THE FLORIDA BAR
INTERNATIONAL LAW SECTION

iLaw2019

The ILS Global Forum on International Law

February 22, 2019



JW Marriott Marquis
255 Biscayne Boulevard Way
Miami, Florida 33131

COURSE CLASSIFICATION:
Intermediate Level

Course No. 2889

iLaw2019 February 22, 2019

Conference at a Glance

	INTERNATIONAL LITIGATION TRACK	ICDR 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.	*Opening Panel:* Our Global Future: Artificial Intelligence, Blockchain, other Innovations and the Outlook for New Technologies in International Law and the Legal Profession		
9:45 a.m. - 10:00 a.m.	**Coffee Break**		
10:00 a.m. - 11:00 a.m.	Alter Ego and Veil Piercing in the United States and Abroad	International Arbitration Awards – Examining the data – discussing the findings and trends – Understanding what really happens in an international arbitration	To Engage or Not To Engage? That Is Still the Question
11:00 a.m. - 11:15 a.m.	**Coffee Break**		
11:15 a.m. - 12:15 p.m.	Hot Topics in International Litigation	International Construction Arbitration – Mega Projects	Navigating the Pitfalls of Conducting Business Globally
12:30 p.m. - 1:45 p.m.	*Luncheon Presentation:* Easiest Catch: Don't be Another Fish in the Dark 'Net		
2:00 p.m. - 3:00 p.m.	International Law Jeopardy: The Return!	Corruption in International Arbitration	A New Sheriff in Town: The Increasing Importance of the EU in the Regulation of American Business
3:00 p.m. - 3:15 p.m.	**Coffee Break**		
3:15 p.m. - 4:15 p.m.	Foreign Law Experts: Maximizing Their Effectiveness to Win Your Case	Hot Topics in International Arbitration	The Belt and and Road Initiative: How China is constructing international playgrounds and creating the rules for those playing on them
4:30 p.m. - 5:30 p.m.	*Closing Panel:* Defending Defenders: Combatting Attacks on Lawyers, Judges, Journalists, and Other Human Rights Defenders through the Progressive Development and Implementation of International and Domestic Law		
5:30 p.m. - 7:30 p.m.	iLaw2019 Closing Cocktail Reception		

iLaw2019 (Course No. 2889)

Thursday, February 21, 2019

4:30 p.m. **ILS Executive Council Meeting**
Shutts & Bowen LLP, 200 South Biscayne Boulevard, Suite 4100, Miami, Florida 33131

6:30 p.m. **Opening Cocktail Reception**
Shutts & Bowen LLP, 200 South Biscayne Boulevard, Suite 4100
Miami, Florida 33131 **Included in registration fee*

Friday, February 22, 2019

Opening Plenary Session

8:45 a.m. to 9:45 a.m. **Our Global Future: Artificial Intelligence, Blockchain, other Innovations and the Outlook for New Technologies in International Law and the Legal Profession**
Artificial Intelligence (AI) and blockchain are two technological trends that have already brought significant change and transformation across industries, governments and society in general. Predictably, the impact of these and other technological innovations has prompted the legal system to react and step in through different intervention strategies. Whereas the main regulatory and policy efforts regarding AI, blockchain, and other innovations have been carried out nationally, these technologies are not confined to any geographical boundaries. On the contrary, they flow across and above national jurisdictions. The importance of new technologies to international law is revealed by the recent launching by the U.N. Secretary General, of a comprehensive "Strategy on New Technologies" geared to build capacity, increase understanding, and develop normative frameworks that affect key areas of global concern such as privacy human rights, equality, sovereignty, transparency and accountability. This plenary discussion featuring a group of experts of diverse background and expertise on the intersection of technology and law, will consider the most critical issues related to AI, blockchain, and other new technologies concerning the present and future of international law and its impact on the legal profession.

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

Speakers: Alvin F. Lindsay, *Hogan Lovells US LLP*, Miami, Florida
Carmen Cartaya, *EEOC Miami District Office*, Miami, Florida
Kinny Chan, CEO, *Precision Discovery*, New York, New York
Ralph Losey, *Jackson Lewis P.C.*, Orlando, Florida

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. **Alter Ego and Veil Piercing in the United States and Abroad**
The district court in Delaware recently found that a state-owned enterprise was the sovereign state's alter ego and allowed creditors of the sovereign state to reach the assets of its instrumentality. This is an important development for lawyers that help their clients recover value from defendants that attempt to hide or secrete their assets behind complex corporate structures. This panel will explore recent developments relating to alter ego and veil piercing theories. Panelists will also discuss whether such theories are available in other jurisdictions, including best practices and obstacles that U.S. lawyers should be aware of when litigating these issues abroad.

