Section of International Law

2019 Annual Conference

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Leadership in Law and Practice Conference

June 30 - July 2, 2019 • Oxford, United Kingdom

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ABA Section of International Law

The Law Society

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Dear Colleagues,

On behalf of the American Bar Association Section of International Law (the “Section”), we are pleased to welcome you to Washington, DC, for what promises to be a very memorable Annual Conference.

While you are in Washington, DC, please be sure to participate in all the amazing programs and events the Annual Conference has to offer. We are excited to open the Annual Conference with a reception at District Winery. Other featured events include a networking reception on Thursday at the Conference Hotel, the Capital Hilton, and the Chair’s Closing Reception on Friday at Decatur House.

In addition to incredible networking opportunities, the Annual Conference will feature more than 60 panels highlighting different aspects of the theme of the conference – “Other Voices in Private and Public International Law.” These panels will feature speakers from around the world on a variety of topics. In addition, for those of you needing ethics credit, programs requested for ethics CLE are noted in the following pages. We are also excited to hear from our exceptional luncheon speakers: Ambassador Shabazz, eldest daughter of Malcolm X and Betty Shabazz, Professor Christopher W. Schmidt, and authors Anne Nelson and Trita Parsi.

The Section’s fifty-five committees are its true heart and will be front and center at this conference. Committees will have many opportunities to meet, giving all attendees a chance to learn more about one or more committees – whether you are an existing member of the committee or are just exploring! There will be some committee dinners organized by the committees after the reception on Thursday in addition to committee breakfasts on Wednesday, Thursday and Friday morning.

This Annual Conference provides a great opportunity to meet with leaders in the Section and to make contacts that can last a lifetime.

We thank you all for joining us in Washington, DC and look forward to sharing the coming days with you!

Robert L. Brown, Section Chair
Lucinda A. Low

Steptoe

is proud to sponsor the Louis B. Sohn Award Reception and congratulates Lucinda A. Low, co-recipient of this year’s Louis B. Sohn Award for Public International Law.
PLANNING COMMITTEE

2019 Annual Conference Executive Committee

Section Chair

Robert L. Brown • Lynch, Cox, Gilman & Goodman P.S.C. • Louisville, KY

Planning Committee

Cristina Cárdenas • Reed Smith LLP • Miami, FL
Yee Wah Chin • Ingram Yuzek Gainen Carroll & Bertolotti, LLP • New York, NY
Renee Dopplick • Arlington, VA
Robin Kaptzan • Duan & Duan Law Firm • Shanghai, China
Dunniela Kaufman • Kaufman Trade Law • Washington, DC
Corrine Lammers • Paul Hastings LLP • Washington, DC
Lindsay Meyer • Venable LLP • Washington, DC
William Mock • The John Marshall Law School • Chicago, IL
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- Banking & Finance
- Corporate/M&A
- Criminal, Civil & Commercial Litigation
- Energy
- Environmental Law
- Government Contracts
- Immigration
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- International Trade & Customs
- Labor & Employment
- Mining
- Notarial
- Public Broker
- Real Estate
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Thursday Reception Sponsor

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PAUL HASTINGS
TUESDAY, APRIL 9, 2019

10:30 AM – 1:00 PM  BakerHostetler, 1050 Connecticut Ave NW, 12th Floor
Council Meeting

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

12:30 PM – 5:00 PM  Congressional/Senate Ballroom
Registration Open

1:00 PM – 4:00 PM  South American
Non-CLE Program: Mock Trial

As the topic of the “Wall” has grabbed international headlines and spearheaded the longest government shutdown in U.S. history and enacted a “National Emergency”. This Mock Trial will consist of a “Judge” and “Jury” of the Prosecution of a “Mexican” Drug Lord for Sex Trafficking, Smuggling of Narcotics Across International Borders, Money Laundering, Bribery and Extortion.

Judge: The Honorable Cara Lee Neville, Hennepin County, MN
Prosecutor: Jarrett Wolf, Wolf P.A., Miami, FL

Defendant: TBD
Jury Pool: 15-20 Law Students From Georgetown University School of Law, American University Washington College of Law, The George Washington University School of Law, and Howard University School of Law

2:30 PM – 5:30 PM  OAS, 1889 F Street NW, Washington, DC, Padilha Vidal Room
Non-CLE Program: ABA DAY at the OAS

In October 2017, the ABA and the Organization of American States entered into a Cooperation Agreement that established a framework through which the entities could develop cooperative relations to promote the rule of law and work for the development of international law within the inter-American system.

This year we continue the work on our collaborative efforts by presenting two panels addressing public and private international law on issues of great importance to the region in the areas of contracts, environment, cyber-security and the Inter-American Democratic Charter.

Panel Chair:
Maximiliano J. Trujillo, MJT Policy LLC
Washington, DC

Panel I—The ABA SIL as a regional partner in the development of international law – An example of collaboration with the OAS on the Guide to the Applicable Law on International Commercial Contracts in the America.

Since 1994, the Americas region has sought to address how to harmonize international commercial contracts. The OAS Inter-American Juridical Committee has embarked in an effort to create a set of guidelines based on best practices recognized by international bodies. This panel will discuss this drafting effort as well as the collaboration of the ABA SIL in providing comments during the drafting of these guidelines.

Moderator and Speaker:
Joe Raia, Gunster, Miami, FL
Panel II—At the OAS: Issues drawing attention in the region – A regional view on the Democratic Charter, the Environment and Cybersecurity.

The member countries of Organization of American States are facing new trials in the 21st century that impact the lives of over a billion people across borders. New environmental threats, the safety of businesses and products in the age of the internet of things and the ongoing struggle for the defense of democratic values are core issues for the region. This panel of OAS top legal experts will brief the audience on the great challenges facing the hemisphere.

Moderator and Speaker:
Marcelo Bombau, Bomchil, Buenos Aires, Argentina

Speakers:
Jean Michel Arrighi, OAS, Washington, DC
Belisario Contreras, OAS, Washington, DC
Claudia S. De Windt, OAS, Washington, DC
Miryam Hazán, OAS, Washington, DC

WEDNESDAY, APRIL 10, 2019

8:00 AM – 6:30 PM  Congressional/Senate Ballroom
Registration Open

8:00 AM – 9:00 AM  Presidential Ballroom
Continental Breakfast
Join us for coffee or tea and a light breakfast before we start the day’s sessions.

8:00 AM – 9:00 AM  Presidential Ballroom
Committee Breakfast Meetings

9:00 AM – 10:30 AM  Federal A
CLE Program: When a Corporation Becomes Criminal – The Impact of Corporate Criminal Liability on International M&A Transactions

In the context of expanded enforcement and considerable penalties imposed on corporations by an increasing number of countries across the globe, most recently in Latin America, the advisors on M&A transactions need to take into account the risks and impact of corporate criminal liability. Speakers from the U.S., UK and other major jurisdictions will 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. The panel will discuss different fact patterns and available remedies, including scenarios where due diligence reveals potential criminal conduct, where a target corporation discloses that it is already under criminal investigation but that investigation is ongoing, and where a corporation 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.

Committee Sponsor:
International M&A Joint Venture

Committee Co-Sponsor:
Latin-America & Caribbean
Panel Chairs and Moderators:
Hermann Knott, Andersen Tax & Legal, Cologne, Germany
Marshall Miller, Wachtell Lipton, New York, NY

Speakers:
Neill Blundell, MacFarlanes, London, UK
Fabyola En Rodrigues, Demarest, São Paulo, Brazil
Jennifer R. Downing, BNP Paribas, New York, NY

9:00 AM – 10:30 AM  Federal B
CLE Program: So You Thought it was Easy? Welcome to Regulatory and Compliance Complexity In M&A Transactions throughout Latin America

Dealing with regulatory issues such as compliance is currently paramount in every cross-border M&A transaction, in particular, those 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 the future viability of the companies involved in 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 worse, the buyer could be exposed to potential liabilities under its own domestic anti-corruption laws.

This panel will discuss recent developments in terms of compliance regulations in several jurisdictions. Also, we shall cover effects of the recent elections 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 U.S. investor.

Committee Sponsor:
Latin America & Caribbean
Committee Co-Sponsor:
International M&A Joint Venture
Panel Chair and Speaker:
Pablo Ferraro-Mila, Gonzalez & Ferraro Mila, Buenos Aires, Argentina
Moderator:
Ernesto Velarde-Danache, Ernesto Velarde Danache Inc., Brownsville, TX
Speakers:
Cristiane Borges da Costa, Mattos Engelberg Advogados, São Paulo, Brazil
Santiago Concha, C&R LAW, Bogotá, Colombia
Fernando Jamarne, Alessandri Abogados, Santiago, Chile
Fabian A. Pal, Fabian A. Pal, PA, Miami, FL

9:00 AM – 10:30 AM  California
CLE Program: How Should Privacy of Personal Data on Social Media be Regulated?

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? Does 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 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.

Committee Sponsor:
Privacy, Cybersecurity, & Digital Rights

Committee Co-Sponsor:
International Antitrust

Panel Chair:
Daniel McGlynn, Solaero Technologies Corp., Albuquerque, NM

Moderator:
Terrell McSweeney, Covington & Burling, Washington, DC

Speakers:
Christine Bannan, Electronic Privacy Information Center, Washington, DC
Brenda Leong, Future of Privacy Forum, Washington, DC
Laura Moy, Georgetown University Law School, Washington, DC
Michelle Richardson, Center for Democracy and Technology, Washington, DC

9:00 AM – 10:30 AM
New York
NON-CLE Program: Freedom of Religion in an Age of Genocide; What Should be the Role of Lawyers?

This program examines how normative underpinnings of calls for lawyers to mobilize on behalf of religious freedom rest on a foundation of facts, and further will show how lawyers and bar associations in the last 300 years and across most regions of the world have fought for a fundamental bundle of freedoms, including freedom of religion, precisely to protect societies from sliding into tyranny and from tyranny into crimes against humanity and mass killings. How notable activists regard freedom of religion as an integral component of a struggle for an open political society where the probability of genocide is radically reduced. Not only must society hold bar associations accountable for playing a protective social role, but individual lawyers will often need to hold their own associations accountable or even reach outside official bar associations to vindicate their claims to be guardians of justice and protectors of the most vulnerable. Specific instances, events and laws will be discussed by this expert panel.

