jacobson**, Weatherford International, Washington, DC

**Susan Ringler**, International Compliance, ITT Corporation, White Plains, New York

**Tony Wales**, AOL Europe, London, United Kingdom

**10:30 a.m. - 12:00 p.m.**

**Ocean Tower Ballroom I Salon B**

**SHOWCASE PROGRAM**

**A View from the Inside – A Conversation with Some of the Today’s Leading Arbitrators**

**Dispute Resolution/Litigation**

In a roundtable format, some of the today’s top arbitrators will share their views on the best practices currently in use in the management of arbitral proceedings, including their views on issues such as the presentation of evidence, privilege, disclosure of information between the parties, arbitrator deliberations and drafting of the arbitral award. The speakers will also share their insights on, among other things, the ethical dilemmas facing arbitrators, the evolving state of arbitration, the different elements necessary for successful advocacy, the importance of culture, and their views on achieving consensus among arbitrators. This program offers a rare inside view into the decision making process of some of today’s leading arbitrators, and will be of great interest to those serving as arbitrators, as well as those, who as advocates, seek to persuade arbitrators.

*Program Chair:*

**José I. Astigarraga**, Astigarraga Davis, Miami, FL

*Moderator:*

**José I. Astigarraga**, Astigarraga Davis, Miami, FL

*Speakers:*

**Juan Fernández-Armesto**, Armesto & Asociados, Madrid, Spain

**Michael J. Moser**, Hong Kong International Arbitration Centre, Hong Kong, S.A.R., China

**Ben H. Sheppard, Jr.**, University of Houston Law Center, Houston, Texas

**Claus von Wobeser**, Von Wobeser & Sierra, S.C., México City, México

10:30 a.m. - 12:00 p.m.

Ocean Tower Ballroom II Salon C

**The Shifting Trade Winds of the Americas: The Stalling of the FTAA and the Rush to Negotiate Bilateral and Subregional Trade and Investment Agreements in the Americas**  
**International Trade/Regulatory**

Keeping apprised of the flurry of activity in bilateral and sub-regional trade and investment agreements in the Americas has become an overwhelming task for trade practitioners and other members of the legal community advising clients that operate in the Americas. With no reasonable prospects for the negotiation of the FTAA, the scramble to complete smaller sub-regional and bilateral FTAs and other treaties has resulted in a further tangling of the already complex web of existing agreements. At the same time, the scope of recent agreements has expanded to cover areas other than the traditional goals of trade integration and investment protection. A leading panel of experts from countries from the Americas, from North and South, government and private sector, will provide attendees with an update of recent developments and together, with views solicited from attendees, an effort will be made to envisage where the future of free trade integration lies in the Americas.

**Sponsoring Committees:**

*Canada Committee; Young Lawyers Interest Network (YIN); International Investment and Development Committee; Latin American and Caribbean Committee*

*Program Chair:*

**Orlando E. Silva**, McCarthy Tétrault LLP, Toronto, Ontario, Canada

*Moderator:*

**Orlando E. Silva**, McCarthy Tétrault LLP, Toronto, Ontario, Canada

*Speakers:*

**Matthew Kronby**, Trade Law Bureau, Government of Canada, Ottawa, Ontario, Canada

**Pablo Guzmán Laugier**, Office of Foreign Trade and Integration, Plurinational State of Bolivia, La Paz, Bolivia (*Invited*)

**Fernando Mantilla-Serrano**, Shearman & Sterling LLP, Paris, France

**Yahaira Sosa**, Ministry of Industry and Commerce Foreign Trade of the Dominican Republic, Santo Domingo, Dominican Republic

10:30 a.m. - 12:00 p.m.