Moderator: Arnoldo Lacayo, *Sequor Law, P.A.*, Miami, Florida

Speakers: Henry Stewart, Cooley *(UK) LLP*, London, United Kingdom
Sophia Rolle- Kapousouzoglou, *Lennox Patton*, The Bahamas
Susana Hidvegi Arango, *Superintendent of Insolvency Proceedings*, Bogotá, Colombia
Alejandro Pignataro Madrigal, *Pignataro Abogados*, San José, Costa Rica

11:00 a.m. to 11:15 a.m. **Coffee Break**

11:15 a.m. to 12:15 p.m. **Hot Topics in International Litigation**
The annual crowd pleaser is back! Join us for another round of Ed Mullins' 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, *Reed Smith LLP*, Miami, Florida

Speakers: Tiffany N. Comprés, *Shutts & Bowen LLP*, Miami, Florida
Jose Ferrer, *Bilzin Sumberg*, Miami, Florida
Leif Simonson, *Kobre Kim*, New York, New York
Annette Escobar, *ACE Law, P.A.*, Miami, Florida

ICDR Arbitration Track

INTERNATIONAL CENTRE FOR DISPUTE RESOLUTION® | AMERICAN ARBITRATION ASSOCIATION®

10:00 a.m. to 11:00 a.m. **International Arbitration Awards – Examining the Data – Discussing the Findings and Trends – Understanding How Arbitrators Approach the Drafting of an International Award.**
An examination of ICDR International Arbitration Awards. This session will discuss the findings and trends from the review of the ICDR's international awards and how international arbitrators approach the drafting of the various parts of the award considering the components of the case. Additionally the panel will discuss the data from the awards and their own experiences covering the preparation of the procedural history, emergency arbitrations, appointments, discovery, dispositive motions, bifurcation, governing law, the seat, costs, costs following the even, expedited rules and other related matters.

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

Speakers: John Fellas, *Hughes Hubbard & Reed, LLP*, New York, New York
Cristina Cardenas, *Reed Smith, LLP*, Miami, Florida
Ann Ryan Robertson, Vice President of the Chartered Institute of Arbitrators, *Locke Lord LLP*, Houston, Texas

11:00 a.m. to 11:15 a.m. **Coffee Break**

11:15 a.m. to 12:15 p.m. **International Construction Arbitration – Mega Projects**
This session will explore the various issues and challenges when dealing with "Mega" international construction projects and the arbitration and mediations that may arise during the course of the construction. The cultural impact on the process when there is the interplay between the common law and civil law traditions. How the exchange of information may be limited with parties from civil law jurisdictions where "Discovery" is not common consistent with international arbitration practice. Other areas where the parties' expectations may differ include witness examination, experts, written submissions, privilege concerns and amongst others the allocation of costs. Challenges may also arise when dealing with language and logistical issues and mediating with foreign parties.

Moderator: Dr. Patricia D. Galloway, *AAA-ICDR Arbitrator and Mediator*, Cle Elum, Washington

Speakers: Dr. ZHAO Jian, Vice President of the China International Economic and Trade Arbitration Commission, *(CIETAC) Arbitration Court*, Beijing , P.R. China
Mark R. Cheskin, *Hogan Lovells LLP*, Miami, Florida
Hon. Christi Underwood, *Independent AAA-ICDR Arbitrator*, Orlando, Florida

International Business Transactions Track

10:00 a.m. to 11:00 a.m. **To Engage or Not To Engage? That Is Still the Question**
Under the current OFAC regulations and following the US pull-back from the rapprochement with Cuba, the question is again not only "who can travel to Cuba?" but "who should travel to Cuba?" This panel will discuss the current US legal restrictions and requirements for travel to Cuba, and the efficacy of doing so from the perspective of promoting human rights in Cuba. The panel will also address issues including the constitutional right to travel and

the apparent effectiveness of sanctions as compared to engagement. The panel will also discuss the potential impact of Title III of the Helms-Burton Act.

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

Speakers: Pedro Freyre, Akerman *LLP, Miami*, Florida
Carlos Osorio, *Harper Meyer, LLP*, Miami, Florida
Michael Pineiro, *Marcus Neiman & Rashbaum LLP*, Miami, Florida
Aymee D. Valdivia, Holland & Knight LLP, Miami

11:00 a.m. to 11:15 a.m. **Coffee Break**

11:15 a.m. to 12:15 p.m. **Navigating the Pitfalls of Conducting Business Globally**

This panel would be of interest to attorneys whose clients engage in transactional business outside the United States. Given the increasing frequency of cross-border investigations, it is critical that the international business community understands the risks involved in doing business abroad. This panel's goal is to help attorneys guide their clients in avoiding these risks by understanding the laws, regulations, and enforcement mechanisms that impact international business activities.

