WEDNESDAY, APRIL 10, 2019

9 – 10:30 am
When a Corporation Becomes Criminal – The Impact of Corporate Criminal Liability on M&A Transactions
International M&A JV

In the context of expanded enforcement and considerable penalties imposed on corporations by an increasing number of countries across the globe, most recently also in Latin America, the advisors to M&A-Transactions need to be aware of the risks and impact of corporate criminal liability. Speakers from the US, UK and other prominent jurisdictions will first flesh out the relevant laws and underlying concepts, comparing differing national approaches to corporate criminal liability. This discussion will include an overview of the powers and penalties available to prosecutors and the possible defenses for the companies concerned. Then, the panel will address the potential for successor liability and what a buyer can do to avoid or mitigate these risks, e.g. through appropriate due diligence, insurance, or contractual terms. Different fact patterns and available remedies will be discussed, including scenarios where due diligence reveals potential criminal conduct, where a target discloses that it is already under criminal investigation but that investigation is ongoing, and where a target or its officers have already been convicted and fined. This panel will also cover due diligence as to criminal liability and compliance risks and how the results of such diligence should be reflected in the negotiating and drafting process.

9 – 10:30 am
So You Thought It Was Easy? Welcome to Regulatory and Compliance Complexity In M&As Transactions Throughout Latin America
Latin America and Caribbean

Dealing with regulatory issues such as Compliance, is currently paramount in every cross-border M&A transactions involving Latin America. The recent high-profile corporate scandals throughout Latin America, with their political sequel, made more evident than ever the huge impact that corruption allegations may have on the valuation, reputation and even on the future viability of the companies involved on an M&A deal. Not only the value of an otherwise profitable target company could be substantially reduced if corruption issues arise following the closing of the transaction, but even worst, the buyer could be exposed to potential liabilities under its own domestic anti-corruption laws.

This panel will discuss the recent developments in terms of compliance regulations in each jurisdiction. Also, we shall cover eventual effects of the recent elections both in Mexico and Brazil. In addition, and from a practical standpoint, we shall discuss how to handle compliance issues and related liabilities during the due diligence process, the agreement negotiations and, of course, post-closing. We shall also cover compliance issues under FCPA, from the perspective of a US investor.
9 – 10:30 am
Digital Currency: The Ethical Considerations for Accepting Cryptocurrency as Payment for Legal Services
International Ethics

Since the international explosion of Bitcoin and other cryptocurrencies, foreign governments and banking institutions have been at the forefront in determining how to adapt to this new era of digital currency. But, how do law firms fit into this equation? With the ever-increasing competition to attract clients, law firms are exploring the acceptance of cryptocurrency as payment for legal services in order to gain a competitive advantage. But, can law firms ethically accept such digital currency? If so, how can law firms proactively prepare for payment via cryptocurrency? What level of due diligence is required in accepting these payments? What are the anticipated challenges? How have other countries treated these issues? What can law firms do to ensure that they remain competitive in a market that is increasingly adopting the use of blockchain technology?

9 – 10:30 am
Religious Freedom in a World of Genocide—Why Do You Care? You Are Nothing but A Lawyer
Seasoned Lawyers Interest Network (SIN)

(1) Why have bar associations typically included religious freedoms in their charters? (2) what does this mean for the lawyers who become members of those bar associations? (3) Is there actually an interplay between denial of religious freedom and genocide? (4) what is the danger to all the world to allow genocide to occur anywhere in the world? (5) what can and should be done by a lawyer when he learns that a government or other entity by which he is employed or, with which he is otherwise engaged or associated, is engaged in denial of religious freedom? (6) do bar associations have a duty to publicly and repeatedly denounce loudly any genocide which comes to their attention? (7) what compels a lawyer to defend a person’s right to exercise his religious freedom even when to do so imperils his own life? (8) What strategies might be employed by lawyers and bar associations to combat genocide?

REASON FOR PROGRAM  The exercise of religious freedom is historically essential to all of mankind, but today there is an increasing threat to the right which has progressed all the way to massive genocide in several parts of the world and it seems to be increasing. In some instances, it is not government backed but in most instances, it is. Lawyers are the voices for all people the world over and must always be such. However, we sometimes just overlook some serious violations of international law. We wish to focus the attention of the ABA and lawyers worldwide on the problem and ask for offered solutions as well as offering some, as every international lawyer becomes increasingly likely to be exposed to this situation with every passing day. The factual and legal basis for this contention is to be discussed in detail as well and furnished to attendees by way of written documents.

9 – 10:30 am
The Trump Effect on the Future of Global Dispute Resolution
Young Lawyers Interest Network

Since taking office in January 2017, President Trump has consistently challenged the institutions and norms upon which the international legal system has relied for decades. Regardless of one’s own views on the matter, this administration has introduced an altered geopolitical landscape for U.S. foreign policy, international relations, international law, and related dispute resolution: The global consensus on the role of international institutions that was achieved following World War II has been challenged and questioned in new ways. Free trade agreements are being renegotiated, transforming their dispute resolution and arbitration provisions. Even seemingly non-political areas of global dispute resolution are being tested in this new era of tariffs, sanctions, and go-it-alone attitudes. Our panelists will lead an interdisciplinary and interactive session as they consider the future of global dispute resolution as it applies to foreign policy, human rights, the emergence of the new United States-Mexico-Canada Agreement (USMCA, also known as NAFTA 2.0), the rise of extra-territorial regulations and sanctions in an era of diminishing multilateral agreements, and the impact of new tariffs on the World Trade Organization (WTO).
WEDNESDAY, APRIL 10, 2019

9 – 10:30 am
Women in Leadership
International Corporate Counsel

Since 1990, women have represented over 60% of new entrants into the legal profession in England & Wales, and as of 2017 are the majority of practicing solicitors, and yet comprise only 28% of partners in law firms. In 2016, according to the American Bar Association, for the first time, women made up a majority of law students, holding just over 50 percent of the seats at accredited law schools in the United States, yet the ACC and LawDeex released a report in November 2018 that in-house counsel make on average $125,000 less than their male colleagues.

Statistics we read around Gender Pay Gap reporting make uncomfortable reading and many women lawyers have found their careers impeded by bias, resulting in fewer opportunities for good quality client work, promotion and reward. This program will share data from the largest international survey on the topic of women and the law, conducted by The Law Society of England & Wales in 2017/18, highlight the toolkit developed from the survey as a resource to help enable women to be change makers and leaders, discuss how men can be productive allies, and make 2019 a year of great progress for women both in the law and in business.

11 am – 12:30 pm
Corporate Requirement or Getting Thrown Under the Bus? The Prosecution of Individuals in the Anti-Corruption Boom
International Anti-Corruption

Corporate anti-corruption settlements make headlines with their large dollar amounts, but what about individual employees who are targeted by enforcement bodies? Recent corporate enforcement actions have resulted in the prosecution of hundreds of people for corruption-related offenses. For instance, Brazil alone has criminally indicted more than 280 individuals to date in the long-running Operation Car Wash scandal. In the U.S., where authorities prioritize the prosecution of individuals, the DOJ has policies in place requiring cooperating corporations to identify all individuals “substantially involved” in or responsible for corporate misconduct. And in the last two years alone, the DOJ has charged more than 30 individuals and secured 19 convictions in connection with FCPA-related offenses. Do these prosecutions signal a new level of anti-corruption enforcement against individuals? What obligations, if any, do companies have to personnel implicated in corporate investigations? How should lawyers go about representing individuals targeted or charged with corruption-related offenses, particularly in the context of parallel corporate investigations in which an individual’s company might be cooperating with enforcement authorities? Few individuals in the U.S. contest the charges against them, why not? And what does anti-corruption enforcement against individuals look like in other jurisdictions abroad?

