



THE FLORIDA BAR
INTERNATIONAL LAW SECTION



International Litigation, Arbitration & Transactions (ILAT) Conference

February 27, 2015

Hotel Discount
Deadline
February 5, 2015

Conrad Hotel

1395 Brickell Ave, Miami, FL 33131
(305) 503-6500 | conradhotels3.hilton.com

COURSE CLASSIFICATION:
Intermediate Level

Course No. 1915R

International Litigation, Arbitration & Business Transactions Conference (1915R)

Thursday, February 26, 2015

6:30 p.m.

Opening Cocktail Reception at Hogan Lovells

Reception at Hogan Lovells, 600 Brickell Avenue, Suite 2700, Miami, FL 33131

Sponsored by Gold Sponsor U.S. Legal Support

Schedule — Friday, February 27, 2015

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

Registration, Continental Breakfast

Sponsored by Silver Sponsor HSBC

8:30 a.m. to 9:00 a.m.

Opening Remarks:

A brief welcome and introduction by the Co-Chairs Robert Becerra, Luis Konski, Jacqueline Villabla and James Meyer explaining the format and content of the plenary and break-out sessions and the rationale of the course and panel selections.

Opening Plenary Session (Main Conference Room)

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

Knock-knock, Who's there? Updates on Trade and Customs Laws and Regulations, Office of Foreign Assets Control Issues and the Status of Export Competitiveness Programs in the US

This panel will discuss recent developments in Trade and Customs law and OFAC compliance and the status of export programs in the US (e.g., Eximbank).

Panelists: ASAC John Tobon, *Immigration & Customs Enforcement*

Jim Faulkner, *Kroll*, Miami

Steve Fancher, *Florida Export Finance Corp.*, Miami

Scott Verner, President & CEO, *Nipro Diagnostics*

Neil Asbury, President & CEO, *The Legacy Companies*

Panel Moderator: Peter Quinter, *GrayRobinson*, Miami

International Litigation Morning Track (Main Conference Room)

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

Hot Topics in International Litigation

This panel will feature a discussions on 28 U.S.C. §1782 in the context of private criminal prosecutions arising out of civil wrongs; a concept foreign to the U.S., but prevalent in civil law jurisdictions. The panel will also discuss the territorial limitations of document

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production in 1782 discovery requests. Following the §1782 update, there will be a discussion on the extraterritorial exception to the act of state doctrine, and a brief discussion of a recent 2nd Circuit case discussing a judgment creditor's ability to attach blocked electronic fund transfers sent by foreign states and their instrumentalities.

- 28 U.S.C. §1782 and its application to Foreign Criminal Proceedings; Thomas Julin, *Hunton & Williams*, Miami; & territorial limitations on document production in 28 U.S.C. §1782; Arnoldo Lacayo, *Astigarraga Davis*, Miami
- The act of state doctrine and its extraterritoriality exception when a foreign sovereign brings a claim against a resident or citizen's assets in the United States; Alvin Davis, *Squire Patton Boggs*, Miami
- The Second Circuit's recent opinions limiting a judgment creditor's ability to attach blocked electronic fund transfers ("EFTs") sent by foreign states and their instrumentalities; Paulo Lima, *Hunton & Williams*, Miami

Panel Moderator: Carlos F. Concepción, *Concepción Martinez & Puente*, Coral Gables

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

Coffee Break

Sponsored by Bronze Sponsor Upchurch, Watson, White & Max

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

Enforcement of Foreign Judgment or Award

The collection of a foreign judgment or award can be one of the most challenging subject matters of international litigation. These leading practitioners will discuss key procedural, discovery and substantive law issues for the judgment debtor and creditor.

- Collecting on a sovereign debt in the United States under the Foreign Sovereign Immunities Act (FSIA) and the Banec standards; Raul Manon, *Squire Patton Boggs*, Miami
- Best practices in enforcing a foreign judgment or award in the United States and abroad; Carlos Osorio, *Aballi Milne Kalil*, Miami; Les Reizes, *Reizes Law Firm*, Boynton Beach
- Discovery in the United States and abroad in connection with enforcing a foreign judgment or award; Oleg Rivkin, *Carlton Fields Jordan Burt*, New York

Panel Moderator: Richard Lorenzo, *Hogan & Lovells*, Miami

International Arbitration Morning Track (Breakout Room One)

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

Hot Topics in International Arbitration

Topics include the following: recent changes to international rules, including AAA and LCIA; the use of writs of constitutional protection to block enforcement of arbitral awards; international commercial mediation, including legislation aimed at reducing mediation agreements and the proposed UNCITRAL Convention on Enforcement of Mediated Settlements; and the 1958 New York Convention and its complex outcome in the U.S.:

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Figueiredo and First Investment: how Article III serves as a stopper to enforcement with the use of *forum non conveniens* and personal jurisdiction.

