

2014 NORTH AMERICA REGIONAL FORUM

Doing Business Within The Region And Collaborating Abroad

November 17-18, 2014

Pan Pacific Vancouver Hotel—Vancouver, BC, Canada



REGISTER NOW !

The Internet and e-commerce have fundamentally altered notions of free trade as the digital age blurs political and economic borders. Legal and regulatory underpinnings of trade are being revised, as a matter of commercial practicality, almost monthly. This conference will feature two parallel tracks on best practices for international companies doing business in North America and for North American companies working internationally.

Topics Include:

- Cross-Border Ethics
 - Antitrust
 - Data Privacy
- Enforcement of Judgments
 - Compliance
- Litigation and Arbitration



ABA Section of
International Law
Your Gateway to International Practice

For more information
and to register visit:
<http://ambar.org/Vancouver2014>

Program Planning Committee

SECTION CHAIR 2014-15

Marcelo Bombau • M. & M. Bomchil Abogados • Buenos Aires, Argentina

STEERING COMMITTEE

Robert L. Brown • Bingham Greenebaum Doll LLP • Louisville, KY, USA

Susan Burns • Susan Burns LLC • Minneapolis, MN, USA

Taylor Croley • American Bar Association • Washington, DC, USA

Patrick Goudreau • DS Welch Bussières • Montréal, QC, Canada

Nikiforos Iatrou • Weirfoulds LLP • Toronto, ON, Canada

Michelle Mattingly • American Bar Association • Washington, DC, USA

Dixon F. Miller • Porter Wright • Columbus, OH, USA

Lelia Mooney • Partners for Democratic Change • Washington, DC, USA

Andres Nieto • Von Wobeser & Sierra • Mexico City, Mexico

Joe Raia • Gunster Yoakley Stewart • Miami, FL, USA

Kenneth Rashbaum • Barton LLP • New York, NY, USA

Steven Richman • Duane Morris • New York, NY, USA

Lisa Savitt • Crowell & Moring LLP • Washington, DC, USA

Jessica L. Smith • American Bar Association Section of International Law • Washington, DC USA

Marcela Stras • Cozen O'Connor • Washington, DC, USA

PLANNING COMMITTEE

Jeffery Barnes • Borden Ladner Gervais • Toronto, ON, Canada

James E. Berger • King & Spalding • New York, NY, USA

Mark Katz • Davies Ward Phillips and Vineberg • Toronto, ON, Canada

Morgan Burris • Davis LLP • Vancouver, BC, Canada

Christine Castellano • Ingredion Incorporated • Chicago, IL, USA

Gib van Ert • Hunger Litigation Chambers • Vancouver, BC, Canada

Leslie A. Glick • Porter Wright • Washington, DC, USA

Per Hedman • Lindahl • Stockholm, Sweden

Alexander Jeglic • Canadian Commercial Corporation • Ottawa, ON, Canada

Katherine Kay • Stikeman Elliott • Toronto, ON, Canada

Arnoldo B. Lacayo • Astigarraga Davis • Miami, FL, USA

David Lefebvre • Gowlings • Calgary, AB, Canada

David Spratley • Davis LLP • Vancouver, BC, Canada

John Sullivan • Harper Grey LLP • Vancouver, BC, Canada

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

Monday, November 17, 2014

7:30 – 9:00 AM
Registration & Check In

8:00 AM – 9:00 AM
Networking Breakfast

9:00 AM – 10:30 AM
OPENING PLENARY SESSION
Cross Border Ethics in the Digital Age

This program will cover various cross border ethical issues relating to transnational litigation as well as transactional topics, including choice of law and in-house counsel issues regarding attorney-client privilege, impact of surveillance, conflicts resolution and social media usage.

Program Chair:

Steven Richman, Duane Morris LLP, New York, NY, USA

10:30 AM – 11:00 AM
Joint Networking Coffee Break

Track 1: Doing Business Within the Region

Track 2: Collaborating Globally

11:00 AM - 12:30 PM

TRACK 1

Global Litigation Moves North? Comparative Trends in Antitrust and Securities Class Actions and International Torts

Recent developments in Canadian securities and antitrust class action and international tort litigation are highlighting differences between US and Canadian approaches to global litigation. Increasingly, Canada's appellate courts appear to be essentially lowering the bar to the bringing of such cases, just as the US appears to be seeing retrenchment. From indirect purchaser suits to securities class actions and international human rights based tort claims with minimal connections to Canada, come learn how Canada may be positioning itself to become a hub for international litigation and a plaintiff-friendly jurisdiction.