11 am – 12:30 pm
The New Competition Law Frontier: Antitrust Approaches to Technology Platforms
International Antitrust

Concerns have been expressed that the global economy is increasingly dependent on a small number of technology platforms, with those firms becoming the target of politicians, regulators, and enforcement authorities. The European Commission and other authorities have been investigating a number of the major online platforms for alleged exclusionary or discriminatory conduct by purportedly dominant platforms. The German competition authority has investigated so-called exploitative conduct involving "big data" based on concerns that blur the line between antitrust and consumer protection. This dovetails with increasing EU regulatory efforts to ensure "transparency" in platforms' access arrangements for third parties. And a renewed spotlight has been turned on the EUs assessment of merger cases involving potentially disruptive platforms.

While the U.S. has largely refrained from high-profile public enforcement efforts, things may be changing as the White House and politicians from both sides of the aisle have called for closer scrutiny of platform providers. And the FTC and others are reassessing whether consumer welfare (i.e., avoiding price increases) should be the only concern of antitrust application to technology platforms. China has taken an approach somewhere in the middle between the U.S. and Europe.

Given the global economic significance of technology platforms, it is timely to convene a panel of experts to consider the various approaches to date and what they may augur for the future.
WEDNESDAY, APRIL 10, 2019

11 am – 12:30 pm
How Should Privacy of Personal Data on Social Media be Regulated?
Privacy, Cybersecurity, and Digital Rights

With the emerging patchwork of privacy regulations ranging from the GDPR in Europe to enacted or proposed state laws in Vermont, California, Colorado and New Jersey, a challenge is posed for policymakers to establish consistent and appropriate frameworks to define and protect privacy rights. In the context of a global digital economy where the business models of social media companies seek to monetize collected personal data through data brokers and their downstream third-party customers, such data brokering may have unintended consequences as some such third parties may have different agendas for using such data than innocuous targeted advertising of commercial products. In an era when information (or more accurately Big Data is power, what role do traditional antitrust, unfair competition, and market analysis play in defining a free, fair and competitive marketplace? Do the manipulation of data sets to enable price or service discrimination among customers result in enhancing or diminishing consumer welfare? Are the "privacy policies" of companies operating on the Internet and utilizing "cookies" and other techniques reasonable contracts of adhesion, or should opt-out provisions be mandated? What should be the role of government and Internet standards organizations be in regulating or establishing a framework for proper or acceptable business practices and operations? A panel of privacy policy experts ranging from former government officials to in-house policy and regulatory counsel examine the limitations of existing and proposed state and federal privacy legislation, consider how new computer technologies (such as artificial intelligence/machine learning and the Internet of Things) are changing how personal, corporate, or governmental data are collected, stored, analyzed and used, and recommend how various regulatory entities, agencies, and regimes may attempt to address the ethical and legal concerns by developing best practices, policy initiatives, and legislation.

11 am – 12:30 pm
#Me Too! - Sexual Delinquency & Reinvigorated Combat Voices: A Global Legal Critique
Government and Public Interest Committee

It is common knowledge that the recent grievous allegations/convictions of sexual exploitation and abuse emanating from the United States #Me Too Movement have attracted reports of sexual exploitation and abuse in the aid community that undermine the very premise of development and long-standing international legal structures which uphold the rights and dignity of all persons. Victims who suffered under the aegis of NGOs, Governments, development finance institutions et al have seized this global cultural moment to reinforce efforts to address the fundamental developmental power and gender dynamics which perpetuate these atrocious, scandalous abuses. How well have they fared? How vociferous have these voices been? In this exciting, interactive discourse (with active audience participation) our globally-renowned experts will bring to fore the legal, socio-economic and political challenges encountered thus far, with a view to evaluating established policies and practices and more importantly, current global statutes and regulations, in the universal quest for a strong, enduring response to this gnawing, heinous transgression.

11 am – 12:30 pm
Constituting the Right Tribunal: Different Voices for Optimum Results
Women's Interest Network (WIN)

The constitution of the right arbitral tribunal is the cornerstone of efficient and effective arbitration proceedings. Oftentimes, arbitrators fall within a neatly defined category, one that prompted the influential author K.V.S.K Nathan to note that, “an observer from the planet Mars may well observe that the international arbitral establishment on earth is white, male and English speaking...” and, one might add, composed solely by lawyers. But the potential pool of arbitrators is much larger than parties and their counsel realize, and, just as it has been repeatedly proven that diversity in business yields bigger economic results, there are demonstrable advantages to choosing arbitrators that fall outside of the pre-conceived notions of what the ideal arbitrator looks like. We will explore these alternatives and discuss the advantages of tribunals that include a diverse group of people, including not only women, but also practitioners from different legal traditions, and even different professions.
There is widespread agreement among practicing lawyers, bar leaders and law school administrators that the 2008 financial crisis put tremendous pressure on the legal industry and on U.S. law schools. The disruption that followed, consisting of a precipitous decline in national law school enrollment, rapidly evolving client expectations, a market in turmoil for new law school graduates, and changing economics of law school operations, has fundamentally changed the environment in which U.S. law schools today operate. There is a disagreement regarding how to respond. Or at least there is not yet consensus or conventional wisdom that has emerged. But many of us believe this is a time of opportunity to reimagine how we do things.

Still, while the market was under pressure in the wake of the financial crisis, other forces were also at work: tremendous advances in technology, a decline in civil litigation, the continuing influence of globalization, and changing expectations regarding the roles that lawyers play, have all combined to make the practice of law today dramatically different than the practice of law as we knew it a mere decade ago. That has presented its own set of challenges.

As law practice changes, so too must programs of legal education change with it. And while that can lead to anxiety and uncertainty, it can also create opportunity “opportunity to pursue meaningful change when we otherwise might be reluctant to do so, nudging us to begin to look with fresh eyes on how we train and educate future lawyers; how we engage with the bench and bar; and the roles we, as legal educators, play as members of the legal community.

This program will bring together deans of U.S. law schools, some of the top leaders within the legal academy, to grapple with the most significant issues U.S. law schools have faced in recent years, to offer insight into novel approaches that law schools are taking, and to engage in meaningful conversation with bar leaders, practicing lawyers, legal employers and the like, regarding what it is that U.S. law schools ought to be doing in this new environment.

This luncheon will begin with welcome remarks from Reginald Turner, candidate for ABA President. The keynote speaker of this lunch will be Christopher Schmidt. In 2018, Christopher W. Schmidt published The Sit-Ins: Protest and Legal Change in the Civil Rights Era. This non-fiction work provides an in-depth analysis of the famous 1960’s lunch counter protest led by four African American college students in a Woolworth department store.

2:30 - 4pm
So Where Does Your Country Stand? International Approaches to the Legalization of Cannabis and Challenges for Cross Border Transactions
International M&A JV

It is legal in Canada and Uruguay. In the EU many member states have legal medical marijuana regimes or have passed laws decriminalizing the recreational use of cannabis. And the US? Well it depends on who you ask and where you live. In the context of an increased move toward legalization of cannabis in many jurisdictions and variety of regulatory approaches governments, businesses and consumers can face a minefield of rules and approaches to cannabis.

Many cannabis companies claim to provide relief to some of the most debilitating diseases and want to bring their controlled product to as many people as possible. Certainly, there is recognition that cannabis use (both recreational and medical) is a multi-billion-dollar industry and consumers want clarity. Meanwhile global investment is chasing the opportunities. The Toronto Stock Exchange has many cannabis companies with billion-dollar market caps. Major companies in low growth industries such as alcohol and tobacco are investing in cannabis companies. Massive cannabis companies in California and Colorado look for ways to expand their market and reach beyond the US.