Panelists: Ricardo Cata, *Upchurch Watson White & Max*, Miami
Manuel Gomez, *Florida International University College of Law*, Miami
Marika Paulsson, *University of Miami School of Law's International Arbitration Institute*, Miami
Nancy Thevenin, *Thevenin Arbitration & ADR*, New York

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

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

Coffee Break

Sponsored by Bronze Sponsor Upchurch, Watson, White & Max

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

Damages in International Arbitration

Panel topics include the following: Should tribunals give greater scrutiny to damages models, perhaps by applying a Daubert standard?

How should tribunals arrive at the appropriate number? Is there an obligation to select any particular model, or can the tribunal create its own calculation?

What constitutes a good damages report?

Does the party seeking damages bear the burden of proof? If so, does the failure to convince the tribunal mean no breach was committed?

Panelists: Joseph Mamounas, *Bilzin Sumberg Baena Price & Axelrod*, Miami
C. Ryan Reetz, *Bryan Cave*, Miami
Sarah E. Reynolds, *Mayer Brown*, Chicago
Joseph M. Scarlato, *Meaden & Moore*, New York

Panel Moderator: Quinn Smith, *Gomm & Smith*, Miami

International Business Transactions Morning Track (Breakout Room Two)

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

Florida as an International Business Destination: Counseling inbound foreign investors, executives/managers on immigration, corporate, and tax challenges

This panel will provide guidance on vehicles and strategies that foreign investors, executives/managers can use for immigration, tax and business as they come onshore to the US, including the challenge of coordinating business visa requirements with complex offshore tax planning and important business issues for internationally based Florida start-up enterprises.

Panelists: Jacqueline Villalba, *Rifkin & Fox-Isicoff, P.A.*, Miami
Mark Rich, *Fowler Rodriguez, LLP*, Miami
Marcos D. Jimenez, *McDermott Will & Emery*, Miami
Marco Ferri, *Avila Rodriguez Hernandez Mena & Ferri LLP*, Miami

Panel Moderator: Josh Markus, *Carlton Fields Jordan Burt, P.A.*, Miami

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

Coffee Break

Sponsored by Bronze Sponsor Upchurch, Watson, White & Max

International Litigation, Arbitration & Business Transactions Conference

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

Foreign Corrupt Practices Act: 2015 Update

This panel will discuss the most relevant trends in the laws and regulations comprising the Foreign Corrupt Practices Act and how corporate and transactional counsel can best manage these issues successfully and ensure compliance under challenging circumstances.

Panelists: Jacqueline Becerra, *Greenberg Traurig P.A.*, Miami
Richard Montes de Oca, *MDO Partners*, Miami
Marcello Hallake, *Jones Day*, Miami
Mariana Conti Craveiro, *BCBO Advogados Associados*, São Paulo, Brazil

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

Luncheon Speaker:

Judge Rosemary Barkett, *Iran/U.S. Claims Tribunal*

Included in registration fee.

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International Litigation Afternoon Track (Main Conference Room)

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

Offshore Tax Evasion and Related Law Enforcement Issues

The U.S. Government has ramped up its efforts in prosecuting international tax evasion cases. Complex federal tax laws, amnesty, and international extradition treaties form part of the complexity in the defense and prosecution of these cases. This superstar list of panelists will discuss case strategy and best practices in these procedurally and substantively complex cases.

- The UBS Tax Case Involving Raoul Weil and his acquittal of U.S. Tax Conspiracy; Matthew Menchel, *Kobre Kim*, Miami
- International Extradition; Rebekah Poston, *Squire Patton Boggs*, Miami

Panel Moderator: Eduardo Palmer, *Eduardo Palmer, P.A.*, Miami

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

Coffee Break

Sponsored by Bronze Sponsor Kroll & Associates

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

The attorney client privilege in multi-jurisdictional litigation and balancing the conflicting duties of the attorneys in civil and common law jurisdictions with discovery obligations

This panel will discuss the differences between discovery obligations in civil and common law jurisdictions and the conflicting ethical implications this could present for the practitioner. The panelists will discuss the IBA guidelines on discovery in international cases, conflicts of law issues and dealing with ethical issues during litigation.

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Panelists: Gustavo Lamelas, *Lamelas Law*, Coral Gables

Hon. Juan Ramirez, *Diaz Reus*, Miami

Hon. Arias Arzeno, Dominican Republic

Dr. Javier Viaña, *Viaña Abogados*, Bilbao, Spain

Panel Moderator: Ricardo H. Puente, *Concepción Martínez & Puente*, Coral Gables

International Arbitration Afternoon Track (Breakout Room One)

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

Arbitration in the Americas

Regional developments and trends from the perspective of law firm, in-house and institutional professionals. The development of regional arbitral institutions in Latin America. Evolution of arbitration in Central America. The use of international arbitration agreements in international business transactions in Latin America.

