AMERICAS CONFERENCE

REIMAGINING CORPORATE SOCIAL RESPONSIBILITY

WEDNESDAY - FRIDAY | MARCH 11 - 13, 2020

INTERCONTINENTAL COSTA RICA AT MULTIPLEX MALL
SAN JOSE, COSTA RICA

Register Now!  www.ambar.org/americasconf2020
The American Bar Association’s International Law Section is bringing its Americas Conference to Costa Rica for the first time. Lawyers from around the world will convene to discuss and reimagine the future of Corporate Social Responsibility (CSR) in very practical terms.

Today’s world faces significant social, economic, and environmental issues. CSR will not entirely solve these issues, but will go a long way to ensure companies operate in an ethically and morally responsible way, while better responding to the needs and values of its customers and, in the process, become more successful.

Costa Rica’s pledge to become carbon neutral by 2021 makes it an ideal location for leading experts to discuss how companies and private organizations can be part of the solution, while helping themselves to be more competitive. Over the course of two days, industry experts including in-house counsel, business leaders, and private practitioners, will discuss the latest trends and developments regarding ethical business practices and groundbreaking CSR issues, including their view of what next generation CSR should look like.

This Conference provides a unique opportunity to learn from leading industry experts about corporate governance and the future of CSR. It will open doors to potential new areas of law, and position private practitioners to provide cutting edge ideas and solutions to clients striving to get ahead in this critical area.

Register Now! www.ambar.org/americasconf2020
WHY ATTEND THE CONFERENCE

- SURROUND yourself with experts from around the world, including private practitioners, in-house counsel, business leaders, and academics, who are focused on the future of CSR
- LEARN the latest in CSR strategies and trends, and where it’s headed
- EXPAND your network of CSR experts
- FIND business partners
- BUILD your client base
- IDENTIFY suppliers
- GET valuable US CLE credits
- EXPERIENCE Costa Rican culture by dining in the home of local lawyers during Home Hospitality Night
- HAVE fun
- BE inspired

WHO WE ARE

The ABA Section of International Law brings together lawyers from around the world to focus on international legal issues, promote the rule of law, and provide education, policy, publishing and practical assistance related to cross-border activity.

11,000+ MEMBERS WORLDWIDE
100+ COUNTRIES REPRESENTED
55 SUBSTANTIVE COMMITTEES

OUR MEDIA REACH

LinkedIn: 28,326 followers
Twitter: 5,111 followers
Facebook: 4,431 followers

Register Now! www.ambar.org/americasconf2020
CHAIR
ABA INTERNATIONAL LAW SECTION

LISA RYAN
FRAGOMEN
SAN FRANCISCO, CALIFORNIA

CONFERENCE CO-CHAIRS

RICARDO CORDERO B.
CORDERO & CORDERO ABOGADOS
SAN JOSE, COSTA RICA

LUIS M. CASTRO
BLP ABOGADOS
SAN JOSE, COSTA RICA

LEONOR ECHEVERRIA
FRAGOMEN
SAN JOSE, COSTA RICA

AFSOON KHATIBLOO-MCCLELLAN
LEXISNEXIS
CINCINNATI, OHIO

FABIAN A. PAL
FABIAN A. PAL, PA
MIAMI, FLORIDA

M. PAULA AGUILA
RIVERO MESTRE LLP
MIAMI, FLORIDA
A showcase session focusing on the transformation of a multinational organization’s CSR efforts to a more focused approach built on the foundation of advancing Rule of Law globally. Specifically addressing the roles that both business and the legal profession have to play in respecting, supporting and advancing the rule of law. The panel will address and explain the concept of the Rule of Law, describe its history, economic impact and its importance to the legal profession and society generally. The program illustrates what business for the rule of law is, and why the rule of law is also a matter of businesses.

**Program Chair:** Afsoon McClellan, Director, Global Associations, LexisNexis, Dayton, Ohio
**Moderator:** To Be Confirmed
**Speakers:**
- Ian McDougall, General Counsel, LexisNexis, New York, NY
- Carmen Pombo, Director, Fernando Pombo Foundation, Madrid, Spain

**SUSTAINABILITY AND INTERNATIONAL TRADE: PATHS TO CONVERGENCE**

The panel will address 4 current topics dealing with an evolving framework set to facilitate the convergence and the mutual support of CSR and international law:
1. The nexus between sustainability and Investment Law and Arbitration.
2. The interaction between UN Sustainable Development Goals and International Trade Law.
3. CSR, Governmental and International Policy Making.