Committee Sponsor:
Seasoned Lawyers Interest Network (SIN)

Committee Co-Sponsors:
International Human Rights
Middle East

Panel Chair and Moderator:
David E. Taylor, China Aid Association, Columbia, SC

Speakers:
Bob Fu, China Aid, Washington, DC
Nina Shea, Hudson Institute, Washington, DC
Naomi Kikoler, Center for the Prevention of Genocide, Washington, DC
Terence Halliday, American Bar Foundation, Chicago, IL
9:00 AM – 10:30 AM  Massachusetts
CLE Program: The Trump Effect on the Future of Global Dispute Resolution

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 extraterritorial regulations and sanctions in an era of diminishing multilateral agreements, and the impact of new tariffs on the World Trade Organization (WTO).

Committee Sponsor:
Young Lawyers Interest Network

Committee Co-Sponsors:
Canada
Government & Public Interest
International Arbitration
International Litigation
International Trade
Mexico Committee
UN & International Organizations

Panel Chair and Moderator:
Kiran Nasir Gore, The George Washington University Law School, Washington, DC

Speakers:
Farshad Ghodoosi, Earl G. Graves School of Business and Management, Morgan State University, Baltimore, MD
Méilda N. Hodgson, Jenner & Block, New York
Ting-Ting Kao, White & Case, Washington, DC
M. Arsalan Suleman, Foley Hoag, Washington, DC

9:00 AM – 10:30 AM  South American
CLE Program: Women in Leadership
ELIMINATION OF BIAS IN THE PROFESSION

Since 1990, women have represented over 60% of new entrants into the legal profession in England and Wales, 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% of the seats at accredited law schools in the United States, yet the ACC and LawDeex released a report in November 2018 that women 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 2017-2018, highlight the toolkit developed from the survey as a resource to help enable women 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.

Committee Sponsor:
International Corporate Counsel

Committee Co-Sponsor:
Women’s Interest Network (WIN)
Panel Chairs:
Nigel H. Roberts, LexisNexis, Hudson, NH
Deniz Tamer, MTICC, Inc., Orient, NY

Moderator:

Speakers:
M. Pía Logiovane, Philips North America LLC, Boston, MA
Rachel Travers, LexisNexis, New York, NY
Sandra S. Yamate, Institute for Inclusion in the Legal Profession, Chicago, IL

10:30 AM – 11:00 AM
Networking Break

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11:00 AM – 12:30 PM

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 international 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?

Committee Sponsor:
International Anti-Corruption

Committee Co-Sponsors:
International Criminal
International Corporate Counsel
International Employment Law

Panel Chairs:
Ann Sultan, Miller & Chevalier, Chtd, Washington, DC
Marc Alain Bohn, Miller & Chevalier, Chtd, Washington, DC

Moderator:
Michael Satin, Miller & Chevalier, Chtd, Washington, DC

Speakers:
Shana-Tara O’Toole, Due Process Institute, Washington, DC
Fabio Andrés Bonilla Sanabria, Superintendencia de Sociedades, Bogotá, Colombia
Lisa Manning, Schertler & Onorato LLP, Washington, DC
Corinne Lammers, Paul Hastings, Washington, DC
For the most up-to-date information, please visit:

11:00 AM – 12:30 PM **Federal B**

**CLE Program: The New Competition Law Frontier: Antitrust Approaches to Technology Platforms**

Concerns have been expressed that the global economy is increasingly dependent on a few large multi-sided technology platforms, with those firms becoming the targets of politicians, regulators, and enforcement authorities. The European Commission and other authorities have been investigating alleged exclusionary or discriminatory conduct by a number of the major online purportedly dominant platforms. Member state competition authorities have 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 EU’s 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 while the FTC and others (including the ACCC in Australia) 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.

**Committee Sponsor:**
*International Antitrust Committee*

**Committee Co-Sponsors:**
*Privacy, Cybersecurity & Digital Rights*
*International Intellectual Property Europe*

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**Panel Chair:**
*John W. Eichlin, Linklaters LLP, New York, NY*

**Panel Chair and Speaker:**
*Michael H. Byowitz, Wachtell, Lipton, Rosen & Katz, New York, NY*

**Panel Chair and Moderator:**
*Alfredo M. O’Farrell, Marval, O’Farrell & Mairal, Buenos Aires, Argentina*

**Speakers:**
*Elizabeth Wang, Compass Lexecon, Boston, MA*
*Pierre Zelenko, Linklaters, Paris, France*
*Jacqueline Downes, Allens, Sydney, Australia*

11:00 AM – 12:30 PM **California**

**CLE Program: Digital Currency – The Ethical Considerations for Accepting Cryptocurrency as Payment for Legal Services**

**LEGAL ETHICS**

Since the international explosion of Bitcoin and other cryptocurrencies, some 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 countries treated these issues? What can law firms do to ensure that they remain ethical and competitive in a market that is increasingly adopting the use of blockchain technology?

**Committee Sponsor:**
*International Ethics*

**Committee Co-Sponsor:**
*Privacy, Cybersecurity & Digital Rights*
MEETING AGENDA (continued)

WEDNESDAY, APRIL 10

Panel Chair and Moderator:
David M. Levine, Carey Rodriguez Milian Gonya, LLP, Miami FL

Speakers:
Fausto Sanchez, Sanchez Fischer, LLP, Plantation, FL
Alexander Rodriguez, International Blockchain Legal, LLP, Washington, DC
Mitchell E. Hyman, Royal Caribbean Cruises Ltd., Miami, FL
Jai Lee, Yulchon, LLC, Seoul, South Korea
Danielle Dudai, Office of the Attorney General, West Palm Beach, FL

11:00 AM – 12:30 PM

NON-CLE Program: How #MeToo has Amplified Survivors’ Voices and Reinvigorated Efforts to Combat Sexual Misconduct in the International Aid Community

The most recent allegations of sexual exploitation and abuse in the aid community undermine the very premise of development and the international legal framework which upholds the rights and dignity of all individuals.

Governments, donors, development finance institutions, NGOs, private sector partners, and multilaterals have seized this global cultural moment to reinvigorate efforts to examine and address the problematic power and gender dynamics in development and humanitarian contexts which perpetuate these abuses.

From seeking consensus on international standards, to revising and requiring inclusive policies and practices, to building local capacity to prevent, monitor, investigate and report abuses – these initiatives all ultimately seek to protect, empower, and provide accountability to affected populations through a survivor-centered approach designed to end the cycle of impunity. Speakers will discuss how the aid sector is reevaluating the approach to sexual misconduct to protect and advance justice and dignity consistent with international law obligations.

Committee Sponsor:
Government and Public Interest

Committee Co-Sponsors:
Women’s Interest Network (WIN)
International Human Rights
UN & International Organizations

Panel Co-Chairs:
Olufunmi Oluyede, TrlpLaw, Silver Spring, MD
Peter Young, USAID, Washington, DC

Moderator:
Daniela Kraiem, American University Washington College of Law, Washington, DC

Speakers:
Susan Pascocello, USAID, Washington, DC
Isabelle Castrogiovanni, UNICEF, New York, NY
Siddharth Ashvin Shah, Greenleaf Integrative, Arlington, VA
Megan Nobert, International Rescue Committee, London, UK

11:00 AM – 12:30 PM

CLE Program: Constituting the Right Tribunal: Different Voices for Optimal Results

The constitution of the right international 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.

Committee Sponsor:
Women’s Interest Network (WIN)
Committee Co-Sponsor:
Mexico

Panel Chair and Speaker:
Eugenia González. Goodrich Riquelme Asociados, Mexico City, Mexico

Panel Chair and Moderator:
Lucila I.M. Hemmingsen, Kirkland & Ellis, New York, NY

Speakers:
John Fellas, Hughes Hubbard & Reed, New York, NY
Yasmine Lahlou, Chaffetz Lindsey, New York, NY
Greig Taylor, AlixPartners, New York, NY

11:00 AM – 12:30 PM South American


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 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.

Committee Sponsor:
International Legal Education and Specialist Certification

Panel Chair and Moderator:
Joseph L. Raia, Gunster, Miami, FL

Panel Chair and Speaker:
William P. Johnson, Saint Louis University School of Law, St. Louis, MO

Speakers:
Darby Dickerson, The John Marshall Law School, Chicago, IL
Camille Nelson, American University Washington College of Law, Washington, DC
Hari M. Osofsky, Penn State Law, State College, PA
Mark D. West, University of Michigan Law School, Ann Arbor, MI
12:45 PM – 2:15 PM  Presidential Ballroom
Luncheon with Ambassador Shabazz and Professor and Associate Dean Christopher W. Schmidt

Luncheon Sponsored by Wachtell, Lipton, Rosen & Katz
*this event is ticketed separately – $95*

This luncheon will begin with welcome remarks from Reginald Turner, candidate for ABA President. Ambassador Shabazz will lead the discussion with the keynote speaker, Professor Christopher W. Schmidt.

Raised in Westchester County, New York, Ambassador Shabazz is the eldest of six daughters born to Dr. Betty Shabazz and Malcolm X Shabazz. A producer, writer and diplomat she has spent over 38 years developing curriculums and programs for educational institutions, executive forums, diplomatic networks, penal systems, conferences and human service organizations globally— with the purpose to motivate and encourage the young and mature alike to recognize the value in and appreciation of — diverse cultural engagement, traditional rites of passage and perspectives, thus a genuine respect for oneself and others.

Christopher W. Schmidt is professor of law and associate dean for faculty development at Chicago-Kent College of Law, where he also codirects the Institute on the Supreme Court of the United States. Professor Schmidt teaches in the areas of constitutional law, legal history, comparative constitutional law, and sports law. He is a faculty fellow of the American Bar Foundation. Professor Schmidt earned a J.D. from Harvard Law School, a Ph.D. in American Studies and an M.A. in history from Harvard University.

Professor Schmidt’s 2018 book, *The Sit-Ins: Protest and Legal Change in the Civil Rights Era*, provides an in-depth analysis of the famous 1960 lunch counter protest led by four African American college students in the Woolworth department store in Greensboro, North Carolina. The lunch counter, like most in the American South, refused to serve black customers. The four students remained in their seats until the store closed. In the following days, they returned, joined by growing numbers of fellow students. These “sit-in” demonstrations soon spread to other southern cities, drawing in thousands of students and coalescing into a protest movement that would transform the struggle for racial equality.

