



THE FLORIDA BAR
INTERNATIONAL LAW SECTION



iLaw2022

The ILS Global Forum on International Law

April 1, 2022



Featuring the
AAA-ICDR Arbitration Track



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JW Marriott Marquis
255 Biscayne Boulevard Way
Miami, Florida 33131

COURSE CLASSIFICATION:
Intermediate Level

Course No. 5749

iLaw2022 April 1, 2022

Conference at a Glance

	INTERNATIONAL LITIGATION TRACK	AAA-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: SDGs and the Legal Profession – The Role of Lawyers in Advancing Sustainable Development</i>	
9:45 a.m. - 10:00 a.m.		Coffee Break	
10:00 a.m. - 11:00 a.m.	International (Atomic Warfare) Shareholder Disputes in Closely Held Family Companies	Global Supply Chain Disputes and the Role of International Arbitration and Mediation	International Money Laundering Through the Precious Metals Markets
11:00 a.m. - 11:15 a.m.		Coffee Break	
11:15 a.m. - 12:15 p.m.	Renewable Energy Opportunities and Energy-Related Infrastructure Development	International Life Sciences Disputes – The Role of International Arbitration and ADR to Resolve These Disputes – Options to Consider	U.S., Mexico, and Canadian Deals: Developments the USMCA Era
12:30 p.m. - 1:45 p.m.		LUNCH <i>Keynote Speaker: Xavier Cortada, Artist and University of Miami Professor of Practice</i> “The Underwater: Using Socially Engaged Art to Plan for a Future With Rising Seas”	
2:00 p.m. - 3:00 p.m.	Hot Topics in International Litigation	International Construction Arbitration – Challenges, Cultural Differences, and Conflict Management Options	Foreign Direct Investment: Increasing Oversight, Compliance, and Russian Sanctions
3:00 p.m. - 3:15 p.m.		Coffee Break	
3:15 p.m. - 4:15 p.m.	Blockchain and Cryptocurrency: Novel Issues in Commercial Litigation	A Look to the Future: Integrating Technology Across Various Industry Sectors to Increase the Use and Acceptance of International Dispute Resolution	Changing Global Beneficial Ownership Requirements
4:30 p.m. - 5:30 p.m.		<i>Closing Panel: Ethical Considerations in Cross-Border Negotiations and Dispute Resolution</i>	
5:30 p.m. - 7:30 p.m.		iLaw2022 Closing Cocktail Reception	

iLaw2022 (Course No. 5749)

Thursday, March 31, 2022

4:30 p.m.

ILS Executive Council Meeting

Akerman LLP, 98 SE 7th Street, Suite 110, Miami, Florida 33131

6:30 p.m.

Opening Cocktail Reception

CH'I, 701 S Miami Avenue, Miami, Florida 33131

*Included in registration fee



Opening Cocktail Sponsored by TransPerfect Legal Solutions

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Friday, April 1, 2022

Opening Plenary Session

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

SDGs and the Legal Profession: The Role of Lawyers in Advancing Sustainable Development

This opening plenary will discuss the relevance of the UN's Sustainable Development Goals (SDGs) to the legal profession. The panelists will offer insights from the corporate sector, international organizations and legal practice about the role lawyers can play in raising awareness and incorporating the UN's guidelines, policies and recommendations to foster peace, justice, and strong institutions.

Moderator: Christian Pérez-Font, Managing Partner, *Thinkeen Legal*, Miami, Florida

Speakers: **Silvia Garrigo**, Senior VP and Chief ESG Officer, *Royal Caribbean International*, Miami, Florida

Michelle Breslauer, Senior Manager of Governance and Peace, *United Nations Global Compact*, New York, New York

Barbara R. Llanes, Partner, *Gelber Schachter & Greenberg*, Miami, Florida

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

Coffee Break

INTERNATIONAL LITIGATION TRACK

Morning Sessions

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

International (Atomic Warfare) Shareholder Disputes in Closely Held Family Companies

Feuds between closely held companies, and particularly family, often arise during the management and operation of a global business raising complex international issues that can exacerbate a dispute. This panel will explore from a multi-jurisdictional approach realities, tactics, logistics, and issues involved in shareholder disputes in closely held family companies. Issues such as selection of jurisdiction(s) for the disputes, legal team formation, "war chest" funding, governing law, receivingships, pre-judgment remedies, discovery, shareholder buyouts, related criminal proceedings, intellectual property use, and settlement/end-game strategy will be explored. The panelists will present perspectives from the common (U.S. and Commonwealth) and civil law approaches.

