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MESSAGE FROM YLD-ILC CHAIR

Welcome to our second Newsletter installation this YLD Bar year. This Newsletter is so timely as it is on the heels of the negotiations on the Syrian crisis. Our fantastic editor, Reid Whitten, a rising star in our Committee hunkered down and reached out to YLD members seeking their succinct voices in a call for submissions we appropriately entitled: ‘A Review of U.S. Foreign Policy and Law.’ Reid’s request was simple. He challenged young lawyers to consider the foreign policy events that shaped our world in 2015, from COP21 in Paris, to the Trans-Pacific Partnership (TPP) trade deal, to the war and refugee crisis in Syria, to increasing restrictions on Russia and decreasing controls on Cuba, not to mention recent news of North Korea’s claim that it successfully conducted an H-bomb test for the first time, in defiance of United Nations’ resolutions (ok, technically this did not happen in 2015, but we may stretch boundaries a bit). For us the bottom line was the key question of what is the role of the young lawyer as we are faced with these historical events? How will history judge us as pursuers of justice and defenders of liberty and the rule of law? Finally, how big is or small is our world getting?

As we grapple with these questions, we consider the facts related to the fight for self-determination in the country of Western Sahara in Africa, located in a disputed territory in the Maghreb region of North Africa, bordered by Morocco, Algeria and Mauritania, where the people have been peacefully resisting for the past 40 years. We also consider U.S. and global efforts in countries like Syria and Nigeria where over 13 million people have been displaced, some eating grass to survive and realize that we are faced more than ever with the truth of the matter being our world is fraught with suffering and violent extremism pretexted by religion, sectarian ideology, disrespect for the rule of law and territorial sovereignty. Yet, notwithstanding the human rights and humanitarian crises dominating the airwaves, we remain optimistic as lawyers/problem solvers about current bilateral and multilateral efforts promoting global security, political and economic prosperity being implemented by our Secretary of State John Kerry, a lawyer, such as the current negotiations towards peace in Syria commenced over the weekend in Geneva pursuant to the Geneva Communiqué of 2012 and UN Security Council Resolution 2254; the Republic of China (Taiwan’s) historical election of its first female president Dr. Tsai Ing-wen; the recent North American (Canada, Mexico and the U.S.) commitment to a regional strategy to: 1) implement COP21 with a focus on environment preservation and energy economic opportunities; 2) promote respect for participatory democracy in Haiti; 3) pursue peace and security in Colombia; 4) combat the Zika virus; and 5) neutralize ISIS in Iraq. As a result of these commitments and continued dialogue by our featured authors, we remain hopeful that this year might hold improved security, economic and political posterity here in the U.S.

Finally, please check us out at the Committee Showcase and Reception on Friday at 4pm at the Grand Hyatt and on Saturday February 5, 2016 at 2:30pm at our free CLE session at the Hilton Hotel-Sapphire Floor/4th Floor entitled: “Beyond the Headlines from Syria to the Northern Triangle: The Role of the Young Lawyer in Protecting the Rights of Minors.

Yours in service,
Abiola Afolayan-YLD-ILC Chair

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ARTICLES

About the Editor: Reid Whitten

Abiola Afolayan

A few months ago, I heard about a young lawyer who is a member of the YLD-ILC who had been doing amazing work informing other young lawyers about the work of our Committee through the pathways program from Miami to DC to Brussels. Reid had a very impressive international law portfolio with his work at Sheppard Mullin in their Brussels office and as a Visiting Professor at the Université Catholique de Lille in France teaching international law. Notwithstanding his accomplishments, we here at the YLD-ILC consider ourselves fortunate to be recipients of Reid’s ability to ‘get things done.’ Thanks Reid for all your grit and hard work on the Newsletter! We recognize you are modest about your accomplishments and decided to put you on the spot.

U.S. DOJ expands its reach with FIFA indictments

Janel Venzant

Typically acts perceived as American extraterritoriality are not well received in the international community. The FIFA indictments alleging racketeering, conspiracy, wire fraud, and a number of other violations indicate a divergence from the norm. International reactions to the FIFA indictments are indicative of the possibility that the DOJ’s expanding jurisdiction may be welcomed in the world of international sports. Historically, the world may not have viewed favorably the DOJ investigating or indicting non-U.S. organizations. But after FIFA granted the 2018 and 2022 World Cups to Russia and Qatar under suspicious circumstances, it appears that much of the sporting world has welcomed the DOJ’s jurisdiction.

Janel is a student at the University of Texas at Austin School of Law.
The Ukraine-Russia conflict
Viktoria A. De Las Casas

American response to the Ukraine-Russia conflict — the decision not to provide Ukrainian military with essential weapons and offering purely humanitarian assistance — is likely explained by the United States’ low interest in economic partnership, but strong desire to ensure global cohesion. Nonetheless, John Kerry and Joe Biden’s visits to Ukraine, joint U.S-European sanctions in response to the Crimea annexation, and recent budget appropriation of over $300 million to Ukraine show American interest in supporting Ukrainian sovereignty and democracy. Those actions affirm the U.S. position toward Ukrainian conflict: assistance by diplomatic means. Similar non-intrusive and peaceable policy is likely to dominate in 2016.