The Section will present the 2019 Leonard J. Theberge Award for Private International Law to Michael H. Byowitz, former Section Chair and Of counsel (and former longtime partner) at Wachtell, Lipton, Rosen & Katz in New York City.

2:30 PM – 4:00 PM  Federal A
CLE Program: So Where Does Your Country Stand? International Approaches to the Legalization of Cannabis and Challenges for Cross-Border Transactions

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. The U.S.? Well it depends on who you ask and where you live.

While countries such as Colombia and Mexico, that have long suffered death and corruption due to drug dealing, are trying to attract foreign investment into a still stigmatized industry, others such as Argentina and Uruguay are opening to receive the benefits of cannabinoids. In the context of an increased move toward legalization of cannabis in many jurisdictions and a variety of regulatory approaches, governments, businesses and consumers can face a minefield of rules and approaches to cannabis.
MEETING AGENDA (continued)

2:30 PM – 4:00 PM  
Federal B  
CLE Program: 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

Blockchain, a form of “distributed ledger technology,” is increasingly infiltrating the legal industry at large. Many companies and their clients are developing and using distributed ledger technology privately and broadly in the industry. Blockchain technology is also integral to the formation of so-called “smart contracts,” which are contracts executed automatically or semi-automatically based on computer code. Blockchain technology is the platform used to create and maintain digital assets. This technology has the potential to drive democratization of entrepreneurship and innovation across many sectors. However, widespread adoption has yet to occur as people still may not understand the way the technology works and the associated risks.

The panel will provide a general overview of blockchain technology for the layperson, including background on the rapid evolution of blockchain internationally and how it is used to create smart contracts and crypto-assets, such as Bitcoin and Ethereum. The panel will explain blockchain and other types of distributed ledger technology as well as an overview of what crypto-assets are and how they are traded. The panel will also de-mystify Initial Coin Offerings (ICOs), Security Token Offerings (STOs) and how ICOs/STOs may be used for investment and commerce. Case studies of cryptocurrencies in Venezuela will be explored. Finally, the panel will provide an overview of existing, proposed or suggested regulations of this technology, domestically and internationally.

Committee Sponsor:  
International Finance and Securities

Panel Chair:  
Attilio Costabel, Costabel, PA, Miami, FL

A comparative law (and practical) review will give the audience a glance at the nuances of doing business cross-border in the growing and interesting cannabis industry.

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 U.S.

Speakers from Canada, the U.S., 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 the State and Federal levels with regard to cannabis.

Committee Sponsor:  
Latin America & Caribbean International M&A Joint Venture

Committee Co-Sponsors:  
International Investment & Development Mexico

Panel Chair and Speaker:  
Gordon Cameron, Bennet Jones, New York, NY

Panel Chair, Moderator and Speaker:  
Santiago Concha, C&R Law, Bogotá, Colombia

Speakers:  
Mitzi Hensley Vaughn, Alto Terra Capital Partners Ltd, Vancouver, Canada and Burlington, WA

Giorgio Gallenzi, Grimaldi, Studio Legale, Rome & Milan, Italy
MEETING AGENDA (continued)
WEDNESDAY, APRIL 10

Panel Chair and Moderator:
Hernán D. Camarero, RCTZZ Abogados, Buenos Aires, Argentina

Speakers:
N. Isabelle Figaro, Emerge, Brooklyn, NY
Stephen Rutenberg, Polsinelli, New York, NY
Lahdan Rahmati, Bevilacqua PLLC, Marina Del Rey, CA
Pedro Urdaneta, LEGA Abogados, Caracas, Venezuela

2:30 PM – 4:00 PM  New York
CLE Program: International Political Influence and Corruption: Will Recent Scandals Lead to Stricter U.S. Regulations?

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.

Committee Sponsor:
ABA Standing Committee on Election Law

Committee Co-Sponsors:
National Security
International Anti-Corruption
International Criminal Law

Panel Chair:
Chris Saucedo, SaucedoChavez, P.C., Albuquerque, NM

Moderator:
Jason D. Kaune, Nielsen Merksamer Parrinello Gross & Leoni, LLP, San Rafael, CA

Speakers:
Ellen L. Weintraub, Federal Election Commission, Washington, DC
David H. Laufman, Law Offices of David H. Laufman, PLLC, Washington, DC
Severin Wirz, TIAA, San Francisco, CA
Michael A. Columbo, Nielsen Merksamer Parrinello Gross & Leoni, LLP, San Rafael, CA

2:30 PM – 4:00 PM  Massachusetts

The IBA “Rules for the Taking of Evidence in International Arbitration” launched in 1999 represented the arbitration community’s first attempt to develop uniform procedural rules that would bridge common law and civil law traditions. However, recently, some users of arbitration complained that the practical application of the IBA Rules resulted in increased costs and time of arbitration due to extensive document production, written witness statements, perceived bias of party-appointed experts and lengthy cross-examinations, all of which, allegedly resulted in de facto “creeping Americanization of international arbitration.”

To address users’ frustration with the time and costs involved in arbitration proceedings, a group of European practitioners developed Rules on the Efficient Conduct of Proceedings in International Arbitration, known as the Prague Rules. By emphasizing the
“inquisitorial” process, typical in civil law counties, 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 practitioners who will take the roles of proponents and opponents of the Prague Rules and will battle to win support of the audience for their position. Among others, the speakers will debate the pros and cons of the Prague and IBA rules in achieving efficiency in international arbitration proceedings and consider whether the Prague Rules mark the end of the alleged era of "Americanization" of international arbitration. 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.

Note: The debate is for educational purposes only. Speakers’ positions taken in the debate may or may not represent their personal views.

Committee Sponsor: International Arbitration

Panel Chairs and Moderators:
Gene Burd, Arnall Golden Gregory LLP, Washington, DC
Samantha Rowe, Debevoise & Plumpton, London, UK

Speakers:
James Clanchy, FCIArb, London, UK
Vladimir Khvalei, Baker McKenzie, Moscow, Russia
Camilla Gambarini, Withersworldwide, London, UK
Olena Perepelynska, Kyiv, Ukraine

2:30 PM – 4:00 PM South American CLE Program: Investment Law and Free Trade Agreements: USMCA, CPTPP, RCEP and ISDS Reform

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. U.S.), 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).

The panelists, with perspectives ranging from Canada to New Zealand, will discuss the approaches to reconciling substantive domestic law and the evolving international investment law regime in the USMCA, TPP minus the U.S. (known as the CPTPP) and the Regional Comprehensive Economic Partnership (RCEP) negotiations. In relation to CPTPP and RCEP, the positions of countries belonging to both groups, New Zealand, Australia and Singapore, will be discussed.

On another level, the panelists examine how and why commercial practices and domestic regulatory matters such as labor, zoning and environmental issues were brought into some trade agreement negotiations, and the extent to which national sovereignty over such domestic matters should be subject to review by international tribunals.
MEETING AGENDA (continued)

WEDNESDAY, APRIL 10

Committee Sponsor:
International Investment and Development

Committee Co-Sponsors:
Canada
International Arbitration
International Contracts

Panel Chair:
Daniel McGlynn, Solaero Technologies Corp., Albuquerque, NM

Moderator:
Jose Alvarez, New York University Law School, New York, NY

Speakers:
Barry Appleton, Appleton & Associates, Toronto, Canada
Lori Wallach, Public Citizen, Washington, DC
Rochelle Dreyfuss, New York University School of Law, New York, NY
Antonio Ortiz-Mena, Albright Stonebridge Group, Washington, DC

4:00 PM – 4:30 PM  Congressional/Senate Ballroom
Networking Break

4:00 PM – 5:00 PM  Michigan
Books Board Meeting

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

4:30 PM – 6:00 PM  Federal A
CLE Program: The Need for Enhanced Due Diligence in Cross-Border M&A Transactions in Light of New Laws

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 U.S., 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 FIRRMA and the ECR Act have changed things for CFIUS and foreign direct investment in the U.S., a panel of U.S. and non-U.S. 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.

Committee Sponsors:
National Security
Export Controls and Economic Sanctions

Committee Co-Sponsors:
International Trade
South Asia/Oceana & India
Central/East Asia & China

Panel Chair and Speaker:
Geoffrey Goodale, FisherBroyles, LLP, Washington, DC

Moderator:
Roland Trope, Trope & Schramm LLP, New York, NY

Speakers:
Tatiana Sullivan, U.S. Department of Defense, Washington, DC (Invited)
Alex Yong Hao, JunHe LLP, Beijing, China and New York, NY
Gwendolyn Jaramillo, Foley & Hoag LLP, Boston, MA
4:30 PM – 6:00 PM  
**Federal B**

**CLE Program: A “Token” of Appreciation – Take 2: Digital and Crypto Assets, Distributed Ledger Technology and Smart Contracts in Legal Practice, International Trade and Transportation Logistics**

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.

**Committee Sponsors:**
- International Transportation
- International Finance & Securities

**Panel Chair:**
Hernán D. Camarero, RCTZZ Abogados, Buenos Aires, Argentina

**Panel Chair, Moderator and Speaker:**
Attilio Costabel, Costabel, PA, Miami, FL

**Speakers:**
- Charles Evans, Barry University, Miami, FL
- Matthew Thiel, TradeLens USA, Brooklyn, NY
- Josh Stein, Cozen O’Connor, Washington, DC

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4:30 PM – 6:00 PM  
**California**

**CLE Program: Multidisciplinary Partnerships: Access to Justice or Ethical Pitfalls for the Unwary**  
**LEGAL ETHICS**

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 the practice of law by offering services such as corporate formation and taxation. Recently, however, certain accounting firms have rapidly expanded into what was traditionally considered the sole 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.

**Committee Sponsor:**
International Ethics Committee

**Panel Chair and Speaker:**
Ekaterina Schoenefeld, Schoenefeld Law Firm LLC, Princeton, NJ

**Speakers:**
- Steve Richman, Clark Hill PLC, Princeton, NJ
- Hermann Knott, Andersen Tax & Legal, Cologne, Germany
- Theodore Goloff, Robinson Sheppard Shapiro, Montreal, Canada
4:30 PM – 6:00 PM    New York

**CLE Program: European Hard-Line Enforcement: Threats to the U.S. Monopoly on International Prosecutions**

European authorities (including those in France, Italy, Germany, and Switzerland) are increasingly proactive in asserting their sovereignty over the investigation and prosecution of national companies, true to an increasingly hard-line enforcement trend. They are emerging as credible competitors to U.S. 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.