Register Now!  www.ambar.org/americasconf2020
PLENARY SESSION: TBA

11:30 AM - 12:30 PM

LUNCH

12:30 - 2:00 PM

B-CORPORATIONS & CONSCIOUS CAPITALISM: ARE THEY HERE TO STAY?

B-Corporations are business entities that have been certified as complying with high standards on public transparency, legal accountability, as well as social and environmental performance. B-Corps aim to redefine what a successful business is. From a legal standpoint, B-Corps are redefining their mostly “for-profit purpose”. With a similar mindset, entities that follow the conscious capitalism credo believe that business is good because it creates value, is ethical because it is based on voluntary exchanges, is noble because it elevates our existence and is heroic because it lifts people out of poverty. This balanced objective had mixed results. This panel intends to generate an open forum discussion in order to provide insights as to whether this focus is achievable and the legal difficulties necessary for success.

Register Now!  www.ambar.org/americasconf2020
does nothing? What does legal ethics have to say about the lawyer’s role in blowing the whistle in such cases? This program will provide healthy dialogue in search of answers to these questions.

Program Chair and Moderator:
Daniel Cooper, Partner, Cooper & Kurz, Stamford, CT

Speakers:
Ekaterina Schoenefeld, Owner, Schoenefeld Law Firm LLC, Princeton, NJ
Fausto Sanchez, Founding Partner, Sanchez, Fischer, Levine, LLP, Plantation, FL
Michelle Harrison, Staff Attorney, Earthrights International, Washington, DC

3:30 - 4:00 PM  NETWORKING BREAK
4:00 - 5:30 PM  TBA
4:00 - 5:30 PM  ADVISING CORPORATE CLIENTS ON HUMAN RIGHTS & SUSTAINABILITY

The United Nations together with governments, companies, non-governmental organizations, and the academic sector have established common universal goals for 2030, which will impact the well-being and development of all society, particularly persons living in the most extreme conditions. They will also have an impact on equality, social inclusion, and environmental protection, which are in the common interest. This panel will discuss the role of lawyers in achieving these goals and in the implementation of the Guiding Principles. The panel will also discuss strategies and good practices established by law firms in developing pro bono programs with a vision towards monitoring and promoting their impact in communities; measuring, reviewing and correcting the social and environmental impact of their actions and the activities of their clients; enhancing legal reforms that adapt domestic law to international legal obligations; advising public officers in terms of impact access to justice and the strengthening of democratic institutions; and advising clients.

Program Chairs:
Irene Aguilar, Director of Sustainability, BLP, San Jose, Costa Rica

Moderator:
Vivian Liberman, Partner, BLP, San Jose, Costa Rica

Speakers:  To Be Announced

Register Now!  www.ambar.org/americasconf2020
The panel will cover successful elements of the global corporate diversity "industry" as well as the most important diversity and inclusion concepts currently in play. The newer vocabulary in anti-discrimination circles -- in youth education, social media, academia and law -- is implicit bias, intersectionality, directionality and allies. Corporate counsel and lawyers need to update their information if they are to participate effectively in a dialogue about D&I. Because these panelists coined the terms and work on the front lines training corporate managers, they are well-suited to demonstrate the application of new concepts and strategies. And they have the vision to address the cross-cultural complications and future trends. The lawyers attending this presentation will emerge better equipped to address issues of race, gender identity, national origin, religion and personal identity with their clients and in their own practices.

Program Chair and Moderator: Judy Polacheck, HR Law, LLC, Cambridge, MA

Speakers:
Sanjiv Kapur, Partner, Jones Day, Sao Paolo, Brazil
Kay Hodge, Partner, Stoneham, Chandler & Miller LLP, Boston, MA
Preston Hopson, Tetra Tech, Los Angeles, California

Forced labor, a form of human trafficking, can take place where there is a lack of labor protections in a supply chain. Global supply chains are complex with many countries, companies, and sub-contracted entities involved. Migrants are particularly vulnerable. Companies have faced severe scrutiny once force labor has been identified, forcing global enterprises to evaluate their supply chain policies. Moreover, many countries are now implementing Modern Slavery laws which ask that companies disclose their practices for mitigating the risk of forced labor in the supply chain. This panel
will focus on how companies are addressing these issues. The panel will also cover what future developments and legislation in this field may look like.