Moderator: Richard Montes de Oca, *MDO Partners*, Miami, Florida

Speakers: Michelle Estlund, *Estlund Law, P.A.*, Coral Gables, Florida
Miguel Sciancalepore, *Microsoft Corporation*, Miami, Florida
Eric Bustillo, Regional Director, *Securities and Exchange Commission*, Miami, Florida
Ines Bahachille, Associate General Counsel Latin America, *Ingram Micro Inc*, Miami, Florida

Luncheon Speaker: Mark Lanterman, Chief Technology Officer *Computer Forensic Services*, Minnetonka, Minnesota 12:30 p.m. to 1:45 p.m. **Included in registration fee.*

Easiest Catch: Don't Be Another Fish in the Dark 'Net
You've read the headlines. Unfortunately, the question now is not if your information is going to be accessed or stolen, but when. To inform the attendees of current developments in the digital underground as well as provide realistic advice for cyber protection, Mark Lanterman will be discussing recent high-profile cybercrime events, including website breaches impacting a variety of organizations and sectors. Mark will discuss particularly dangerous types of threats that might affect individuals involving the Dark Web, the Internet of Things, phishing, and Wi-Fi attacks; additionally, Mark will demonstrate the particular impact of cybercrime on payroll-related activities within organizations.

Afternoon Sessions
International Litigation Track

2:00 p.m. to 3:00 p.m **iLaw Jeopardy!**
This. Is. Jeopardy! Back by popular demand for a second year, join us for a lively Q&A session in the style of the classic television game. Our contestants will show off their smarts and discuss the current state of international law. Who knows, you might even win the Final Jeopardy round!

Host: Omar K. Ibrahem, *Omar K. Ibrahem, P.A.*, Miami, Florida

Contestants: Robert J. Becerra, *Becerra Law, P.A.*, Miami, Florida
Ricardo H. Puente, *Jones Day*, Miami, Florida
Mariela M. Malfeld, *Watt Tieder Hoffar & Fitzgerald, LLP*, Miami, Florida

Showrunners *(a/k/a Merv Griffin and Johnny Gilbert)*: Clarissa Rodriguez and Laura Reich

3:00 p.m. to 3:15 p.m. **Coffee Break**

3:15 p.m. to 4:15 p.m. **Making Effective Use of Foreign Law Experts: Demonstration and Discussion**

The application of foreign law in US courts presents unique challenges for advocates and

judges. Foreign law experts can provide necessary assistance to identify issues governed by foreign law and then educating the court on the application of that foreign law. Panelists will discuss best practices in various legal fields, how to handle competing foreign legal expert opinions, and some of the hurdles that may arise when working with foreign law experts who come from a civil law backgrounds. Practical advice will be offered.

Moderator: Laura Reich, *Reich Rodriguez, P.A.*, Miami, Florida

Speakers: Harout Samra, *DLA Piper LLP* (US), Miami, Florida
Jenelle La Chuisa, *Groelle and Salmon, P.A.*, Miami, Florida
Ambassador David Huebner, *JAMS*, Los Angeles, California
Joan Stearns Johnsen, Senior Legal Skills Professor, *University of Florida*, Gainesville, Florida

ICDR Arbitration Track

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2:00 p.m. to 3:00 p.m. **Corruption in International Arbitration**

This session will discuss how corruption can impact an international arbitration and how arbitrators and counsel deal with the issue when it arises. What is the impact on the Tribunal's jurisdiction, the process, and the information in the award.

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

Speakers: Grant Hanessian, *Baker McKenzie*, New York, New York
Ava J. Borrasso, *AAA-ICDR Arbitrator Mediator*, Miami, Florida
C. Ryan Reetz, *Bryan Cave Leighton Paisner, LLP*, Miami, Florida
Carlos Forbes, President, *Arbitration and Mediation Center of the Brazil-Canada Chamber of Commerce (CAM-CCBC)*, São Paulo, Brazil

3:00 p.m. to 3:15 p.m. **Coffee Break**

3:15 p.m. to 4:15 p.m. **Hot Topics in International Arbitration**

Topics include Singapore Convention on Mediation; Data Privacy and International Arbitration; Selecting your arbitrator – diversity initiatives updates and improvements.

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

Speakers: Deborah Masucci, *AAA Arbitrator and Mediator*, New York, New York
Kathleen Paisley, *Ambos NBGO*, Brussels, Belgium
Dana MacGrath, President of ArbitralWomen, Investment Manager, Legal Counsel, *Bentham IMF*, New York, New York

International Business Transactions Track

2:00 p.m. to 3:00 p.m. **A New Sheriff in Town: The Increasing Importance of the EU in the Regulation of American Business**

As the Trump administration works to reduce regulation in the United States, the European Union is exporting an increasingly aggressive regulatory regimen in a number of areas that significantly affect many US businesses. Probably the most far reaching recent EU regulation is the recent (May 25, 2018) amendment to its data privacy law known as the General Data Protection Regulation, or GDPR, which affects every company in the world that comes in contact with any of the 28 member states' citizens' data. With 508 million people, the EU has the power to set regulations that will affect most of the rest of the world. This panel will discuss how American companies can cope with competing regulations, the extent to which EU regulations will become de facto regulation in the US and what lawyers need to know to properly advise their clients.