Program Chair:

Katherine Kay, Stikeman Elliott, Toronto, ON, Canada

11:00 AM - 12:30 PM

TRACK 2

The Challenges of Defending Litigation in the Mexican, Canadian and US Judicial Systems

The fundamentals and strategies involved in defending foreign litigation in the three different jurisdictions, the tests for assumption of jurisdiction in each system, application of the *forum non conveniens* test and what a foreign defendant or its insurance carrier can do to defend litigation in the jurisdictions foreign to it. This panel will include case law and statutory updates.

Program Chair:

Susan Burns, Susan Burns LLC, Minneapolis, MN, USA

12:30 PM – 2:00 PM
Joint Luncheon at Hotel

Featuring a Keynote Address by a representative from The Office of the Privacy Commissioner of Canada.

2:00 PM – 3:30 PM

TRACK 1

Welcome to the Club: CARICOM's Competition Authority Joins its Neighbors from Canada, Mexico and the US in Antitrust Enforcement

As the CARICOM authority begins to establish itself in the world of competition law, this panel will include regulators and practitioners from Canada, the US, Mexico and the Caribbean. Topics to be covered will include the challenges of cross-border competition and cartel reviews; cooperation between antitrust agencies; and the thorny question as to whether every jurisdiction should actually have an antitrust authority.

Program Chair:

Mark Katz, Davies Ward Phillips and Vineberg, Toronto, ON, Canada

2:00 PM – 3:30 PM

TRACK 2

Pre-Judgment Asset Freezing: The Lay of the Land Fifteen Years After Grupo Mexicano

Fifteen years ago, the United States Supreme Court tackled a question of great significance to litigants looking to United States-based assets to satisfy an eventual judgment in their favor. The case was *Grupo Mexicano de Desarrollo, S.A. v. Alliance Bond Fund, Inc., et al.*, and the specific question before the Court was whether, in an action for money damages, a United States District Court has the power to issue a preliminary injunction preventing the defendant from transferring assets in which no lien or equitable interest is claimed? The Court answered the question in the negative. In the fifteen years since that decision, courts and litigants in cross-border disputes have wrestled with application of this precedent and independent precedent dealing with comity-based recognition and enforcement of foreign orders and decrees freezing assets pre-judgment. Join an expert panel of international practitioners as they canvas the North American legal landscape fifteen years after *Grupo Mexicano* and as they discuss practical tips learned in high profile cross-border cases including in cases with links to Mexico and Canada. The panelists will also discuss the status of the Uniform Law Commission's recent Uniform Asset Freezing Orders Act.

Program Chair: **Arnoldo B. Lacayo**, Astigarraga Davis, Miami, FL, USA

3:30 PM – 4:00 PM
Joint Networking Coffee Break

4:00 PM – 5:30 PM

TRACK 1

Offshore Tips for Onshore Lawyers: Litigation and Arbitrating Disputes in the Caribbean

Get practical advice from lawyers who litigate in offshore jurisdictions, and learn about the risks and challenges that accompany the benefits of conducting business through BVI, Cayman and other Caribbean locations. This session will identify special challenges for individuals and lawyers who are not used to legal systems that may not be as sophisticated or dependable as those in the individual's home country, or that have banking secrecy laws and blocking statutes that can significantly hinder forensic investigations.

Program Chair:

Frank E. Walwyn, WeirFoulds LLP, Toronto, ON, Canada

4:00 PM – 5:30 PM

TRACK 2

Transcending Sovereignty: Enforcement of Annulled International Arbitration Awards

The panel will discuss the competing views concerning the enforceability of international arbitration awards that have been annulled by a court at the seat of arbitration. Are awards truly transnational instruments that may, under applicable conventions governing enforcement, be enforced abroad even where they have been set aside by a court with presumably supervisory authority? Or are awards subject to the sovereignty of those supervisory courts? Different countries take different views, and the panelists will exchange and explain those views with an eye toward determining which approach better facilitates international dispute resolution.

Program Chair:

James E. Berger, King & Spalding, New York, NY, USA

6:00 PM – 8:00 PM
Reception at Five Sails Restaurant

This reception is included in the registration fee.

Tuesday, November 18, 2014

8:00 AM – 9:00 AM
Joint Networking Breakfast

9:00 AM – 10:30 AM

TRACK 1

The Developing Energy Trade Between North America and Asia

Asia continues to increase its importance in the global energy business. Recent years have seen a significant increase in oil and gas reserves and production in North America due largely to technological innovation and oil sands development. This increasing production, coupled with energy conservation and the continued development of renewable energy, has resulted in the decline of imports of petroleum products into North America. At the same time, the rapid development of Asian economies has resulted in the creation of Asian energy giants which have investments throughout the world, including North America, and key markets for petroleum products, including oil and LNG. This panel will discuss the current legal environment and challenges, and anticipated future trends, in the developing energy trade with Asia.