Speakers from Canada, the US, South America and the EU will update the audience on the approach in their particular jurisdiction and review how international investors are conducting cross border transactions. This panel will also cover recent developments and issues in the United States at both a State and Federal level with regard to cannabis.
2:30 - 4pm
A “Token” of Appreciation – Take 1: Blockchain Technology and Digital Crypto-Assets: Temporary Hype or the Dawn of a New Era of Disruptive Technologies? (Technology CLE)
International Finance and Securities

Blockchain technology is pervading the most varied economic activities neglecting national borders. It is the domain of the techno-geeks. Cryptoassets and mainly virtual or cryptocurrencies sprouted up based on this technology. Understanding the underlying technology is crucial for lawyers in order to grasp its usefulness and the manifold legal aspects that digital assets and smart contracts raise. Initially an expert will walk the audience along the blockchain technology to explain the fundamentals and general technicalities about this technology. Then expert speakers from the US shall highlight how this technology impacts law, explaining the latest legal issues about cryptocurrencies, ICOs and smart contracts. Different case studies of cryptocurrencies shall be presented by experts from Venezuela, Brazil and India. Speakers will dive into several legal issues raised by virtual currencies, including banking, financial, capital markets, bankruptcy, money laundering and data security.

2:30 - 4pm
The Backdoor Trap – Protecting Health Care & Other Personal Information Across Borders Against Competing Government and Industry Interests
Life Sciences and Health Law

We live in a world dominated by perpetually evolving technological advances. At the same time, there is a steadily increasing demand for the protection of and control over the information available about us. This program will discuss selected data privacy and security regimes, such as GDPR, HIPAA, and GLBA, the data they intend to protect and the requirements they impose on the entities controlling the data. We will then explore how these requirements can be reconciled with a constant and exponential change in technological advances often based on software tools that demand and promote broad accessibility of protected data. This program will share the perspectives of different stakeholders and aim to provide practical solutions to competing demands in IT contract negotiations.

2:30 - 4pm
International Political Influence and Corruption: Will Recent Scandals Lead to Stricter U.S. Regulations?
Standing Committee on Election Law

Headlines about international meddling in U.S. political affairs dominate the news. Investigations are underway, criminal indictments have been handed out, new legislation is being considered and more inquiries are expected into whether foreign actors attempted to influence U.S. elections and officials in recent years through social media propaganda and undisclosed representation by foreign agents. At the same time, the Department of Justice has obtained record penalties against U.S. companies for violating American laws against corrupting foreign officials. Even without legislation, private media companies have begun self-regulating their platforms. Leading political law experts will discuss current U.S. laws and measures regulating foreign influence in the United States. The panel will offer a comparison of anti-corruption laws in other countries and consider whether recent scandals will usher in tighter U.S. regulation.
WEDNESDAY, APRIL 10, 2019

2:30 - 4 pm
Prague Rules v. IBA Rules. Is the Era of Americanization of International Arbitration Over?
International Arbitration

Although the IBA Rules for the Taking of Evidence in International Arbitration were thought as a resource to parties and to arbitrators to provide an efficient, economical and fair process for the taking of evidence in international arbitration, some arbitration practitioners complained that they resulted in the creeping Americanization of international arbitration. Enter Prague Rules. To address user’s frustration with the time and costs involved in arbitration proceedings, particularly with document production, a group of European practitioners developed Rules on the Efficient Conduct of Proceedings in International Arbitration. By emphasizing the inquisitorial process, the Prague Rules seek to address the perceived shortcomings of the adversarial process in international arbitration to provide a framework or guidance for arbitral tribunals and parties for the efficient conduct of arbitration proceedings.

This panel will feature a debate between two teams of arbitration practitioner’s proponents and opponents of the Prague Rules who will battle to win support of the audience for their position. During the course of the program, the audience will have the opportunity to participate in interactive voting on a number of issues relating to the conduct of arbitral proceedings and the presentations of the teams.

2:30 - 4 pm
Investment Law and Free Trade Agreements: USMCA, CPTPP, RCEP and ISDS Reform
International Intellectual Property

One of the most concerning and debated aspects of certain mega-regional free trade agreements are provisions NOT dealing with tariffs, quotas, access to markets, or domestic content, but with substantive areas of law and good corporate citizenship practices such as labor, environmental, competition policy, digital trade, intellectual property, health measures, and macroeconomic policies. Many have raised concerns about the investment chapters, including the applicability of investor-state arbitration procedures (ISDS) for investors to challenge state action relating to domestic public interest measures such as new environmental regulation, regulation protecting the rights of indigenous peoples (Glamis Gold v. US), the phase out of nuclear power (Vattenfall v. Germany), health measures, such as plain packaging regulations for tobacco products (Philip Morris v. Uruguay, Philip Morris v. Australia), and attempts to restructure sovereign debt (Argentina).

4:30-6 pm
Is the US Open for Business or NOT: CFIUS’ Increasingly Important Role in FDI in the US
National Security Committee AND Export Controls and Economic Sanctions

In 2018, two laws were enacted that significantly expand the scope of jurisdiction and powers of the Committee on Foreign Investment in the United States (CFIUS): (1) the Foreign Investment Risk Review Modernization Act of 2018 (FIRRMA); and (2) the Export Control Reform Act of 2018 (ECR Act). With the implementation of these laws, CFIUS now has unprecedented authority to review foreign direct investment in the US, which may result in more recommendations to the President to block proposed transactions that may threaten national security, which President Trump has already done on several occasions. After providing an overview of how FIRMA and the ECR Act have changed things for CFIUS and foreign direct investment in the US, a panel of US and non-US practitioners will use a hypothetical fact pattern to highlight the wide range of critical issues that must now be considered when doing international M&A transactions.
Blockchain technology has the potential to drive democratization of entrepreneurship and innovation in many sectors, including global logistics and even the courts and professional bars. Smart Contracts are being designed and tested for business acquisition and contract formation, and dispute resolution, by producing agreements and solutions concluded automatically or semi-automatically by blockchain algorithms.

Following the technical background provided by “A ‘Token’ of Appreciation – Take 1”, attendees will learn from “Take 2” the legal implications of the actual and potential applications of this technology in trade, finance and logistics, including disruptive consequences to the Vienna Convention on the International Sale of Goods, and international conventions on Shipping, and Letters of Credit. Panelists will also cover blockchain’s impact on the legal profession, dispute resolution, and insurance.

With the establishment by certain accounting firms of law firms in Washington, DC that involve non-lawyer ownership (as permitted in DC), what is the impact for of lawyers who are co-counsel with them? The issue is not new – the accounting firms have long encroached upon practice of law by offering services such as corporate formation and taxation. Recently, however, certain accounting firms have rapidly expanded into what used to be traditionally considered the province of law firms. Ethical rules relating to fee sharing and unauthorized practice come into play. Various jurisdictions permit alternative business structures that accommodate these. Is this a partial solution to the access to justice issue?

The panel will explore ethical obligations and rules of professional conduct to be considered by attorneys practicing law in jurisdictions that restrict law firm ownership and fee sharing, in the context of multidisciplinary practice, and the expanding parameters of how legal services are defined.