**Committee Sponsor:**
International Criminal Law

**Committee Co-Sponsors:**
International Litigation
International Antitrust
European Law
Export Controls & Economic Sanctions

**Panel Chair and Speaker:**
**Stephane de Navacelle**, Navacelle Law, Paris, France

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

**Speakers:**
**Sonja Maeder Morvant**, OHER Avocats, Geneva, Switzerland

**Amanda Raad**, Ropes & Gray, London, UK

**Federico Busatta**, Gianni, Origoni, Grippo, Cappelli & Partners, Milan, Italy

4:30 PM – 6:00 PM    Massachusetts

**CLE Program: Are Courts Narrowing FSIA Jurisdiction Over All Foreign Expropriations to Avoid Litigating Holocaust Claims?**

In the 2004 Altmann case, the U.S. Supreme Court applied the jurisdictional provisions of the Foreign Sovereign Immunities Act retroactively to World War II Holocaust claims. Since then, the U.S. Government has sought to limit suits against foreign governments under the “expropriation exception” to cases where the foreign state uses expropriated property in the U.S. for a commercial purpose, and has supported dismissal of Holocaust-related taking claims against foreign agencies on theories of international comity.

U.S. courts have ruled that Nazi seizures of property, including art, were themselves acts of genocide in violation of international law, but have questioned whether Holocaust claims should be adjudicated in our courts. In two cases, the Seventh Circuit required Holocaust victims to seek redress first in Hungarian courts. Rejecting that approach, the DC Circuit recently approved actions against foreign government agencies in three cases, but rejected jurisdiction over Holocaust claims against the foreign sovereign itself.

The panel will debate the intent of Congress and the broader question of whether Holocaust claims belong in U.S. courts.

**Committee Sponsor:**
Art & Cultural Heritage Law

**Committee Co-Sponsor:**
International Litigation
Europe
International Courts & Judicial Affairs
International Criminal Law
International Human Rights
Government & Public Interest

**Panel Chair:**
**Diego Figueroa-Rodriguez**, DLA Piper, Miami, FL
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 U.S. and global trade policy.

Committee Sponsor: Canada Committee
Committee Co-Sponsors: Mexico International Trade Customs Law
THURSDAY, APRIL 11, 2019

8:00 AM – 6:30 PM
Congressional/Senate Ballroom
Registration Open

8:00 AM – 9:00 AM
Presidential Ballroom
Continental Breakfast
Join us for coffee or tea and a light breakfast before we start the day’s sessions.

8:00 AM – 9:00 AM
Presidential Ballroom
American Bar Foundation Breakfast
Sponsored by: American Bar Foundation
This networking breakfast is hosted by the Fellows of the American Bar Foundation (ABF). The ABF is a research institute that does cutting edge research at the intersection of law and the social sciences. At the breakfast, enjoy networking with Section members and current Fellows from DC and around the globe, as well as a brief presentation highlighting some of the important research by the ABF.

9:00 AM – 10:30 AM
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.

Committee Sponsor: International Contracts
Committee Co-Sponsors:
  - International Antitrust
  - International Customs
  - International Finance & Securities
  - International Intellectual Property Rights
  - International Trade
  - International Transportation
  - Privacy, Cybersecurity & Digital Rights
  - International Energy & Natural Resources

Panel Chair and Moderator:
Andrew M. Danas, Grove Jaskiewicz and Cobert LLP, Washington, DC

Speakers:
  - Wai L. Choy, Proskauer, New York, NY
  - Timothy Cornell, Clifford Chance US LLP, Washington, DC
  - Gabrielle Z.A. Kohlmeier, Antitrust & Strategic Projects, Arlington, VA
  - Paul Brigner, Chamber of Digital Commerce, Washington, DC

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.

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,
9:00 AM – 10:30 AM  
**Massachusetts**


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 is yet a party 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 undoubtedly generate a lively audience involving discussion on point.

**Committee Sponsor:**  
*International Litigation*

**Committee Co-Sponsor:**  
*Canada*

**Panel Chair:**  
*Leif Simonson, Kobre & Kim, New York, NY*

**Moderator:**  
*H. Scott Fairley, Cambridge LLP, Toronto, ON, Canada*

**Speakers:**  
*Kathryn Sabo, Justice Canada, Ottawa, ON, Canada*

*David Stewart, Center on Transnational Business and Law, Georgetown University, Washington, DC*

*Louise Ellen Teitz, Roger Williams University School of Law, Bristol, RI*

*Peter Trooboff, Covington and Burling, Washington DC*

9:00 AM – 10:30 AM  
**South American**

**CLE Program: The Role of International Courts and Institutions in 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. Libel law and anti-terrorism law have been abused.

This panel will bring together a diverse set of practitioners and scholars to identify the role international law can play to address these concerns. International human rights courts and international trade courts have made a difference in particular cases by identifying violations of democratic norms and sanctioning violators, for example in cases in which judges have been fired for political reasons. Regional trade blocs have been among the most active institutions in trying to arrest democratic backsliding by enforcing norms of good governance. And bar associations have mobilized in very difficult environments to try to stem the tide against democratic backsliding by providing support for judges and engaging in rights litigation.

Committee Sponsor:
Fellows of the American Bar Foundation
Committee Co-Sponsors:
Africa
Europe
Government & Public Interest
International Courts & Judicial Affairs
International Human Rights
Latin America & Caribbean
National Security
UN & International Organizations
Panel Chair and Moderator:
Tom Ginsburg, University of Chicago Law School, Chicago, IL

Speakers:
Elizabeth Andersen, World Justice Project, Washington, DC
Thomas Buergenthal, former Judge, International Court of Justice, Washington, DC
Claudia Escobar, National Endowment for Democracy, Washington, DC
Selemani Kinyunyu, African Union Advisory Board on Corruption, Arusha, Tanzania

10:30 AM – 11:00 AM
Congressional/Senate Ballroom

Networking Break

Proudly Sponsored by:

11:00 AM – 12:30 PM
Federal A

CLE Program: The Accidental Tourist: How Domestic Laws May Affect Global Employment Policy and Practice

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? Key Issues to be discussed:

• International employment law and practice
• International practitioner insight
• Equity compensation plans
• Compensation and benefits other than wages

Committee Sponsor:
Lawyers Abroad
Committee Co-Sponsors:
International Employment Law
International M & A Joint Venture
MEETING AGENDA (continued)

Panel Chair and Moderator:
Laurence P. Wiener, Wiener Soto Caparros, Buenos Aires, Argentina

Speakers:
Kelly Dobbs Bunting, Greenberg Traurig, Philadelphia, PA
Shannon Goff Kulkulka, Waller Lansden Dortch & Davis, Nashville, TN
Shoshana Litt, Jones Day, New York, NY
Lisa Ware-Alexander, Nutrien, Chicago, IL

11:00 AM – 12:30 PM  Federal B

Panel Chair:
William P. Johnson, St. Louis University Law School, St. Louis, MO

Moderator:
Paul Edelberg, Fox Rothschild, New York, NY

Speakers:
Jason Drouyor, Mitchell – Handschuh Law Group, Atlanta, GA
Elizabeth Chan, Global Risk Mitigation Foundation, Honolulu, HI
Jamie Horsley, Paul Tsai China Center, Yale Law School, New Haven, CT and The Brookings Institution, Washington, DC
Michael Sacharski, Former Head of GTE China Operations, Washington, DC

11:00 AM – 12:30 PM  California

Panel Chair:

CLE Program: Is China’s Belt and Road Initiative a Threat or Benefit to Asian Development? Steps to Facilitate Effective Development

ABA International has pulled together scholars and practitioners from around the world to form a task force to address three aspects of China’s Belt and Road Initiative (BRI). Many Asian and Pacific Island countries are hungry for needed infrastructure investment but are increasingly wary of the risk of what they see as China’s “debt trap diplomacy” following its loan repossession of the strategic ports at Djibouti and Sri Lanka along with its activities in the South China Sea.

The first prong of the task force will examine best practices in international infrastructure financing in the development context and explore the role of lending practices and documentation in achieving a constructive balance of interests between development lenders and borrowers. The second prong will look at a joint development agreement for all countries bordering the South China Sea. It would shift the focus from claims of territory to cooperative development. The third prong would consider ways to make the Asian Development Bank and other lenders in the region more responsive to borrowers’ need for prompt and effective decisions as well as addressing other and new Asia infrastructure financing options.

Committee Sponsor:
Central/East Asia & China

CLE Program: Taking Charge in Fighting Digital White Collar Crime with Technology and Law: An Interactive Debate & Discussion

Through an interactive debate and discussion involving legal and business experts and the attendees, real life scenarios and technical and legal questions will be presented, dissected and debated for handling an electronically coordinated white-collar crime. Available laws and regulations will be identified, and methods and options for harnessing the situation will be recommended and explored. In this electronic era, white-collar crime is more sophisticated, and the laws surrounding data protection, IT, banking and evidence and the tools employed to discover and fight it are still in the infancy stage. When the fraudulent activity takes place in several countries, resolving and addressing the crime and recovering the money or data is even more complex as multiple countries’ laws, regulations, protocols, and cultural issues are triggered. However, enforcing legal obligations or navigating local customs may still be unclear or inconsistent. Technology is on the front lines of this battle. When a company or its in-house counsel in any country believes (or knows) it is a victim
of fraud, she or he must react immediately
by commencing an investigation to obtain
untainted evidence to support criminal
charges or a civil lawsuit. Some countries
have laws and regulations that are up-to-
date with the digital era, and some simply
don’t. This program is for any attorney,
advisor, consultant, professor or executive
desiring to be preventative and ready to
be reactive by having corporate policies in
force and knowing the legal options and
investigative tools that can be learned from
the presenters and audience, to manage
digital white-collar fraud in any country
around the globe.

Committee Sponsor:
Central/East Asia & China
Committee Co-Sponsors:
Europe
Northeast Asia, Japan & Korea
International Anti-Corruption
Panel Chairs and Moderators:
Robin Gerofsky Kaptzan, Duan & Duan,
Shanghai, China
Tim Klatte, Grant Thornton Shanghai,
Shanghai, China
Speakers:
Parth Chanda, Lextegrity, New York, NY
David Rosenbaum, Citrin Cooperman &
Company, New York, NY
Christopher Veatch, Perkins Coie,
Chicago, IL

11:00 AM – 12:30 PM
New York
CLE Program: Immigration Law
and Pro Bono

As migration takes center stage in our
global dialogue, U.S. 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, the 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 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.

