

CHAIR
Arnoldo B. Lacayo
Sequoia Law, P.A.
1001 Brickell Bay Drive, Floor 9
Miami, FL 33131
(305) 372-8282
alacayo@sequorlaw.com



THE FLORIDA BAR INTERNATIONAL LAW SECTION

www.internationallawsection.org

CHAIR-ELECT
Carlos F. Osorio
Aballi Milne Kalil, P.A.
1 S.E. 3rd Avenue, Suite 2250
Miami, FL 33131
(305) 373-6600
cosorio@aballi.com

SECRETARY
Clarissa A. Rodriguez
Tenzer PLLC
1001 Brickell Bay Drive, Suite 1812
Miami, FL 33131
(305) 400-7995
crodriguez@tenzer.com

TREASURER
Robert J. Becerra
Becerra Law, P.A.
1001 Brickell Bay Dr., Ste. 1200
Miami, FL 33131
(305) 375-0112
rbecerra@rjbecerralaw.com

IMMEDIATE PAST CHAIR
Alvin F. Lindsay, III
Hogan Lovells US LLP
600 Brickell Avenue, Suite 2700
Miami, FL 33131
(305) 459-6633
Alvin.Lindsay@HoganLovells.com

BOARD LIAISON
Ian M. Comisky
2000 Market Street, Floor 20
Philadelphia, PA 19103-3222
(215) 299-2795
icomisky@foxrothschild.com

EXECUTIVE COUNCIL

Terms Expiring 2018
Gerald B. Cope, Jr., Miami
Darren R. Latham, Jacksonville
Mariela M. Malfeld, Miami
Penelope Perez-Kelly, Orlando
Rafael R. Ribeiro, Miami
Yine Rodríguez Pérez, Miami
Jacqueline Villalba, Miami

Terms Expiring 2019
Phillip Buhler, Jacksonville
Santiago A. Cueto, Coral Gables
Kristin Drecktrah Paz, Miami
Professor Manuel A. Gomez, Miami
Omar K. Ibrahim, Miami
Pamella A. Seay, Port Charlotte
Cristina Vicens, Miami

Terms Expiring 2020
Ana Barton, Miami
Gary E. Davidson, Miami
Christopher N. Johnson, Miami
Luis S. Konski, Miami
Yara Lorenzo, Miami
James M. Meyer, Miami
Richard Montes de Oca, Miami
Laura M. Reich, Miami
Katherine A. Sanja, Miami (CLE Chair)
Grant Smith, Miami

PERMANENT EX-OFFICIO
Samuel R. Mandelbaum, Tampa

PROGRAM ADMINISTRATOR
Angie Froelich
The Florida Bar
651 E. Jefferson Street
Tallahassee, FL 32399
afroelich@floridabar.org

May 17, 2018

Re: Agenda, Executive Council Meeting, Saturday, May 19, 2018

Dear International Law Section Executive Council Members
and Committee Chairs,

The International Law Section Executive Council Annual
Meeting will take place at 9:00 a.m. on Saturday, May 19, 2018
at the Hyatt Regency Coconut Point Resort & Spa, 5001
Coconut Road, Bonita Springs, FL 34134, (239) 444-1234.

For those who cannot attend in person, conference call
information is listed below.

Toll-free number: 888-376-5050
Conference Code: 5030261945 and
Customer Service: 866-640-5038

I look forward to seeing you in Bonita Springs.

Angie Froelich



THE FLORIDA BAR
INTERNATIONAL LAW SECTION

AGENDA

Saturday, May 19, 2018

Executive Council Meeting • 9:00 a.m. – 12:00 noon

Hyatt Regency Coconut Point Resort & Spa, Bonita Springs • Calusa ABC

I. Call To Order – Arnoldo B. Lacayo, Chair

II. Secretary Report – Clarissa A. Rodriguez

- a. Consideration of Minutes – February 15, 2018 (**Attachment A**)

III. Treasurer Report – Robert J. Becerra

- a. Financial Statement – April 30, 2018 (**Attachment B**)

IV. General Matters

- a. Sponsorships – Robert Becerra
- b. Membership – Robert Becerra
- c. Committee Reports (**Attachment C**)
 - i. Mediation Committee – Ricardo Cata
 - ii. Past Chair's Committee – Ed Mullins
 - iii. Foreign Legal Consultant Committee – Yine Rodriguez-Perez
 - iv. Legislative Committee Update – Carlos Osorio (**attachment**)
 - v. 2018 Richard DeWitt Memorial Vis Pre-Moot – Cristina Vicens (**attachment**)
 - vi. Cuba Committee – James Meyer (**attachment**)
 - vii. Website and Social Media – Arnoldo Lacayo
 - viii. Gazette – Fabio Giallanza
 - ix. ILQ – Rafael Ribeiro
 - x. USCIS Committee – Larry Rifkin, Juan Carlos Freire (**attachment**)
 - xi. Amicus Committee – Gerald Cope, Jr.
 - xii. White Collar Crime Committee – Fernando Tamayo
 - xiii. Women in International Law – Jacqueline Villalba
 - xiv. Arbitrators Committee – James P.S. Leshaw
 - xv. Constitutional Revision Commission – Chris Johnson
 - xvi. NAFTA Countries Committee – Susanne Leone
 - xvii. Faculty Committee – Prof. Manuel Gomez
 - xviii. iLaw2018 – Jacqueline Villalba, Kristin Drecktrah Paz, Ana Barton
- d. New Committee Proposals (Asia and Public Int'l Law & Int'l. Human Rights) (**attachment**)
 - e. Litigation and Arbitration Certification – Ed Mullins
 - f. International Law Certification – Penelope Perez-Kelly
 - g. ILS Desk Reference Handbook – Pamella Seay
 - h. Foreign Bar Cooperation Agreements (Hong Kong and Rome) – Arnoldo Lacayo

V. 2017 – 2018 Chair’s Report – Arnoldo B. Lacayo, Chair
a. 2017 - 2018 Overview

VI. New Business

- a. In Memoriam - Lucius Smejda, Section Chair 2004 – 2005
- b. ILQ Editors’ Choice Awards 2018 – Rafael Ribeiro
- c. Committee Leadership Recognition
- d. Council of Sections, 9:00 a.m. – 11:30 a.m., Saturday, June 16, 2018, Annual Convention at Hilton Orlando Bonnet Creek, 14100 Bonnet Creek Resort Lane, Orlando, FL 32821
- e. Section Leadership Conference, July 19 - 20, 2018, Tallahassee
Registration Deadline is July 6, 2018 (Attachment D)

VII. Election of Officers and Executive Council Members

- a. Election of Executive Council Members
- b. Election of Officers

VIII. 2018 – 2019 Chair’s Welcome Remarks – Carlos Osorio, Chair

- a. Where the Section is Headed
- b. Committees
- c. Upcoming Programs
- d. Other Ideas

IX. Informational

Saturday, May 19, 2018

- a. ILS Lunch – Business Casual (Calusa ABC), 12:00 p.m. – 1:00 p.m.
- b. ILS Talks – Business Casual (Calusa ABC), 1:00 p.m. – 2:00 p.m.
- c. Social Time, 2:00 p.m.
- d. Reception – Resort Chic (Waterfall Pool Deck), 7:00 p.m. – 7:30 p.m.
- e. Dinner – Resort Chic (Waterfall Pool Deck), 7:30 p.m. – 10:30 p.m.

Sunday, May 20, 2018

- f. Brunch – Resort Casual (Tarpon Bay Restaurant), 10:30 a.m. – 11:30 a.m.

X. Meeting Adjournment



**THE FLORIDA BAR
INTERNATIONAL LAW SECTION**

MINUTES

Thursday, February 15, 2018

Conrad Miami

Executive Council Meeting • 4:30 p.m. – 6:30 p.m.

I. Call to Order - Arnoldo B. Lacayo, Chair 2017 - 2018

In Attendance:

Arnoldo Lacayo

Carlos Osorio

Clarissa Rodriguez

Robert Becerra

Alvin Lindsay

Angie Froelich

Ana Barton

Ricardo Cata

Gary Davidson

Fabio Giallanza

Manuel Gomez

Omar K. Ibrahim

Christopher Johnson

James P.S. Leshaw

Yara Lorenzo

Jim Meyer

Penelope Perez-Kelly

Peter Quinter

Laura Reich

Rafael R. Ribeiro

Larry Rifkin

Yine Rodriguez Perez

Katie Sanoja

Cristina Vicens

Jacqueline Villalba

Arlee Colman

Giselle Leonardo

Phone attendance:

Tyrone Arasan Adams

Kristin Decktrah Paz

Excused:

Gerald Cope

Luis Konski

Pamella Seay

II. Chair's Report - Arnoldo B. Lacayo, Chair 2017 – 2018

Overview

Introduction of current officers

Big thanks to past officers and past chairs

May 2018 Retreat Announcement

Highlight of the ILS in 2018: Outreach to other areas in Florida, Benefit Cocktail for PR Relief; WIL events, Holiday Cocktail, ILQ

III. Treasurer Report – Robert J. Becerra, Treasurer

Excellent financial status

Sufficient capital to effectuate ILS decisions and directive

Need more membership – will bring up revenue

iLaw2017 made \$12k profit (\$10,500 vendor sponsorship)

\$189,000 cash as of December 30, 2017

Need to vote on 2018-2019 Proposed Budget. Moved to Vote on Proposed/Second-

All in favor. Budget passed with no opposition.

