



THE FLORIDA BAR
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iLaw2020

The ILS Global Forum on International Law

February 28, 2020



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JW Marriott Marquis
255 Biscayne Boulevard Way
Miami, Florida 33131

COURSE CLASSIFICATION:
Intermediate Level

Course No. 3773

iLaw2020 February 28, 2020

Conference at a Glance

	INTERNATIONAL LITIGATION TRACK	ICDR INTERNATIONAL ARBITRATION TRACK	INTERNATIONAL BUSINESS TRANSACTIONS TRACK
7:45 a.m. - 8:30 a.m.	Registration and Continental Breakfast		
8:30 a.m. - 8:45 a.m.	Opening Remarks		
8:45 a.m. - 9:45 a.m.	<i>Opening Panel:</i> U.S. Sanctions Policy and OFAC: What Every Lawyer (and Client) Should Know		
9:45 a.m. - 10:00 a.m.	Coffee Break		
10:00 a.m. - 11:00 a.m.	The Helms-Burton Litigation Explosion: A Federal Cause of Action Takes Effect	Rapid-Fire Discussion: Regional Reports on the Global Current State of Affairs in International Arbitration	Trump's Trade War With China
11:00 a.m. - 11:15 a.m.	Coffee Break		
11:15 a.m. - 12:15 p.m.	Thinking Big After the Singapore Convention: The Promise of Cross- Border Mediation	The International Arbitrators' Roundtable: What are the Issues? What Really Works?	Impact of New Economic Substance Rules and BOSS Regulations on International Transactions
12:30 p.m. - 1:45 p.m.	Lunch		
2:00 p.m. - 3:00 p.m.	Hot Topics in International Litigation	International Construction Arbitration Mega-Projects – Trends, Developments, and “Best Practices – Understanding the Issues, Challenges, Cultural Differences and Conflict Management Options	Immigration Updates and Strategies for the International Practitioner
3:00 p.m. - 3:15 p.m.	Coffee Break		
3:15 p.m. - 4:15 p.m.	How Much can you Trust the Litigation Trust?: A Closer Look at the PDVSA U.S. Litigation Trust as an Example of Potential Uses and Misuses of Litigation Trusts	Dealing With Technology and A.I.: A Look to the Future	Compliance in Merger & Acquisitions
4:30 p.m. - 5:30 p.m.	<i>Closing Panel:</i> The Indelible Stain of Corruption in the International Legal Landscape: Views from Litigation, Arbitration, and Transactions		
5:30 p.m. - 7:30 p.m.	iLaw2020 Closing Cocktail Reception		

Thursday, February 27, 2020

4:30 p.m.

ILS Executive Council Meeting

Hogan Lovells, 600 Brickell Avenue, Suite 2700, Miami, Florida 33131

6:30 p.m.

Opening Cocktail Reception

Hogan Lovells, 600 Brickell Avenue, Suite 2700, Miami, Florida 33131

**Included in registration fee*

Friday, February 28, 2020

Opening Plenary Session

8:45 a.m. to 9:45 a.m.

U.S. Sanctions Policy and OFAC: What Every Lawyer (and Client) Should Know

U.S. sanctions policy has evolved over the last three decades, but has always had a particularly significant role in Latin America, beginning with the Cuba Embargo, Kingpin Act in Venezuela, and - most recently - the sanctions imposed on the Maduro Regime in Venezuela. This plenary will discuss that evolution, with a keynote presentation by Richard Newcomb, who served as the Director of the Office of Foreign Asset Controls (OFAC) from 1987 to 2004, and a panel discussion on the impact of sanctions policy on your case and client.

Moderator: Harout J. Samra, *DLA Piper*, Miami, Florida

Speakers: Richard Newcomb, *DLA Piper*, Miami, Florida
Marlene Gordon, *Senior Vice President, General Counsel & Secretary, Chief Compliance and Communications Officer, Fresh Del Monte Produce, Inc.*, Miami, Florida
John McKendrick QC, *Outer Temple Chambers*, London, United Kingdom

9:45 a.m. to 10:00 a.m.