**Program Chair and Moderator:**
Emily Brown, Junior Partner, Morais Law, Moorestown, NJ

**Speakers:**
John Foote, Partner, Baker & McKenzie LLP, Washington, DC
Prof. Luz Nagle, Stetson University, DeLand, FL
Prof. Linda Malone, William & Mary Law School, Williamsburg, VA

**PRIOR CONSULTATION WITH INDIGENOUS COMMUNITIES: A SOCIALLY RESPONSIBLE CORPORATE NECESSITY FOR NATURAL RESOURCE INVESTMENTS**

The International Labor Organization Convention 169 recognizes indigenous peoples as distinct stakeholders with a right to decide their own priorities for development. With respect to mineral and sub-surface resources, governments must consult indigenous communities before the exploration of such resources. The UN has also adopted the Declaration on the Rights of Indigenous Peoples that added the concept of “free, prior, and informed consent”. These requirements have been incorporated into some legal systems, but variations exist. Some firms have thus developed their own due diligence measures - in part to avoid future violent opposition - that involve impact assessments and some type of consent procedures. This program brings together experts to examine best practices for formulating CSR principles that ensure robust consultations with stakeholders and new developments that may influence consultation and impact the drafting of new CSR principles.

**Program Chair and Moderator:**
Thomas O'Keefe, President, Mercosur Consulting Group, Ltd., New York, NY

**Speakers:**
Estuardo Asturias, In-House Counsel, Mayaniquel S.A., Ciudad de Guatemala, Guatemala
Gustavo Cedrone, Partner, Mitraní, Caballero & Ruiz Moreno, Buenos Aires, Argentina
Haydee Dijkstal, Barrister, 33 Bedford Row Chambers, London, UK
Gabriela Roca, Qil+4 Abogados, Ciudad de Guatemala, Guatemala

Register Now!  [www.ambar.org/americasconf2020](http://www.ambar.org/americasconf2020)
1:00 - 2:30 PM  
**LUNCH WITH ANGELA VIGIL, PARTNER, BAKER MCKENZIE, MIAMI, FL**

**REIMAGINING JUSTICE THROUGH PRO BONO AND CSR**

Lawyers as Problem-Solvers Applying our legal skills is one of the greatest contributions a lawyer can make to social justice and social responsibility. Our pro bono work is a lawyer's way of contributing "for the good" to policy, access to justice and the rule of law. But we sometimes think about our volunteerism as something we do outside our regular core business. That may be a course we, as a profession, should reimagine. Social responsibility and, for many of us - pro bono, should be aligned as part of who and what we are as lawyers. Come join an interactive discussion to brainstorm and reimagine how lawyers can be problem-solvers on social justice issues and change the way justice works for all of us.

2:30 - 4:00 PM  
**REDEFINING CAPITALISM: WHY COMPANIES MUST FOCUS ON CREATING SHARED VALUE**

Given the power of social media and global interconnection, having ethical and responsible business practices is not only important, but is crucial for organizations in order to thrive. Will millennials and generation Zs be willing customers of companies that allow sexual harassment in their workplace? Of companies that allow gender, race, religion, and other types of discrimination? What about those that make billions of dollars in revenue but only pay their employees the minimum wage? Of those who significantly contribute to the deteriorate our environment? Business models and strategies will need to be addressed in light of the marketplace, where global public censure will have more impact than formal rules and regulations. This panel will address how successful organizations can make a positive contribution to society as a central part of their management and business model.

**Program Chair and Moderator:** 
Leonor Echeverria, Partner, Fragomen, San Jose, Costa Rica  

**Speakers:**  
Pedro Beirute, CEO, Procomer, San Jose, Costa Rica  
Gally Mayer, Board Member, Urban Zen Foundation, San Jose, Costa Rica  
Pablo Duncan, Senior Partner, CLC Comunicación y Asuntos Públicos, San Jose, Costa Rica  
Prof. Andrea Prado, INCAE Business School, San Jose, Costa Rica

Register Now!  www.ambar.org/americasconf2020
2:30 - 4:00 PM  COMPLY OR NOT COMPLY: THE IMPACT OF DIFFERING COMPLIANCE SYSTEMS ON M&A TRANSACTIONS

Compliance issues and awareness of CSR goals and initiatives are increasingly more important in daily corporate life and in M&A transactions. They shape the culture and reputation of an enterprise, thus have a significant impact in an acquisition. Different corporate cultures and value systems need to be integrated creating new CSR objectives of the merged enterprise reflecting its changed nature. The panel consists of experienced compliance officers of dynamic Central American companies and experienced private practitioners. The panel will discuss how new CSR goals should be developed and corresponding compliance measures implemented based on the business strategy of the combined entity.