Mona Lisa

**Speeding in Opposite Directions: A Survey of the Foreign Investment Landscape in Latin America**  
**Latin America/Caribbean, Corporate Counsel**

The foreign investment landscape in Latin America continues to shift dramatically, for economic, political, and ideological reasons—but not in a common direction. States such as Brazil, Colombia and Peru have made significant commitments to create a more favorable legal environment for FDI, and have generally become more accepting of international arbitration to resolve cross-border disputes. Other states have decidedly moved in the opposite direction: Bolivia, Ecuador and Venezuela in particular have enacted constitutional amendments or other laws, renegotiated treaties and contracts, defaulted on foreign debt payments, or shunned ICSID arbitration. These differing stances appear to have had a directly impact on foreigner investors' willingness to risk their capital:

FDI flows in the former group have doubled or tripled in the five-year period leading up to the current economic crisis, while foreign investment decreased significantly in the latter group during the same period. Why has such a dichotomy emerged? Is this antagonism towards foreign investment a transitory surge of resource nationalism, or does it portend something more fundamental and enduring? This panel will consider this marked dichotomy and its ramifications for investment and investment arbitration in Latin America.

**Sponsoring Committees:**

*International Arbitration Committee; International Investment and Development Committee*

*Program Chair:*

**Mark McNeill**, Shearman & Sterling LLP, Paris, France

*Moderator:*

**Alejandro A. Escobar**, Baker Botts LLP, London, United Kingdom

*Speakers:*

**Mark A. Clodfelter**, Foley Hoag LLP, Washington, DC

**Oswaldo Cesar Guglielmino**, Office of the Attorney General of Argentina, Buenos Aires, Argentina

**Hernán Pérez Loose**, Coronel & Pérez Abogados, Quito, Ecuador

**Sylvia Noury**, Freshfields Bruckhaus Deringer LLP, London, United Kingdom

**12:15 p.m. - 1:45 p.m.**

**Ocean Tower Ballroom I Salon A**

*Ticketed Event*

**Luncheon with Professor at Law, Erasmus University, Rotterdam and Visiting Professor, University of Miami School of Law Albert Jan Van Den Berg**

In 2006, Jan Van Den Berg was recognized as the Leading Commercial Arbitrator in the World by The International Who's Who of Business Lawyers. He is the author of the treatise *The New York Arbitration Convention of 1958: Toward a Uniform Judicial Interpretation*, and is widely recognized as the leading expert on the topic.

**2:00 p.m. - 3:30 p.m.**

**Ocean Tower Ballroom I Salon C**

**Cross-Border Real Estate Transactions in a Slow Market**

**Business/Transactional**

This will be a roundtable panel presentation by experienced practitioners from around the world to discuss conducting real estate transactions in a slow market. It will include a discussion of restrictions for non-citizens investing in real estate in different countries, and exploring problems and tax issues arising from losses as a result of the global financial crisis. Given the large amount of distressed property on the market in the United States, including a large amount in the State of Florida, the program will also address the investment opportunities for foreign individuals, companies and investment funds in the U.S. distressed property market and some of the pitfalls and cross-border tax considerations in such transactions.

**Sponsoring Committees:**

*International Private Client Committee; International Tax Committee; International Investment and Development Committee; Cross-Border Real Estate Practice*

*Program Chairs:*

**Terry A. Selzer**, Stampe Haume & Hasselriis Advokater, Copenhagen, Denmark  
**Markus Zwicky**, Zwicky Windlin & Partners, Zurich, Switzerland

*Moderator:*

**Terry A. Selzer**, Stampe Haume & Hasselriis Advokater, Copenhagen, Denmark

*Speakers:*

**Duarte de Athayde**, Abreu Advogados, Lisbon, Portugal  
**Ulrich Dischler**, Union Investment Real Estate AG, Hamburg, Germany  
**Michael Fay**, Colliers Abood Wood-Fay, Miami, Florida  
**Kenneth R. Jannen**, First American Title Insurance Company, Sunrise, Florida  
**William D. Rohrer**, Carlton Fields PA, Miami, Florida  
**Philip G. Skinner**, Arnall Golden Gregory LLP, Atlanta, Georgia  
**Markus Zwicky**, Zwicky Windlin & Partners, Zurich, Switzerland

**2:00 p.m. - 3:30 p.m.**

**Ocean Tower Ballroom II Salon B**

**The Global Economic Crisis and Employment Agreements: Cross-Border Challenges and Litigation Risks**

**Corporate Counsel, Business/Transactional, Global Financial Crisis**

In the current economic crisis, companies are working to retain key employees, while at the same time undertaking workforce reductions in unprecedented numbers. Stock options are under water and employers are trying to come up with alternatives. Additionally, non-compete agreements have taken on new importance, as key executives are fleeing for greener pastures. This program will discuss new challenges in structuring compensation systems and retaining key employees and best practices for enforcing non-compete agreements when, despite their best efforts, key employees depart the company. The program will include a discussion of recent cases involving cross-border enforcement of employment agreements and non-compete agreements; best practices in drafting cross-border employment agreements; and the steps multi-national companies are taking to retain key executives.