Coffee Break

Morning Sessions International Litigation Track

10:00 a.m. to 11:00 a.m.

The Helms-Burton Litigation Explosion: A Federal Cause of Action Takes Effect

Numerous cases have been filed in recent months against companies that have done business in Cuba for allegedly utilizing property expropriated by the Cuban government during and after the Cuban Revolution. These claims - most of which have been initiated in the United States District Court for the Southern District of the Florida - have been made possible because President Trump declined to suspend the Article III cause of action as past presidents had done. This panel, which features lawyers who are litigating these cases, will provide an overview of this litigation, which promises to be in headlines for the foreseeable future.

Moderator: Pedro Freyre, *Akerman*, Miami, Florida

Speakers: Roberto Martinez, *Colson Hicks Edison*, Miami, Florida
Richard Lorenzo, *Hogan Lovells*, Miami, Florida
France Tenaille, *Gowling WLG*, Ottawa, Canada
Jenny Torres, *Akerman LLP*, Miami, Florida

11:00 a.m. to 11:15 a.m.

Coffee Break

11:15 a.m. to 12:15 p.m.

Thinking Big After the Singapore Convention: The Promise of Cross-Border Mediation

On August 7, 2019, forty-six countries, including the United States, China, India, and South Korea signed the United Nations Convention on International Settlement Agreements for Mediation in Singapore, which enables enforcement of mediated settlements between signatory states, and has the potential to transform how disputes are managed around the world. The panel will review the Convention's anticipated impact from multiple perspectives

and discuss whether cross-border mediation post-Singapore will become as prominent on the international stage as did arbitration following the New York Convention.

Moderator: Gary Birnberg, *JAMS*, Miami, Florida

Speakers: Mushegh Manukyan, *General Counsel - International*, Enveritas, New York City, New York
Ximena Bustamante, *PACTUM Dispute Resolution*, Quito, Ecuador
Mary Walker, *9 Wentworth Chambers*, Sydney, Australia

International Arbitration Track

10:00 a.m. to 11:00 a.m.

Rapid-Fire Discussion: Regional Reports on the Global Current State of Affairs in International Arbitration

An exciting and quick-moving session covering key legal and practice developments pertaining to the latest global highlights with a focus on international arbitration. In rapid succession, experts will answer questions and provide updates on relevant topics (including the current state of affairs in international arbitration, key cases, legal updates, emerging trends and what the future holds for international ADR globally) — all under tight time frames managed by the moderator. Special emphasis will be given to an overview of the potential advantages and problems in selecting a particular seat of arbitration; investor-state arbitration; areas of concern and areas of promise. Conference attendees will have the opportunity to listen, compare and analyze the international dispute resolution landscape as presented and receive important updates regarding international arbitration.

Moderator: Mauricio Gomm, *GST LLP*, Miami, Florida

Speakers: Caline Mouawad, *Chaffetz Lindsey, LLP*, New York, New York
Cesar Pereira, *Pereira Advogados Associados*, Porto Alegre, Brazil
Howard S. Zelbo, *Cleary Gottlieb Steen & Hamilton LLP*, New York, New York
Clarissa A. Rodriguez, *Reich Rodriguez, P.A.*, Miami, Florida

11:00 a.m. to 11:15 a.m.

Coffee Break

11:15 a.m. to 12:15 p.m.

The International Arbitrators' Roundtable: What are the Issues? What Really Works?

The leading international arbitrators believe they know what works and what does not. Find out from their viewpoint: What are the hallmarks of effective advocacy? How do they manage to tiptoe through procedural minefields? How do they manage an international arbitration efficiently? Using the ICDR's first procedural order to structure the international arbitration. What are their most memorable experiences in international arbitration? What is the best approach to render a reasoned and enforceable award? How do you encourage positive panel dynamics and how do you deal with problem co-arbitrators? Discussing the powers of the chair and the impact of the panel's culture and legal tradition. These and other procedural and substantive questions will be discussed during this moderated session. Additional topics as well as questions submitted by the audience to be covered.