IV. General Matters

a. Sponsorships – Clarissa Rodriguez

Section sponsorship in \$70k range

b. Membership and Social Media – Kristin Drecktrah Paz

Facebook page, twitter account and LinkedIn Company Page – it's a Group.

Feel free to suggest posts or post to the page yourself

Membership: Start attracting younger lawyers and students with Social Media

Jim Meyer: proposed envoy to each law school when they get the Bar package or last quarter of law school. Take down names and emails to make sure they get a mailer and get them to sign up.

Kristin echoes the point.

Thought: going to the ILS of each school or to their meetings to present ILS.

Jim offers to join Kristin's committee to do the "ILS Roadshow"

c. Committee Reports

i. Mediation Committee – Ricardo Cata

Published in Gazette on status on UNCITRAL Working Group 2, who has drafted a proposed amendment to UNCITRAL Conciliation Law. US Delegation.

Ch. 9 for upcoming ILS Desk Reference Book

Continues to promote mediation with ILS

Joint ADR/ILS Section Session at Fla Bar Conf.

ii. Past Chair's Committee – Ed Mullins

We thank our past chairs for being here today.

iii. CLE Initiatives – Katherine Sanoja

Lucius brought two proposals for Cle: Quebec Forum with an ILS sponsorship for program. Second proposal: Indian Bar for a conference in August 2018. Officers authorized conversations to consider sponsoring.

iv. Legislative Committee Update – Carlos F. Osorio (Attachment C)
Proposed Law for 2019 session – Foreign SOP

Foreign SOP

Proposed Bill- to change how to service in Florida actions abroad. Trying to make Fla state more federal. Rule 4 lets service via courier – not in state system (Ch. 48).

Make Ch. 48 like Rule 4.

Need sponsors. Need to push it through in 2019.

Credit and Acknowledgement to Andres Sandoval for the writing.

Thank you to Jim Meyer's firm and Matt Deblinger

Foreign Domestication Bill

Report on Bill that will become law FYI – Domestication of Out of Country Judgment

ILS on Defensive but had to back off (Ch. 55.601 – Domestication of Money Judgment)

“Substantial doubt as to integrity of rendering court” then can be denied domestication

It sounds of Model Law

Alert: Law is going to change.

ILS on the record opposing the Bill.

Tallahassee Legislative Event: ILS invited to attend.

Ed Davis- setting up a trip wire to get word of these bills before they get traction

Ed Palmer- piggy backing on the trip wire, and valuable ally is the GC of the Bar. Don't forget the Governor too. See if you can get the BLS and Governor on board.

Ricardo Cata – reciprocity issues with foreign courts. Can bite both ways – outbound and inbound.

v. iLaw2018 – Jacqueline Villalba, Kristin Drecktrah Paz, Ana Barton
140 registrants with walk-ins expected

Big thank you to Ana, Jackie, Kristin, Bob, Jim Meyer

Fla Bar President coming

Fla Bar Pres Elect attending

Peter Q asked about local media attending

Ana Barton says DBR is aware

vi. 2018 Richard DeWitt Memorial Vis Pre-Moot – Cristina Vicens
Name: changed to honor Richard DeWitt (Ed Davis reminded everyone Richard came up with the event)
Award Ceremony; Ed and Arnie to speak
At JAMS, 600 Brickell at 5:30pm
HH at Better Days

5 Florida Schools attending
Prizes by MIAS and Charted Institute with \$3500 ILS stipend
40+ arbitrator judges
Richard's wife and son will be there at the Ceremony

vii. Cuba Committee – James Meyer

Relevant: Sonar attacks on the Embassy occurred while US envoy visiting. FBI says no sonar attacks but travel advisory still in effect.
Committee has continued despite no significant news. Little activity. Raul alleged stepping down in April 2018.
Conferences continue in Cuba.

Proposal to the Board for trips to Cuba. (Oct 19-23, 2018)

Comments to Proposal:

Alvin Lindsay says best experience of his life on the trip. Believes its valuable to have that firsthand knowledge. Shouldn't be precluded for political reasons
Ed Palmer- difficult issue for Cuban-Americans. But we have an obligation to our Membership that we are second to none in terms of offering opportunities for development in that practice area. We should be in a leadership position to continue to engage while at the same time, remembering with Jim said about Human Rights. You put forward the things you have in common and respect things you do not.

P Quinter: Says in should continue too. Interesting in going to the local law schools and meeting with judiciaries.

Yine Rodriguez: ICC event with Law School in July 2018 in Cuba.

Ed Davis: IBA Conf in Paris – mention on anti-corruption efforts taking shape in Cuba. Can it be part of the trip to reach out to prosecutors?

Richard Montes to Oca: in favor of continuing to go. “Entrepreneurial community” in Cuba. Individuals with business permits and small proprietorships. They need legal help. Ex. Cuba Enprende. Can we provide support? Can we facilitate? There are yearly trade fairs with businesses from all over the world.
Ricardo Cata: Cuba has done international arbitration for years. Attempt to meeting International arbitrators? Yes. Jim mentioned head of local arbitration group met last time.

Carlos Osorio: in favor moving forward in Cuba trip.

viii. Website – Yara Lorenzo

Continue to work with Roar Media.

ILQ on Website

We need more content, pictures, news items.

ix. Gazette – Fabio Giallanza

Big thanks to Fabio for his efforts. On Wednesday Gazette goes out
Gazette reaches 2,496 contacts

Great tool for promoting Section activities
Project for Gazette: Do an overhaul of way Gazette looks. Needs to be more compatible with mobile devices to engage readership.
Gazette is archived in the website and used to update the Website

x. ILQ – Rafael Ribeiro

Showcase of Focus on International Aspects of Maritime, Admiralty, and Transpo Law

xi. USCIS Committee – Juan Carlos Freire

Larry covering report for Juan Carlos.

Highlights: Fla Bar is the only recognized stakeholder with DHS
ILS keeps a liaison with AILA and DHS

xii. Amicus Committee – Gerald Cope, Jr.

Any cases that need support for ILS, please let committee know.

xiii. White Collar Crime Committee – Fernando Tamayo

No report.

xiv. Women in International Law – Jacqueline Villalba

Organized a panel discussion in collaboration with JAMS on Diversity of Women in Int'l Law.

Assisted Orlando Luncheon and lots of interest in prospective members for a continued panel discussion

Holiday Party- organized and collected donations for Dress for Success in clothes and in kind

xv. Arbitrators Committee – James P.S. Leshaw

Chartered School of Arbitrators (Ciarb)

Become a CIARB

Training March 2-4th, 2018

xvi. Constitutional Revision Commission – Chris Johnson

Fla Bar considered 730 public considerations on revisions

Fears that this is an attack on Judiciary- tabled from last meeting

Of 37 active proposals, none seem to attack Judiciary

None involve ILS

Proposal to change the Declaration of Rights to Non-US citizens

Proposal regarding employment of aliens

Judiciary might have a tenure minimum or financing involvement

xvii. NAFTA Countries Committee – Lucius Smejda

Susan and Meha, ILS visiting lawyers working on the India program. Updated Memorandum on Legal Symposium in New Delhi India Aug. 6-7, 2018
Quebec Forum – Sponsored by the NAFTA Committee in Quebec and Florida. Agreement with Quebec Bar to continue hosting these programs.
Forum usually has 250 attendees
Sara Benina, French attorney helping with the Quebec Forum
Lucius and Bill Hill and Nancy Lepiere putting together the Forum
Cuban Food and violin to be played
Call for an ILS guest speaker
Manuel Gomez – On India program regarding ILS involvement. FIU sponsoring a mission abroad to India in August 2018. Manuel to follow up with Lucius
Call for ILS Members to participate in US planning committee. Need topics and format of the seminar.

xviii. Faculty Committee – Prof. Manuel A. Gomez
Main task is to reach out to faculty to get them to transmit to the students the import of ILS
Proposes changing the name to Law School Liaison Committee
Wants to consider new and different projects that would benefit the committee
Manuel expressed interest to stay on in this new capacity and work in these initiatives
Ed Mullins: expresses that good ideas come from ABA. ABA requires presentations to law school.
Sign up Alum For Outreach and Recruiting
Arnie: suggests we proceed with agenda item and take a vote in May for amending this committee. Suggest a new name, potential areas of liaison for activities.
Section received invitation from Ave Maria Law School for participation in their programs

xix. Foreign Legal Consultant Committee – Yine Rodriguez-Perez
Major accomplishment to amending the rules for FLC.
Working with MCBE to amend the actual applications that FLC needs to fill out.
Attempting to condense the information between bodies.
Working with Fla Bar to get a “license” for FLC
119 FLC in Fla Bar
Approved 18 new FLC Denied 6 applications

d. Litigation and Arbitration Certification – Gary Davidson
Approval of Sup Ct of the new Cert.(big round of applause)

Next step is in two weeks. Announcement of Bar Elect Pres as to the first committee to serve. 9 Member Committee to serve an inaugural. First exam in Spring 2019

Application will start in Summer 2018

Arlee Coleman – Handles Florida Bar Certification

- e. International Law Certification – Penelope Perez-Kelly
ILS Cert Exam in March 2018
Recertifications happening now
- f. IL Desk Reference Handbook – Pamella Seay
All chapters have been submitted. Now editing.
ILS Desk Reference Book forthcoming.
- g. Foreign Bar Cooperation Agreements (Hong Kong and Rome) – Arnoldo Lacayo
Lucius proposes a new Asian Committee. To be taken up in May.
Rome Bar representative meeting. Rome Bar wants a cooperation agreement with ILS
Hong Kong bar interesting in a cooperation agreement with a proposed agreement.
Both proposals to be discussed in May Retreat Meeting
- h. Public International Law/Human Rights' Committee Proposal – Tyrone Afrasan Adams
By Phone: Prepared a proposal for the Section for a Human Rights Committee
Proposed Name - Public International Law and Human Rights Committee
Proposes it be taken up in May 2018 Retreat
- i. Meghan Campos – New Chair of Tax Law Committee.