*Program Chairs:*

**Philip M. Berkowitz**, Nixon Peabody LLP, New York, New York  
**Anders Etgen Reitz**, Magnusson Advokatfirma, Copenhagen, Denmark

*Moderator:*

**Thomas Mueller-Bonanni**, Freshfields Bruckhaus Deringer LLP, Düsseldorf, Germany

*Speakers:*

**Marjorie R. Culver**, Paul, Hastings, Janofsky & Walker LLP, New York, New York  
**Stefan Nerinckx**, Laga, Brussels, Belgium  
**Louise Patry**, Davies Ward Phillips & Vineberg LLP, Montréal, Québec, Canada  
**Salli A. Swartz**, Phillips Giraud Naud & Swartz, Paris, France

2:00 p.m. - 3:30 p.m.

**Ocean Tower Ballroom I Salon B**

**DR-CAFTA: Towards an Appellate Mechanism in Investor/State Arbitration  
Dispute Resolution/Litigation, Public International Law/Rule of Law, International  
Trade/Regulatory**

With the DR-CAFTA free trade agreement in effect for all Central American countries and the Dominican Republic as of January 2009, the parties are now under obligation to negotiate an appellate body or similar mechanism for investor-State arbitration. If/when such a mechanism comes into place, it would be the first of its kind for investment arbitration. Is there a need for such a mechanism? What should the appellate mechanism look like? Can such a mechanism be created where other similar efforts have failed? What are the political issues that will affect what the mechanism looks like? The panel of current and former negotiators and investment arbitration litigators will answer these questions and examine a series of negotiating objectives laid out in DR-CAFTA in a lively format in which they make recommendations to a policy maker.

**Sponsoring Committees:**

*International Investment and Development Committee; International Arbitration Committee; Latin America and Caribbean Committee*

*Program Chair:*

**Mélida Hodgson**, Foley Hoag LLP, Washington, DC

*Moderator:*

**Kimberley Claman**, Office of the U.S. Trade Representative, Washington, DC

*Speakers:*

**Roberto Echandi**, Ambassador of Costa Rica to the European Union and Belgium, Brussels, Belgium

**Mélida Hodgson**, Foley Hoag LLP, Washington, DC

**Barton Legum**, Salans LLP, Paris, France

**Theodore Posner**, Crowell & Moring LLP, Washington, DC

2:00 p.m. - 3:30 p.m.

**Port of Miami Visit - A Behind-the-Scenes Look at Cargo Screening and  
Import Inspections: Part I**  
**International Trade/Regulatory, Business/Transactional, Young Lawyers**

*This session is part of a two-part series (refer to the Friday 4:00 PM sessions for Part II). Both sessions take place at the Port of Miami. Transportation both to and from the Port of Miami will be provided for these sessions. Transportation will depart from the front entrance of the hotel at approximately 1:15 PM and return at approximately 6:15 PM. As security clearances for participants are required, on-site registration for these off-site programs is only available through Wednesday at noon.*

Have you ever wondered what happens when cargo enters and leaves the country? Well, now is your chance! The Port of Miami is one of America's busiest ports and a very important contributor to the global markets and economies. It contributes over \$17 billion annually to the Florida economy and is known both as the Cruise Capital of the World and the Cargo Getaway of the Americas. This program will commence with a Miami port representative who will give a presentation on the port's operations and will conclude with a tour of the port itself, where

attendees will get a behind-the-scenes look at what really happens to cargo at the port, as well as cruise ship operations. Round-trip transportation will be provided.