Program Chairs:
Vanesa Balda, Partner, Vitale, Manoff & Feilbogen, Abogados, Buenos Aires, Argentina
Program Chair and Moderator:
Hermann Knott, Partner, Andersen Tax & Legal, Germany
Speakers:
Alejandra Almonte, Member, Miller & Chevalier, Washington, DC
Ana Jaen Chacon, Establishment Labs, Costa Rica
Juan Carlos, Tristan, BLP, San Jose, Costa Rica
Viviana Montero Sanchez, Millicom, Costa Rica

4:00 - 4:30 PM  NETWORKING BREAK

4:30 - 6:00 PM  ADJUDICATING CSR OBLIGATIONS IN INVESTOR-STATE ARBITRATION

This program will cover in an Oxford-style debate format: (i) the avenues that currently exist for the adjudication of CSR obligations in investor-State arbitration, including an analysis of the case law on States' affirmative defenses and counter-claims; (ii) the recent trends in treaty-making, which reflect the broader debate on the reform of Investor-State Dispute Settlement (ISDS); and (iii) the opportunities and challenges that ISDS presents for CSR. The panel will be an interactive discussion featuring diverse speakers who have approached these issues from various perspectives: as counsel representing States and investors in international arbitration; as in-house corporate sustainability practitioners; and as policy-makers involved in the debate surrounding ISDS reform.

Program Chairs:
Kabir Duggal, Arnold & Porter, New York, NY
Paula Henin, Freshfields Bruckhaus Deringer, New York, NY
Moderator:
Gaela Gehring Flores, Arnold & Porter Kaye Scholer, Washington, DC
Speakers:
Yousuf Aftab, Atelier Aftab, New York, NY
Karima Sauma, International Arbitration and Mediation Center - AmCham Costa Rica, San José, Costa Rica

Register Now!  www.ambar.org/americasconf2020
NEW TRENDS ON CIRCULAR ECONOMY: RENEWABLE ENERGY AND OTHER TECH INNOVATIONS TO ACCOMPLISH GLOBAL SUSTAINABILITY

A circular economy provides an alternative to a linear economy (make, use, dispose) by using resources as long as possible and then regenerating materials for future use. This regenerative approach is one of the cornerstones of the renewable energy industry, and one that the transportation industry is incorporating. However, these changes pose a challenge for a regulatory and economic system designed to incentivize fast consumption and disposal. Countries are in the process of restructuring their legal framework to incorporate these new trends, opening new opportunities in the regulatory and policy front, and consequently, in business of legal services. These experts will discuss some of the latest tech innovations in the energy and transportation fields, and how their implementation poses a challenge to a regulatory system designed for a linear economy, but also, opens up new opportunities in the legal and business sector.

Program Chair and Moderator:
Prof. Victor Murillo, Lead University, San Jose, Costa Rica

Speakers:
Alvaro Cedeño, former Costa Rican Ambassador to Japan and the World Trade Organization (WTO) and current CEO at IoT Republik, San Jose, Costa Rica
Melania Guerra, University of California San Diego, San Diego, CA
Daniel Muñoz, Regional General Counsel Mexico and Central America, Enel Green Power S.p.A., San Jose, Costa Rica
Fernanda Jiménez, Head of the Environmental Law Department, Colbs Estudio Legal, San Jose, Costa Rica

CLOSING RECEPTION AT THE INTERCONTINENTAL

Register Now! www.ambar.org/americasconf2020
WITH VERY SPECIAL THANKS TO OUR SPONSORS

**Panel Sponsor**

**Primary Sponsor**

INTERNATIONAL LAW SECTION GLOBAL LEGAL RESEARCH PROVIDER

**Silver Sponsor**

**Platinum Sponsor**

**Exhibiting Sponsor**

CORDERO & CORDERO ABOGADOS EST. 1940

LexisNexis

FRAGOMEN WORLDWIDE

BLP

Costa Rica • El Salvador • Guatemala • Honduras • Nicaragua • Spain

blplegal.com
AND OUR COOPERATING ENTITIES

Asociación de Abogados de Empresa para Centroamérica

Universidad La Salle
Costa Rica

25 Años