Moderator: Eric P. Tuchmann, Senior Vice President, General Counsel and Corporate Secretary, *AAA-ICDR*, New York, New York

Speakers: Edna Sussman, *Independent Arbitrator*, *SussmanADR*, New York, New York
Grant Hanessian, *Baker & McKenzie LLP*, New York, New York
Eduardo Palmer, *Independent Arbitrator*, Miami, Florida

International Business Transactions Track

10:00 a.m. to 11:00 a.m.

Trump's Trade War With China

This panel will explore the use of the President's emergency powers under the Trade Act of 1974, the retaliatory action by China against US products, the tariff Exclusion application process by the US Trade Representative, how and why companies are changing their international supply chains for products entering the United States, and a prediction for future world trade.

Moderator: Peter Quinter, *GrayRobinson*, Miami, Florida

Speakers: Shannon Monti, President, *Deco Lav, Inc.*, Boca Raton, Florida
Keith Koenig, Chairman, *City Furniture, Inc.*, Tamarack, Florida
Lenny Feldman, *Sandler Travis & Rosenberg*, Miami, Florida

11:00 a.m. to 11:15 a.m.

11:15 a.m. to 12:15 p.m.

Coffee Break

Impact of New Economic Substance and BOSS Laws on Cross-Border Transactions

As an emerging issue confronting the international bar with far-reaching global consequences, the panel will discuss what the changing landscape means for those whose clients utilize international structures and other wealth preservation strategies.

Moderator: James Meyer, *Harper Meyer LLP*, Miami, Florida

Speakers: Jeffrey Hagen, *Harper Meyer LLP*, Miami, Florida
Fanny Evans, *Morgan and Morgan*, Tortola, British Virgin Islands
Lynden John, *Vistra*, Grand Cayman, Cayman Islands

Luncheon Speaker: Elisabeth Eljuri

Chief Negotiator and Chief Legal Counsel, Sierra Oil and Gas

12:30 p.m. to 1:45 p.m. **Included in registration fee.*

Afternoon Sessions International Litigation Track

2:00 p.m. to 3:00 p.m.

Hot Topics in International Litigation

The annual crowd pleaser is back! Join us for another round of Ed Mullins's animated discussion of hot topics in international litigation. This panel will survey current legal issues and significant recent legal decisions that every international litigator should be aware of.

Moderator: Edward M. Mullins, *ReedSmith*, Miami, Florida

Speakers: Laura Reich, *Reich Rodriguez, P.A.*, Miami, Florida
Kristin Drecktrah Paz, *Shutts & Bowen LLP*, Miami, Florida
Carlos F. Osorio, *Osorio Internacional, P.A.*, Miami, Florida

3:00 p.m. to 3:15 p.m.

3:15 p.m. to 4:15 p.m.

Coffee Break

How Much Can You Trust the Litigation Trust?: A Closer Look at the PDVSA U.S. Litigation Trust as an Example of Potential Uses and Misuses of Litigation Trusts

In March 2018, the PDVSA U.S. Litigation Trust – a New York-based litigation trust that claimed to hold a valid assignment of claims from PDVSA – filed a lawsuit in the U.S. District Court for the Southern District of Florida against twenty-three defendants that were alleged to have violated antitrust laws and the RICO statute by conspiring to rig bids submitted to PDVSA for the supply and purchase of various energy products. Although the case was dismissed on the ground that the Trust could not prove it had standing to pursue the claims, the case raises important questions about the proper use of litigation trusts. For example, panelists will discuss: What is the purpose of establishing a litigation trust? What are the uses and different applications of litigation trusts? In what ways can litigation trusts be misused? What procedural hurdles must be overcome before forming a litigation trust? Can litigation trusts be used to facilitate fraudulent transfers? Can litigation trusts be used to improperly shield assets? What lessons can we learn from the PDVSA U.S. Litigation Trust case?

Moderator: Fernando J. Menendez, *Sequor Law P.A.*, Miami, Florida

Speakers: Stuart Cullen, *Harneys*, Tortola, British Virgin Islands
Jeffery Commission, *Burford Capital*, Washington, D.C.