European authorities (including those in France, Italy, Germany, and Switzerland) are increasingly proactive in asserting their sovereignty over the investigation process and prosecution of national companies, true to an increasingly hard-line enforcement trend. They are emerging as credible competitors to US authorities' investigations and prosecutions in cases with international implications. This panel will take a closer look at what lawyers should - and should not - do to respond to this trend, including the ethical considerations at play when facing multiple prosecutions. Panelists will discuss local ethical considerations, including privilege, privacy concerns, best (and prohibited) practices, notable local laws, and how attorneys must adopt a multijurisdictional approach to dealing with enforcement authorities and carrying out investigations.
WEDNESDAY, APRIL 10, 2019

4:30-6pm
Are Courts Narrowing FSIA Jurisdiction over All Foreign Expropriations to Avoid Litigating Holocaust Claims?
Art & Cultural Heritage Law

In the 2004 Altmann case, the Supreme Court applied the jurisdictional provisions of the Foreign Sovereign Immunities Act retroactively to WWII Holocaust claims. Since then, the U.S. Government has sought to limit suits against foreign states themselves under the “expropriation exception” to cases where the foreign state uses the expropriated property in the U.S. for a commercial purpose. That limitation was adopted by the D.C. Circuit in de Csepel.
The Government has also supported dismissal of expropriation claims on theories external to the FSIA, including exhaustion of local remedies and international comity. The Seventh Circuit has dismissed Holocaust claims against Hungary for failure to exhaust local remedies, but the D.C. Circuit has rejected that approach in cases involving foreign government entities. One of these cases could go to the Supreme Court.
Our panelists, including one of the FSIA drafters who disputes the current U.S. Government interpretation and a counsel of record in the de Csepel case, will debate the intent of Congress and the broader question whether Holocaust claims belong in U.S. courts.

4:30-6pm
Before and After the USMCA: Impact on CPTPP, China, Business and the Future of Global Trade Policy

The negotiation of the USMCA, both in process and substance, marks a new era in North American trade policy. The agreement is expected to act as a template for future negotiations, and will have sweeping impact on the future of global trade relations and the rules-based international trading system. This panel will feature experts who are intimately familiar with the USMCA negotiations. The panel will dissect the course of the negotiations and their fallout, explain what was achieved and not achieved, and examine some of the more controversial new provisions. Finally, panelists will discuss what it all means for businesses, the relationship between North America and other regions, including the CPTPP countries, China and the EU, and the objectives of future US and global trade policy.

7 – 10:00pm
Wednesday Opening Reception – District Winery
*Transportation provided “one ticket to this event is included in most registrations, additional tickets are available for purchase*
Join your colleagues for drinks, food and networking at DC’s only operational commercial winery. District Winery is situated along the Anacostia River in the newly revitalized Navy Yard neighborhood.
9 – 10:30 am
When the Industry Standard is an Algorithm: Legal Issues in Developing and Implementing New Technology Standards for Multi-Party International Transactions

International Contracts

Parties to international transactions frequently seek predictability in establishing and verifying contractual performance by referencing uniform industry standards and procedures and laws such as INCOTERMS; UCC; and CISG. Although uniform, these standards are often modified by the contracting parties to provide for individual one-on-one contracts tailored to specific needs.

The advent of new technologies such as blockchain or distributed ledgers; Artificial Intelligence (AI); and the Internet of Things (IoT) raises the tantalizing possibility of automating the verification of contractual performance by individual companies in multi-party international transactions. However, implementation of the technology requires an agreement on use of a common software or technological process. Unlike many existing industry and legal standards, it also raises questions about whether individual participants in a multi-party transaction will have the option of contractually modifying or opting out of use of the common software.

This panel will explore the various legal issues involved in developing and implementing uniform computerized standards or processes for participants in multi-party international transactions, including competition law issues; the development of uniform standards by open or closed groups of businesses; the interrelationship of such standards with other laws; and the ability of individual parties to deviate from the uniform standard.

9 – 10:30 am

International Litigation

After ten years of negotiation at The Hague, The Hague Convention on Choice of Court Agreements (HCCCA) was concluded in 2005 and came into force in December of 2015, following ratification by the European Union on behalf of its member states. Neither Canada nor the United States are yet parties to this treaty, although it was the product of a much broader U.S. initiative in the early 1990s. The HCCCA codifies principles of jurisdiction and recognition and enforcement, where parties in participating countries have designated the courts of a member state jurisdiction in a contract that is subsequently litigated. While originally conceived as a comprehensive codification of applicable principles, the HCCCA fell substantially short of its original objective. However, it has been followed by a further Hague Special Commission which has resulted in a broader draft convention on principles of recognition and enforcement, which is scheduled to be finally approved and opened for signature in the summer of 2019. The Hague Conference is also exploring the same codification objective in a future treaty on principles of jurisdiction. How important are these initiatives in a field previously governed by the common law or civil codes as interpreted and applied in national and subnational jurisdictions? Are these developments the beginning of a revolution eclipsing or limiting future judge-made law? More broadly, is this progressive codification of private international principles a good idea? Our panel is composed of leading experts who are directly engaged in and/or veterans of The Hague law-making process who will illuminate these issues in a structured question and answer format that will undoubtedly generate a lively audience involving discussion on point.
THURSDAY, APRIL 11, 2019

9 – 10:30 am
International Institutions and Preserving Democracy

Democracy and the rule of law are under grave threat all around the world. The number of democracies has fallen each year since 2006, and even well-established democracies seem to be under threat of erosion. There are several sources of these threats, which include economic disruption, the weakening of traditional political parties, and the rise of certain populist movements, which have attacked international institutions in particular.

What distinguishes the current era from prior waves of democratic regression is that the role of law is central to erosion processes. Today’s autocrats seek to take over the courts, and to use them as an instrument to consolidate power. The recent Polish episode, in which the government sought to lower the mandatory retirement age so as to remove independent judges, is but one of tactics now being used in many countries. When courts cannot be controlled, they are often bypassed. The law has also been abused to restrict freedoms of speech and association, to arrest journalists, and to attack civil society through onerous legal requirements.

This panel will bring together a diverse set of practitioners and scholars to identify the role international law can play to address these concerns. Regional trade blocs have been among the most active institutions in trying to arrest democratic backsliding. International human rights courts and international trade courts have also made a difference in particular cases. And bar associations have mobilized in very difficult environments to try to stem the tide against democratic backsliding.

11 am – 12:30 pm
Offshore Energy - From Oil and Gas to Renewables: An Opportunity or Too Risky?
International Energy and Natural Resources

Offshore energy can come in many forms – from the traditional realm of oil and gas to renewables, wind and solar. This panel will discuss the opportunities offshore exploration and development can provide in terms of providing a sustainable, reliable energy resource with economic benefits. The risks of such development, particularly in terms of physical safety, social risk, and investment will be examined as well as possible legal solutions to minimize risk and enhance opportunities.

11 am – 12:30 pm
The Accidental Tourist: How Domestic Laws May Affect Global Employment Policy and Practice
Lawyers Abroad

Various Section programs have looked at the international employment context from a comparative standpoint, most recently by the International Employment Law Committee. This Program takes a different direction and examines the challenges and pitfalls of exporting so-called “standardized” employment policies and practices. A moderated panel of employment law practitioners will be pushed to give concrete views and advice on the real-world problems encountered by companies that attempt to implement global employment policies. Specific focus will be on expat employees, equity compensation plans and other benefits and compensation that may be difficult to “localize,” as well as differing rules affecting termination. What happens when one country’s incentive and retention policies become an inadvertently costly trap for the affiliate in another country? How do practitioners balance risk with corporate objectives of offering standardized benefits around the world?
11 am – 12:30 pm  
Fake News, Hacked Elections, and Cyberactivism - The New Threats to Democracy  
Privacy, Cybersecurity and Digital Rights

The Directorate of Disinformation is hard to find in this capital of a distant foreign country. The office does not appear on any government administrative organization chart. The building in which they are located is not marked and is located in a remote industrial area. The nondescript custodian at the front door turns you away, saying it is a private company. Propaganda, fake news, and disinformation strategies may be classic political strategies, but today state actors are utilizing advanced technological tools including anonymization and artificial intelligence to disrupt the political process. Our panel includes an investigative journalist who has covered Cyberactivism in the Middle East, a data scientist who has examined the effect of artificial intelligence as a threat to democracy, a research computer scientist (aka hacker) engaged in voting system testing and a law school academic who has examines the challenges from a First Amendment perspective.