V. Next Executive Council Meeting

May 18-20, 2018 - ILS Section Retreat and Annual Meeting, Hyatt Regency Coconut Point, Bonita Springs

VI. Informational

6:30 p.m. – iLaw2018 Opening Cocktail Reception, 2250 SunTrust International Center – 10th Floor Conference Center

VII. Meeting Adjournment



**THE FLORIDA BAR
INTERNATIONAL LAW SECTION**

2017 – 2018

APRIL 2018

Section – Financial Statement

Beginning Fiscal Year Fund Balance	\$142,982
Total Revenue	\$171,573
Total Expenses	(\$83,662)
Net Operations	\$87,911
Ending Fiscal Year Fund Balance	\$230,895*

**see attached statement of operations*

Current Membership

Current Membership 916

THE FLORIDA BAR
International Law Section
For the Ten Months Ending Monday, April 30, 2018

	2016	2017	2018	2018	
	Actual	Actual	Actual	Budget	% of Budget
3001-Annual Fees	\$42,550	\$42,300	\$42,720	\$43,750	98.%
3002-Affiliate Fees	1,165	1,595	815	1,900	43.%
Total Fee Revenue	43,715	43,895	43,535	45,650	95.%
3301-Registration-Live	36,440	45,175	35,975	36,500	99.%
3321-Registration-Webcast	5,222			5,000	0.%
3331-Registration-Ticket	648	4,406	3,530	9,900	36.%
Total Registration Revenue	42,310	49,581	39,505	51,400	77.%
3351-Sponsorships	71,000	78,900	77,500	102,000	76.%
3391 Section Profit Split	(883)	(1,754)	235	1,000	24.%
3392-Section Differential		300		100	0.%
Other Event Revenue	70,117	77,446	77,735	103,100	75.%
3401-Sales-CD/DVD	1,197			1,000	0.%
3411-Sales-Published Materials		60	180	150	120.%
Sales, Rents & Royalties Revenue	1,197	60	180	1,150	16.%
3561-Advertising				1,000	0.%
Advertising & Subscription Revenue				1,000	0.%
3699-Other Operating Revenue				500	0.%
Other Revenue Sources				500	0.%
3899-Investment Allocation	(4,352)	13,265	10,618	3,074	345.%
Non-Operating Income	(4,352)	13,265	10,618	3,074	345.%
Total Revenue	152,987	184,247	171,573	205,874	83.%
4111-Rent Equipment	5,238			5,000	0.%
4131-Telephone Expense	522	448	367	850	43.%
4133-Internet Service	837	448	367	850	43.%
4134-Web Services	5,336	13,073	7,150	18,400	39.%
4301-Photocopying	136			500	0.%
4311-Office Supplies	240	155		400	0.%
Total Staff & Office Expense	12,309	14,124	7,884	26,000	30.%
5031-A/V Services		350			0.%
5051-Credit Card Fees	898	1,535	3,019	850	355.%
5101-Consultants	4,800	11,770	7,800	10,000	78.%
5121-Printing-Outside		6,137		10,000	0.%

Total Contract Services	5,698	19,792	10,819	20,850	52.%
5501-Employee Travel	2,014	3,238		2,593	0.%
5531-Board/Off/Memb Travel	1,513		1,000	2,000	50.%
5599-Other Travel	833			1,000	0.%
Total Travel	4,360	3,238	1,000	5,593	18.%
6001-Post 1st Class/Bulk	761	383	876	1,000	88.%
6021-Post Express Mail	17		14		0.%
6251-Promotion Sponsorship	24,000				0.%
6301-Mtgs TFB Annual Meeting	11,323	8,090		11,000	0.%
6311-Mtgs General Meeting	77	2,074	152	5,750	3.%
6319-Mtgs Other Functions	24,565	44,879	25,204	48,000	53.%
6321-Mtgs Meals	9,980	10,893	5,843	10,000	58.%
6325-Mtgs Hospitality	22,642	27,285	16,300	28,500	57.%
6331-Mtgs Room Rental	2,500	1,000		2,500	0.%
6332-Mtgs Room Attrition	4,977				0.%
6341-Mtgs Equip Rental		5,413			0.%
6401-Speaker Expense		870		1,000	0.%
6451-Committee Expense	732	69	6	600	1.%
6531-Brd/Off Special Project	2,533	1,150		4,000	0.%
7001-Grant/Award/Donation	426	310	50	1,500	3.%
7999-Other Operating Exp	1,574	113	136	1,700	8.%
Total Other Expense	106,107	102,529	48,581	115,550	42.%
8001-Administration General	6,600				0.%
8021-Section Admin Fee	15,575	15,698	14,980	16,363	92.%
8101-Printing In-House	5,170	3,670	248	1,000	25.%
8121-Graphics & Arts		31			0.%
8171-Course Approval Fee		150	150		0.%
Total Admin & Internal Expense	27,345	19,549	15,378	17,363	89.%
9692-Transfer Out-Council of Sections	300	300		300	0.%
Total InterFund Transfers Out	300	300		300	0.%
Total Expense	156,119	159,532	83,662	185,656	45.%
Net Income	(3,132)	24,715	87,911	20,218	435.%
2001-Fund Balance, Beginning	121,395	118,265	142,982	132,082	108.%
Fund Balance, Ending	118,265	142,982	230,895	152,300	152.%



The Florida Bar

651 East Jefferson Street
Tallahassee, FL 32399-2300

Joshua E. Doyle
Executive Director

850/561-5600
www.FLORIDABAR.org

AGENDA

Program Evaluation Committee
Thursday, May 17, 2018
9:30 a.m. to 12:00 p.m.
Key West, FL

- I. Approval of the Minutes from the March 22, 2018 PEC Meeting**
- II. Approval of Various Proposed Rule Amendments for Adherence to the Strategic Plan**
- III. Update on Florida Registered Paralegal Committee Evaluation**
Resource Person: PEC Subcommittee Chair Sandy Diamond
- IV. Substantive Review of Rule Amendment to Standing Board Policy 3.12 Finance**
Resource Person: PEC Subcommittee Chair Sandy Diamond
- V. Media Awards Program Evaluation: Recommendations**
Resource Person: PEC Subcommittee Chair Roland Sanchez-Medina
- VI. Update on the Implementation of Senior Lawyers Committee Recommendations**
Resource Persons: Bill Davell, 2017-18 SLC Chair and Susan Healy, 2018-19 SLC Chair
- VII. Request for a Foreign Legal Consultant Membership Card**
Resource Person: Yine Rodriguez-Perez, Chair, Foreign Legal Consultant Committee
- VIII. Substantive Review of Rule Amendments 6-29.1 – 6-29.6: Juvenile Law**
Resource Person: Dori Foster-Morales, Chair, CPAC

- IX. Proposal for a Disruptive and Unruly Diversion Program**
Resource Person: Renée Thompson, PEC Chair
- X. Proposal for a Florida Bar Standing Committee on Mental Health & Wellness of Florida Lawyers**
Resource Person: Dori Foster-Morales, Chair, Special Committee on Mental Health & Wellness of Florida Lawyers
- XI. Proposal for a Florida Bar Special Committee on Technologies Affecting the Practice of Law**
Resource Person: John Stewart, President-elect Designate
- XII. Proposed Changes to Citizens Advisory Committee Charter**
Resource Person: Lorna Brown-Burton, Chair, Citizens Advisory Committee
- XIII. Discussion on Potential Program Evaluations for the 2018-19 PEC Year**
Resource Person: Wayne Helsby, PEC Chair-elect

PEC Materials for:

Request for a Foreign Legal Consultant Membership Card

A. Request from the FLC Committee for an FLC Membership Card	1
B. Draft of What a Foreign Legal Card Would Look Like	5
C. Foreign Legal Consultant Background Information	7

MEMORANDUM

To Board of Governors Program Evaluation Committee **ORGANIZATION** The Florida Bar

Cc Angela Froelich

FROM The Foreign Legal Consultant Committee **TELEPHONE** +1 (305) 459-6576

DATE May 3, 2018

SUBJECT Proposal for a Foreign Legal Consultant Membership Card

My name is Yine Rodriguez Perez. I have been the Chair of the Foreign Legal Consultant Committee (the “FLC Committee”) since 2015 and, on behalf of the FLC Committee, I would like to request your approval to issue membership cards to Foreign Legal Consultants.

I. Rationale for requesting a membership card for Foreign Legal Consultants

During the time I have had the honor of chairing the FLC Committee, we have reviewed 75 applications. One of the main issues we always encounter when reviewing the applications is related to the practice of law. Most applicants are under the impression that the Foreign Legal Consultant Certification would allow them to also give advice on Florida law-related matters. Some applicants have even received cease and desist affidavits from The Florida Bar because they were providing information that could lead clients to believe they are licensed in Florida.

