



THE FLORIDA BAR
INTERNATIONAL LAW SECTION



iLaw2017

The ILS Global Forum on International Law

**Featuring the ICDR Arbitration Track*

February 17, 2017



Conrad Hotel

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COURSE CLASSIFICATION:
Intermediate Level

Course No. 2286R

iLaw2017 February 17, 2017

Table of Scheduled Panels

	INTERNATIONAL LITIGATION	ICDR ARBITRATION TRACK	INTERNATIONAL BUSINESS TRANSACTIONS
7:45 a.m. - 8:15 a.m.		Registration and Continental Breakfast	
8:15 a.m. - 8:30 a.m.		Opening Remarks	
8:30 a.m. - 10:00 a.m.		State of the Re-Union	
10:15 a.m. - 11:15 a.m.	What to Do When International Commercial Litigation Becomes International Estate Litigation	Invisible Actors: The Role of Secretaries in International Arbitration	Federal Investigations/Audits
11:15 a.m. - 11:30 a.m.		Coffee Break	
11:30 a.m. - 12:30 p.m.	Trust Busting: A Thousand Little Pieces	Examining Instances of Corruption and How to handle them in International Arbitration	How can my client invest in Cuba and what can we do if it becomes an “arroz con mango”?
12:30 p.m. - 1:30 p.m.		Luncheon Speaker: Donald Burris “Tragedy to Triumph—Reflections on Litigating Looted Art Collections”	
1:45 p.m. - 2:45 p.m.	Foreign Corrupt Practices Act 2017: Will the Regulatory Force Continue?	Hot Topics and Institutional Reports in International Arbitration	Pre-immigration Tax Planning
2:45 p.m. - 3:00 p.m.		Coffee Break	
3:00 p.m. - 4:00 p.m.	Hot Topics in International Litigation	International Construction Arbitration – Trends and Best Practices	International Business Expansion from the United States
4:00 p.m. - 5:00 p.m.		International In-House Counsel Challenges: Managing the Intersection of Business, Law and Ethics	
5:00 p.m. - 5:30 p.m.		Closing Remarks	
5:30 p.m. - 7:30 p.m.		iLaw2017 Closing Reception	

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Thursday, February 16, 2017

4:30 p.m.

ILS Executive Council Meeting at 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, FL 33131

Friday, February 17, 2017

7:45 a.m. to 8:15 a.m.

Registration, Continental Breakfast

Sponsored by Silver Level Sponsor Morningside Translations

8:15 a.m. to 8:30 a.m.

Opening Remarks:

A brief welcome and introduction by ILS Chair Alvin Lindsay followed by iLaw Co-Chairs Robert Becerra, Kristin Drecktrah Paz, Ana Barton, and Jacqueline Villalba, with a short discussion of International Law Board Certification by Felicia Nowels, Chair, International Law Certification Committee.

Opening Plenary Session (Main Conference Room)

8:30 a.m. to 10:00 a.m.

State of the Re-Union

On July 20, 2015, the United States and Cuba restored diplomatic relations. Despite restored diplomatic relations, the United States maintains the embargo. This panel will discuss the status of the U.S. – Cuba rapprochement.

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

Panelists:

Arnaldo Perez, *General Counsel Carnival Corporation & PLC*, Miami, Florida

Pedro Freyre, *Akerman LLP*, Miami, Florida

Stephen Propst, *Hogan Lovells*, Washington, D.C.

Susan Demeske, *Department of the Treasury*, Washington, D.C. (Invited)

Alan W. Christian, Senior Export Policy Analyst, *U.S. Department of Commerce*, Washington, D.C. (Invited)

Morning Tracks: International Litigation (Breakout Room One)

10:15 a.m. to 11:15 a.m.

What to Do When International Commercial Litigation Becomes International Estate Litigation

This panel will address cross-border inheritance and probate matters in the context of a hypothetical involving on-going litigation between two owners of a closely-held business operating in multiple jurisdictions and what happens when one of the owners dies while the case remains pending. The discussion will address key procedural and evidentiary issues litigators need to be aware of in this scenario to best posture their cases for

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continued post-mortem litigation, as well as the related conflict of law and tax issues that can dramatically affect post-mortem litigation strategy.