Moderator: Carlos F. Osorio, *Osorio Internacional*, Miami, Florida

Speakers: **Arnoldo B. Lacayo**, *Sequor Law*, Miami, Florida

José Carrizo, *Morgan y Morgan*, Panama

Jesús Escudero, *Torres Plaz y Araujo*, Venezuela

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

Coffee Break

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

Renewable Energy Opportunities and Energy-Related Infrastructure Development

Decades ago, developed nations began gradually shifting their societies away from fossil fuel energy and towards renewable solar, wind, or water-based resources. Recent trends show that renewable energy continues earning a growing share of the energy market. Today, advances in technology, coupled with increased interest of private equity and international governmental cooperation, have made renewable energy a staple of modern industry, innovation, and infrastructure. Global environmental concerns have also led to the creation of multilateral governmental infrastructure funds to help finance renewable energy infrastructure projects in developing nations. The panelists will draw on a broad range of experience and practice areas to examine the risks and opportunities for use of solar energy in Florida and Latin America for both, residential and utility scale facilities, as well as prospects for floating solar projects, the rise of the electric vehicle, electric charging stations and related infrastructure. Revitalized interest of private equity firms in the solar and wind energy spaces, financing options for renewable energy in addition to federal, state and local government treatment and incentives. Each of the mega-projects also come with a unique set of risks and high potential for disputes. The panel will address the various methods of executing renewable energy projects, mitigating litigation risks, and utilizing alternative dispute resolution methods.

Moderator: **Laura C. Abrahamson**, JAMS, Los Angeles, California

Speakers: **Robert J. Downing**, Greenberg Traurig, Miami, Florida

Stetson Tchividjian, D3Energy, Miami, Florida

Jonathan Haag, Lighthouse Consulting Group, Miami, Florida

Elisabeth Eljuri, Elisabeth Eljuri P.A., Miami, Florida



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AAA-ICDR INTERNATIONAL ARBITRATION TRACK

Morning Sessions

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

Global Supply Chain Disputes and the Role of International Arbitration and Mediation

Global supply chain challenges have become prevalent, and this panel will discuss the various causes of the current supply chain disruptions and the role of arbitration and mediation in resolving disputes that have resulted. The types of supply chain disputes and conflict management options that can be implemented to cause further disruptions will be explored. Since time is of the essence in many of these cases, the panel will consider the ICDR's emergency arbitrator mechanism, expedited procedures and clause drafting options.

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

Speakers: **Erica Franzetti**, King & Spalding LLP, Washington, D.C.

Katie Gonzalez, Cleary Gottlieb Steen & Hamilton, LLP, New York, New York
Alex de Gramont, Dechert LLP, Washington, D.C.

Coffee Break

International Life Sciences Disputes – The Role of International Arbitration and ADR to Resolve These Disputes – Options to Consider

This session will focus on Life Sciences Disputes examining the trends, the types of cases and practices that many Life Sciences companies are using to resolve their cross-border international disputes. The panel will also discuss the advantages of incorporating related intellectual property rights as part of the international arbitration agreement and additional practical issues including interim relief, arbitrator expertise, procedural flexibility, dispositive motions, and other related options.

Moderator: **Roberta Jardim de Moraes**, Milare Advogados, São Paulo, Brazil

Speakers: **Oliver Armas**, Hogan Lovells LLP, New York, New York

James P. Duffy, ReedSmith LLP, New York, New York

Hagit Muriel Elul, Hughes Hubbard Reed LLP, New York, New York

INTERNATIONAL BUSINESS TRANSACTIONS TRACK

Morning Sessions

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

International Money Laundering Through the Precious Metals Markets

Criminal prosecutions and government seizures of precious metals imports and exports at the border are on the rise as corrupt organizations and foreign governments utilize the precious metals markets as a vehicle for trade-based money laundering of illicit proceeds or profits. Recent cases involve Venezuelan government organizations and leaders, drug trafficking cartels in Peru and Colombia and include schemes to circumvent U.S. sanctions. U.S. laws and regulations require dealers in precious metals to have robust anti-money laundering programs. This panel will discuss recent prosecutions and seizures involving money laundering through precious metals, latest enforcement trends, the components of an effective program to avoid involvement in money laundering transactions, and how lawyers can be effective advisors to international precious metals dealers in navigating risk in these markets.