Program Chair:

David Lefebvre, Gowlings, Calgary, AB, Canada

9:00 AM – 10:30 AM

TRACK 2

Compliance: OK, We Have to Observe the FCPA...But That's It, Isn't It?

Any company conducting business abroad is exposed to the potential application of anti-corruption legislation. Surveys of business executives reveal that a majority of them have encountered some form of actual or attempted corruption. As more jurisdictions adopt and enforce prohibitions on corrupt practices, cross-border due diligence needs to be tailored so that it will minimize the corruption risk in foreign jurisdictions. Companies engaged in cross-border M&A should understand -- and appreciate -- the different impact foreign anti-corruption laws can have on M&A transactions. By using a hypothetical, we will specifically address what impact anti-bribery laws have on due diligence and post-closing activities in relation to cross-border M&A transactions.

The panel will also discuss the business practices that a diligent company can practically adopt to protect itself against violation of anti-corruption laws in day-to-day operations. With the focus on significant investment in countries with weak governance, particularly in energy and natural resources and infrastructure, the panel will examine the regimes of Canada, one of the world's leaders in energy and mining expertise, as well as the United States and the United Kingdom, both key financing capitals underwriting global transactions.

Program Chair(s):

Jeffery A. Barnes, Borden Ladner Gervais, Toronto, ON, Canada

Alexander A. Jeglic, Canadian Commercial Corporation, Ottawa, ON, Canada

10:30 AM – 11:00 AM
Joint Networking Coffee Break

11:00 AM – 12:30 PM

TRACK 1

Privacy Clean-up in Aisle Six – Protecting Consumer Information in the Retail Sector

From credit card information to buying habits and loyalty programs, North American retailers have become a repository of vast and valuable stores of data and personal information. Recently, the vulnerability of these retailers' IT systems has been put into question, as hackers have managed to unlawfully abscond with scores of customers' personal data. This panel will help you advise clients as to how to avoid such breaches of privacy, and how to deal with the legal, political, and public relations fallout in the case of a breach.

Program Chair:

David Spratley, Davis LLP, Vancouver, BC, Canada

11:00 AM – 12:30 PM

TRACK 2

Causes and Effects: Data Compliance Challenges in the Wake of Edward Snowden, the US National Security Agency, Google's Privacy Litigation and Mexico's Privacy Notice Guidelines

In 2014, Bob Dylan's observation that "the times they are a changin'" became advice every senior executive, compliance officer and law firm took to heart. Significant new restrictions on management of personal data of European Union citizens in the revision of the European Union Privacy Directives will result in paradigm shifts in the way multinational corporations secure and transfer vital information. The EU and Mexico started down the path of greater data protection even before Edward Snowden released information about the data collection activities of the U.S. National Security Agency. Canada, a country the E.U. has long considered a nation with commensurate privacy protection, has shown increased concern about hosting of Canadians' personal data in the U.S. Will these recent revelations about private and governmental surveillance lead Canada to increase its security and privacy protections as well? This interactive panel will explore the challenges for multinational corporations in the wake of revelations of governmental surveillance as well as private surveillance by companies such as Google and Microsoft, who have stated publicly that they or their algorithms read a significant amount of email on their systems. The implications for business information flows in the era of global e-commerce will be analyzed and risk management trends and practical suggestions for information security and stewardship will be discussed.

Program Chair & Moderator:

Kenneth N. Rashbaum, Barton LLP, New York, NY, USA

12:30 PM – 2:00 PM

Joint Closing Luncheon at Hotel

Speakers Include:

Francisco Aninat, Jones Day, Washington, DC, USA (Invited)

Duncan Card, Esq., Bennett Jones LLP, Toronto, ON, Canada

Kei-Jin Chew, Tan Rajah & Cheah, Singapore

Nathan M. Crystal, Crystal & Giannoni-Crystal, LLC, Charleston, SC, USA

José Antonio Duclaud, Duclaud Abogados, Cancun, Mexico

Elizabeth Denham, Commissioner, Office of the Information & Privacy Commissioner for British Columbia, Victoria, B.C., Canada (Invited)

Ashley Dymond, Hastings School of Law, San Francisco, CA, USA

Demetrios Eleftheriou, EMC Corporation, Hopkinton, MA, USA

Shawn Harpen, Chief Legal Officer and General Counsel, Patrón Sprints International AG & Patrón Sprints Company, Schaffhausen, Switzerland

Véronique Hoffeld, Loyens & Loeff, Luxembourg

Perlette M. Jura, Gibson Dunn & Crutcher LLP, Los Angeles, CA, USA

Timothy J. Law, Heifetz Crozier, Law, Toronto, ON, Canada

Handel Lee, Global Chair of Energy, King & Wood Mallesons, Beijing, China

Lic. Javier Mazoy, Lex Advisors, Baja, Mexico

Jörg Rehder, Schiedermaier Rechtsanwälte, Frankfurt, Germany

Ernesto Velarde-Danache, Ernesto Velarde-Danache, Inc., Brownsville, TX, USA

Clifford Sosnow, Fasken Martineau, Ottawa, ON, Canada

2014 North America Regional Forum November 17-18, 2014 – Vancouver, B.C.

Online registration is strongly encouraged. Pre-registration closes on Monday, November 3, 2014.