Viktoria is a native Ukrainian and a Ukrainian attorney. She is also a U.S. attorney currently working at the law firm of Akin Gump Strauss Hauer & Feld in Washington, D.C.

Moving Forward with Privacy and Data Protection
Eric Everson

2015 was quite a year for privacy and data protection! As we kicked off 2015 we had high hopes for advances in data protection and privacy legislation. But as with many initiatives in today’s divided political climate, getting across the finish line seemed out of reach. However, Executive Orders charged forward with the regulation of cybersecurity information sharing and blocking of malicious cyber activities. On the heels of those changes, a budget was passed that appears to open the door for the more robust CyberSecurity Information Sharing Act. Looking back now, it seems we took some big steps forward.

Eric is a software engineer turned attorney. He currently serves on the ABA YLD Social Media Team and is on the Board of Governors for The Florida Bar YLD where he co-chairs the Website Committee. His current areas of focus include global privacy and data protection.
Puerto Rico Goes to the Supreme Court
Raychelle Tasher

Over the past year, Puerto Rico has made several pleas to the U.S. Government to support its efforts to restructure its nearly $72 billion in total debt. Unlike U.S. municipalities that can seek bankruptcy protection through Chapter 9 of the Bankruptcy Code, a U.S. territory is not afforded the same relief. Recently, the U.S. Supreme Court has agreed to hear legal arguments for the proposed Puerto Rico 2014 Recovery Act which historically has been blocked by courts on preemption grounds. The outcome of this decision may promote political and economic cohesion between the U.S. government and its territories.

Raychelle is a Law Clerk to Chief Bankruptcy Judge Kathy A. Surratt-States in the U.S. Bankruptcy Court, Eastern District Missouri.

Syrian Migrants in 2015
Michael Ruttle

As Syrian refugees were seen escaping civil war and flooding into Europe by the thousands in 2015, the global response was mixed. In line with Germany and Sweden, the Obama administration said it would admit up to 10,000 refugees from Syria during the 2016 fiscal year.

Many in Congress opposed the President’s actions and ultimately passed a bill that places stricter requirements to the Visa Waiver Program (“VWP”), making the process more challenging for those who want to visit the United States. The VWP currently allows citizens of 38 countries to enter the U.S. without a visa for up to 90 days.

Since the VWP is largely reciprocal, by making it more onerous other countries could respond by placing travel restrictions on Americans, for business or pleasure, and could even affect U.S. exporters. Just recently, British parliament debated a petition to ban Mr. Trump from entering the UK. But maybe that was for something else. Happy 2016!

Michael practices business immigration law in Torrance, California. He writes frequently on immigration issues, as well as law practice management for attorneys.
NEWS AND ANNOUNCEMENTS

YLD-ILC Events at Midyear

4:00 PM - 5:00 PM, Friday February 4, 2016 at the Grand Hyatt Seaport Ballroom D
Committee Showcase /Reception with Liaisons

2:30PM-4:00PM, Saturday, February 5, 2016 at the Hilton Hotel-Sapphire Floor/4th Floor
YLD-ILC CLE session entitled: "Beyond the Headlines from Syria to the Northern Triangle: The Role of the Young Lawyer in Protecting the Rights of Minors" in partnership with the ABA Rule of Law Initiative, ABA Section on Litigation, ABA Center for Children and Law, ABA Commission on Immigration, ABA Solo, Small Firm and General Practice Division, and the ABA Working Group on Unaccompanied Minor Immigrants.

Get Involved as a Leader!

YLD Committee Leadership Applications: February 15, 2016 deadline.
http://www.americanbar.org/groups/young_lawyers/about_us/appointments.html

ABA Presidential Appointments: February 26, 2016 deadline.

Social Media Team Update

The Social Media Team is pleased to announce the new Social Media Policy! The purpose of this policy is to provide direction on appropriate and effective ways to utilize social media on behalf of the ABA YLD when delivering content, facilitating engagement, and communicating with both members and non-members. The policy includes such information as sample posts, proper use of our social media channels, and of course directions for using the online spreadsheet we set up to capture posts from across the division. The new policy can be found at:
http://www.americanbar.org/content/dam/aba/administrative/young_lawyers/leadership_portal/social_media_policy.authcheckdam.pdf

Disaster Legal Services Team

The DLS team is currently implementing DLS in Mississippi, Texas, South Carolina, and California. Earlier this year, we implemented DLS in Texas, Wyoming, Saipan, and Kentucky. We expect this to be a busy year on the DLS font, as NASA predicts that this year’s El Nino is going to be the worst ever. The DLS team encourages all young lawyers to be prepared in the event of an emergency or disaster, and to coordinate with your local or...
state bar association to help disaster survivors. More information about the DLS program can be found on our website.

**National Conferences Team Update**

In addition to the regular activities of the ABA YLD National Conferences Team during the ABA Midyear meeting, this Team is putting together a social media photo scavenger hunt. New attendees will have the opportunity to be a part of a scavenger hunt that allows them to meet seven YLD leaders, receive their business cards, and also take a selfie and post it to their social media accounts with the hashtag #YLDmidyear16. The first person to have a selfie with each YLD leader and receive their signature on a business card will receive a generous gift from the ABA YLD National Conferences Team.

*Questions about joining our committee or writing in our Newsletter can be directed to:* abiolaafolayan@gmail.com or reid.whitten@gmail.com.