11 am – 12:30 pm  
Immigration Law and Pro Bono

As migration takes center stage in our global dialogue, US immigration law has quickly drawn the interest of large and small law firms alike. This panel examines important considerations related to pro bono engagement in this area of law. In particular, four panelists consider the various kinds of pro bono cases law firms gravitate to and why. Panelists will share an overview of these cases, how they are processed and best practices for successfully completing them. This panel will provide a 360-degree view of corporate pro bono including collaboration with a non-profit partner and provide an inside view on a law firm’s internal vetting processes for case selection and best practices for completion. The panel will review these practices in the context of asylum cases.

11 am – 12:30 pm  
The Supreme Court’s Vitamin C Decision: The Implications for Cross-Border Litigation  
International Antitrust

Comity affects every aspect of cross-border litigation, from fundamental questions of jurisdiction and privilege to more prosaic discovery-related concerns. The Supreme Court may have complicated the application of comity in its landmark decision in Animal Science Products, Inc. v. Hebei Welcome Pharmaceutical Co., Ltd., 585 U.S. __, 138 S. Ct. 1865 (2018), which settled the standard by which foreign governments can control how their internal laws are determined by U.S. courts. Justice Ginsberg, writing for a unanimous court, reversed the Second Circuit Court of Appeals, and held that a “federal court should accord respectful consideration to a foreign government’s submission” regarding foreign law, but must make an independent determination of the law. The Supreme Court reached this decision even though China’s Ministry of Commerce submitted amicus briefs at every stage of the lengthy litigation stating that Chinese law required the defendants’ export cartel, and China’s Embassy in the United States sent a diplomatic note to the U.S. State Department that “China has attached great importance to this case” and MOFCOM accurately “described China’s compulsory requirements concerning vitamin C exports.” MOFCOM stated that the district court and the U.S. Solicitor General were “disrespectful” in questioning its representations on China’s law.

What does the Court’s decision mean for litigation in cross-border contexts, where the substance of foreign law may be a crucial factor? How does the Supreme Court’s approach in Vitamin C compare with that of other countries? MOFCOM’s amicus brief did not have the desired effect at the Supreme Court. What are the practicalities of amicus briefs to U.S. courts by foreign governmental entities? This panel of experts, some of who filed amicus briefs in the case, will debate the implications of the decision.
THURSDAY, APRIL 11, 2019

11 am – 12:30 pm
\textbf{e-Commerce & International Trade in the New World of the USMCA: A Comparative Perspective of the USMCA and the ABA Model e-Commerce Provisions for International Trade Agreements}

International Trade

In February 2018, the ABA House of Delegates adopted the Model e-Commerce Provisions for International Trade Agreements. Several months later, the USCMA was signed by the United States, Mexico and Canada. This program is intended to provide practitioners with an overview of the new e-commerce regime under the USMCA and practical tips on how these changes may impact future cross-border commercial transactions. The program will also provide a pragmatic comparison between the Model e-Commerce and the USMCA, as currently drafted.

12:45 – 2:15 pm
\textbf{Thursday Luncheon with Keynote Speaker}

*\textit{this event is ticketed separately - $95}*

2:30 - 4 pm
\textbf{US Tax Treaties with France, Switzerland, Germany and the UK, and Their Impact on Investments, Retirement and Estate Planning}

International Private Client

Income and transfer tax treaties dramatically change the default US tax rules applicable to those who can claim tax treaty benefits. The main impact is on globally mobile persons who at some point live, work and/or invest in various treaty countries. The panel explores the following topics based on the US income and transfer tax treaties with Germany, France, the UK and Switzerland:

- Taxation of overseas investments (income and capital gains):
  - Real estate
  - Securities
  - Closely-held companies
- Transfers among spouses of assets located in the other treaty country.
- Taxation of retirement assets located in the other treaty country.
- Estate planning strategies with assets located in the other treaty country.

Beyond the presentation of the various tax treatments the panel will offer ideas on the optimal structuring of the above categories of assets.

2:30 - 4 pm
\textbf{China’s New Route to the Silk Road: Challenges and Opportunities for the Eurasian Region}

Eurasia/Russia

The Belt and Road Initiative (BRI) – China’s multi-trillion-dollar development initiative to connect its economy with most countries in Europe and Asia through infrastructure and energy projects – was announced in 2013. To date, thousands of BRI projects are under way, and some are completed. The BRI’s land component aims to create transport corridors from China to the West through Russia and Belarus, and along railways and roads through Central Asia, Azerbaijan, Georgia, and Turkey. The BRI spans through most of the world’s major legal systems and a diversity of customary and local rules. It also faces some particular challenges, including regional conflicts. This panel will explore the legal and regulatory concerns raised by BRI projects from the perspective of Central Asia, Caucasus, and Russia, and from the perspective of public and private law. It will also address different dispute resolution mechanisms, including the new Chinese International Commercial Court, to resolve legal disputes arising under the BRI projects.
THURSDAY, APRIL 11, 2019

2:30 - 4pm
Getting Ahead of Technology in Fighting Digital White-Collar Crimes
Central/East Asia & China

As white-collar crime becomes more sophisticated, so do the tools in discovering and fighting white-collar crime. It is even more complex when the fraudulent activity is cross-border or subject to the laws of another country. Technology is on the front lines of this battle. When counsel for a company operating in another country is alerted of a potential fraud, he or she must know how to proceed immediately. In-house and outside counsel need to retain technology experts and consulting firms to aid them in deciphering how to detect and how to deal with white collar crime within their organizations. This program will be structured as an open discussion with the audience, run by an experienced moderator, exploring the methods and options of addressing potential cross-border fraudulent activity.

2:30 - 4pm
What Views May We Voice? An Exploration of the Rights to, and Restrictions on, Freedom of Speech in Democracies
South Asia, Oceana, and India

Our panel of experts will consider the right to the freedom of speech as applied in several democracies that differ in the restrictions they apply to the freedom of speech. The subject democracies will be: India, Singapore, Australia, New Zealand, and the United States.

Our panel will give particular attention to the tensions created by grants of, and restrictions on, the freedom of speech. Our panel will consider certain fact-based scenarios and review how the same speech acts in different democracies “in public settings and online (including articles and books) may be permitted, restricted, or result in civil suits (such as for alleged libel) or criminal prosecutions.

Our panel may also venture into how restrictions on speech may result in questionable censorship. As President Eisenhower noted in 1953 at Dartmouth College: Don’t think you are going to conceal thoughts by concealing evidence that they ever existed.