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

Speakers: *Peter Quinter, GrayRobinson P.A., Miami, Florida*

Jay Weaver, Miami Herald, Miami, Florida

Anthony Salisbury, Special Agent in Charge, Homeland Security Investigations, Miami, Florida

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

Coffee Break

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

U.S., Mexico, and Canadian Deals: Developments in Trade the USMCA Era

Canada and Mexico are not only those countries north and south of the United States – they are two of our top trading partners, accounting for more than a trillion dollars total in trade with the United States each year. International lawyers providing cross-border representation are well-served to join us for a bold look at trade following the U.S.-Canada-Mexico Agreement (USMCA), with perspectives from experts specializing in each jurisdiction. This panel will highlight the role of the Canadian Consulate General, and the Canada-Florida Chamber of Commerce, in international trade and other cross-border transactions; the key new elements of the USMCA; and ethical considerations in advising clients regarding imports and exports.

Moderator: *Nouvelle Gonzalo, Gonzalo Law, Gainesville, Florida*

Speakers: *Susan Harper, Consulate General for the Canadian Consulate, Miami, Florida*

Louis Olivier Guay, President of the Florida Canada Chamber of Commerce, Boca Raton, Florida

Eduardo Diaz Gavito, Chevez Ruiz Zamarripa, Mexico City, Mexico

LUNCH: 12:30 p.m. to 1:45 p.m.

The Underwater: Using Socially Engaged Art to Plan for a Future With Rising Seas

LUNCHEON SPEAKER:

Xavier Cortada, *Artist in Residence and Professor of Practice, University of Miami*

**Included in registration fee.*

INTERNATIONAL LITIGATION TRACK

Afternoon Sessions

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: **Kristin Drecktrah Paz**, *Perlman, Bajandas, Yevoli & Albright, P.L.*, Miami, Florida
William Hill, *Gunster*, Miami, Florida
Amanda McGovern, *Rivero Mestre LLP*, Miami, Florida
Shelby R. Grubbs, *JAMS*, Atlanta, Georgia

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

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

Coffee Break

Blockchain and Cryptocurrency: Novel Issues in Commercial Litigation

Introduced into the mainstream of commerce less than a decade ago, Blockchain and cryptocurrency have become an undeniable hallmark of this technological age. Investors, private equity and technocrats alike have gravitated towards the dream of decentralized currencies and applications that are autonomous, anonymous, and unregulated. However, this new plane of exchange that ties technology and finance in a novel creature very few fully understand has presented its own complex web of issues. This panel will address some of the most prevalent litigation issues arising out of the adoption of blockchain technology, cryptocurrency, and NFTs in the marketplace, including data theft, e-wallet security, financial fraud, propensity for use in money laundering, adoption or recognition by sovereigns, and how different national policies try to balance the interests of their consumers in the midst of an irresistible wave of technological progress.

Moderator: **Andrew Balthazor**, *Holland & Knight LLP*, Miami, Florida

Speakers: **Agustin Barbara**, *The Crypto Lawyers*, Miami, Florida
Andrew M. Hinkes, *K&L Gates LLP*, Miami, Florida
Daniel Maland, *Mark Migdal & Hayden*, Miami, Florida



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AAA-ICDR INTERNATIONAL ARBITRATION TRACK **Afternoon Sessions**

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

International Construction Arbitration – Challenges, Cultural Differences, and Conflict Management Options

This session will explore the various issues and challenges when the project's arbitrations and mediation are international based on the panel's own experiences. 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? How the exchange of information may be limited with parties from civil law jurisdictions where "Discovery" is not common and which is limited in the ICDR's International Arbitration Rules consistent with international arbitration practice. Other areas where the parties' expectations may differ include witness examination, experts, written submissions, privilege concerns, emergency relief, early disposition, and the allocation of costs. Challenges may also arise when dealing with language and logistical issues and when proceeding in a virtual or hybrid setting.

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

Speakers: **Ken Figeroa**, *Foley Hoag LLP*, Washington, D.C.
Cesar Pereira, *Justen, Pereira, Oliveira & Talamini*, São Paulo, Brazil
Eugenie Rogers, *Baker & McKenzie LLP*, Dallas, Texas

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

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

Coffee Break

A Look to the Future: Integrating Technology Across Various Industry Sectors to Increase the Use and Acceptance of International Dispute Resolution

The ICDR has established a Working Group for the resolution of technology and life science disputes. This working group is part of the ICDR's global effort to study and obtain the feedback of experienced international practitioners in this growing area. The result will be a set of practical proposals for what the dispute resolution community, including the ICDR, should do to assist the information technology, life

sciences, construction, energy, aviation, aerospace, and many other industries in resolving their technology and intellectual related disputes. Join members of this working group, corporate counsel, and other dispute resolution experts from various industry sectors in an interactive discussion about the resolution of technology disputes worldwide.