Committee Sponsor:
Immigration & Naturalization
Committee Co-Sponsors:
International Refugee Law
International Family Law
International Human Rights
Young Lawyers Interest Network (YIN)
Sexual Orientation and Gender Identity
Issues Network (GIN)
Women’s Interest Network (WIN)
Panel Chair:
Lisa Ryan, Fragomen Worldwide,
San Francisco, CA
Moderator and Speaker:
Barbara Camacho, Fragomen Worldwide,
New York, NY
Speakers:
Karen Grisez, Fried, Frank, Harris,
Shriver & Jacobson LLP, Washington, DC
Theodore Howard, Wiley Rein LLP, Washington, DC
Bradley Jenkins, Catholic Legal Immigration Network, Inc. (CLINIC), Silver Spring, MD

11:00 AM – 12:30 PM Massachusetts

**CLE Program: The U.S. Supreme Court Says “No” to China: Lessons Learned from the Vitamin C Case and the Implications for Cross-Border Litigation**

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.

Committee Sponsor: International Antitrust
Committee Co-Sponsor: International Litigation
Panel Chair and Moderator: Yee Wah Chin, Ingram Yuzek Gainen Carroll & Bertolotti LLP, New York, NY
Panel Chair and Speaker: Ethan Litwin, Constantine Cannon, New York, NY
Speakers: Donald C. Clarke, George Washington University Law School, Washington, DC
Eleanor Fox, New York University Law School, New York, NY
Jinhee Kim, Jipyong LLC, Seoul, South Korea

11:00 AM – 12:30 PM South American

**CLE Program: 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**

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.

Committee Sponsor:
*International Trade Committee*

Panel Chair and Speaker:
*John Rosero, Prudential Financial Inc., Roseland, NJ*

Speakers:
*Karen Antebi, Embassy of Mexico, Washington, DC*
*Harold (Hal) Burman, U.S. Department of State, Washington, DC*
*Ed Brzytwa, American Chemistry Council, Washington, DC*
*Diane MacDonald, NTN USA, Inc, Mt. Prospect, IL*

**12:30 PM – 2:30 PM  Presidential Ballroom**

**Luncheon with Authors Anne Nelson and Trita Parsi on the Role of Individuals in Conflicts**

*This event is ticketed separately – $95*

Anne Nelson is an author and lecturer in the fields of international affairs, media and human rights. Since 2003 Nelson has been teaching at Columbia’s School of International and Public Affairs (SIPA), where her classes and research explore how digital media can support the underserved populations of the world through public health, education and culture.

Anne Nelson is also Nelson is a widely published author. Her 2017 book, *Suzanne’s Children*, describes the Jewish resistance and its rescue network in Occupied Paris. Her 2009 book *Red Orchestra: The Story of the Berlin Underground and the Circle of Friends Who Resisted Hitler* describes the way media was used for both propaganda and resistance in Nazi Germany, and was published to wide acclaim in the U.S. and Germany. The book describes how a small group of women (and men) impacted the outcome of World War II.

In shifting the focus from World War II to current global issues, Trita Parsi has examined how a few individuals have impacted relations between US, Israel and Iran in his books, and particularly to maintain peace through diplomacy.

Trita Parsi is an author and founder of the National Iranian American Council, a non-partisan organization dedicated to strengthening the voice of Iranian Americans and promoting greater understanding between the American and Iranian people. An expert on U.S.-Iranian relations, Iranian foreign politics, and the geopolitics of the Middle East, he has published several books on these issues. For his 2007 book, *Treacherous Alliance: The Secret Dealings of Iran, Israel and the United States*, he conducted more than 130 interviews with senior Israeli, Iranian and American decision-makers. Parsi’s latest book, *Losing an Enemy: Obama, Iran and the Triumph of Diplomacy* (2017) reveals the behind the scenes story to the historic nuclear deal with Iran.

Trita Parsi was born in Iran but moved with his family at the age of four to Sweden in order to escape political repression in Iran. His father was an outspoken academic who was jailed by the Shah and then by the Ayatollah. He moved to the United States as an adult and studied foreign policy at Johns Hopkins’ School for Advanced International Studies where he received his Ph.D.

The Section will award the 2019 Mayre Rasmussen Award for the Advancement of Women in International Law to Linda Murnane, currently a Solutions Consultant with LexisNexis in Miamisburg, Ohio. She is a retired Chief Circuit Military Judge, U.S. Air Force, and current Section Council member.
MEETING AGENDA (continued)

2:30 PM – 4:00 PM  Federal A
CLE Program: U.S. Tax Treaties with France, Switzerland, Germany and the UK, and their Impact on Investments, Retirement and Estate Planning

Income and transfer tax treaties dramatically change the default U.S. 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 treaty countries. The panel explores the following topics based on the U.S. 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.

Committee Sponsor:
International Private Client

Committee Co-Sponsor:
International Tax

Panel Chair and Moderator:
Caroline I. Esche, The Transatlantic Estate Law Firm PLLC, Washington, DC

Speakers:
Alexis Hille, Farrer, London, UK
Marianne Kayan, EY, Washington, DC
Christophe Blondel, Agoguet Avocats, Paris, France
Maximilian Haag, P+P Pöllath + Partners, Munich, Germany
Robert Misey, Reinhart, Boerner, van Deuren, Milwaukee, Wisconsin

2:30 PM – 4:00 PM  Federal B
CLE Program: China’s New Route to the Silk Road: Challenges and Opportunities for the Eurasian Region

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 diverse 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.

Committee Sponsor:
Eurasia/Russia

Committee Co-Sponsor:
International Arbitration
International Trade
International Investment & Development
Government & Public Sector Lawyers
Division’s (GPSLD) International Pro Bono

Panel Chair:
Michael A. Shapiro, Attorney, Marlton, NJ

Panel Chair and Moderator:
Diana Tsutieva, Foley Hoag LLP, Washington, DC
MEETING AGENDA (continued)

THURSDAY, APRIL 11

Speakers:
Richard Hoagland, Caspian Policy Center, Washington, DC
Olga Boltenko, Fangda Law, Hong Kong
Dmitry L. Lysenko, Baker McKenzie, Moscow, Russia
Fuad Shahbazov, The Jamestown Foundation, Washington, DC
Matthew S. Erie, Faculty of Oriental Studies, University of Oxford, Oxford, UK

2:30 PM – 4:00 PM California

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 examined the challenges from a First Amendment perspective.

Committee Sponsor:
Privacy, Cybersecurity and Digital Rights

Panel Chair:
Daniel McGlynn, Solaero Technologies Corp., Albuquerque, NM

Speakers:
Harri Hursti, Nordic Innovations Labs, New York, NY
Sanja Kelly, Director Internet Freedom, Freedom House, Washington, DC
Sherif Mansour, Committee to Protect Journalists, Washington, DC
Andrew Sullivan, Internet Society, Washington, DC

2:30 PM – 4:00 PM New York
CLE Program: What Views May We Voice?: An Exploration of the Rights to, and Restrictions on, Freedom of Speech in the Democracies of India, Singapore, Australia, New Zealand, and the U.S.

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.

Committee Sponsor:
South Asia, Oceana, & India

Committee Co-Sponsors:
Women’s Interest Network
Export Controls & Economic Sanctions
International Intellectual Property
Panel Chair:
Roland L. Trope, Trope & Schramm LLP, New York, NY

Moderator:
Arthur Spitzer, ACLU, Washington, DC

Speakers:
Michael A. Bamberger, Dentons, New York, NY
Manoj Mate, University of California, Irvine, CA
Esha Bhandari, ACLU, New York, NY
Zachery Lampell, International Center for Not-for-Profit Law, Washington, DC

2:30 PM – 4:00 PM  Massachusetts

CLE Program: The Keys to Aladdin’s Cave: Lawyers, Prosecutors, and Cooperation Efforts in International Asset Recovery

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 recover assets. 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, and Internet crime cases, and bankruptcy, divorce, business debt, and other civil and administrative actions. Can asset recovery efforts benefit from closer coordination between the private and public sectors? 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.

Committee Sponsor:
International Anti-Corruption

Committee Co-Sponsors:
International Criminal Law
Latin America & Caribbean
International Anti-Money Laundering
National Security
International Ethics
Cross-Border Real Estate
ABA SIL Vienna City Chapter

Panel Chair and Moderator:
Elena Helmer, International Anti-Corruption Academy, Laxenburg, Austria

Speakers:
Emile van der Does de Willebois, StAR Initiative, Washington, DC
Rodrigo Kaysserlian, Brazilian Institute of Asset Recovery, São Paulo, Brazil
Thomas Lasich, Repatriation Group International, Washington, DC
Mikhail Reider-Gordon, Ankura, Los Angeles, CA

2:30 PM – 4:00 PM  South American

CLE Program: Breaking the Chain – Fighting International Human Trafficking under the USMCA through Private Causes of Action

One-third of trafficking victims in the U.S. are trafficked across the U.S.-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 U.S. 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 U.S. 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.

Committee Sponsor:
International Human Rights

Committee Co-Sponsor:
Canada

Panel Chairs:
Jeffrey A. Bartlett, Social Security Administration, Woodbridge, VA
Daniel L. Appelman, Montgomery & Hansen LLP, Menlo Park, CA
Sara Sandford, Garvey Schubert Barer, P.C., Seattle, WA

Moderator:
Karen Stauss, U.S. Department of Justice, Washington, DC

Speakers:
Martina E. Vandenberg, The Human Trafficking Pro Bono Legal Center, Washington, DC
Terrence Collingsworth, International Rights Advocates, Washington, DC
Melissa Lim Patterson, Jones Day, Washington, DC
Shelby Quast, Equality Now, Washington, DC

4:00 PM – 4:30 PM
Congressional/Senate Ballroom

Networking Break

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4:30 PM – 6:00 PM
Federal A

CLE Program: A Discussion of the Current Battle between Governments on the Rights to Tax Digital Services and Goods

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 models) 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.

