

The 2nd Conference on Legal Challenges and Opportunities of Mexico's Increased Global Integration:

*Foreign Investment,
Trade, Real Estate, Hospitality
and Tourism*

Los Cabos, Mexico
November 7-9, 2013



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The listing of the Planning Committee was compiled as accurately as possible from Section records. If we have omitted your name or have it listed incorrectly, we sincerely apologize.

PROGRAM AGENDA

Thursday, November 7, 2013

6:00 PM – 7:30 PM Sirenas Restaurant
WELCOME COCKTAIL RECEPTION

Friday, November 8, 2013

8:00 AM – 9:00 AM Arcos Foyer
REGISTRATION
Continental Breakfast will be provided in the Arcos Foyer and Terrace

9:00 AM – 9:30 AM Arcos 1 & 2
WELCOME REMARKS

9:30 AM – 11:00 AM Arcos 1 & 2
Key Real Estate Legal Issues Update

The real estate industry has been one of the largest recipients of foreign direct investment in Mexico. World class tourist destinations such as Los Cabos, Cancun and Puerto Vallarta have been magnets for large real estate developments and golf communities targeted to U.S. and international buyers or investors. What are the legal trends in cross-border real estate in Mexico? What are the principal challenges faced by domestic and foreign developers in Mexico? Are FIBRAS, SAPI'S and CKD's having an important impact on real estate finance? What are the key due diligence and entitlement issues that developers need to know in today's market? How to avoid pitfalls and issues that may result in litigation? This panel will discuss the foregoing questions and other opportunities and considerations you or your clients need to know when buying and developing real estate in Mexico.

Program Chair and Moderator:

Carlos Sugich, Snell & Wilmer, Phoenix, AZ , USA and Los Cabos, BCS, Mexico

Speakers:

Javier Troncoso, Bufete Troncoso, Los Cabos, BCS

Gonzalo Vargas, Gonzalez Calvillo, Mexico D.F.

Judith Wilson, Bryan, Gonzalez Vargas & Gonzalez Vargas, Tijuana, Mexico

11:00 AM – 11:30 AM Arcos Room
NETWORKING BREAK

11:30 AM - 1:00 PM Arcos 1 & 2
The Future of NAFTA

NAFTA was one of the first, most important and yet most controversial free trade agreements into which the United States has entered. Its advocates point to the growth in the economies of all three NAFTA countries while critics blame NAFTA for U.S. job losses. One purpose of NAFTA was to strengthen the competitiveness of North America vis-a-vis Europe and Asia. However Mexico now has free trade agreements with Japan and the EU, while Canada and the US are both exploring agreements with the EU. What will be NAFTA's role in the future and what issues face Mexico, the U.S and Canada as a result? Join this expert panel for an examination of future prospects for trade and competitiveness in our three countries.

Program Chair & Moderator:

Leslie A. Glick, Porter Wright Morris & Arthur LLP, Washington, DC USA;
Co-Chair, ABA Mexico Committee

Speakers:

Paul Lalonde Esq., Heenan Blaikie Law Firm, Toronto, Canada

Lic. Gustavo A. Uruchurtu, Uruchurtu y Abogados Consultores, S.C.,
Bosques de las Lomas, Mexico

Juan Antonio Dorantes Sánchez, Director of Trade Negotiations, Mexican
Secretary of the Economy, Mexico City, Mexico

1:00 PM – 2:30 PM Arcos Foyer & Terrace
NETWORKING LUNCHEON

Keynote Address:

Gustavo Arnavat, US Executive Director, InterAmerican Development Bank,
Washington, D.C., USA

2:30 PM – 4:00 PM Arcos 1 & 2
**Investing in the Resort & Hospitality Market in Mexico:
Opportunities and Challenges in Acquiring, Financing and Operating
Hotels and Resorts**

This panel will discuss the opportunities and issues faced by global hotel and timeshare developers and operators acquiring, developing, financing and operating resorts in Mexico. Two hypotheticals will be presented in a "role playing" format: one involving a leading global timeshare company acquiring and operating an existing resort and another involving a hotel developer and flag negotiating a hotel management agreement and jointly developing, financing and building a new hotel. Topics discussed will include, among others:

1. Legal, tax, corporate and regulatory (consumer protection) issues associated with acquiring and operating an existing timeshare resort
2. Project financing for hotel and timeshare development Post-2008 financial crisis
3. Hotel management, licensing and joint venture agreements
4. Employment law issues and their impact on the hospitality industry, including recent amendments to the Federal Labor law and the use of "outsourcing" companies

Program Chair & Moderator:

Benjamin Rosen, Rosen Law, Los Cabos, Baja California Sur, Mexico

Speakers:

Raoul Chollet Rochin, FONATUR, Mexico

Nicole Evans, Ballard Spahr LLP, Salt Lake City, UT, USA (*invited*)

Howard S. Lanznar, Executive Vice President & General Counsel, Diamond
Resorts International, Las Vegas, NV, USA

Joaquin Tello de Meneses, Legal Director, Grupo Questro, Los Cabos,
Mexico

4:00 PM – 4:30 PM Arcos Foyer
NETWORKING BREAK

4:30 PM – 6:00 PM Arcos 1 & 2
Finance and Infrastructure

Mexico has become one of the most attractive locations for foreign investment opportunities for new investment in such sectors as Ports, Transportation and Communications. The legal issues that surround such investments will be the focus of discussion by experts from the government and private sector.