Panel Moderator: Juan C. Antúnez, *Stokes McMillan Antúnez P.A.*, Miami, Florida

Panelists:

David Abednego, *Harbour Chambers BVI*, British Virgin Islands

Claudio De Castro, *Arias, Fabrega & Fabrega*, Panama, Republic of Panama

Joe Scarlato, CPA, *HSNO*, New York/New Jersey

Arnoldo B. Lacayo, *Astigarraga Davis*, Miami, Florida

11:15 a.m. to 11:30 a.m.

Coffee Break

Sponsored by Bronze Sponsor Upchurch, Watson, White & Max

11:30 a.m. to 12:30 p.m.

Trust Busting: A Thousand Little Pieces

This panel will explore methods for collecting judgments against trusts. Topics will include fraudulent transfer and conflicts of laws issues, treatment of proceeds of crime/illicit activity, and the practical issue of determining who has authority over the trust and its assets.

Panel Moderator: Adriana Riviere-Badell, *Kobre & Kim LLP*, Miami, Florida

Panelists:

Jan Dash, *Liburd and Dash, L.P.*, Nevis, St. Kitts-Nevis

Jonathan Gopman, *Akerman*, Naples, Florida

Hendrik Milne, *Aballí Milne Kalil*, Miami, Florida

Michael Furness, *Wilberforce*, London, England

ICDR Arbitration Track (Main Conference Room)

10:15 a.m. to 11:15 a.m.

Invisible Actors: The Role of Secretaries in International Arbitration

Arbitral tribunal secretaries are essential to the life of international arbitration. The complex nature of contemporary arbitration demands the intervention of individuals who provide not only administrative support to the arbitrators, but other skills to ensure the success of the proceedings. Very little attention has been paid to arbitral secretaries, with some limited exceptions. Recent cases such as the one involving the Yukos Oil Company have revealed the importance and controversial nature of arbitral secretaries who are perceived by some parties to act as de facto delegates of the arbitrators. This panel presentation will discuss issues regarding the role and duties of arbitral secretaries, their contribution to the development of arbitration, and the tensions arising from their participation.

Panel Moderator: Manuel Gomez, Professor, *FIU College of Law*, Miami, Florida

Panelists:

Leidylin Contreras, Secretary General of Dispute Resolution Center of the Chamber of Commerce of Santo Domingo, Dominican Republic

Grant Hanessian, Chair of Int'l Arbitration for North America, *Baker & McKenzie*, New York, New York

José F. Sanchez, *Paul Hastings*, New York, New York

Deva Villanúa, *Armesto & Asociados*, Madrid

11:15 a.m. to 11:30 a.m.

Coffee Break

Sponsored by Upchurch, Watson, White & Max

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11:30 a.m. to 12:30 p.m.

Examining Instances of Corruption and How to handle them in International Arbitration.

Panel Moderator: Sandra Friedrich, Director, White & Case International Arbitration LL. M. Graduate Program, *University of Miami School of Law*, Miami, Florida

Panelists:

Carolyn Lamm, *White & Case*, Washington, D.C.

Ryan Reetz, *BryanCave*, Miami, Florida

Luke Sobota, *Three Crowns*, Washington, D.C.

Joe Tirado, *Garrigues*, London, England (Invited)

International Business Transactions (Breakout Room Two)

10:15 a.m. to 11:15 a.m.

Federal Investigations/Audits

All companies which have international operations, especially in Florida, are subject to investigations failing to accurately declare the value of imported or exported shipments to counterfeiting to employing undocumented workers.

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

Panelists:

Felicia Nowels, *Akerman LLP*, Tallahassee, Florida

George Ayetin, Excise Tax Auditor, *Alcohol and Tobacco Tax and Trade Bureau*, Hudson, Massachusetts

Special Agent from the Office of Export Enforcement, Ft. Lauderdale, Florida

John Tobon, *Homeland Security Investigations Special Agent in Charge*, Miami, Florida
Susan Turcovski, District Director, Florida District, *Food & Drug Administration*, Maitland, Florida

11:15 a.m. to 11:30 a.m.