Committee Sponsor:
International Tax

Committee Co-Sponsors:
Canada
Europe

Panel Chair:
Sunita Doobay, Blaney McMurtry LLP, Toronto, ON, Canada

Moderator:
Peter A. Barnes, Caplin & Drysdale, Washington, DC

Speakers:
Pascal Saint-Amans, Centre for Tax Policy and Administration, OECD, France
Peter Blessing, KPMG Washington National Practice; Washington, DC
LG Chip Harter, U.S. Department of the Treasury, Washington, DC
Katherine Amos, Johnson and Johnson, New York, NY
4:30 PM – 6:00 PM  Federal B

CLE Program: Understanding the BUILD Act of 2018: The U.S. Response to China’s Belt and Road Initiative

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 U.S. 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), with a mandate to promote international development.

Committee Sponsor:
National Security
International Trade

Committee Co-Sponsors:
South Asia/Oceana & India
Export Controls & Economic Sanctions
International Investment and Development
Central/East Asia & China

Panel Chair:
Roland Trope, Trope & Schramm LLP, New York, NY

Panel Chair and Moderator:
Jonathan Michael Meyer, Attorney at Law, Brooklyn, NY

Speakers:
Ruth Wedgwood, The Paul H. Nitze School of Advanced International Studies, Johns Hopkins University, Washington, DC
Todd Liebman, AMC Legal Center, APG Fort Huachuca, AZ
David F. Day, Global Risk Mitigation Foundation, Honolulu, HI
Stephanie Brown Cripps, Freshfields Bruckhaus Deringer US LLP, New York, NY

4:30 PM – 6:00 PM  California

CLE Program: Bait and Phish: The Persistence of International Cybercrime

Notwithstanding increasing national awareness, best practice guidelines, and investment in cybersecurity systems and personnel, the recent Marriott Hotel database hack indicates the risks and challenges of “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 former government attorney, and panel of private and Federal law enforcement investigators and forensic experts provide a current perspective on existing laws against international cybercrime and how companies can utilize such resources to enhance their cybersecurity practices and response.

Committee Sponsor:
Privacy, Cybersecurity & Digital Rights

Panel Chair:
Daniel McGlynn, Solaero Technologies Corp., Albuquerque, NM
THURSDAY, APRIL 11

MEETING AGENDA (continued)

Moderator and Speaker: 
**Rhea Siers**, George Washington University, Washington, DC

Speakers:
- **Joey Eom**, FBI, Washington, DC
- **Joe Varani**, US Department of Justice, CCIPS Cybercrime Lab, Washington, DC
- **Kirstie Failey**, Mandiant, Washington, DC

4:30 PM – 6:00 PM
New York

**NON-CLE Program: Don't Shoot the Messenger: Journalists Under Siege Around the Globe**

As 2018’s “Person of The Year,” *Time* magazine chose Jamal Khashoggi and other journalists targeted for their work. The timing is apt. With the global trend toward authoritarian/autocratic regimes, journalists are increasingly subject to harassment, assault, arrest, prosecution, conviction, and imprisonment, and torture – even death. At year’s end, a record 251 journalists were in jail, not including the scores of the disappeared and captives of non-state actors. Turkey remains the world’s #1 jailer of journalists. And Turkey, China, and Egypt account for 50% of journalists behind bars. Moreover, those in prison are the “lucky” ones. On average, one to two journalists are assassinated every week, typically with impunity. With despotism on the rise, it has never been more dangerous to be a journalist than it is today. Nor has journalism ever been more important – to truth, democracy, and the rule of law. How can we defend those who “speak truth to power”?

Committee Sponsor:
**Middle East**

Committee Co-Sponsors:
- International Human Rights
- National Security
- International Criminal Law
- U.N. & International Organizations
- Government & Public Interest
- Art & Cultural Heritage Law
- Europe
- Mexico

**Africa**
- Central/East Asia & China
- Eurasia/Russia
- Seasoned Lawyers Interest Network (SIN)
- Women’s Interest Network (WIN)
- Young Lawyers Interest Network (YIN)

Panel Chair: 
**Delissa Ridgway**, United States Court of International Trade, New York, NY

4:30 PM – 6:00 PM
Massachusetts

**CLE Program: Hot on the Trail: How Lawyers can Work Effectively with Investigators and Forensic Accountants to Enhance International Judgment Enforcement and Asset Recovery Efforts**

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.

Committee Sponsor:
**International Litigation**

Committee Co-Sponsor:
**International Criminal Law**
Panel Chair:  
Yee Wah Chin, Ingram Yuzek Gainen  
Carroll & Bertolotti, New York, NY

Panel Chair, Moderator and Speaker:  
Leif T. Simonson, Kobre & Kim  
New York, NY

Speakers:  
Daria Plakhova-Freshville, Alaco Ltd,  
London, UK

George W. Prokop, PwC, McLean, VA

Michael J. Ramos, Nardello & Co.,  
New York, NY

Aaron J. Todoroff, Bederson, LLP,  
West Orange, NJ

4:30 PM – 6:00 PM  
South American

CLE Program: Serving the Foreign Client: How Local Attorneys Can (and Should) Become Global Lawyers

**LAW PRACTICE MANAGEMENT**

As cross-border and global business issues become more common, many law firms 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 differ profoundly 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.

**Committee Sponsor:**  
Cross-Border Practice Management

**Committee Co-Sponsors:**  
International Ethics  
International Legal Education and Specialist Certification  
International Private Client

Lawyers Abroad  
Young Lawyers Interest Network (YIN)

Panel Chair and Speaker:  
Annie M. Luna, Stamford, CT

Moderator and Speaker:  
Lisa M. Walker Johnson, Walker Clark,  
Fort Myers, FL

Speaker:  
Victor Olabode Munis, London, UK

6:00 PM – 7:30 PM  
Presidential Ballroom  
Networking Reception

Proudly Sponsored by:  
Steptoe

*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.

The Section will present the Louis B. Sohn Award for Public International Law to Amb. Hans Corell and Lucinda A. Low. Amb. Corell was Under-Secretary-General for Legal Affairs and the Legal Counsel of the United Nations (1994-2004). He is a Swedish lawyer and diplomat and sits on the Section’s Council. Lucinda A. Low is a partner at Steptoe & Johnson LLP in Washington, DC, former Section Chair, as well as former President of the American Society of International Law.
For the most up-to-date information, please visit: Ambar.org/ILAnnual2019

FRIDAY, APRIL 12, 2019

8:00 AM – 5:00 PM  
Congressional/Senate Ballroom
Registration Open

8:00 AM – 9:00 AM  
Presidential Ballroom
Continental Breakfast
Join us for coffee or tea and a light breakfast before we start the day’s sessions.

8:00 AM – 9:00 AM  
Presidential Ballroom
Committee Breakfast Meetings

9:00 AM – 10:30 AM  
Federal A
CLE Program: Economic Sanctions,  
AML, Cybersecurity and the  
Convergence of Cross-Border and Compliance Risks

On November 28, 2018, the U.S. Department of Justice and the U.S. Department of the Treasury took joint aim at Iranian individuals identified as the SamSam cyberattackers and their financial facilitators. In what the head of the DOJ’s 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 OFAC’s 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 U.S. 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.

Committee Sponsor:  
International Anti-Money Laundering
Committee Co-Sponsor:  
Export Controls & Economic Sanctions
Panel Chair:  
Harry Dixon, Taylor English Duma, LLP, Atlanta, GA
Panel Chairs and Moderators:  
Jo Ritcey-Donohue, JRD Law PLLC, Washington, DC
Meredith Rathbone, Steptoe & Johnson, London, UK
Speakers:  
Richard Downing, U.S. Department of Justice, Washington, D.C
Michael Mosier, Financial Crimes Enforcement Network (FinCEN), Washington, DC
Brad Smith, Office of Foreign Assets Control (OFAC), U.S. Department of the Treasury

9:00 AM – 10:30 AM  
Federal B
CLE Program: Offshore Energy –  
From Oil and Gas to Renewables:  
An Opportunity or Too Risky?

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 international opportunities.

Committee Sponsor:  
International Energy &Natural Resources
Committee Co-Sponsors:  
Europe  
International Environmental Law  
Canada  
International Investment & Development  
Africa  
Central/East Asia & China
For the most up-to-date information, please visit: 

Panel Chair and Moderator: 
**Sacha Kathuria**, American Coatings Association, Washington, DC

Speakers: 
**Fatima Maria Ahmad**, C2ES, Arlington, VA
**Rob Mosher**, National Grid, Washington, DC
**Brian Zimbler**, Morgan Lewis, Washington, DC
**Matt Haynie**, American Petroleum Institute, Washington, DC
**Chindalena Lourenco**, Fatima Freitas Advogados, Luanda, Angola

9:00 AM – 10:30 AM  
New York

**CLE Program: Overview and Current Developments of Regulations and Policies Impacting Family Separation at the U.S. Border**

Thousands of migrants have been traveling through Central American countries hoping the United States would be a place of refuge after their long journeys fleeing life-threatening conditions including gang violence and domestic abuse. They have come to be known as the migrant caravan. These migrants have been met with hostility at the U.S. border and are 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 are the obligations of the U.S. and its neighboring countries under the United Nations 1951 Convention. We will discuss what are the obligations of U.S., Canada, and Mexico and how they are responding, and what factors are triggering women and families to flee.

Committee Sponsor:
**International Family Law**

Committee Co-Sponsors:
**International Human Rights**

Immigration & Naturalization
Mexico
Latin America & Caribbean
International Refugee Law
Women’s Interest Network (WIN)

Panel Chair and Moderator:
**Marita Rodriguez**, Rodriguez Law Firm LLC, Newark, NJ

Speakers: 
**Conchita Cruz**, Asylum Seeker Advocacy Project, New York, NY
**Mari Dorn-Lopez**, Young Center for Immigrant Children’s Rights, Washington, DC
**Susan Roy**, Susan G. Roy LLC, Princeton Junction, NJ
**Mohammad A. Syed**, Syed Law Firm PLLC, Washington, DC
**Cory Shindel**, KIND, Washington, DC

9:00 AM – 10:30 AM  
California

**NON-CLE Program: “How To” Series: Section Publishing – How to Shape the Law and Guide the Practicing Bar**

Do you have a love of international law or a hunger to examine certain international legal issues that define the legal profession and how we live. Do you want to explore an issue or ideas in your practice area of international law and share them with an interested legal audience in the US and the world? Do you want to provide practical legal guidance to help your fellow lawyers work through international legal issues that affect their practice? If so, we invite you to meet with panelists, hosted by our Publications Officer Clifford Sosnow - people like you who made the decision to embark on the publication journey and who would be delighted to provide you with advice and guidance to help you navigate your own. It is not as difficult or intimidating as it seems, and the personal satisfaction and benefits to the legal community are worthy goals you can reach. Whether you want to know more about writing a book by yourself or with others or a ‘how to’ international practitioner’s guide or about the opportunities to ‘roll up
your sleeves’ and contribute a scholarly law review article or book chapter, this panel will answer your questions and provide you with the information, encouragement and coaching to start you on your way as a published author of the ABA Section of International Law.