I. Registrant Information

ABA ID # (if applicable): _____
 Name: _____
 (TYPE or PRINT your name CLEARLY as you wish it to appear on badge.)
 Firm/Organization: _____
 Address: _____
 City: _____
 State/Province/Region: _____
 Postal Code: _____ Country: _____
 Telephone: _____ Fax: _____
 E-mail: _____

II. All-Inclusive Conference Registration Fees

All-inclusive fees include admission to all CLE sessions & networking breaks, 2 continental breakfasts, 2 luncheons, and the Monday evening reception.

Check one of the following:

	Early Bird by 10/17	After 10/17
<input type="checkbox"/> ABA /Cooperating Entity Member	\$ 550	\$ 655
<input type="checkbox"/> Full-time Law Student	\$ 150	\$ 175
<input type="checkbox"/> Full-time Gov. / Academic / NGO	\$ 250	\$ 300
<input type="checkbox"/> Corporate Counsel	\$ 350	\$ 420
<input type="checkbox"/> Young Lawyer (under 35 years)	\$ 395	\$ 475
<input type="checkbox"/> Non-Member	\$ 650	\$ 775

III. Additional Tickets

Guest Tickets @ \$150 Qty _____

Guest tickets include the Luncheons and Monday Evening Reception.

IV. Refund Policy

Cancellations must be made in writing and received by the Section office by **November 3, 2014** for a full refund of fees, less a \$100 administration fee. No refund of registration will be granted after that date *except in the case of medical emergency or extenuating circumstances approved by the Section in its sole discretion.*

When a completed registration form and payment have been submitted to the Section office either by mail, email or fax, the registration is considered to be a firm commitment and you will be expected to pay the registration and any ticketed event fees, unless a written cancellation is received as set forth above. Any refunds issued will be processed to the credit card on file for individuals who made registration payment via credit card.

V. MCLE/CLE Credit Hours

MCLE/CLE credit has been requested. For delegates where MCLE/CLE is mandatory, a Certificate of Attendance will be provided onsite. You will be required to fill in your **State License Number** on the MCLE/CLE sign in sheet at the 2014 Cayman Islands Conference. Please come to the meeting with your license number(s) for those states you will be obtaining MCLE/CLE credit.

VI. Make Your Payment

Refunds will not be issued for cancellations received after November 3, 2014.

PAYING BY CREDIT CARD:

Please include the following information when making payment via credit card.

Credit Card Type: Visa MasterCard American Express

Total Payment: \$(USD) _____

Card Number: _____

Expiration Date: _____

Data Protection Notice - Please sign below: *By submitting this completed 2014 North America Regional Forum registration form, you are providing us with personal information. By registering and signing this form below, you consent to our use of that information to complete the registration process and to compile data which the Section may use for Section membership and programming purposes only. Your payment information, including credit card information is used only to process payment for your 2014 North America Regional Forum registration fees and is not retained for any other purposes whatsoever.*

Your signature: _____

Date: _____

PAYING BY WIRE TRANSFER:

Please include the following information when making payment via wire transfer:

Name of Section: **Section of International Law**
 Meeting: **2014 North America Regional Forum**
 Bank Name: **JP Morgan Chase Bank**
 Bank Address: **2218 Fifth Avenue, New York, NY 10037**
 Bank Routing #: **021000021**
 Account Name: **American Bar Association**
 Account Number: **50-03997**
SWIFT Code: CHASUS33

PAYING BY CHECK:

Please make check payments payable to the **American Bar Association in USD.**

VII. Let Us Know If You Require Assistance

Please indicate if, under the Americans with Disabilities Act, you require specific aid or service during your attendance at the 2014 Cayman Islands Conference:

Audio Visual Mobile

VIII. Hotel Information

Please see our website for more information: <http://ambar.org/vancouver2014>

Please allow up to two (2) weeks for processing.

Mail to:
ABA Section of International Law, Attn: Registration
1050 Connecticut Avenue, NW
Suite 400
Washington, DC 20036
 or email to intlawmeetings@americanbar.org

Confirmation of registration will not be available until payment is received and processed.