2:30 - 4pm
The Keys to Aladdin’s Cave: Lawyers, Prosecutors, and Cooperation Efforts in International Asset Recovery
International Anti-Corruption

Unexplained wealth orders in London, stolen monies from 1MDB, luxury cars of kleptocrats seized in Paris. The news is filled with illicit assets exposed. But prosecutors are not the only ones who seek to bring money back. On the flip side of those who would help hide wealth or form shell companies are the lawyers working on asset recovery in corruption, fraud, embezzlement, Internet crime cases, bankruptcy, divorce, business debt, and other civil and administrative actions. Can asset recovery efforts benefit from closer coordination between the private and public sides? How can international lawyers work together with each other and with prosecutors to track and return assets to their rightful owners? Where do civil and administrative cases intersect with criminal matters when illicit assets are involved? When illicit or hidden assets are stashed in countries around the world, counsel from across the globe must develop methods by which to better cooperate and share information. A panel of distinguished practitioners from the public and private sector discuss cooperation efforts, ethical pitfalls, what works in tracking and tracing, and how international lawyers from a broad spectrum of practice areas can learn from and assist one another.
THURSDAY, APRIL 11, 2019

2:30 - 4pm

**Breaking the Chain – Fighting Human Trafficking under the USMCA Through Private Causes of Action**

*International Human Rights*

One-third of trafficking victims in the United States are trafficked across the US Mexico Border. Mexico struggles with one of the highest rates of forced labor, child abduction, and child prostitution in the world with an estimated 16,000-20,000 children currently in forced prostitution. In the United States in 2016, an estimated 57,700 people were victims of human trafficking. Approximately 800 people are trafficked into Canada and an additional 1,500-2,200 people are trafficked through Canada and into the US annually for sexual exploitation and forced labor. Come and learn how your firm can contribute to the fight against human trafficking by bringing private causes of action under the United States Mexico Canada Agreement (USMCA), the Trafficking Victims Protection Act (TVPA) and other domestic and international laws. Our panel of experts will provide an overview of the applicable laws under which private causes of action can be brought, strategies for obtaining jurisdiction, and provide case-study examples from their own successful transnational litigation pursuing corporate bad actors who participate in or facilitate modern slavery.

4:30-6pm

**A Discussion of The Current Battle Between Governments on The Rights to Tax Digital Services and Goods**

*International Tax*

The tax base of revenue generated by bricks and mortar stores has been eroded by the new digital economy. Our existing income tax treaties (OECD and UN model) are however still based on the pre-digital means of carrying on business. Recognizing this, the OECD has sought to provide guidance on how the digital economy should be taxed with its BEPS action Plan – Action 1. But countries are not waiting for the OECD to finalize its recommendations and have pressed on by levying unilateral taxing measures which will result in double taxation without treaty relief. An example is the UK proposed 2% digital tax on social media platforms, search engines and online market places deemed by the U.S. to be a tax grab against American companies dominating this space. A must-attend for all practitioners with clients providing goods and services digitally.

4:30-6pm

**Understanding the BUILD Act of 2018: The US Response to China’s Belt and Road Initiative**

*National Security Committee AND International Trade*

Since China initiated its Belt and Road Initiative (BRI) in 2013, it has been estimated that the BRI has been one of the largest investment projects in history, with billions of dollars being spent in more than 68 countries. In response to the BRI, Congress passed the Better Utilization of Investment Leading to Development Act of 2018 (BUILD Act), which President Trump signed into law in October 2018. During this program, a diverse panel will analyze the ways in which China has used the BRI to project its power internationally and how the BUILD Act in conjunction with other “Tools” of US Foreign Policy, such as Trade, Export Controls and Economic Sanctions, may allow the U.S. to counter the BRI, particularly through the creation of the new U.S. International Development Finance Corporation (USIDFC), which consolidates the Overseas Private Investment Corporation (OPIC) and the Development Credit Authority (DCA) of the U.S. Agency for International Development (USAID), and its mandate to promote international development.
THURSDAY, APRIL 11, 2019

4:30-6pm
Bait and Pfish.  The Persistence of International Cybercrime
Privacy, Cybersecurity and Digital Rights

Notwithstanding increasing national awareness, best practice guidelines, and investment in cybersecurity systems and personnel, the recent Marriott Hotel database hacking indicates the risks and challenges that phishing and other intrusive cyber techniques are increasing not only for major corporations but also law firms and small businesses. Although such incidents relating to millions of data records may make headlines, targeted attacks for ransomware and theft of trade secrets are equally problematic for those affected. As the free flow of data across borders makes it more difficult to trace and identify perpetrators, how effective are current incident reporting and response systems? Should computer crime laws be modernized? Are state actors and transnational criminal organizations becoming the major players? A panel of private and Federal law enforcement investigators and forensic experts provide a current perspective on international cybercrime and how companies can enhance their cybersecurity practices.

4:30-6pm
Don’t Shoot the Messenger: Journalists Under Siege Around the Globe
Middle East

4:30-6pm
Hot on the Trail: How Lawyers Can Work Effectively with Forensic Accountants and Investigators to Enhance International Asset Recovery Efforts
International Anti-Corruption

Whether your client is seeking to enforce an unpaid arbitral award against a recalcitrant adversary or searching for funds absconded by a now-vanished fraudster, international asset recovery often requires more than just fine lawyering. It may also require working with other professionals to pore over SWIFT reports and trace the money flow through a complex web of shell entities, determine the solvency of a judgment debtor to assist in veil-piercing and alter ego arguments, or just conduct good old-fashioned gumshoe detective work to find hidden value. But doing so on an international level can raise a number of complexities, including those arising from differences in attorney-client privilege, ethical restrictions, data privacy statutes or state secrecy. This panel explores how forensic accountants and investigators can be used to enhance asset recovery efforts. It discusses some of the forensic and investigative techniques available, alternative strategies to consider, and ethical pitfalls to avoid when chasing assets around the globe.

4:30-6pm
Serving the Foreign Client: How Local Attorneys Can (And Should) Become Global Lawyers
Cross Border Practice Management

As cross-border and global business issues become more common, many law firms now face, for the first time, the challenges and opportunities of acting for new foreign clients. Even law firms that already do cross-border legal work encounter new and different expectations from new clients from the other side of the world, where local customs, business and professional ethics, and legal practice may be profoundly different from the firms previous experience with clients from neighboring countries or one of the major business centers.
Serving the Foreign Client will share experiences and insights about how any lawyer can become a global lawyer, able to meet the needs and expectations of foreign clients in a way that avoid the common pitfalls in cross-cultural business and build strong, lasting client relationships.
THURSDAY, APRIL 11, 2019

6 – 7:30pm
Thursday Networking Reception – Capital Hilton
*one ticket to this event is included in most registrations, additional tickets are available for purchase*

This networking reception will begin as soon as the CLE programming concludes in the main hotel ballroom. This reception will end at 7:30pm to allow our various committees to plan their committee dinners. Committee dinners are planned/coordinated by committee leaders. The Section keeps a list of all dinners that it has information on including the contact person for the dinner. To request a copy of this list, please contact intlawmeetings@americanbar.org
Sanctions, AML Cybersecurity and the Convergence of Cross-Border and Compliance Risks

Anti-Money Laundering

On November 28, 2018, the US Department of Justice and the US Department of the Treasury took joint aim at Iranian individuals identified as the SamSam cyberattackers and their financial facilitators. In what the DOJs head of the Criminal Division termed an extreme form of 21st-century digital blackmail, the ransomware attacks were the most costly ever, inflicting an estimated $30 million in economic losses, and resulting in the indictment of two individuals for money laundering and the designation of two others, including for the first time, digital currency addresses on OFACs sanctions list. As these AML, sanctions, and cyber-related risks evolve and converge, they present companies and financial institutions with increasingly complex compliance challenges. The panelists, including US enforcement officials, will take these themes head-on in order unpack some of the lessons learned about the cross-border compliance risks of today and the future.