**Sponsoring Committee:**

*Customs Law Committee*

*Program Chair & Moderator:*

**Kelly Chen**, Munck Carter, LLP, Dallas, Texas

*Speakers:*

**Bill Johnson**, Port of Miami, Miami, Florida

**Chester W. "Bill" Olejasz**, Port of Miami, Miami, Florida

**2:00 p.m. - 3:30 p.m.**

**Ocean Tower Ballroom II Salon C**

**Sovereign Debt Litigation: Lessons from the Front Line**

**Latin America/Caribbean, Dispute Resolution/Litigation, Public International Law/Rule of Law**

In 2001, Argentina, in the midst of a financial crisis, defaulted on its sovereign debt, triggering a wave of lawsuits by holders that did not participate in a restructuring offered by Argentina. Recently, Ecuador defaulted on its sovereign debt, claiming that the country's foreign debt had been illegally incurred by previous governments (the "odious debt" defense). Unlike in the case of Argentina, however, most holders tendered their debt to Ecuador. Drawing upon experiences in sovereign debt litigation, this program will discuss emerging issues in such litigation, including sovereign defenses; issues with respect to the enforcement of judgments in sovereign debt litigation; and different approaches taken in the cases of Argentina and Ecuador.

*Program Chair & Moderator:*

**Nicolas Swerdloff**, Hughes Hubbard & Reed LLP, Miami, Florida

*Speakers:*

**Oliver J. Armas**, Chadbourne & Parke LLP, New York, New York

**Carmine D. Boccuzzi, Jr.**, Cleary Gottlieb Stein & Hamilton LLP, New York, New York

**David Dunn**, Hogan & Hartson LLP, New York, New York

**David B. Metzman**, Gramercy Advisors LLC, Greenwich, Connecticut

**2:00 p.m. - 3:30 p.m.**

**Mona Lisa**

**Law Unification in the Americas: Status and Prospects**

**Latin America/Caribbean**

This interactive program consists of four presentations of equal duration on the status of the reception of important model texts in the Americas, interspersed with questions from the moderators and concluding with the opportunity to interact with the panelists. In the case of the New York Convention, we deal not with the adoption of the instrument, rather its application. With respect to the Model Law of International Commercial Arbitration, it is a question of the effect that the Model Law has had on arbitration legislation in the region. The subject of cross-border insolvency becomes more and more important every day, and will be of interest to legislators in the region. Already, some of the most important economies in the region have adopted the UNICTRAL Model Law. For the CISG, we deal with both reception and application. You will

come away with a new appreciation for strong currents of convergence in the region that will be of great utility in your practice.

**Co-Sponsoring Organization:**

*Inter-American Bar Association*

*Program Chair:*

**John H. Rooney, Jr.**, Shutts & Bowen LLP, Miami, Florida

*Moderators:*

**Lorena Pérez**, Organization of American States, Washington, DC

**John H. Rooney, Jr.**, Shutts & Bowen LLP, Miami, Florida

*Speakers:*

**Paulo Brancher**, Barretto Ferreira, Kujawski, Brancher & Gonçalves – Sociedade de Advogados, São Paulo, Brazil

**Judith Freedberg**, University of Miami School of Law and former General Counsel of the Permanent Court of Arbitration, Coral Gables, Florida

**Professor Vesna Lazik**, T.M.C. Asser Instituut, The Hague, The Netherlands

**Nancy M. Thevenin**, Baker & McKenzie LLP, New York, New York

**3:30 p.m. - 4:00 p.m.**  
**Networking Break**

**Ocean Tower Ballroom II Salon A**

**4:00 p.m. - 5:30 p.m.**

**The Future of Microfinance in Latin America and the Caribbean**  
**Business/Transactional, Latin America/Caribbean**

**Ocean Tower Ballroom II Salon C**

Latin America has been a leader in the microfinance movement since the 1970's. Today, Latin America is the home to some of the most developed microfinance institutions in the world. Unfortunately, the current economic downturn has significantly limited institutional access to funding sources. To help these institutions to continue lending, President Obama has announced the creation of a \$100 billion Microfinance Growth Fund for the Western Hemisphere. The Fund is designed to help microfinance institutions rebuild their capacities to lend during the current economic downturn. While access to funding sources is critical to a microfinance institution's success, its ability to penetrate properly a particular country is equally, if not more, important. While microfinance institutions have seen great success in Latin America as a region, there continues to be a great disparity, with only some countries enjoying high rates of microfinance penetration.