Speakers:
Clifford Sosnow, Fasken, Toronto, Canada
Marcelo Bombau, Bomchil, Buenos Aires, Argentina
Terri Morrison, Philadelphia, PA
Scott Shostak, Brooklyn, NY
Nancy Stafford, Newport, RI

10:30 AM – 11:00 AM
Congressional/Senate Ballroom
Networking Break

11:00 AM – 12:30 PM
Federal A
CLE Program: Protect, Respect and Remedy Mantra: Canada’s Approach to Corporate Responsibility Regarding International Human Rights

When corporate greed 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 guidelines for States and companies to prevent, address, and remedy human rights violations in business operations.

Canada announced its intention to create a Canadian Ombudsperson for Responsible Enterprise (CORE). The Ombudsperson will have the authority to investigate complaints against Canadian businesses operating abroad, 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 a multi-stakeholder Advisory Body to advise the Government and CORE on responsible business conduct abroad. The Advisory Body held its inaugural meeting in April 2018.

Committee Sponsor:
Canada Committee
Panel Chair and Moderator:
Anca Sattler, Dentons, Ottawa, ON, Canada

Speakers:
Penelope Simmons, University of Ottawa, Faculty of Law, Ottawa, ON, Canada
Emily Dwyer (to be confirmed), Canadian Network on Corporate Accountability, Ottawa, ON, Canada
Ben Chalmers, Mining Association of Canada, Ottawa, ON, Canada (invited)
Genevieve Taft-Vasquez, The Coca-Cola Company, Atlanta, GA
Gabriella Rigg Herzog, United States Council for International Business, New York, NY

11:00 AM – 12:30 PM
Federal B
CLE Program: Brexit or Bust: The Regulation of Legal and Financial Services under Brexit

LAW PRACTICE MANAGEMENT

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.

Committee Sponsor:
ABA Standing Committee on International Trade in Legal Services

Committee Co-Sponsors:
Europe
Cross-Border Practice Management
International Legal Education and Specialist Certification

Panel Chairs:
James Bergeron, NATO, Norwood, UK
Jorg Rehder, Schiedermair, Frankfurt, Germany

Speakers:
Carole Symonds, PwC, Boston, MA
Carolyn Jackson, Katten Muchin Rosenman LLP, London, UK
Zulon Begum, CM Murray LLP, London, UK

11:00 AM – 12:30 PM

CLE Program: Reining in the Rogues: Holding the Commercial Spyware Industry Accountable for State Surveillance of International Human Rights Defenders

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. The 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 (UK), 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?

Committee Sponsor:
Middle East

Committee Co-Sponsors:
International Criminal Law
International Human Rights
UN & International Organizations
Government & Public Interest
International Corporate Counsel
International Procurement
Africa
Eurasia/Russia
Europe
Mexico

Panel Chair and Moderator:
Deena R. Hurwitz, Earlysville, VA

Speakers:
Peter Micek, Access Now; Columbia University of International and Public Affairs, New York, NY
Danna Ingleton, Amnesty International, London, UK
Sarah McKune, Independent Consultant in International Human Rights Law and Digital Technologies, Toronto, ON, Canada
Margaret L. Satterthwaite, New York University School of Law, New York, NY
11:00 AM – 12:30 PM New York
NON-CLE Program: Refugee Narratives: A Discussion of the Current Refugee Crisis from Refugees in their Own Words

The current refugee crisis is growing at record levels. The rate of human displacement, political divisiveness, and regional instability continue to grow. There are refugee crises in Cameroon, Nigeria, South Sudan, Myanmar, Syria, and Europe. Additionally, the Central American migrant caravan, refugees crossing the Mediterranean, and those fleeing war and famine present overwhelming humanitarian need and are frequently on the news without fundamental, workable solutions.

How can attorneys advocate for better outcomes? What best practices have succeeded and what strategies have failed? 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 making new lives in their host communities. 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 upholding the rule of law, and bring about positive changes for both refugees and their communities.

Committee Sponsor:
International Refugee Law

Co-Sponsoring Committees:
International Family Law
International Human Rights
Immigration & Naturalization

Panel Chairs:
Heather Weckel, Belmont, CA
Shekinah Apedo, Lansing, MI
Regina Paulose, A Contrario ICL, Hollywood, FL

Moderator and Speaker:
Kennedy Thompson, Thompson Immigration Consultants, Calgary, Canada

Speakers:
Marlyse Sime, The Chris Foundation, Lowell, MA
Habib Ullah, Arakan Rohingya National Organization, Washington, DC
L.C., ETAC, Washington, DC

11:00 AM – 12:30 PM Massachusetts
CLE Program: “Minds Meeting” Across Borders: Can’t We All Just Mediate Our International Dispute?

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.

Committee Sponsor:
International Mediation

Panel Chair and Moderator:
Edward M. Mullins, Reed Smith LLP, Miami, FL

Panel Chair, Moderator, and Speaker:
Joseph J. Mamounas, Holland & Knight, Miami, FL

Speakers:
Hernando Otero, American University College of Law, Washington, DC
Debbie Masucci, International Mediation Institute, New York, NY
Patricia O. Sulser, International Finance Corporation / IFC InfraVentures, Washington, DC
11:00 AM – 12:30 PM  South American
CLE Program: GMO Agriculture II
Human Rights II Treaties & Trade

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?

Committee Sponsor:
Mexico
Committee Co-Sponsors:
Food & Agriculture Task Force
Canada
International Trade
International Human Rights

Panel Chairs:
Luis Perez Delgado, Goodrich Riquelme Asociados, Mexico City, Mexico
John Walsh, WilmerHale, Denver, CO

Panel Chair and Speaker:
Susan Burns, Susan Burns LLC, Minneapolis, MN

Moderator:
Daniel L. Appelman, M&H LLP, Menlo Park, CA

Speakers:
Daria Kotova, HSE-Skolkovo Institute for Law and Development, Moscow, Russia
Jennifer Sass, NRDC, Washington, DC

12:45 PM – 2:15 PM  Congressional/Senate Ballroom
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 PM – 4:00 PM  Federal A
CLE Program: Shaping Today and Growing for Tomorrow – Best Practices on How to Finance Startups, Seed and Early Stages, Taking Into Account the Respective Corporate Vehicles, Restrictions on Foreign Investment and Different Types of Securities

Before founders look for growth capital, it is important to “shape the vehicle.” Investors look for a startup with a solid legal base. Once there is a target, the investor needs to structure the investment and see which corporate vehicle best fits the investment, and the respective tax regime. In case of a cross-border investment, the investor also needs to take into consideration any domestic restrictions on foreign investments. This panel will focus on the different legal issues involved in a seed or early stage investment round. A particular focus will be on how to change and amend the standard VC deal documentation, especially in an international context. Additionally the different options of the investment, including issuing different securities, will be discussed.
Committee Sponsor:
AIJA Law Course Committee

Panel Chair and Moderator:
Frederic Dachs, Kleiner Rechtsanwälte, Stuttgart, Germany

Speakers:
Luis Gonzalez, Solcargo, Mexico City, Mexico
Roland Ortiz, Athena Wealth Management, Temecula, CA
Arpad Gered, Maybach Görg Lenneis & Partner, Vienna, Austria
LiLing Poh, Reed Smith LLP, San Francisco, CA

2:30 PM – 4:00 PM California
CLE Program: Leveraging Inter-Generational Strengths for International Legal Practice Excellence

LAW PRACTICE MANAGEMENT

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.

Committee Sponsor:
Seasoned Lawyers Interest Network (SIN)
Young Lawyers Interest Network (YIN)

Panel Chair:
Mykell Clem, Louisiana Fourth Circuit Court of Appeal, New Orleans, LA

Panel Chair and Moderator:
Jessica Horwitz, Bennett Jones LLP, Toronto, ON, Canada

Speakers:
JP Box, JP Box Consulting, Denver, CO
Kimya S.P. Johnson, Ogletree Deakins, Philadelphia, PA
Verónica Franco, Ferrere Abogados, Asunción, Paraguay
Rosa Evergreen, Arnold & Porter, Washington, DC

2:30 PM – 4:00 PM New York
CLE Program: Cutting Edge Immigration Issues: World High Courts Opine

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, Latin America, 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?
2:30 PM – 4:00 PM Massachusetts
NON-CLE Program: 70 Years On...
Is Humanity Ready for a World Court of Human Rights?

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 the 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.

Committee Sponsor:
International Courts & Judicial Affairs

Panel Chair:
H. Scott Fairley, Cambridge LLP, Toronto, Canada

Speakers:
Mark D. Oettinger, Montroll, Backus & Oettinger P.C, Burlington, VT
Christina M. Cerna, Georgetown University Law Center, Washington, DC
Jonathan Granoff, Global Security Institute, New York, NY
Laura A. Dickinson, George Washington University Law School, Washington DC

4:00 PM – 4:30 PM
Congressional/Senate Ballroom
Networking Break

4:30 PM – 5:30 PM
Federal B
NON-CLE Program: Lawyers Without Rights: Jewish Lawyers in Germany under the Third Reich

The American Bar Association and the Bundesrechtsanwaltskammer (German Federal Bar) have co-sponsored an exhibit and, most recently released a book, highlighting the meaning of the rule of law through the historic lens of the tragic fate of Jewish lawyers in Nazi Germany after 1933. In this program, Dr. Douglas Morris, a legal historian and practicing criminal defense attorney from New York, will speak on how the Nazis disabled the legal system and constitutional framework as an early part of establishing totalitarian rule. By 1938, Nazi law had eliminated all but a handful of Jewish legal “consultants” from the profession. Hundreds of German Jewish lawyers subsequently died in concentration camps or committed suicide; scores fled the Nazis regime emigrating across the world, including the United States. A few earned U.S. law degrees, like lawyer Hanna Katz, one of 19 Jewish women lawyers in Berlin whose biography in the book, “Lawyers Without Rights: The Fate of Jewish Lawyers in Berlin after 1933,” notes she became a member of the American Bar Association. Dr. Morris’ discussion will complement the
exhibit and book in providing a chilling description of how the Nazis dismantled the rule of law as a prelude to their reign of terror in Germany and other parts of Europe.