Moderator: Brian Fraser, *Akerman LLP*, New York, New York

Speakers: Robert Bond, *Bristows*, London, United Kingdom
Sonia Zeledon, Regional Counsel – Americas, *ECI, Nokia*, Miami, Florida
Simon Walton, *Rosenblatt Solicitors*, London, United Kingdom
Judy Selby, *Judy Selby Consulting*, Tampa, Florida

3:00 p.m. to 3:15 p.m. **Coffee Break**

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

The Belt and Road Initiative: How China Is Constructing International Playgrounds and Creating the Rules for Those Playing on Them

China's most notable global gambit is President Xi's present incarnation of the ancient Silk Road and maritime Spice Routes. Officially announced to the world in 2013, this phenomenally ambitious initiative goes far beyond more than nine hundred infrastructure projects, transcontinental and multi-regional, to include railroads, highways, terminals, maritime ports, satellite navigation systems and all that promote economic development and global connectivity among high risk economies in most continents. Technology projects focused on cyber development, cyber regulation and internet public policies are highlighted in the Belt and Road Initiative. China has announced the establishment of specialized arbitration courts for Belt and Road projects in an effort to promote an exclusive legal system for disputes arising from these high profile billion and trillion dollar global projects. Yet the legal impact of every single project and its development and management is global. Indeed, China's ambitious venture is generating tremendous interest among professionals in the top specialty areas but none have the significance and gravitas that the international legal community brings to the table. The goal of this panel is to provide as much up-to-date and substantive information on this topic to the audience.

Moderator: Mikki Canton, *AsiaAmericana International LLC*, Miami, Florida

Speakers: Anthony Mak, Director, *The Hong Kong Trade Development Council*, New York, New York
Peter Quinter, *GrayRobinson, P.A.*, Miami, Florida
Cheng Wang, *Tong Law Firm*, Houston, Texas & Shanghai, China
Gaston P. Fernandez, *Hogan Lovells US LLP*, Miami, Florida

Closing Plenary Session

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

Defending Defenders: Combatting Attacks on Lawyers, Judges, Journalists, and Other Human Rights Defenders through the Progressive Development and Implementation of International and Domestic Law

Sponsored by the ILS Committee on Public International Law, Human Rights and Global Justice

Human rights defenders are crucial to securing respect for and implementation of human rights; yet oftentimes their activities and advocacy on behalf of human rights makes them targets of discrimination, retaliation and violence. Human rights defenders can include a wide variety of persons occupying a multitude of positions in society, from lawyers defending unpopular parties, judges seeking to uphold the rule of law, journalists investigating official corruption, protestors demonstrating against human rights violations. This panel will examine international human rights and responsibilities regarding the protection of human rights defenders, the different ways in which defenders are exposed repression, the international organs and tribunals with jurisdiction to remedy attacks upon human rights defenders, including the work of the Human Rights Council, the role of Human Rights Commissions in defending human rights and the circumstances under which government and military officials might be liable for prosecution in the International Criminal Court for attacks against persons participating in mass protests.

Moderator: Elizabeth M. Iglesias, Professor of Law, *University of Miami School of Law*, Coral Gables, Florida

Speakers: Emercio J. Aponte, Founder, *AE Immigration Law Office, P.A.*, Adjunct Professor, *FAMU College of Law*, CEO, *American Institute for Democracy, Justice, and Human Rights Education, Inc.*, Gainesville, Florida
Tamar Ezer, *Associate Director and Lecturer in Law at the Human Rights Clinic at the University of Miami School of Law*, Coral Gables, Florida
Ernesto J. Sanchez, *appellate and international dispute resolution*, Coral Gables, Florida

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

iLaw2019 Closing Cocktail Reception

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Registration and CLE Credits

Register Now with The Florida Bar: Click Here

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
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, 2019:	
Attorney - solo/small firm (1-5 Attorneys):	$595.00
Attorney - medium/large Firm (6+ Attorneys):	$645.00
Full-time Faculty:	$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 $329/night run of house. Reservations may be made online at **https://www.marriott.com/meeting-event-hotels/group-corporate-travel/groupCorp.mi?resLinkData=The%20Florida%20Bar%20International%20Law%20Section%20iLaw%5Emiamj%60floflob%60329.00%60USD%60false%604%602/18/19%602/26/19%601/30/19&app=resvlink&stop_mobi=yes**. 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 9, 2019 that they will be unable to attend the seminar will have an additional $150 retained.

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