Based on my experience reviewing the Foreign Legal Consultant applications, the phone calls I receive daily and the events that I attend in which I am asked about the extent of the legal advice Foreign Legal Consultants can provide, I believe it is of critical importance that we issue membership cards for them stating: *Foreign Legal Consultant, Not Admitted to Practice Law in Florida*. Their membership card will also include the following language:

The person named on this card has been Certified as a Foreign Legal Consultant in Florida to give legal advice regarding the laws of the foreign country in which the Foreign Legal Consultant is admitted to practice. Certification as a Foreign Legal Consultant is not admission to The Florida Bar. A Foreign Legal Consultant may not practice Florida law. Foreign Legal Consultant certification may be verified by visiting www.floridabar.org or contacting Membership Records, The Florida Bar, 651 East Jefferson Street, Tallahassee, FL 32399-2300. This

card is valid until revoked, at which time the holder must surrender it to The Florida Bar.

This proposed language has been reviewed and approved by the Ethics Counsel of The Florida Bar. Ethics Counsel has also suggested using The Florida Bar's vendor for these cards and using a different color for the TFB card (vanilla) and the FRP card (beige).

Additionally, although Foreign Legal Consultants are not members of The Florida Bar, they are not strangers to The Florida Bar. Their applications are received and initially reviewed by the National Conference of Bar Examiners ("NCBE") and by The Florida Bar before being remitted to the FLC Committee for a second and thorough review. Once an application is approved, the Supreme Court of Florida issues the certification.

Once certified, Foreign Legal Consultants must pay their dues to The Florida Bar on an annual basis and must present a sworn statement confirming they continue to be in good standing with the Bar jurisdiction in which they are licensed and that they are also in compliance with the Rules Regulating The Florida Bar.

At the moment, there are 125 Foreign Legal Consultants in Florida, and during my time as Chair of the FLC Committee, I have met and talked to many of them. All of them have expressed to me what it would mean to them to carry a membership card issued by The Florida Bar. In addition to the reasons stated above, the Foreign Legal Consultants have told me that having a membership card will also differentiate them from foreign lawyers in our community who have not gotten certified but are providing legal advice to clients.

The membership card not only will benefit The Florida Bar by ensuring it has issued a clear statement that Foreign Legal Consultants are not licensed in Florida, but it will also make the consultants themselves more mindful of that fact and what it represents to be a Foreign Legal Consultant in Florida. Further, issuing the membership card would allow us to take a step forward in trying to prevent foreign lawyers from providing misleading information regarding their authorization to practice law in Florida. Finally, it will also show the support of The Florida Bar to those foreign attorneys that have gone through the process of getting certified and are in compliance with the Rules Regulating The Florida Bar.

II. Determining the need for issuing the membership card

As you may know, Chapter 16 of the Rules Regulating The Florida Bar, which regulates the certification of foreign lawyers as Foreign Legal Consultants, was recently amended. As part of that process, the Florida application itself was amended as well, and it will be amended further to align it with the revisions the National Conference of Bar Examiners is making to its application.

The need for the membership card has been discussed among the FLC Committee members during this process. Such need was confirmed in a meeting I had early last year with several Foreign Legal Consultants after a conference that took place at Florida International University, School of Law.

The FLC Committee held a telephonic conference to address the issue and agreed to elevate it to the Executive Council of the International Law Section of The Florida Bar (the “Executive Council”). The Executive Council expressed its support for the proposal made by the FLC Committee regarding the membership card.

III. Names of the FLC Committee members

The FLC Committee is composed of two attorneys licensed to practice law in Florida and one Foreign Legal Consultant:

- Yine Rodríguez Pérez, Esq.
- Jacqueline Villalba, Esq.
- Jose Maria Carneiro da Cunha, Foreign Legal Consultant

The FLC Committee held several telephonic conference calls and in-person meetings to discuss matters important to the committee, including the membership card. The vote regarding the membership card has always been unanimous.

IV. Statement regarding concerns or obstacles related to Foreign Legal Consultants having a membership card

None.

V. Expected Fiscal Impact

If the PEC approves the issuing of FLC ID cards on an annual basis, the cost would be negligible. It would require the purchase 500 signature cards for approximately \$150.00, one ribbon at \$25, (which handles 5000 cards), one pack (2000) adhesive glue dots for \$38 for mailing purposes, \$59 postage for 125 cards. The Florida Bar’s Membership Records Department would print the cards. The total estimated cost to implement the program for the 125 FLCs we currently have would be less than \$300. After this initial investment, subsequent annual costs for new foreign legal consultants should be de minimis.

* * *

For the reasons stated above, the FLC Committee respectfully requests that you approve the issuance of a membership card for Foreign Legal Consultants.

Should you have any additional questions, please do not hesitate to contact us.

Respectfully,

The Foreign Legal Consultant Committee

Foreign Legal Consultant



The Florida Bar

John Smith

Foreign Legal Consultant Since 00/00/2018

Not Admitted to Practice Law in Florida

**FLC # Here
Country Here**

The person named on this card has been Certified as a Foreign Legal Consultant in Florida to give legal advice regarding the laws of the foreign country in which the Foreign Legal Consultant is admitted to practice. Certification as Foreign Legal Consultant is not admission to The Florida Bar. A Foreign Legal Consultant may not practice Florida law. Foreign Legal Consultant certification may be verified by visiting www.floridabar.org/rules/upl/upl005/, or contacting Membership Records, The Florida Bar, 651 East Jefferson Street, Tallahassee, FL 32399-2300. This card is valid until revoked, at which time it should be surrendered to The Florida Bar.

Signature

UNLICENSED PRACTICE – FOREIGN LEGAL CONSULTANT

Foreign Legal Consultant

On This Page

Introduction
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Practicing Florida Law

Related Pages

Información en español

Introduction

The Florida Bar's Foreign Legal Consultancy Rule allows a foreign attorney to be certified in Florida as a Foreign Legal Consultant recognized to advise clients on the laws of the bar under which the attorney is admitted to practice. **The Rules Regulating The Florida Bar: Chapter 16** explains qualifications to certification.

The certification process involves two applications: a Florida Bar application (Part A) and a National Conference of Bar Examiners application (Part B).

Upon receipt of the results of the NCBE review, the International Law Section Standing Committee on Foreign Legal Consultants will review the application package (Parts A and B) for completeness, correctness and accuracy and, if satisfied, will certify to the Supreme Court of Florida, through The Florida Bar, that the applicant appears to have complied with all of the requirements of Chapter 16 and should be certified as a Foreign Legal Consultant under the Rules Regulating The Florida Bar. Thereafter the Supreme Court will determine whether the applicant will be certified; if the applicant is certified, the Supreme Court will so notify The Florida Bar which, in turn, will notify the applicant and provide the applicant with appropriate evidence of certification. If the applicant fails to be certified by the Supreme Court, then The Florida Bar will be so advised and will, in turn, so advise the applicant and the International Law Section. This process is lengthy and can take up to one year.

Contact the **Florida Board of Bar Examiners** if you are seeking admittance to practice Florida law.

Certified Foreign Legal Consultants

Find a Certified Foreign Legal Consultants

Applications, Generally

For certification as a foreign legal consultant in Florida, refer to the following applications:

Part A: Florida Application for Certification

The Florida Bar foreign legal consultant application fee (Part A) has increased to \$750 as of July 1, 2014.

Part B: National Conference of Bar Examiners Application

Also refer to the Rules Regulating The Florida Bar: **Chapter 16**, Foreign Legal Consultancy Rule, and **Chapter 4**, Rules of Professional Conduct.

Applications, Part A (The Florida Bar)

Please read the instructions outlined on Part A carefully before mailing your application.

The following should be forwarded to The Florida Bar, International Law Section Administrator, 651 E. Jefferson Street, Tallahassee, FL 32399-2300:

- Part A – Florida Application (Original + three copies of Part A) with accompanying documentation, certificates, and letters of recommendation.
- *NEW* payment amount of \$750 to The Florida Bar
- Part B – NCBE Application (three copies of Part B)

Application fees cannot be refunded; therefore, it is incumbent upon applicants to ensure that all questions on the application are answered completely and correctly, and that all additional materials required by the application are furnished.

In accordance with the immigration law of the United States, The Florida Bar Certification committee has determined that a non-immigrant B-2 visa (visitor for pleasure) will be *prima facie* insufficient for certification. Similarly, a B-1 visa (visitor for business) will be insufficient in most cases to engage in activities as a foreign legal consultant. **Applicants with additional questions should seek appropriate professional advice on U.S. immigration law.**

Applications, Part B (National Conference of Bar Examiners)

Part B, the **National Conference of Bar Examiners Character and Fitness Application** , should be completed online at <http://www.ncbex.org/ea/> , along with payment to the National Conference of Bar Examiners.

- Click on “Access C&F Application” on right side of screen
- If you do not already have an NCBE account number, Click on “Create an Account” and follow instructions to set up an account
 - Once NCBE account has been created, log in
- If you already have an NCBE account number, Log in to your existing NCBE account – input email address and password, click on “Log in”
- Click on the Character & Fitness Tab
- If this is your first NCBE bar application, Click on “Create new Online Application”
 - Select “Florida” from drop down menu and Click on “Next section”
 - Follow instructions to complete application
- If you have a previous application with NCBE, it will show you a list of your previous applications
- Click on “copy to new application”
- Select “Florida” from drop down menu and Click on “Next section”
- Follow instructions to complete application

Three copies of Part B should be sent to The Florida Bar along with the application, documents and copies of Part A.

For character and fitness applications currently in progress, or for applications not yet submitted, email **contact_cf@ncbex.org** .