International Arbitration Track

2:00 p.m. to 3:00 p.m.

International Construction Arbitration Mega-Projects – Trends, Developments, and “Best Practices – Understanding the Issues, Challenges, Cultural Differences, and Conflict Management Options

This session will explore the various issues and challenges when in an international construction arbitration. What is the cultural impact on the process of the interplay between the common law and civil law traditions in viewing an international construction dispute? The issues to consider when participating in an international construction arbitration, understanding the complexities and “best practices” for the presentation of evidence, use of experts, written submissions, privilege concerns, and other related issues. Challenges may also arise when dealing with language, logistical issues and mediating with foreign parties.

Moderator: Luis M. Martinez, Vice President, *AAA-ICDR*, New York, New York

Speakers: Albert Bates, Jr., *Pepper Hamilton, LLP*, Pittsburgh, Pennsylvania
Charles N. Juliana, Esq., Vice President & General Counsel, *IPS – Integrated Project Services, LLC*, Blue Bell, Pennsylvania
Wendy K. Venoit, *Hinckley Allen*, Boston, Massachusetts
Andres Alva PE PSP, Managing Director, *Berkley Research Group*, Miami, Florida

3:00 p.m. to 3:15 p.m.

Coffee Break

3:15 p.m. to 4:15 p.m.

Dealing with Technology and A.I.: A Look to the Future

This session will discuss the issues and approach that the various stakeholders, including in house and outside counsel, arbitrators and the administering institution may have to consider when faced with a number of challenges as they participate in an international arbitration. The panel will discuss issues as cybersecurity, data privacy, the exchange of information and non-signatories, controlling time and costs, the impact of technology and AI, changes or additions to be made to the international arbitration rules and the possible impact all of these issues will have on international arbitration.

Moderator: John Fellas, Hughes, *Hubbard & Reed LLP*, New York, New York

Speakers: Mark C. Morril, *MorrilADR*, New York, New York
Sophie Nappers, *3VB, Gray’s INN*, London, United Kingdom
Diana Didia, SVP/Chief Information and Innovation Officer, *AAA-ICDR*, New York, New York

International Business Transactions Track

2:00 p.m. to 3:00 p.m.

Immigration Updates and Strategies for the International Practitioner

This panel will provide an overview of recent changes to U.S. immigration policies affecting both nonimmigrant and immigrant clients. The panelists will also discuss strategies that can assist clients in developing their short and long-term immigration plans.

Moderator: Jacqueline Villalba, *Harper Meyer LLP*, Miami, Florida

Speakers: Larry S. Rifkin, *Rifkin & Fox-Isicoff, P.A.*, Miami, Florida
Juliana G. Lamardo, *Law Offices of Juliana G. Lamardo, P.A.*, Miami, Florida
Elina M. Santana, *Santana Rodriguez Law, P.A.*, Miami, Florida

3:00 p.m. to 3:15 p.m.

Coffee Break

3:15 p.m. to 4:15 p.m.

Compliance in Mergers & Acquisitions

Mergers and acquisitions are frequently used by global companies as a vehicle to expand and grow their business and services. However, when acquiring or merging with a company, you are not only acquiring the company but also any compliance issues it may have. This panel will discuss the importance of understanding what laws and regulations are applicable to clients and what potential risks are involved, such as Anti-Money Laundering, Anti-Corruption/Bribery, and Privacy. The panel will also discuss

common red flags, the preventative steps that should be taken, and efficient ways in which to integrate compliance post-acquisition.

Moderator: Robert Becerra, *Becerra Law P.A.*, Miami, Florida

Speakers: Richard Montes de Oca, *MDO Partners*, Miami, Florida
John Tobon, Deputy Special Agent in Charge,
Homeland Security Investigations, Miami, Florida
Rebekah Poston, *Squire Patton Boggs*, Miami, Florida
Luis Salazar, *Salazar Law*, Miami, Florida

Closing Plenary Session

4:30 p.m. to 5:30 p.m.