Program Chair & Moderator:

Juan Carlos Velázquez de Leon, Basham, Ringe y Correa, S.C., Monterrey,
Nuevo Leon, Mexico

Speakers:

Lic. Ricardo Garcia Castro, Director General of Planning and Tourism
Development, Secretary of Tourism of Baja California Sur

Sofia Flores Coulbourn, Commercial Director, SUNTAK Project Management,
Monterrey, Mexico

Randall Hanson, Partner, Womble Carlyle Sandridge & Rice LLP, Washington,
DC, USA

6:30 PM – 9:30 PM Palapa Fiesta Terrace
RECEPTION AND DINNER

Keynote Address:

Mr. Alejandro Gracia Gómez, President of the 26th Federal Circuit Court of
Appeals

8:00 AM – 9:00 AM
REGISTRATION

Arcos Foyer

Continental Breakfast will be provided in the Arcos Foyer and Terrace

9:00 AM – 10:30 AM

Arcos 1 & 2

Environmental Sustainability & Energy:
Is there a Balance Among Them?

The Rio Declaration on Environment and Development consist of principals of International Law intended to guide future Sustainable Development around the world. The term Sustainable Development was introduced by the UN Bruntland committee to describe a development, which satisfies the needs of the present without compromising the ability of future generations to meet their own needs. Countries have the right to exploit their own resources pursuant to their environment and development policies, and the responsibility to ensure that their activities within their jurisdiction or control do not cause damage to the environment. Energy is a basic necessity for survival and a critical factor affecting economic development and employment. Sustainable Development demands the clean and pollution free environment and enshrines the good quality natural resources for both present and in the future. Energy, biodiversity and physical space are the critical resources for present and future human demands. In order to achieve Sustainable Development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it. Energy is the key element in the production process, and the lack or shortage of energy has serious impact on the economy. This panel will discuss environmental regulations and permitting in energy projects, as well as possible implications of the new enacted Federal Law of Environmental Liability.

Program Chair & Moderator:

Sergio B. Bustamante, Lexcorp Abogados, Ciudad Juarez, Chihuahua, Mexico

Speakers:

Francisco Moreno Merino, Attorney General for the Protection to the Environment, Mexico City, Mexico (*invited*)
Carlos De Icaza, Creel, Garcia Cuellar, Aiza y Enriquez, Mexico, D.F.
Kenneth Rivlin, Allen & Overy, New York, NY, USA
Melina Juárez Segura, Soto Resolve, Guadalajara, Mexico

10:30 AM – 11:00 AM
NETWORKING BREAK

Arcos Foyer

11:00 AM – 12:30 PM

Arcos 1 & 2

Bankruptcy and Reorganization:
Is International Cooperation Possible?

Title 12 of the Mexican bankruptcy law or *Ley de Concursos Mercantiles* provides a framework for international collaboration between Mexico and foreign states on reorganization and bankruptcy proceedings. Title 12 appears to be a progressive set of rules that facilitates judicial and administrative cooperation on cross-border insolvency proceedings—a new normal in today's global economy. But do Title 12 rules satisfy the demand for efficient assistance by foreign tribunals? Have Mexican judges and *Concursos Mercantiles* specialists been capable of interpreting and enforcing Title 12 rules? Panelists—all of them attorney practitioners with *Concursos Mercantiles* expertise—will provide an introduction to Title 12 of the *Ley de Concursos Mercantiles* and discuss its use on real-life cross-border reorganization and bankruptcy cases. Panelists will also present their views on the challenges and opportunities of international cooperation on insolvency proceedings.

Moderator:

Thomas S. Heather, Heather & Heather, Mexico City, Mexico

Speaker:

Thomas Bartlett, Martinez Arrieta Abogados, San Pedro Garza Garcia, Mexico

Sponsored by:

*Keynote Address:*

Magistrate Daniel Gallo Rodriguez, Baja California Sur State Supreme Court President

2:00 PM – 3:30 PM

Arcos 1 & 2

Current Developments of Mexico's Tax System

This panel will discuss the most recent developments on Mexico's complex tax systems and its implications on foreign companies investing in Mexico. The panel will focus on the current income tax, single rate tax and value added tax implications for foreign multinationals operating in Mexico, investment and cash repatriation alternatives as well as on any changes for future years as a result of anticipated tax reform.

Program Chair & Moderator:

Abelardo Acosta, Ernst & Young LLP, San Diego, CA, USA

Speakers:

Rosario Huet, Goodrich Riquelme Asociados, Col. Cuauhtémoc, Mexico
Carlos Portilla Romo, PR&A Portilla Ruy-Díaz y Aguilar, S.C., Mexico City, Mexico

Program materials may be found online at ambar.org/mexico2013

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Scholarships are available for this program. For information please contact Michelle.Mattingly@americanbar.org.