Practicing Florida Law

If you are seeking admittance to practice Florida law, you should contact the Florida Board of Bar Examiners. There are two ways to qualify to file an application with the Florida Board of Bar Examiners:

- 1) by graduating from an ABA accredited law school or
- 2) membership in another state bar in the United States.

Florida Board of Bar Examiners

1891 Eider Court

Tallahassee 32399-1750

(850) 487-1292

<http://www.floridabarexam.org>

Please note: A member of another state bar of the United States can practice in Florida under certain circumstances. For more information, please call the **Unlicensed Practice of Law Department of The Florida Bar at (850) 561-5840.**



be it known that

Meranica Lawista

is Certified as a Foreign Legal Consultant

in

Argentine Law

and is granted the rights and privileges
appertaining to such certification

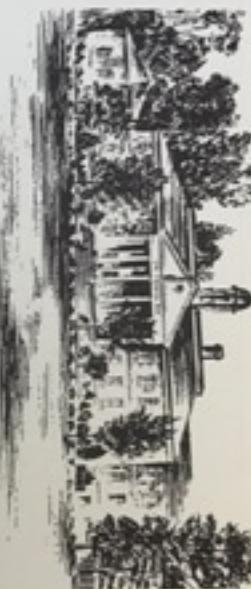
from

February 9, 2017

to

September 1, 2018

Robert M. Haig
PRESIDENT, THE FLORIDA BAR
Chair, INTERNATIONAL LAW SECTION



ILS LEGISLATIVE COMMITTEE REPORT
Q1 AND Q2 2018

COMMITTEE CHAIR:
CARLOS F. OSORIO, ILS CHAIR-ELECT 2018-2019, ABALLI MILNE KALIL

COMMITTEE MEMBERS:

ROSELVIN EDELMAN, HARPER MEYER
MATTHEW DEBLINGER, ABALLI MILNE KALIL
ANDRES SANDOVAL, SEQUOR LAW

REPORT:

We will continue in 2018 and 2019 with our project on foreign service of process, which as we reported in February of this year at the mid-year meeting, is as follows:

Foreign Service of Process Reform: In June 2017, we voted favorably at the Executive Council level to pursue an effort to reform Florida Chapter 48 in the area of international service of process in the context of Florida State civil actions. The model we are following for reform purposes is Federal Rule of Civil Procedure 4, which in our opinion, provides a more elegant and practical solution for foreign service of process, allowing the option of following international treaty methods (i.e., Hague Foreign Service treaty), letters rogatory, local/foreign jurisdiction methods, or even international courier if not prohibited by treaty.

Currently, Chapter 48 provides little and confusing guidance on how to serve foreign process in Florida state cases, and has no international courier service option, unlike the Federal Rules.

In addition, there are unjust scenarios that develop under current Florida law when, for example, an alleged foreign fraudster is sued in Florida's Courts and then retreats to their home jurisdiction where there may be no treaty option for service, leaving only the letters rogatory process as an option, which usually is a non-option due to foreign court/ministerial "inefficiencies".

The ILS Committee has come up with a planned bill to amend Chapter 48 only in the international service of process context, while leaving untouched the current methods of effecting domestic service. A new subsection 48.197 has been proposed to deal exclusively with this area of foreign service.

Other existing statutory provisions have been appropriately and minimally proposed for amendment. Attached is the proposed text of the bill.

We are pleased to report that the Business Law Section has reacted very positively to this proposed bill and is considering potentially co-sponsoring or supporting the bill in some manner. We are also consulting with other stakeholders, such as the Family Law Section, whose current Legislative Chair responded positively as well to the planned initiative in a non-binding manner.

We have voted favorably on the proposed bill text, which allows us to take the next steps in the legislative process, including finding favorable bill sponsors in the Florida House and Florida Senate ahead of the 2019 Legislative Session.



The Florida Bar



Michael J. Higer
President

Joshua E. Doyle
Executive Director

Michelle R. Suskauer
President-Elect

MEMORANDUM

To: Selected Division, Section & Committee Chairs / Chairs-elect

From: Patrick L. "Booter" Imhof, General Counsel *BA*

Date: April 6, 2018

Re: "Sunsetting" of 2016-18 Legislative Positions

cc: Board of Governors, Josh Doyle, Rosalyn Scott; Selected Division, Section & Committee Liaisons and Lobbyists, Selected Division, Section & Committee Legislative Chairs, Jim Daughton, Aimee Diaz Lyon, Joni Wussler

Consistent with the provisions of Standing Board Policy 9.20(d), all Florida Bar legislative positions for the 2016-18 biennium – to include those of committees, sections and divisions – are to be “sunsetted” at the July 25-29, 2018 meeting of the Bar’s governing board.

Attached is a current listing of recognized positions for your division, section or committee. The complete master list of all legislative positions within The Florida Bar is available [here](#).

Please review your group’s existing positions for advocacy and identify those that are no longer valid. Please advise me which items you want to continue to advocate in the 2018-20 biennium which begins upon the legislature’s organizational session next fall. For convenience, you may return a marked copy of this attachment that indicates your preferences.

Existing legislative positions of voluntarily-funded Bar groups (all sections and the Out of State Division) which are recommended by you for continued advocacy in the new biennium are typically re-approved by the Bar’s governing board without any additional formality. Your prompt response to this memo should allow for timely “rollover” action by the BoG at its July 2018 meeting without lapse of any current position that you wish to maintain. However, any request for entirely new legislative positions by your group must be submitted in a more complete [form](#).

Existing legislative positions at “Big Bar” level and those of Bar committees and the Young Lawyers Division – which are supported by mandatory membership fees – are treated differently. Following the sunset of these particular positions, the Board of Governors typically leaves this portion of The Florida Bar’s legislative platform blank until later in the year. Any positions in these categories that are considered after this lapse (whether similar to previous ones or not) are reviewed *de novo* and treated as new in every respect – particularly for purposes of member dissent and potential fee rebates under R. Regulating Fla. Bar 2-9.3. Regardless, if you have particular recommendations for Florida Bar, YLD or committee-level advocacy in the new biennium, please share them with us.

The Governmental Affairs staff at The Florida Bar offers its assistance to all Bar groups in complying with this request or for suggesting other possible legislative activity within the Bar. Any off-season legislative emergencies can be considered by the Bar’s executive committee or president at any time. You may contact me or my assistant – Joni Wussler – at pimhof@floridabar.org or jwussler@floridabar.org, or by calling us at 850 / 561-5662 – or Toll-Free at 800 / 342-8060, Ext. 5662. We look forward to working with you.

B.I.

International Law Section

December 9, 2016

1. Supports omnibus legislation relating to international arbitration and conciliation that would further promote Florida as an attractive forum for the resolution of international disputes and specifically address:
 - a. International commercial conciliation proceedings (based on the 2002 U.N. Model Law) and enforcement of conciliation agreements;
 - b. Statute to further clarify s. 684.0047, F.S., addressing the enforcement or annulment procedures for international commercial arbitration awards in our state courts; and
 - c. Statute granting Florida Courts the authority to order discovery from person(s) within their jurisdiction for use in an international arbitration taking place outside of the United States (analogue to the federal statute, 28 U.S.C. s1782).

February 7, 2017

2. Opposes term limits for judges at any level of Florida's state court system.

Florida Bar International Law Section 2018 Richard DeWitt Memorial Vis Pre-Moot Committee Report

This year, to commemorate Richard DeWitt's contributions to the ILS Vis Pre-Moot, the International Law Section changed the name of the event to the Richard DeWitt Memorial Vis-Pre-Moot. On February 17, 2018, JAMS hosted students from the University of Miami, Florida International University, University of Florida, Stetson University, and Florida State University to compete in the Richard DeWitt Memorial Vis Pre-Moot. The day-long Pre-Moot helps prepare the law students for the Willem C. Vis International Commercial Arbitration Moot in Vienna, Austria, and consists of four rounds between the competing law schools with South Florida attorneys serving as arbitrators. This year, we had more than 45 attorneys graciously volunteer their time as arbitrators. The Pre-Moot concluded with an after party at Better Days, which included two ILS-sponsored drinks for each guest and extended happy hour prices.

The International Law Section gave a stipend of \$3,500 to each school that participated (totaling \$17,500 for all five schools), which helps the schools cover the costs of the trip to Vienna. In addition, the Chartered Institute of Arbitrators (CIArb) gave monetary prizes to the top three schools: \$500 to Stetson University, \$300 to University of Florida, and \$200 to Florida State University. Further, the Miami International Arbitration Society (MIAS) presented its Burton Landy Award of \$1,000.00 to the best oralist, this year from Stetson University. Richard DeWitt's widow, Luba DeWitt, and his son, Richard DeWitt III, attended the award ceremony, as well as former ILS Chair, Edward H. Davis, Jr., who attended the event to memorialize Richard DeWitt.

The Committee was able to organize the breakfast, lunch, after party, trophies, and ceremony award for under \$2,500, remaining well within the ILS budget allocated for the Pre-Moot. Thank you to everyone that helped make this such a great event this year!

Committee Members: Cristina Vicens (Chair), Adrian Nunez, Marycarmen Soto, Alicia Menendez, Danielle Weekes, Sherman Humphrey

CUBA Committee Report - Spring 2018

The Cuba Committee has confirmed that the ILS will convene an envoy of Florida attorneys to Havana from October 19th through October 23rd in a cultural, professional and academic exchange of ideas, practices and concerns, including human rights. An invitation will be sent to all ILS members in the coming weeks. Please direct all questions or comments to Jim Meyer at jmeyer@harpermeyer.com or 305 577 3443.