The Indelible Stain of Corruption in the International Legal Landscape: Views From Litigation, Arbitration, and Transactions

Corruption is one of the most difficult challenges of our contemporary society, and the legal system is not the exception. The general perception around the world is that corruption is on the rise, and also the efforts to eradicate it. Almost every week, we learn about the occurrence of new corruption scandals and their destructive effect. Luckily, the legal responses are increasingly fast and efficient even though marred with challenges. This closing roundtable will feature a discussion among legal experts drawn from the judiciary, the private sector and the bar, about the most pressing challenges involving corruption on the realm of transnational legal practice. The discussion will focus on recent cases from different parts of the world, involving allegations of corruption in the context of each of the tracks covered by this conference (litigation, arbitration and transactions). Discussants will also address the challenges and strategies deployed by the parties in each situation, and the impact on the legal profession, especially here in South Florida.

Moderator: Manuel A. Gómez, *Professor of Law and Associate Dean for Graduate Studies & Global Engagement, Florida International University College of Law*, Miami, Florida

Speakers: [TBD]
Alexandre de Garamont, *Dechert LLP*, Washington, D.C.
Rafael R. Ribeiro, *Hogan Lovells LLP*, Miami, Florida

5:30 p.m. to 7:30 p.m.

iLaw2020 Closing Cocktail Reception *JW Marriott Marquis*

Registration and CLE Credits

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All registration must be done online. If you have any questions, please contact the iLaw Co-Chairs.

EARLY BIRD REGISTRATION:

Attorney:	\$545.00
Full-time Faculty:	\$285.00
Non-Attorney (No CLE):	\$285.00
Judge or Full-Time Law Student:	\$50.00
Guest Ticket Opening Cocktail Reception:	\$50.00
Guest Ticket Luncheon:	\$65.00
Guest Ticket Closing Cocktail Reception:	\$50.00
Guest Ticket Lunch/both Receptions:	\$150.00

AFTER JANUARY 24, 2020:

Attorney - solo/small firm (1-5 Attorneys):	\$595.00
Attorney - medium/large Firm (6+ Attorneys):	\$645.00
Full-time Faculty:	\$315.00
Non-Attorney:	\$315.00
Judge or Full-Time Law Student:	\$65.00
Guest Ticket Opening Cocktail Reception:	\$60.00
Guest Ticket Luncheon:	\$75.00
Guest Ticket Closing Cocktail Reception:	\$60.00
Guest Ticket Luncheon/both Receptions:	\$180.00

CLE CREDITS

iLaw Conference (Live)

Maximum CLE Credit:	8.5 hours
General:	8.5 hours
Ethics:	1.0 hours
Technology:	1.0 hours

CERTIFICATION PROGRAM

Maximum Certification Credit:	8.5 hours
International Law:	8.5 hours
International litigation and Arbitration:	8.5 hours
Tax:	1.0 hours

INTERNATIONAL LAW SECTION

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HOTEL RESERVATION INFORMATION: A block of rooms has been reserved at the Marriott Marquis Miami at the rate of \$339/night run of house. Reservations may be made online at <https://www.marriott.com/event-reservations/reservation-link.mi?id=1554407726581&key=GRP&app=resvlink> The group rate will be granted on a “space available” basis.

REFUND POLICY: A \$25 service fee applies to refund requests. Requests must be in writing and postmarked no later than two business days following the live course presentation or receipt of product. Registration fees are non-transferable, unless transferred to a colleague registering at the same price paid. Registrants who do not notify The Florida Bar by 5:00 p.m., February 6, 2020 that they will be unable to attend the seminar will have an additional \$150 retained.



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SAVE THE DATE!

**THE FLORIDA BAR
INTERNATIONAL LAW
SECTION 2020**

**RICHARD DEWITT
MEMORIAL VIS PRE-MOOT**

**SATURDAY 02.29.2020
MIAMI, FLORIDA**

**JAMS
600 BRICKELL AVENUE, SUITE 2600**

IF YOU ARE INTERESTED IN VOLUNTEERING AS AN ARBITRATOR, CONTACT ADRIAN NUÑEZ AT
ILSPREMOOT@GMAIL.COM - CLE CREDIT WILL BE AVAILABLE

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