Coffee Break

Sponsored by Upchurch, Watson, White & Max

11:30 a.m. to 12:30 p.m.

How can my client invest in Cuba and what can we do if it becomes an “arroz con mango”?

Cuba just announced that it is working on accelerating negotiations with foreign investors in order to meet its investment targets. This panel will discuss foreign investment in Cuba from both U.S. and Cuba perspectives. Panelists will discuss current US laws allowing investments in certain sectors but restricting others and the state Cuban law reforms and “special zones” for foreign investment. Panelists will also discuss mechanisms available for dispute resolution arising in the context of investment in Cuba, and an analysis of how effective those might be.

Panelists:

Yosbel A. Ibarra, *Greenberg Traurig*, Miami, Florida

Rolando Anillo, *Florida Crystals*, Miami, Florida

Jennifer Olmedo-Rodriguez, *Buchanan Ingersoll & Rooney*, Miami, Florida (Invited)

Luncheon Speaker: Donald S. Burris, Esq. *Managing Partner Burris, Schoenberg & Walden, LLP, Los Angeles, California*
Tragedy to Triumph—Reflections on Litigating Looted Art Collections
(Main Conference Room) 12:30 p.m. to 1:30 p.m.

Luncheon sponsored by Platinum Sponsor HSNO

Included in registration fee.

Afternoon Tracks:
International Litigation (Breakout Room One)

1:45 p.m. to 2:45 p.m.

Foreign Corrupt Practices Act 2017: Will the Regulatory Force Continue?

This panel will discuss various timely FCPA topics, including Recent Enforcement Actions/Trends, the DOJ Pilot Program, the Yates Memo, the impact of President-Elect Donald Trump and his new appointments on FCPA issues, Whistleblowers and their Bounties, and the Scrutiny of Compliance Programs by the SEC and DOJ Compliance Counsel.

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

Panelists:

Kendall Coffey, *Coffey Burlington, Miami, Florida*

Jacqueline Arango, *Akerman, Miami, Florida*

Eric Bustillo, *Regional Director of SEC's Miami Regional Office, Miami, Florida*

2:45 p.m. to 3:00 p.m.

Coffee Break

Sponsored by Saccani Legal and Business Translations

3:00 p.m. to 4:00 p.m.

Hot Topics in International Litigation

This panel will discuss various issues relevant to hot issues in international litigation.

Panel Moderator: Edward M. Mullins, *Astigarraga Davis Mullins & Grossman PA, Miami, Florida*

Panelists:

Barry Appleton, *Appleton & Associates, Toronto, Ontario*

Luis Konski, *Fowler White Burnett, Miami, Florida*

Laura Reich, *Tenzer PLLC, Miami, Florida*

John Kissane, *Watson Farley & Williams LLP, New York, New York*

ICDR Arbitration Track (Main Conference Room)

1:45 p.m. to 2:45 p.m.

Hot Topics and Institutional Reports in International Arbitration.

Panel Moderator: Angelika Hunnefeld, *Greenberg Traurig, Miami, Florida*

Panelists:

Carlos Forbes, *President, Center for Arbitration and Mediation of the Chamber of Commerce Brazil-Canada (CAM-CCBC), São Paulo, Brazil*

Luis M. Martinez, *Vice President, American Arbitration Association, International Centre for Dispute Resolution, New York, New York*

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Marike Paulsson, Director, *International Arbitration Institute, University of Miami School of Law, and Consultant with Shook, Hardy & Bacon, Miami, Florida*
David Willig, *David Willig Chartered, Miami, Florida*

2:45 p.m. to 3:00 p.m.

Coffee Break

Sponsored by Saccani Legal and Business Translations

3:00 p.m. to 4:00 p.m.