The Committee met most recently on May 17th to discuss the current events in Cuba's political arena as well as the status of various reform efforts and the status of US policies regarding the Embargo. The travel advisories issued by the US and Canada were also discussed. Members of the Committee volunteered to take on various tasks in order keep the Committee at the forefront of legal issues arising in the context of US interactions with the island nation.

James M. Meyer
Committee Chair

USCIS, ICE, CBP, EOIR, LABOR, AND STATE DEPARTMENT LIAISON COMMITTEE REPORT

Since our last report on February 18, 2018, the Committee has had a liaison meeting with the Executive Office of Immigration Review (Immigration Court). The minutes of that meeting and as well as the minutes of the liaison meeting held on January 10, 2018; with the Miami-Caribbean District Office of USCIS were published in a recent edition of The Gazette. We had a liaison meeting with the Office of the Chief Counsel for Immigration and Customs Enforcement on April 25, 2018. The minutes for that meeting are pending review. We have had a significant increase in requests from members to resolve issues at USCIS Service Centers because of our liaison with DHS when normal avenues of review have been exhausted. Liaison meetings with USCIS Regional Service Centers are pending. I respectfully request that the Committee be given the opportunity to schedule a webinar titled “Strategic Planning for H1-b Visas – Navigating Troubled Waters”. I would like to schedule this seminar after a companion article that I would like to publish in the upcoming Quarterly of the same title.

Petition to The Florida Bar International Law Section's Executive Council
Proposed Asia Committee

[Submitted by: Susanne Leone and Neha S. Dagley]

**STATEMENT OF THE BASIC PURPOSE OF THE PROPOSED ASIA
COMMITTEE AND SPECIFIC AREAS OF INTEREST**

The purpose of this committee is to cover legal and policy related developments in Asia. Beyond this general purpose, the committee will lead efforts to develop and maintain professional and cultural ties with legal and other professionals in India and China. Additionally, the committee will work to foster professional relationships between members of The Florida Bar and members of the various bar associations in Asia – beginning with the Indian National Bar Association and the Shanghai Bar. As one of its immediate missions, the committee will organize a legal symposium in conjunction with the Indian National Bar Association, which will include participation by leaders in the fields of law, business, politics and finance. Lastly, the committee will organize events to improve understanding of the various legal, economic and cultural frameworks in various parts of Asia.

**STATEMENT DEMONSTRATING THE NEED FOR
CREATION OF THE PROPOSED ASIA COMMITTEE**

The International Law Section of The Florida Bar currently has several standing committees, including a "China/Asia Law Committee." It is our understanding (a) that said committee has been inactive in recent times; and (b) that its focus did not encompass other countries in the Asian subcontinent.

To obtain a fresh perspective and build a new foundation, we propose replacing the existing committee with the new committee. We invite the members of the prior committee to join the new committee, and openly welcome their suggestions and participation.

In the below Proposal, we have highlighted the various areas of trade relationships, commerce and some indicators of the thriving economies in Asia. These thriving economies not only generate bilateral commerce, but also present increasing opportunities for law firms and law practitioners to expand their reach.

THE FLORIDA CONNECTION TO ASIA

China, Japan, Republic of Korea, and India rank amongst Florida's top 50 merchandise trading partners¹

		(Millions of US Dollars)		
<u>Rank</u>	<u>Country</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
2	China	9,850.9	9,280.8	9,798.9
4	Japan	6,430.5	6,965.3	7,239.9
20	Republic of Korea	2,130.2	2,214.8	2,153.9
28	India	1,508.4	1,466.2	1,517.2
36	Taiwan	805.2	940.9	890.1
40	Hong Kong	2,269.1	549.5	676.5

China, Japan, India, Republic of Korea, Thailand and Singapore rank amongst Florida's top 50 merchandise export destinations²

		(Millions of US Dollars)		
<u>Rank</u>	<u>Country</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
24	China	916.8	764.5	805.2
25	Japan	586.5	560.1	704.6
34	India	460.1	485.7	353.2
38	Republic of Korea	342.6	266.1	315.3
49	Thailand	155.4	133.7	199.2
50	Singapore	289.8	171.6	178.4

FUN FACTS

- Tampa, Florida hosted the 15th Annual International Indian Film Academy Award in 2014. Known to fans as the "Bollywood Oscars", this was the first time the event was held in the United States. Prior host cities include, London, Johannesburg, Dubai, and Macau. The grand event drew approximately 30,000 visitors to Tampa Bay, and generated more than \$26 million local economic impact.³
- The India-US Chamber of Commerce of South Florida hosted its annual gala at The Biltmore Hotel in November 2017 where the Award of the Year was presented to Mrs. Indra Nooyi – Chairman and Chief Executive Officer of PepsiCo. At No. 2 in the 2017 Fortune's Most Powerful Women List, Indra Nooyi has been an industry leader since taking on the job in 2006.⁴
- Indian-Americans are turning to large-scale philanthropy. Just one example is Dr. Kiran Patel's \$200 million donation to Nova Southeastern University – the largest donation ever from an Indian-American to a U.S. institution. NSU will use the gift to create two medical colleges, one in Florida, another in India.⁵

THE GLOBAL RICH LIST

Shanghai-based Hurun Global Rich List of 2018: The *Hurun Global Rich List 2018* ranked 2,694 billionaires from 68 countries and from 2,157 companies in another record-breaking year for the world's billionaires.⁶

<u>Country</u>	<u>Number of Billionaires</u>
Greater China	819
India	131
Japan	46
Thailand	44
South Korea	33

<u>City</u>	<u>Number of Billionaires</u>
Beijing	131
Hong Kong	80
Shenzen	78
Shanghai	70
Mumbai	55
Bangkok	43
Hangzhou	38
Guangzhou	37
Tokyo	31
Singapore	31
Taipei	30
Seoul	30

FOCUS: INDIA

Capital: New Delhi

Population: 1,281,935,911 (July 2017 est.)

Currency: Rupee (\$1 USD = 65.69 Rupees)

- President Obama has called India one of the defining partnerships of the 21st century, one which will be vital to U.S. strategic interests in Asia-Pacific and across the globe. In January 2015, President Barack Obama attended India's Republic Day parade, becoming the first U.S. head of state to do so. President Obama accepted Prime Minister Narendra Modi's personal invitation to attend the event which in and of itself was an unprecedented event. The invitation was a strong and clear indication from India's leadership that they wanted to elevate the cooperation and relationship between the two nations.
- The United States is one of India's largest trade and investment partners. Bilateral U.S.-India trade expanded to \$115 billion in goods and services in 2016.
- Top U.S. export categories to India in 2016 were: precious metal and stones (\$7.0 billion), machinery (\$2.0 billion), agricultural and related products (\$1.5 billion), optical and medical instruments (\$1.3 billion), mineral fuels (\$1.2 billion), and electrical machinery (\$1.2 billion).
- Top U.S. import categories from India in 2016 were: precious metal and stones (\$11 billion), pharmaceuticals (\$7.4 billion), agricultural and related products (\$3.8 billion), mineral fuels (\$2.4 billion), miscellaneous textile articles (\$2.3 billion), and machinery (\$2.1 billion).
- U.S. foreign direct investment (FDI) stock in India was \$28.3 billion in 2015 (latest data available), a 4.4% increase from 2014.
- India's FDI stock in the United States was \$9.3 billion in 2015, up 3.7% from 2014.⁷

FOCUS: CHINA

Capital: Beijing

Population: 1,379,302,771 (July 2017 est.)

Currency: \$1 USD = 6.28 Chinese Yuan

U.S. goods and services trade with China totaled an estimated \$648.5 billion in 2016. Exports were \$169.8 billion; imports were \$478.8 billion.

Exports

- China was the United States' 3rd largest goods export market in 2016. U.S. goods exports to China in 2016 were \$115.6 billion, down 0.3% (\$330 million) from 2015 but up 115.4% from 2006. U.S. exports to China are up 503% from 2001 (pre-WTO accession). U.S. exports to China account for 8.0% of overall U.S. exports in 2016.
- The top export categories (2-digit HS) in 2016 were: miscellaneous grain, seeds, fruit (i.e., soybeans) (\$15 billion), aircraft (\$15 billion), electrical machinery (\$12 billion), machinery (\$11 billion) and vehicles (\$11 billion).
- U.S. exports of agricultural products to China totaled \$21 billion in 2016, our 2nd largest agricultural export market. Leading export categories include: soybeans (\$1 billion), coarse grains (ex. corn) (\$1.0 billion), hides and skins (\$949 million), pork and pork products (\$713 million) and cotton (\$553 million).
- U.S. exports of services to China were an estimated \$54.2 billion in 2016, 11.6% (\$5.6 billion) more than 2015 and 412% greater than 2006 levels. It was up roughly 908% from 2001 (pre-WTO accession). Leading services exports from the U.S. to China in 2015 were in the travel, intellectual property (trademark, computer software) and transport sectors.