The Overview and Current Developments of Regulations and Policies Impacting Family Separation at the U.S. Border

Family Law

Thousands of migrants have been traveling through various Central American countries hoping the United States would be a place of refuge after their long journeys. They have come to be known as the migrant caravan. They have been fleeing life-threatening conditions including gang violence and domestic abuse. These migrants have been met with hostility at the U.S. Border and are currently in a state of flux as many are faced with the decision of staying in Mexico and attempting to seek asylum there or returning to their respective countries and the life-threatening conditions that led them to leave in the first place. This session will discuss the current status of immigration law and the crisis it finds itself in. It will also review the history of asylum law and what obligations of the United States and its neighboring countries under the United Nations 1951 Convention. We will discuss what the obligations of United States, Canada, and Mexico are and how they are responding and what factors are triggering women and families to flee.

Judges Panel

11 am – 12:30 pm

Protect, Respect and Remedy Mantra: Canada’s approach to Corporate Responsibility Regarding Human Rights

Canada

In today’s era of corporate greed that can easily lead to disregard for basic human rights, stakeholders are taking steps to hold companies accountable for human rights abuses.

The United Nations Guiding Principles on Business and Human Rights (Guiding Principles) provide a set of guidelines for States and companies to prevent, address, and remedy human rights violations in business operations.

Canada announced its intention to create an Canadian Ombudsperson for Responsible Enterprise (CORE). The Ombudsperson will have the authority to investigate complaints against Canadian businesses operating abroad, will seek to assist wherever possible in collaboratively resolving disputes or conflicts between impacted communities and Canadian companies and make recommendations that will be made public. The Canadian government also created of a multi-stakeholder Advisory Body to advise the Government and the CORE on responsible business conduct abroad. The Advisory Body held its inaugural meeting in April 2018.
FRIDAY, APRIL 12, 2019

11 am – 12:30 pm
Navigating New Waters in the Legal Services Marketplace
European Law AND International Legal Education and Specialist Certification

The United Kingdom’s decision to leave the EU has commanded significant attention in the legal and business communities over the last few years. This timely panel – which is scheduled to occur just after the March 29, 2019 deadline for the UK to leave the single market - will address the state of play of BREXIT and the consequences for legal and financial services in this new landscape. The panel will engage attendees in a discussion about the far-reaching legal, regulatory, geopolitical and business implications for the practice of law, including by law firms based in the U.S., UK and the EU of a ‘no-deal’ BREXIT, a managed BREXIT or a further period of uncertainty. Among other issues, the session will address changes in mobility and establishment privileges; future trading in financial products such as derivatives (a 400 trillion-dollar market); the impact on London as a European and global financial center; legal education and legal services in new trade negotiations as the UK pivots its attention from the EU to strengthen bilateral relations through trade negotiations.

11 am – 12:30 pm
Reining in the Rogues: Holding the Commercial Spyware Industry Accountable for State Surveillance of Human Rights Defenders
Middle East

While outrage over Jamal Khashoggi’s brutal murder focuses on Mohamad bin Salman, few know that surveillance tools sold to the Saudis by the NSO Group were linked to his assassination. NSO Group’s spyware is tracked to countries infamous for using spyware to target civil society, e.g., Bahrain, Morocco, Saudi Arabia, the UAE, and Mexico. While governments contend that the software serves legitimate national security and intelligence gathering purposes, documentation shows governments are using digital spying tools designed for criminal investigations and counterintelligence to target human rights defenders and journalists. Besides the NSO Group, an Israeli firm, others include Hacking Team (Italy); Gamma (U.K.); DarkMatter (Emirates); FinFisher (Germany), and Gatekeeper Intelligent Security (U.S.), to name a few. International law holds states responsible for the rights of persons, even extraterritorially. Corporations must pro-actively ensure they neither cause nor contribute to rights abuses within their operations, an obligation independent of a state’s ability or willingness to fulfil its own obligations. What options exist to hold the commercial spyware industry and its clients accountable for state surveillance of human rights defenders?

11 am – 12:30 pm
Refugee Narratives: A Discussion of the Current Refugee Crisis from Refugees in Their Own Words
Refugee Law

The current refugee crisis is growing at record levels. The rate of human displacement, political divisiveness, economic discord, and regional instability continue to grow. There are refugee crises in Syria, Afghanistan, South Sudan, Myanmar, and Somalia. Additionally, the Central American migrant caravan, the refugees crossing the Mediterranean to Italy and Greece, and those fleeing war and famine in Nigeria and Yemen present overwhelming humanitarian need.

How can attorneys advocate for better outcomes? This program will present two components: First, a legal overview and update of the refugee law field. Second, a discussion by refugees themselves sharing their experiences, from surviving and overcoming great hardships, to thriving. They will discuss current events in their own voices, beyond the rhetoric, to discuss ways we can all promote human dignity and fundamental human rights, while supporting the rule of law, and bring about positive changes for both refugees and their communities.
FRIDAY, APRIL 12, 2019

11 am – 12:30 pm
"Minds Meeting" Across Borders: Can't We All Just Mediate Our International Dispute?
International Mediation

Different legal systems. Different cultural attitudes. Different corners of the world. Different languages. International disputes have all the ingredients for endless disagreement. Oftentimes the chances of resolution seem remote. But that's no reason to give up hope! Our all-star panel discusses the challenges of mediating across borders and strategies to reach the proverbial "meeting of the minds" in international disputes.

11 am – 12:30 pm
GMO Agriculture || Human Rights || Treaties & Trade
Mexico

Who is winning the tug of war on the safety of GMOs and chemicals used in their production? Industry has maintained its position that GMO foods and chemicals applied in their production are entirely safe—safe enough to drink. Others outside of the industry have been ringing the alarm bell for several years, pointing to evidence to the contrary and industry suppression of that evidence. In the recent case brought against Monsanto by DeWayne Johnson, a jury agreed with those who have been ringing the alarm bell and awarded Mr. Johnson multi-millions in damages.
Join this panel to learn about the evidence of industry suppression that preceded litigation and what evidence was presented in the Johnson case that the jury found so compelling? What does this mean for future cases? How should this impact national and international food policy? What is the corporate social responsibility obligation of multinationals involved in production of these agricultural chemicals? Is the evidence significant enough that it places a responsibility on governments to take action to protect its citizens? What are the international human rights implications and obligations in treaty negotiations, such as the recent USMCA/T-MEC?

12:45 – 2:15 pm
Friday Networking Luncheon
*this event is ticketed separately - $40*

This networking lunch will trade in the plated meals and presentations of our standard luncheons. Food will be served in small bites and attendees will be able to move about the exhibit hall interacting with one another during the event.

2:30 - 4 pm
Is China's Belt and Road Initiative a Threat or Benefit to Asian Development? Steps to Facilitate Effective Development
FRIDAY, APRIL 12, 2019

2:30 - 4pm
AIJA “Building Entrepreneurship Through Innovative Techniques and Strategic Partnerships in the USA

2:30 - 4pm
Leveraging Inter-Generational Strengths for Legal Practice Excellence
Young Lawyers Interest Network AND Seasoned Lawyers Interest Network

In today's law firms, there may be up to four generations of legal professionals practicing together: Baby Boomers, Gen-X, Millennials, and recently, Generation Z (also known as iGen). The starkly varied workstyle preferences among different age groups may at times seem to create a gap that is difficult or impossible to bridge. But diversity of perspective also creates opportunities. This panel will examine the common points of friction that can arise between employees of different vintages, with a particular focus on how age-based dynamics can manifest in a legal workplace. Panelists will also explore strategies for legal office managers to leverage each generation's strengths, compensate for weaknesses, and to enhance efficiency, communication and cooperation among lawyers of different age groups, with a view to providing the most effective possible legal services.