**ABA Entity Sponsor:**
*Center for Human Rights*

**Speaker:**
*Dr. Douglas Morris, New York, NY*

**4:30 PM – 6:00 PM**

**Federal A**

**CLE Program: SEPS, FRAND Licensing and Beyond: Recent Developments in Court Decisions and Policy Changes around the World**

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 “standard essential patents” and rules of formal standard 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 the U.S., Europe, and Asia, and provide a policy perspective on 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.

**Committee Sponsor:**
*International Intellectual Property*

**Committee Co-Sponsors:**
*International Contracts*
*International Antitrust*

**Panel Chairs:**
*Daniel McGlynn, Solaero Technologies Corp., Albuquerque, NM*
*Elizabeth Wang, CompassLexecon, Boston, MA*

**Moderator and Speaker:**
*Jorge Contreras, University of Utah Quinney College of Law, Salt Lake City, UT*

**Speakers:**
*Hon. Theodore R. Essex, Hogan Lovells, Washington DC*
*Jon Putnam, Competition Dynamics, Cambridge, MA*
*Erick Robinson, Dunlap, Bennett & Ludwig, Beijing, China*
*Michael Lindsay, Dorsey & Whitney, Minneapolis, MN*

**4:30 PM – 6:00 PM**

**California**

**CLE Program: Who’s Sorry Now? The Lavender Scare and Its Aftermath**

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 U.S.), 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.

Committee Sponsor:
Sexual Orientation & Gender Identity Issues Network (GIN)

Committee Co-Sponsors:
International Litigation
International Human Rights

Panel Chair:
Allin (“Chip”) Seward, Cabinet Seward, Washington, DC

Panel Chair and Moderator:
Elliott Foster, Travelers Insurance, Minneapolis, MN

Speakers:
Audrey Boctor, IMK, Montreal, QC, Canada
R. Douglas Elliott, Cambridge LLP, Toronto, ON, Canada
Nan Hunter, Georgetown University Law Center, Washington, DC
Kevin Sherritt, British Embassy, Washington, DC

4:30 PM – 6:00 PM New York
CLE Program: Command Responsibility or Command Exemption? What the Bemba Case Tells Us about Sexual Assault as a War Crime

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.

Committee Sponsor:
Women’s Interest Network (WIN)

Committee Co-Sponsors:
International Courts & Judicial Affairs
International Litigation
International Human Rights
International Criminal Law
UN & International Organizations
Seasoned Lawyers Interest Network (SIN)
Young Lawyers Interest Network (YIN)

Panel Chair and Speaker:
Linda Murnane, Xenia, OH

Moderator:
Hon. Vanessa Ruiz, International Association of Women Judges, Washington, DC

Speakers:
Hon. Janet Nosworthy, Special Tribunal for Lebanon, The Hague, The Netherlands
Dr. Reka Varga, International Law Department, Ministry of Foreign Affairs and Trade of Hungary, Budapest, Hungary
Major Matt Aiesi, International Law Department, The Judge Advocate General’s Legal Center and School, Charlottesville, VA

4:30 PM – 6:00 PM Massachusetts
CLE Program: Use of ADR and Other Forms of International Dispute Resolution for Small and Medium Enterprises

Various factors such as excessive time and cost, and concerns about court neutrality, have made arbitration the first choice for dealing with international commercial disputes. Now, however, many complain that arbitration is no less costly or time-consuming than litigation and offers no means of appeal.
What are the solutions, especially for groups other than large corporations, that cannot afford such substantial outlays and use of resources for disputes? Simplified, expedited arbitration? Mediation? Back to court? Something else? Panelists from China, EMEA, the U.S., South America, and Japan will share experiences and challenges in their jurisdictions. They will delve into how cultural attitudes in their region affect disputes and their resolution. This program will also share the latest news about two new venues for dispute resolution in Japan: the Japan International Dispute Resolution Center and Japan International Mediation Center – Kyoto.

Committee Sponsor:
Japan Federation of Bar Associations

Panel Chair and Moderator:
Yoshimichi Makiyama, Ripple Partners, Tokyo, Japan

Panel Chair and Speaker:
Rafael Nicolás Pereyra Zorraquín, Estudio Navarro Castex Abogados, Buenos Aires, Argentina

Speakers:
Masafumi Kodama, Kitahama Partners, Osaka, Japan
Gerold Zeiler, zeiler.partners, Vienna, Austria
Cara Lee Neville, Benchmark National ADR, Minneapolis, MN
Huang Tao, King & Wood Mallesons, Beijing, China

4:30 PM – 6:00 PM South American CLE Program: Peacocks on a Plane? Accommodation for Persons with Disabilities in International Passenger 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 was 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.

Committee Sponsor:
International Transportation

Committee Co-Sponsors:
International Animal Law
International Human Rights

Panel Chairs:
Jeffrey Lawrence, Cozen O’Connor, Washington, DC
Josh Stein, Cozen O’Connor, Washington, DC
Jessica Horwitz, Bennett Jones, Toronto, ON, Canada

Moderator:
David Heffernan, Cozen O’Connor, Washington, DC

Speakers:
Tae Mee Park, Bersenas Jacobsen Chouest Thomson Blackburn, LLP, Toronto, ON, Canada
Maren Matal, Southwest Airlines Co., Dallas, TX
Heather Ansley, Paralyzed Veterans of America, Washington, DC
Rob Gorman, Department of Transportation, Office of Aviation Enforcement and Proceedings, Washington, DC
7:00 PM – 10:00 PM
Chair’s Closing Reception at Decatur House

Proudly Sponsored by:

*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.
Russia Corporate, Financial, and Commercial Law
Edited by Scott Alexandr Shostak

Written for attorneys, business professionals, government officials, academics, and the general public, this book provides an authoritative legal resource on the Russian legal system, laws, rules, regulations, and court decisions. This the only legal reference to provide practical legal lessons, case studies and a detailed analysis for conducting business with Russia.

PC: 5210303, 2018, 206 pages, Paperback and eBook
List Price: $99.95
ABA Member Price: $89.95
Section Member price: $79.95

Co-published with Carolina Academic Press

Mexico and Its Legal System: Lawyers’ Essays on the Continuing Evolution
Edited by Yuriixhi Gallardo and Patrick Del Duca

The book is a rich resource for practicing lawyers and business people dealing with Mexico but also speaks broadly on the fundamental rule of law and law reform aspirations of the American Bar Association and its members. It affords insight into current political and economic developments on both sides of the border shared by Mexico and the United States. The work is an extraordinary tool for students of law, political science and sociology, who seek to approach Mexican law through concurrent legal and sociological perspectives.

PC: 5210304, 2018, 220 pages, Paperback and eBook
One Price: $35.00
Online Price: $31.50
(10% discount applies to online orders only)
EVENT TICKETS
To purchase tickets to any Section sponsored ticketed events you must be registered for the meeting. Tickets for evening events are included with your registration fee (with the exception of the law student rate) and luncheons can be purchased on the registration form, online, or onsite the day before the events. Since we must guarantee our final numbers with the hotel and venues the day before, we regret that we cannot sell same-day tickets to either evening receptions or luncheons. There will, however, be a bulletin board at registration where meeting attendees can exchange and gift tickets.

CLE Information
The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, CT, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, ME, MN, MS, MO, MP, MT, NH, NJ, NM, NV, NY, NC, ND, OH, OK, OR, PA, SC, TN, TX, UT, VT, VA, VI, WA, WI, and WV. These states sometimes do not approve a program for credit before the program occurs. This transitional program is approved for both newly admitted and experienced attorneys in NY. Attorneys may be eligible to receive CLE credit through reciprocity or attorney self-submission in other states. For more information about CLE accreditation in your state, visit http://www.americanbar.org/cle/mandatory_cle.html.

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

DRESS CODE
For the 2019 Annual Conference, business attire is appropriate for programs and meetings as well as the planned social networking events, except casual attire is acceptable for the Chair’s Closing Reception on Friday.

SPEAKER READY ROOM
The Speaker Ready Room is located in the Pan American room at the Capital Hilton, and will be available on Wednesday, April 10 – Friday, April 12 from 8:00 am – 6:00 pm. First come, first serve.
EXHIBITION AREA
The Exhibitors and Sponsors exhibition area will be open from Wednesday, April 10 through Friday, April 12 at the Capital Hilton, Congressional/Senate Ballroom. Representatives from a variety of service providers catering to the legal community will showcase their latest products and services to aid you in your practice. All meeting attendees are encouraged to visit the displays of the Section’s partners throughout the meeting and, in particular, during the twice daily networking breaks.

If you are interested in partnering with the Section to be an exhibitor or sponsor, please contact Thomas Happell at (202) 662-1671 for additional details and information.

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

MEETING APP
The 2019 Annual Conference app serves as your all-in-one event guide by putting everything you need to know right onto your mobile device. Customize your Annual Conference experience by creating your schedule in advance, communicating with other attendees during the event, download hand-outs and material. The meeting app is currently available for free in the App Store for iOS devices and in Google Play for Android devices. Download yours today! Search “ABA Section of International Law Events” in the App Store and Google Play.

CLE MATERIALS
Panel Materials may be accessed on our 2019 Annual Conference app or online on the meeting webpage.

WIFI
Complimentary wireless internet access is available in the ABA meeting rooms and registration/networking area. WIFI connection instructions will be provided to attendees.
Second Floor – Capital Hilton
Coming In May!

**Careers in International Law, Fifth Edition**
Edited by Marcelo Bombau

This guide has become a best-selling classic for law students and attorneys interested in starting an international legal practice - as a private practitioner, as in-house counsel, in the public sector, or working at an NGO. This Fifth Edition presents a broad lineup of diverse contributors, who share their experiences of how they transitioned into international legal practice. Fifteen authors detail their goals, their paths, and how their professional lives have evolved.

PC: 5210307, 2019, 185 pages, 6x9, Paperback and eBook
List Price: $59.95
ABA Member Price: $53.95
Section Member Price: $47.95

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Kiss, Bow, or Shake Hands:
Courtrooms to Corporate Counsels
By Terri Morrison

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