Imports

- China was the United States' largest supplier of goods imports in 2016. U.S. goods imports from China totaled \$462.6 billion in 2016, down 4.3% (\$20.6 billion) from 2015, but up 60.8% from 2006. U.S. imports from China are up 352% from 2001 (pre-WTO accession). U.S. imports from China account for 21.1% of overall U.S. imports in 2016.
- The top import categories (2-digit HS) in 2016 were: electrical machinery (\$129 billion), machinery (\$97 billion), furniture and bedding (\$29 billion), toys and sports equipment (\$24 billion) and footwear (\$15 billion).
- U.S. imports of agricultural products from China totaled \$4.3 billion in 2016, our 3rd largest supplier of agricultural imports. Leading categories include: processed fruit and vegetables (\$1.1 billion), fruit and vegetable juices (\$328 million), snack foods (\$213 million), fresh vegetables (\$205 million) and tea (\$152 million).

- U.S. imports of services from China were an estimated \$16.1 billion in 2016, 7.1% (\$1.1 billion) more than 2015 and 59.2% greater than 2006 levels. It was up roughly 351% from 2001 (pre-WTO accession). Leading services imports from China to the United States in 2015 were in the travel, transport and research and development sectors.⁸

Additional Facts

- On March 30, 2018, two global solar energy leaders, U.S.-based NextEra Energy, Inc. (NYSE: NEE) and China-based JinkoSolar Holding Co., Ltd. (NYSE: JKS), announced one of the largest solar panel supply deals in history. JinkoSolar will supply NextEra Energy with up to 2,750 megawatts of high-efficiency solar modules - roughly 7 million solar panels - over approximately four years. In conjunction with this agreement, JinkoSolar is opening its first U.S. factory in Jacksonville, Florida, which is expected to create more than 200 direct jobs in Florida and support hundreds of additional local jobs in shipping and other related industries.⁹
- Why Chinese investors love Miami? According to Forbes, Chinese investors love Miami. Real estate prices are comparatively low to Beijing and Shanghai. The Chinese now rank as Miami's third top buyers. With all of Miami's luxury amenities, shopping, dining, and entertainment they see Miami as the "Hong Kong of the West."¹⁰
- The Asian Real Estate Association of America (AREAA) held its annual Global Luxury Summit in Miami in April 2017. More than 730 people attended this major conference, representing chapters across North America, and over a dozen countries. This was the largest gathering of Asian-American real estate practitioners and business professionals in the history of Miami.¹¹
- Miami International Airport is planning on connecting ASIA more closely to Florida by creating a direct flight route from Miami to Asia.¹²

PROPOSED COMMITTEE

Proposed Committee Chairs: Susanne Leone and Neha Dagley

Susanne Leone: Susanne Leone is an international attorney licensed to practice in Florida and Germany. Being married to an Indian national, she has traveled to Asia multiple times. During her trips, she realized the vast potential of the Indian legal and business community. She has taken the initiative to create a link between the legal communities of India and Florida by connecting with several Indian law firms and the Indian National Bar Association.

E-mail: sl@lex-international.com

Website: www.lex-international.com

Phone: 305-358-9990

Neha Dagley: Neha Dagley is the founder of Dagley Law, P.A. Neha practices in the areas of corporate law, commercial litigation, and trademarks. Born and raised in Mumbai, India, she is fluent in Hindi and Gujarati. Neha's background provides her with an invaluable understanding of the needs of overseas Indian and South Asian clients looking to embark upon a new business venture in South Florida. Her deep-rooted ties to India make this initiative a compelling next step for her.

E-mail: neha.dagley@dagleylaw.com

Website: www.dagleylaw.com

Phone: 786-505-4735

Susanne and Neha are currently working together with the Indian National Bar Association to organize a joint event with them in hopes of jump-starting the exchange of legal services between the two legal communities. This event will take place in New Delhi in November 2018. Anyone interested should contact Susanne and/or Neha.

Proposed Committee Members

**The below individuals have expressed an interest in the Proposed Asia Committee to the International Law Section of The Florida Bar, and are listed here pending approval and confirmation.*

1. Manuel Gomez
2. James Lavigne
3. Harsh Arora
4. Steven Fieldman
5. Mikki Canton
6. John Hopkins
7. Rahul Ranadive
8. Mark Weiner
9. Peter Quinter

Endnotes:

¹ Source: WISER Trade; U.S. Department of Commerce, Census Bureau, Foreign Trade Division, *as cited in* 2016 Florida International Business Highlights published by Enterprise Florida

² Source: WISER Trade; U.S. Department of Commerce, Census Bureau, Foreign Trade Division, *as cited in* 2016 Florida International Business Highlights published by Enterprise Florida

³ Source: <https://www.visit tampabay.com/blog/post/tampa-bay-wins-for-2014-iifa/>

⁴ Source: <http://fortune.com/2017/09/21/most-powerful-women-pepsi-co-indra-nooyi/>

⁵ Source: <http://www.bbc.com/news/world-us-canada-41587429>

⁶ Source: <http://www.hurun.net/EN/Article/Details?num=2B1B8F33F9C0>

⁷ Source: <https://www.export.gov/> [Exporting to India -Market Overview]

⁸ Source: <https://ustr.gov/countries-regions/china-mongolia-taiwan/peoples-republic-china>

⁹ Source: <http://www.investor.nexteraeenergy.com/news-and-events/news-releases/2018/03-30-2018-151037810>

¹⁰ Source: <https://www.forbes.com/sites/ellenparis/2018/01/16/why-chinese-investors-love-miami-hong-kong-of-the-west/#dce7ddf1bc82>

¹¹ Source: <http://www.miamiherald.com/real-estate/article150313677.html>

¹² Source: <http://www.miamitodaynews.com/2017/08/08/miami-international-airport-direct-flights-asia-two-years-away/>

I. INTRODUCTION

In a prescient statement years ago, Henry Kissinger argued that “the main issue dividing the United States and China was cultural”. He further said “Can two civilizations that do not, at least as yet, think alike come to a coexistence that produces world order?”.

Translation: The United States and China are the two uniquely formidable players in the world as we know it and any successful strategy to approach and engage them in the geopolitical and economic world stage must realize that China is like no other country in Asia just as our USA is like no other country in the Americas.

Thus my argument that the International Law Section must have a CHINA Committee that stands alone. Recent developments in the world order have proven that unless we accept that most countries do not understand the “vastness” of all that is China as well as its surging economic growth and stronger military, we will be left behind.

China is not “simple” and therefore any serious endeavor by The International Law Section to cement our organization as a an effective player with common interests, present and future, must be focused on the big picture as it relates to China’s relationship with the rest of the world.

Accordingly, to assume this complex undertaking in a credible and effective manner as The International Law Section of The Florida Bar we must go forward with a committed engagement to China alone.

II. ILS CHINA/ASIA COMMITTEE BACKGROUND

Sometime ago circa 2009, some members of the ILS section of the Florida Bar, encouraged by my interest in China and its growing relationship with Latin America, collaborated with leadership in a shared vision and the China/Asia Committee was created. It is important to note that the committee was a China Committee with focus on China but because of China’s overpowering presence in the region and elsewhere it was named the China/Asia Committee. We sought out members and non-member attorneys with an interest and expertise in China and brought together a significant number of us.

The committee was co-chaired by Malcom Riddell who had extensive expertise in China law and I. Initially the committee was quite active and included several members of the ILS all while attracting the attention of other attorneys, based in the USA and all over the world.

In the fall of 2010 my article “THE NEW SILK ROAD” was published in the ILS International Law Quarterly Special China Issue. The article specifically covered the growing involvement and synergy between China and Latin America. Other ILS members contributed noteworthy articles which further highlighted the importance of China as a dominant and fast growing force to be reckoned with on the world stage. The International Law “International Law Quarterly” recognized my and our members’ collective efforts and our China Special Issue won its Editor Award.

Unfortunately, not long after, I had to disengage from my active involvement with our China/Asia Committee when I was selected and became actively involved as a life member of The Council on Foreign Relations and in other professional ventures required my full and focused attention.

It is my understanding that Malcolm Riddell remained as Chair. I later learned that other members were involved promoting alliances with other international organizations which seem to have been dormant to date for reasons I am not familiar with.

In summary, it appears that no activity continued on a regular and substantive basis and The China/Asia Committee went by the wayside.

Some months ago I inquired as to what, if anything, was happening with our ILS China/Asia Committee. I advised by ILS President Lacayo that a proposal for an ASIA COMMITTEE was being worked on and that its primary focus and area of interest was to be India. In my subsequent conversation with the committee's proponents and the upcoming proposal's authors, Neha Daley and Susanne Leone, confirmed their interest in an India focus but they expressed their willingness to include China as part of the proposed Asia Committee. Neither Neha nor Susanne were fully familiar with the previous China/Asia Committee as they were not involved with ILS then but I provided information on how we got started and why we focused our efforts on China.

After a series of email communications and my review of the proposal which Neha and Susanne have submitted and which includes China, I have thought a great deal about the practical and substantive issues involved in deciding whether to establish a joint India-China/Asia Committee and/or separate subcommittees for India and China.

Based on my knowledge and experience to date with China and its position on the world stage, I weighed the options and ultimately concluded- this is my opinion alone- that such a broad approach is not only misguided, strategy and focus-wise, but would weaken the efforts of all involved.

Why do I say this?

China, by nature of its growing impact, influence and control on the global geopolitical spectrum is by far a bigger player than any other country in the world. China stands alone.

I can go on and on about its recently adopted "President For Life" one person led government structure, its take-no-prisoners Belt and Road Initiative which is pumping billions of dollars into creating connectivity throughout Asia and Europe through investing in infrastructure, maritime and cultural projects as well as its economic development joint projects to include Latin America and The Caribbean. Not to mention its financial power and presence and relationship with The United States, and the world, and the commanding financial and legal and professional opportunities all of the above present worldwide.