Moderator: **Kathleen Paisley**, Ambos NBGO, Brussels, Belgium

Speakers: **James Hosking**, Chaffetz Lindsey LLP, New York, New York

Silvia Marchili, White & Case, LLP, Houston, Texas

Jose A. Santos, JA Santos Law, P.A., Miami, Florida

INTERNATIONAL BUSINESS TRANSACTIONS TRACK

Afternoon Sessions

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

Foreign Direct Investment: Increasing Oversight, Compliance, and Russian Sanctions

In the interests of national security, foreign direct investments (FDI) in the United States are receiving increased scrutiny, in particular from the Committee on Foreign Investment in the United States (CFIUS), the inter-agency authority overseeing the national security repercussions of foreign investment, as a result of the Foreign Investment Risk Review Modernization Act. Additionally, last year saw significant enforcement actions by the Office of Foreign Assets Control (OFAC), shaping how businesses must conduct their compliance programs. Finally, sanctions put in place in response to the Ukrainian-Russian conflict will complicate FDI here in Florida. This panel features speakers from our nation's capital who have served in senior positions in CFIUS and OFAC who will discuss how these agencies are projected to shift their focus in light of recent events, as well as a Miami attorney originally from Russia specializing in Russian international business law.

Moderator: **Jorge Salcedo**, Salcedo Attorneys at Law P.A., Miami, Florida

Speakers: **Tom Feddo**, Capstone, Washington, D.C. (formerly Assistant Secretary of the Treasury for Investment Security)

Peter Kucik, Mercury LLC, Washington, D.C. (formerly Senior Sanctions Policy Advisor at OFAC)

Anna Tumpovskiy, TLG, PA, President of the Russian American Bar Association of Florida

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

Coffee Break

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

Changing Beneficial Ownership Requirements

Over the last few years, most world powers have established methods for collecting information on the ultimate beneficial owners of companies and trusts. The United States was stubborn in adopting regulations in this regard, but by 2023 information for existing U.S. companies and trusts will be due to be submitted online to FinCEN in accordance with the Corporate Transparency Act. As soon as this year for newly formed companies, U.S. practitioners will have to grapple with the collection of this information, or their clients could face stiff civil and criminal penalties. With the Pandora Papers, companies formed in the British Virgin Islands have experienced how the collection of beneficial owner information can result in unintended violations of privacy when proper precautions are not taken. This panel will seek to educate practitioners about the coming wave of information collection and will caution them against unintended consequences with recent examples.

Moderator: **Jeffrey Hagen**, Harper Meyer, LLP, Miami, Florida

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

John Friedhoff, Fowler White Burnett, Miami, Florida

Laura Paredes, Ingram Micro Inc., Miami, Florida

CLOSING PLENARY SESSION

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

Ethical Considerations in Cross-Border Negotiations and Dispute Resolution

This session will compare and contrast ethical obligations of attorneys in the United States, Latin America, and Europe in the context of cross border negotiations and dispute resolution. For example: In what way does culture play a role when dealing with ethical considerations in the legal industry? How do those differences impact the outcome of a transaction and the level of trust among the parties? The panel will discuss ethical considerations in specific situations; for example, misrepresentation of facts by the client or by the attorney, unintended disclosure (or omission) of information by a party or by the attorney, circulation of e-mails to unintended addressees, misleading mark-up of documents, etc. The panel will discuss how attorneys of the different jurisdictions should behave when facing those ethical issues and the consequences when those obligations are not observed.

Moderator: **Otavio Carneiro**, Akerman LLP, Miami, Florida

Speakers: **Dan Whyte**, Head of Legal, AMC Networks International – Latin America, Miami, Florida

Carmen Perez-Llorca, Assistant Dean for International and Graduate Programs, University of Miami School of Law, Miami, Florida

Prof. Jessi Tamayo, Director of Externships and Lecturer in Law, Professional Responsibility, University of Miami School of Law, Miami, Florida

Paula Aguila, MPA Law, Miami, Florida

Fabian Pal, Fabian A. Pal, P.A., Miami, Florida

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

iLaw2022 Closing Cocktail Reception Sponsored by JAMS

JAMS is the world's largest private alternative dispute resolution (ADR) provider. Our panel includes more than 400 retired state and federal court judges, attorneys and other ADR professionals with proven track records and extensive practice area and industry expertise. JAMS neutrals and clients are supported by more than 200 associates, including ADR systems design experts and case managers with decades of experience.



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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 MARCH 7, 2022:

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)	CERTIFICATION PROGRAM
Maximum CLE Credit:	8.5 hours
General:	8.5 hours
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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., March 7, 2022 that they will be unable to attend the seminar will have an additional \$150 retained.



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