This program will discuss the impact of microfinance institutions on Latin America and the Caribbean. We will explore the importance of microfinance lending in times of economic crisis, the challenges to funding these institutions, and the impact that microfinance lending can have on depressed economies. We will also focus on how access to microfinance can be improved, especially in the most rural areas of Latin America and the Caribbean. Strategies for increasing penetration, including offering services through other established commercial venues, like pharmacies and markets, will be discussed.

**Sponsoring Committees:**

*Young Lawyers Interest Network; Law Student, LL.M., and New Lawyer Outreach Committee*

*Program Chair:*

**Carlos F. Gonzalez**, Diaz Reus & Targ LLP, Miami, Florida

*Moderator:*

**Honorable Lisa Walsh**, Eleventh Judicial Circuit of Florida, Civil Division, Miami, Florida

*Speakers:*

**John Courier**, The U.S. Department of Justice, United States Attorney's Office, Southern District of Florida, Miami, Florida

**Annie Guérard-Langlois**, Clifford Chance LLP, New York, New York

**Barbara R. Llanes**, Paul Weiss Rifkind Wharton & Garrison LLP, New York, New York

**Robert Scarlett**, Hunter Scarlett Consulting and Advisor to the Microfinance Alliance, Minneapolis, Minnesota

**4:00 p.m. - 5:30 p.m.**

**Ocean Tower Ballroom II Salon B**

**Challenging Times for the Engagement of International Legal Counsel: A  
Worldwide Vision for the Same Problem  
Corporate Counsel, Business/Transactional**

Although the need of legal services and advise continues to grow worldwide and in all practices of law, there is an important constraint in the budgets of the clients to engage external counsel. In-house departments are assuming more tasks internally than what they did in the past. How are in-house departments changing? How are law firms reacting and what are their strategies? Is loyalty a value that is being rediscovered?

**Sponsoring Committees:**

*Foreign Legal Consultant Committee; International Corporate Counsel Forum; International Law Practice Management Forum*

*Program Chair & Moderator:*

**Albert Garrofé**, Cuatrecasas Gonçalves Pereira, New York, New York

*Speakers:*

**Cristina Álvarez**, Cintra Concesiones de Infraestructuras de Transporte, S.A., Madrid, Spain

**Alyssa A. Grikscheit**, Goodwin Procter LLP, New York, New York

**Patricia Menendez-Cambo**, Greenberg Traurig, LLP, Miami, Florida

**Haig Najarian**, General Electric Energy Financial Services, Stamford, Connecticut

**Toshifumi Shibuya**, Sumitomo Corporation of America, New York, New York

**4:00 p.m. - 5:30 p.m.**

**Ocean Tower Ballroom I Salon B**

**Third Party Funding in International Litigation and Arbitration:  
Opportunities and Challenges  
Dispute Resolution/Litigation  
(This program to qualify for ethics CLE)**

Third party funding of international arbitration and litigation claims has increased dramatically over the past 18 months. Several funders and funding brokers in the U.S., UK and Australia are focused on this space, reporting significant increases in requests for funding of various sorts. Firms that accept international cases on a contingent fee basis see partial funding structures as a way to hedge their investments in the case outcomes. Firms that do not accept contingent fee cases view third party capital as a way to compete for engagements against rival firms that do. Claim holders—even large corporations—view sales of interests in claims as a way to hedge their risk of loss, even where funding is not strictly required to prosecute the claim. With the advent of legislation in the UK permitting third party funding, the phenomenon is likely to increase. There are ethics and legal issues associated with third party funding that must be taken into account in structuring the financing arrangement. This program will introduce sources for financing in international cases; ethics issues facing lawyers seeking such financing; and structures for financing cases.