As such, any serious approach undertaken by the ILS in regard to China must be treated as a separately standing ILS Committee as it was back in 2009 when we established it. This should not in any way minimize nor interfere in the efforts of The India Committee.

III. CONCLUSION AND RECOMMENDATION

ILS Leadership has an opportunity to harness the expertise, passion and interest of its members through a deliberate review of the significance of China as we know it and what our organization's mission is. I encourage our leadership to carefully analyze the facts and the merits of both countries as they relate to our long-term goals and objectives towards each as well as all hemispheric regions impacted. In particular, as to the China- Europe-Latin America strategic alliance and how ILS may be a force.

With all of the above having been said, I respectfully urge your consideration of the rebirth and reinstatement of our previously established ILS CHINA/ASIA COMMITTEE while SEPARATELY vetting the best approach to go forward with the interest to create a committee dealing with India.

India is not the area of my expertise nor my main focus and I therefore can not address nor contribute to the best and most efficient manner in dealing with how to approach our involvement there.

I applaud the vision of the proponents of an India focused committee and I believe it is worth serious consideration as India merits

focus and attention. To weigh the two countries as a whole is comparing apples to oranges.

My recommendation is for leadership to analyze the two proposals individually and not combine the two countries as they play entirely different roles in the legal, geopolitical and economic world stage. To do so would be akin to creating a North America Committee as opposed to a UNITED STATES/ North America Committee. If one thinks about it, China is practically a continent of its own with several interconnected global satellite outposts. As such it must stand alone vis a vis The International Law Section.

Should you wish for me to address you at our upcoming retreat to provide any additional facts and current China-centric information please let me know.

Respectfully,

Mikki Canton

Committee for Public International Law, International Human Rights and Global Justice

Petition to the Florida Bar ILS Section's Executive Council for approval of a new committee.

1. Statement of the basic purpose of the proposed section or committee including the specific areas of interest of the proposed section or committee:

The purpose of this Committee shall be to provide leadership to the legal profession and global community, with a focus on service to people living in Florida, in protecting and advancing international human rights and global social justice. Additionally, the Committee shall be a resource to diverse communities combating the structural deprivation of rights and social justice. The Committee shall further provide attorneys with current and timely information in their legal specialty or focus area, develop CLE seminars, submit articles and participate in a variety of human rights related community service projects and social events.

Special areas of interest include, but are not limited to:

- International Human Rights and related International Treaties and Covenants
- Right To Food
- Right To Health
- Right To Education
- Human Trafficking
- Political Rights
- World Peace And Global Dispute Resolutions
- Torture And Degrading Treatment
- Political Prisoners
- Racial Discrimination
- Climate Justice and Climate Refugees
- Climate Change
- Indigenous Peoples
- Sexual Minorities / Sex Discrimination
- Disability Discrimination
- Marginalized People
- Restoration of Civil Rights
- Criminal Justice Reform
- Death Penalty
- School To Prison Pipeline
- Housing Discrimination
- Employment Discrimination
- Police Brutality
- Economic Justice
- Environmental Justice
- Fair And Impartial Courts
- Access To Courts
- First Amendment Rights
- And more...

Examples of Human Rights Treaties in Force in USA

- Convention to suppress the slave trade and slavery. Concluded at Geneva September 25, 1926. Entered into force for United States March 21, 1929.
- Convention on the political rights of women. Done at New York March 31, 1953. Entered into force for United States July 7, 1976.
- International covenant on civil and political rights. Done at New York December 16, 1966. Entered into force for United States September 8, 1992.
- Convention on elimination of all racial discrimination. Done at New York December 21, 1965. Entered into force for United States November 20, 1994.
- Convention against torture and degrading treatment. Done at New York December 10, 1984. Entered into force for United States November 20, 1994.

2. Statement demonstrating the need for the creation of the proposed committee:

The Florida Bar International Law Section currently has several standing committees, including Committees on Cuba, Asia, Amicus Briefs, Legislation, White Collar Crime, Tax, and Construction. The Executive Council has acknowledged that all current standing committees are focused on international business and business disputes. There currently is no committee dedicated to the issues of international human rights and global justice. Attorneys in our community need the opportunity to share experiences and increase their skills in this important area of the law. Furthermore, community organizations and leaders need as many liaisons in the legal community as possible to advance these important issues. Finally, ILS members will benefit from the diversity of ideas coming from this committee.

3. Statement showing the possible overlap existing between the proposed committee's purpose and purposes of existing committees:

Some existing standing committees may cover a specific human rights area and committee purposes may thus in part overlap – for example the Women in International Law and the White Collar Crime committees. However, the areas of interest covered by this Human Rights, Civil Rights, and Social Justice Committee have a different focus and include a range of other issues not yet covered in any other committee.

4. Statement of the types of programs proposed for first two years after establishment:

- To educate members, the legal profession, and the public about international human rights and global justice – quarterly committee meetings and quarterly public events. First committee meeting June 2018. First public event September.
- To develop, recommend, and advance legislative policy and resolutions on issues with respect to recognition and advancement of international human rights and global justice; First publication of policy and resolution December 2018
- To cooperate with community organizations in achieving the mission and goals of the Section; First agreement to cooperate to be drafted by December 2018.
- To serve as a vehicle to connect various providers of legal services and resources with each other and to diverse communities via partnerships/alliances with local consulates, embassies and other organizations serving marginalized people and people of nations with limited economic and political power; Outreach to at least two consulates by December 2018.
- To affect public policy protecting and advancing human rights and global justice; First meeting regarding government policy with State Senator or Representatives by March 2019.

(f) To provide an opportunity for attorneys to increase legal knowledge and skills; First committee meeting June 2018.

(g) To provide a community welcoming, serving, and involving those who share a commitment to the Committee's vision of ensuring liberty, equality, social justice, and human dignity for all people. First community meeting September 2018.

5. An estimate of how many members will join the proposed committee within its first three (3) years:

- a) 20 Regular Members – Florida bar members who reside or practice in Florida
- b) 2 Judicial Honorary Members – judges and clerks of court
- c) 20 Affiliate Members – non-lawyers who are active in the field of international human rights, including legal assistants, law librarians, law students, members of human rights organizations, human rights scholars, and others
- d) 5 Patron Members – business partners and sponsors



2018 Section Leadership Conference

The Florida Bar Headquarters & Annex, Tallahassee

July 19 - 20, 2018



You are cordially invited to attend an informative and valuable conference to assist in your leadership role within The Florida Bar Sections and Division. This conference provides an opportunity to meet and socialize with other Section leaders, The Florida Bar officers, and staff. The special program this year is designed to further demonstrate the operations of The Florida Bar and the services it provides to undergird Sections and Divisions, but also to provide ideas that may assist in increasing the prominence of the various Sections and Divisions.

The conference will be held in Tallahassee beginning with tours of TFB headquarters at 4:00 p.m., Thursday, July 19th. A bus will provide transportation from TFB's main building to The DoubleTree at 5:00 p.m. and at 6:00 p.m. from the DoubleTree to dinner. Please bring a guest, (or two!), for the special dinner planned for Thursday evening. More information to come on that. Following dinner, the bus will return to the hotel and TFB. On Friday, the conference will be held at TFB's Annex building, where breakfast and lunch will be served. Please plan to attend both days of the conference. The networking opportunities combined with interactive presentations will assist leadership in achieving the goals of the Sections and Divisions.

A room block has been reserved at the Doubletree by Hilton, Tallahassee, with a room rate of \$125 per night. Please make your reservation early, as the room block closes on Friday, July 6th. Self-parking is complimentary and valet parking is \$18.00 per day.

The registration form and schedule for this conference are enclosed. **For planning purposes, please complete and return the registration form as soon as possible or by July 6th at the latest.** We look forward to seeing you in Tallahassee this July!

Note: This will be an informal meeting, designed to promote discussion between Section and TFB leaders, the conference format is intended to facilitate interaction. The attire will be business casual both days.

REGISTRATION FORM

2018 Section Leadership Conference

The Florida Bar, Tallahassee

July 19 - 20, 2018

Conference includes: conference material, dinner, light breakfast, and lunch.

	<u>Registration Fees</u>	<u>Amount Enclosed</u>
<i>Two-Day Conference Fee</i>	\$100	\$ _____
<i>Friday Only Conference Fee (without dinner)</i>	\$50	\$ _____
<i>Guest for Reception & Dinner</i>	\$50, per guest	\$ _____
<i>Name of Guest</i> _____	<i>(for name tag)</i>	
	<i>TOTAL Enclosed</i>	\$ _____

- I would like to participate in the tour of TFB Headquarters.
- I will be using the DINNER transportation provided by the TFB
- I will use my own car

Your Name _____

Florida Bar Number _____

Your Section/Division _____

Your Position within your Section/Division in 2018-2019 _____

Registrations due by July 6, 2018.

<u>METHOD OF PAYMENT (CHECK ONE):</u>	<input type="checkbox"/> Visa <input type="checkbox"/> Master Card <input type="checkbox"/> AMEX <input type="checkbox"/> Discover
<input type="checkbox"/> Check (made payable and mailed to) The Florida Bar 651 E. Jefferson St. Tallahassee, FL 32399	Name on Card: _____
<input type="checkbox"/> Credit Card Fax to 850-561-9413	Card No.: _____
	Exp. Date: _____ / _____
	CVV: _____
	Amount to charge: \$ _____
	Signature: _____

Questions? Call Sheridan Crump at 850-561-3160.