2:30 - 4pm
Cutting Edge Immigration Issues: World High Courts Opine
Immigration & Naturalization

World high courts are currently focused on immigration issues. And rightfully so. International population migration is phenomenally high. Migrants are rich and poor; young and old; highly skilled and uneducated. They travel alone, in family groups, and – as famously stated – in caravans. Panel Members will lead a nuanced discussion regarding decisions the courts of the United States, Canada, the European Union, and the United Kingdom have issued regarding a myriad of immigration–related issues.

• What are the limitations on an executive’s power with respect to immigration?
• Under what circumstances, is it proper for a receiving country to detain an illegal entrant? What are the habeas corpus implications?
• Under what circumstances, is it proper to separate members of a family who are present in a country illegally?
• Is it proper for a country to rescind citizenship acquired via birth?
• What is the proper interplay between criminal law and immigration law?
• How heavy is an asylum applicant’s burden of proof?
FRIDAY, APRIL 12, 2019

2:30 - 4pm
70 Years On… Is Humanity Ready for a World Court of Human Rights?
International Courts and Judicial Affairs

70 years ago, on December 10, 1948, the United Nations adopted the Universal Declaration of Human Rights. At least nine human rights treaties of broad adherence have followed, plus many more at regional levels. However, in the face of persistent widespread violations of human rights, it must be asked: Are the promises of international human rights law being fulfilled? The World Court of Human Rights (WCHR) Development Project has proposed one possible response to the perceived inadequacy of the global human rights system. While this instrument received endorsement of the World's Chief Justices meeting in Lucknow, India in 2014, the resulting Treaty of Lucknow has received little play in the U.S. Here is your opportunity - the first for a U.S. audience - to learn about the WCHR and be persuaded by the concept.

2:30 - 4pm
International Animal Law in a Time of Uncertainty
International Animal Law

This program will be an update on major issues in International Animal Law this includes animal trafficking and US import laws, current status of animal laws in China (dog meat, bear bile, tiger wine etc.), an update on South Korean animal laws and policies (dog meat etc.) and what is new in Latin America and Africa regarding animals’ laws and policies. As we have seen 2018 has been a year of uncertainty and animal laws have taken a back seat to other issues. This program will be an overview of where are we now, what needs to be done, and what are the future prospects for change in the field of animal laws and policies.

4:30-5:15pm
Books for the Section [NON-CLE]

4:30-6pm
SEPS, FRAND Licensing and Beyond: Recent Developments in Court Decisions and Policy Changes Around the World
International Intellectual Property

As smartphones become ubiquitous, issues surrounding fair, reasonable and non-discriminatory (FRAND) licensing terms related to the technology embedded in smartphones and their wireless telecommunications standards have received increasing scrutiny from the courts and antitrust agencies around the world. Courts and competition authorities in numerous jurisdictions have made substantially different decisions in the recent cases on issues related to FRAND rates, licensing terms, injunctive relief, among others. In addition, the economic policy and legal issues are beginning to extend beyond “standards essential patents” and rules of formal standards setting organizations (“SSOs”) to more general intellectual property issues, “commercially essential IP”, and informal or de facto “standards” in a globally interconnected world.

The program will bring together an academic, an economist, and a former ITC administrative law judge and private practice attorney to compare and contrast policies and recent court decisions in jurisdictions including US, Europe, and Asia, and provide a policy perspective of the enforceability of licensing and contractual limitations in more restrictive jurisdictions that could undermine global strategies in business licensing or distribution. It will also provide an informative discussion of the underlying contrasting policy grounds that seek to enhance consumer welfare (i.e., through more competition and lower prices) versus the enforcement of strict contractual and IP provisions.
FRIDAY, APRIL 12, 2019

4:30-6pm
Who's Sorry Now? The Lavender Scare and Its Aftermath
Sexual Orientation and Gender Identity Issues Network

The Cold War's "red scare" purges of communists also targeted gay men and lesbians. This "Lavender Scare" extended to all members of the "Five Eyes" intelligence alliance (Australia, Canada, New Zealand, the UK and the US), which purged LGBT citizens from their positions as civil servants and from the military and police forces – persecution that continued for decades after the 1950s "red scare" subsided. Efforts by victims to obtain redress have led to varied results in these five jurisdictions, including official apologies and posthumous pardons. One of the Five Eyes has now made amends not only with an apology but with payment of significant compensation: Canada recently agreed to a $145 million settlement of a class action lawsuit brought by victims of Canada's "LGBT Purge", the largest settlement related to LGBT discrimination ever achieved world-wide. Lawyers who led the Canadian class action and who are seeking redress in other jurisdictions will share their stories and discuss strategies for righting this historic wrong within the confines of their respective legal systems.

4:30-6pm
Command Responsibility or Command Exemption? What the Bemba Case Tells Us About Sexual Assault as a War Crime
Women's Interest Network (WIN)

In June 2018, the International Criminal Court’s Appeals Chamber sent shockwaves through the international community by overturning the war crimes conviction of the Democratic Republic of the Congo’s former Vice President, Jean-Pierre Bemba. Bemba’s 2016 conviction, based on the doctrine of “command responsibility,” had been a landmark decision – the first ICC conviction of a commander for acts of rape and sexual assault as weapons of war. Dissecting the Bemba case, what went right? What went wrong? What are the implications of the Appeals Chamber’s ruling? What is the history of sexual assault as a weapon in conflict? What about rulings in other forums? What are civilians’ and combatants’ rights to protection from sexual assault? How do we build on the ABA’s 2017 resolution demanding greater accountability in such cases? Join us for an energizing and engaging exploration of what can be done, post-Bemba, to restore the rights of victims of sexual violence in conflict zones.

4:30-6pm
JFBA ADR Program

4:30-6pm
Peacocks on a Plane? Accommodation for Persons with Disabilities in International Passenger Transportation
International Transportation

The Americans with Disabilities Act (ADA) guarantees individuals with disabilities equal access to transportation, but to what limit? The news media has been rife in recent years with stories about passengers who have sought to bring a proliferation of service animals of dubious qualification on airplanes, from dogs who defecate in the aisle to "emotional support" pigs, hamsters, and even an iguana and a peacock. These incidents have left many in the transportation industry, and the public, questioning exactly how far carriers must go to accommodate passengers with special needs. The issue is not limited to animals on planes (on which the Federal Aviation Administration is expected to issue a definitive policy in early 2019), but has been increasingly relevant for tour operators, cruise ships, and mass transit. Other questions include whether overweight or disabled customers who require more space can be required to pay additional fare, and obligations for cruise ships to provide "security guides" for blind guests, among other issues. This panel of representatives from industry, advocacy groups, and government will survey diverse views on passenger accommodation rights. Panelists will discuss the ADA and similar laws in other jurisdictions, as well as recent court cases that have challenged the boundaries of the duty to accommodate.

5:15-6pm
Lawyers Without Rights
FRIDAY, APRIL 12, 2019

7 – 10:00pm
Friday Chair’s Closing Reception at Decatur House
*walking directions provided - one ticket to this event is included in most registrations, additional tickets are available for purchase*

Our closing reception will be held in one of America’s oldest and most historic homes. Decatur house was built in 1818 for naval hero Stephen Decatur and is situated on Lafayette Square near the White House. The house went on to serve as the unofficial residence of the Secretary of State from 1827 to 1833 and was designated a U.S. National Historic Landmark in 1976.