International Construction Arbitration – Trends and Best Practices

International construction arbitration continues to grow, leading the ICDR's caseload five of the last six years. This panel will focus on international arbitration as a conflict-management tool increasingly being utilized to resolve disputes in this growing and evolving industry. The experts will discuss the unique aspects of issues that may arise during the course of an international arbitration of a dispute stemming from a construction or infrastructure project.

Panel Moderator: Mariela Malfeld, *Watt, Tieder, Hoffar & Fitzgerald, Miami, Florida*

Panelists:

John Fellas, *Hughes Hubbard & Reed LLP*; New York, New York
Mauricio Gomm Santos, *GST LLP*; Miami, Florida
James Hosking, *Chaffetz Lindsey LLP*; New York, New York
Alvin F. Lindsay III, *Hogan Lovells*, Miami, Florida

International Business Transactions (Breakout Room Two)

1:45 p.m. to 2:45 p.m.

Pre-immigration Tax Planning

Discussion on pre-immigration planning for high net worth individuals who would like to move to the US and more specifically, dispelling common misbeliefs concerning becoming a US person.

Panel Moderator: Arturo Aballí, *Aballi Milne Kalil, Miami, Florida*

Panelists:

Jacqueline Villalba, *Harper Meyer LLP*, Miami, Florida
Armando Hernandez, *Hernandez & Company*, Miami, Florida
Alessandro Amadeu da Fonseca, *Mattos Filho*, Sao Paulo, Brazil
Jennifer Wioncek, *Bilzin Sumberg*, Miami, Florida

2:45 p.m. to 3:00 p.m.

Coffee Break

Sponsored by Saccani Legal and Business Translations

3:00 p.m. to 4:00 p.m.

International Business Expansion from the United States

This program features a panel of U.S. and foreign attorneys with experience in various aspects of international business expansion from the U.S. mainly involving small and middle market businesses. Issues addressed include compliance, labor, tax, application of unique foreign laws and enforcement of rights

Panel Moderator: Ava Borrasso, *Principal, Ava J Borrasso P.A.*, Miami, Florida

Panelists:

Michel Gélinas, Partner, *Stikeman Elliott LLP*, Montreal, Canada
Carlos Ernesto González Ramírez, Partner, *Morgan & Morgan*, Panama City, Panama
David B Jaffe, Principal, *Jaffe Counsel (former V.P. & General Counsel, Guardian Industries Corp.)*, Birmingham, Michigan
Kenneth S Levinson, Partner, *Faegre Baker Daniels*, Minneapolis, Minnesota

Closing Plenary Session (Main Conference Room)

4:00 p.m. to 5:00 p.m.

International In-House Counsel Challenges: Managing the Intersection of Business, Law and Ethics

The role of in-house counsel is often complicated by the conflicts between serving as legal counsel and business advisor, as well as the ethical dilemmas arising from decisions being made in such roles. This panel will discuss real-world conflicts and challenges for in-house counsel and practical methods for resolving them successfully. Panelists will also discuss strategies for making viable recommendations to help clients make ultimate decision in the face of ethical dilemmas and adversity, including the engagement and role of outside counsel in the decision-making process.

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

Panelists:

Ana C. Velez, In-house Counsel at *TracFone*, Miami, Florida

Dainira Falk, Head of Legal at *AMC Networks*, Miami, Florida

Catherine Smith, Senior Vice-President, General Counsel and Chief Administrative Officer at *Brightstar Corp.*, Miami, Florida

Larissa Zagustin, Senior Vice-President, General Counsel, *Viacom International Media Networks*, Miami, Florida (Invited)

5:00 p.m. to 5:30 p.m.

CLOSING REMARKS

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

iLaw2017 Closing Reception

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Registration

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Early registration by January 23, 2017:

\$550.

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\$625

Full Time Law Student or Judiciary: \$50*

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(If registering for reduced fee, full-time college faculty or full-time law student, call or fax form only. No online registration for reduced fee, full-time college faculty or full-time law student.) Registration will include one year's membership in the International Law Section for those who are non-members.

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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 10, 2017 that they will be unable to attend the seminar will have an additional \$150 retained.

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