*Program Chair:*

**Timothy D. Scrantom**, Juridica Capital Management, Guernsey, Channel Islands

*Moderator:*

**Frederick H. Dulles**, Dulles International Law LLC, Charleston, South Carolina

*Speakers:*

**Nathan Crystal**, University of South Carolina School of Law, Columbia, South Carolina

**Nina Hall**, Global Arbitration Litigation Services, London, United Kingdom

**Timothy D. Scrantom**, Juridica Capital Management, Guernsey, Channel Islands

**4:00 p.m. - 5:30 p.m.**

## **Port of Miami Visit - A Behind-the-Scenes Look at Cargo Screening and Import Inspections: Part II**

**International Trade/Regulatory, Business/Transactional, Young Lawyers**

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**Sponsoring Committee:**

*Customs Law Committee*

*Program Chair & Moderator:*

**Kelly Chen**, Munck Carter, LLP, Dallas, Texas

*Speakers:*

**Bill Johnson**, Port of Miami, Miami, Florida

**Chester W. "Bill" Olejasz**, Port of Miami, Miami, Florida

**4:00 p.m. - 5:30 p.m.**

**Mona Lisa**

**The Impact of the Crisis in Latin America: Going to Bed Alone and Waking up with the Government**

**Latin America/Caribbean, Corporate Counsel**

Large investments programs have been announced by governments in most Latin American countries as a reaction to the economic crisis. Those governments have decided to help private companies by granting loans or making equity investments. As a result, governments have started a new nationalization wave or at least ended up in a public-private partnership. This panel will compare and contrast host country perspectives in Latin America towards the role of government administration in the economy and whether this may foster or threaten private activity. Legal Directors of several major companies will share their views in the region.

**Sponsoring Committees:**

*International M&A Joint Venture Committee; International Energy & National Resources Committee; International Corporate Counsel Forum*

*Program Chair & Moderator:*

**Saul Feilbogen**, Vitale, Manoff & Feilbogen, Buenos Aires, Argentina

*Speakers:*

**Christine M. Castellano**, Corn Products International, Inc., Westchester, Illinois

**Patrick Garver**, Barrick Gold Corporation, Toronto, Ontario, Canada

**Juan Luna**, Hewlett-Packard Development Company, L.P., Houston, Texas

**Jose Martinez**, Legal and Governmental Relations, Latin America, Nokia U.S., Irving, Texas

**Gabriel I. Wilkinson**, Gas Natural BAN, Buenos Aires, Argentina

**6:30 p.m. - 9:30 p.m.**

**Ocean Garden**

*Ticketed Event*

**Chair's Closing Reception**

**10:30 p.m. - 12:30 a.m.**

**After-Hours Reception at Skybar at The Shore Club**

*1901 Collins Avenue, Miami Beach*

*Sponsored by: Association Internationale des Juenes Avocats (AIJA)*

*Transportation from Eden Roc to the Shore Club will be provided; buses will depart from the front entrance of the hotel.*



## *Meeting Agenda*

**Saturday, October 31**

**7:30 a.m. - 9:30 a.m.**

**Council Continental Breakfast**

**Ocean Tower Ballroom I Foyer**

**8:00 a.m. - 9:00 a.m.**

**Administration Committee Meeting**

**Ocean Tower Ballroom I Salon C**

**9:00 a.m. - 1:00 p.m.**

**Council Meeting**

ABA International's Council, the Section's policy-making body, will debate major policy initiatives and be addressed by many visiting dignitaries and bar leaders from outside the U.S. *The Council Meeting is open to all Fall Meeting registrants; everyone is encouraged to attend.*

**Ocean Tower Ballroom I Salons A-B**

**1:15 p.m. - 5:30 p.m.**

**Golf Outing at Miami Beach Golf Club**

*2301 Alton Road, Miami Beach*

Take advantage of the wonderful South Florida weather by spending your last hours in Miami Beach on the greens of the Miami Beach Golf Club. *Tee times will be arranged for your convenience; please stop by the Registration Area in the foyer of Ocean Tower Ballroom II for assistance. All associated charges are to be paid directly to the Miami Beach Golf Club upon arrival.*