Panelists: Christian Díaz Barcía, *LLM Abogados*, San José, Costa Rica

Alexandra Serra, *Western Union*, Miami

Frederico José Straube, *CAM-CCBC*, São Paulo, Brazil

James Warnot, *Linklaters*, New York

Panel Moderator: Angel Valverde, *Aballí Milne Kalil*, Miami

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

Coffee Break

Sponsored by Bronze Sponsor Kroll & Associates

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

Arbitration of Energy and Infrastructure Disputes

Discussion of issues in oil and gas, mining and construction arbitration, in both investment and commercial arbitration. Resources Nationalism in Latin America and the Venezuelan oil and gas arbitrations Arbitration on mining disputes. The Panama Canal dispute. From Claim to Final Hearing: Construction Disputes in International Arbitration.

Panelists: Elisabeth Eljuri, *Norton Rose Fulbright*, Caracas, Venezuela

Alvin F. Lindsay, *Hogan Lovells*, Miami

Laura M. Reich, *White & Case*, Miami

Daniel E. Vielleville, *Assouline & Berlowe*, Miami

Panel Moderator: Scott A. Burr, *Concepción Martínez & Puente*, Coral Gables

International Business Transactions Afternoon Track (Breakout Room Two)

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

New and Proposed Tax and Banking Laws Impacting International Clients - Status of FATCA, Anti-inversion Efforts.

This panel will examine the impact on the international business community and foreign investors of the Foreign Account Tax Compliance Act (FATCA) and the accompanying regulations, as well as the new reporting requirements of the US Commerce Department's Bureau of Economic Analysis, as well as proposed anti-inversion legislation, and related developments.

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Speakers: Steven Hagen, Chairman of the Transnational Tax Network
Carlos Somoza, *Kaufman Rossin & Co.*, Miami
LaTonia Tinker, *Bayshore Group*, Bahamas
Arturo Aballi, *Aballi Milne Kalil*, Miami

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

Coffee Break

Sponsored by Bronze Sponsor Kroll & Associates

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

Review and Analysis of Current and Proposed Amendments to the Regulations of the Department of Treasury and the Department of Commerce Relating to Cuba

This panel will identify, explain and discuss the amendments to the regulations announced by President Obama on December 17, 2014 as well as the recent changes in US and Cuba policies and diplomatic relations. The panel will analyze the mechanics of the new laws (what will now be permitted and what is still not allowed under the new regulations) as well as how these developments are impacting our local community, the State of Florida and elsewhere in the United States and Cuba.

Panelists: Rolando Anillo, *Florida Crystals*, Miami
George Harper, *Harper Meyer*, Miami
Emil Infante, *DLA Piper*, Miami

Panel Moderator: Antonio Zamora, *Lex International*, Miami

Closing Plenary Session

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

Transnational Legal Ethics:

Conflicts of Interest, International Discovery, Spoliation, and Other Ethical Issues in International Transactions.

Panelists: Current and Former Members of the U.S. and Foreign Bench
Trent Walton, U.S. Legal

Panel Moderator: John Rooney, *John H Rooney Jr. P.A.*, Miami

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

CLOSING REMARKS

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

ILAT Closing Reception

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Registration

ONLINE
www.floridabar.org/CLE

MAIL
Completed form with check

FAX
Completed form to 850.561.9413

Register me for the International Litigation, Arbitration & Transactions (ILAT) Conference

ONE LOCATION: (313) Conrad Miami Hotel, Miami, Florida (February 27, 2015)

TO REGISTER OR ORDER COURSE BOOKS BY MAIL, SEND THIS FORM TO The Florida Bar, Order Entry Department: 651 E. Jefferson Street, Tallahassee, FL 32399-2300 with a check in the appropriate amount payable to The Florida Bar or credit card information filled in below. If you have questions, call 850/561-5831. ON-SITE REGISTRATION, ADD \$25.00.

On-site registration is by check only.

Name: _____ Florida Bar#: _____

Address: _____ Phone: () _____

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*E-mail address is required to receive electronic course material and will only be used for this order. ABF: Course No. 1915

ILAT (1915) – REGISTRATION (CHECK ONE)

- Member of International Law Section: \$475
- Non-section member: \$525
- Full-time college faculty or full time law student: \$275

(If registering for reduced fee, full-time college faculty or full-time law student, call or fax form only. No online registration for reduced fee, full-time college faculty or full-time law student.)

*Includes Supreme Court, DCA, Circuit and County Judges, Magistrates, Judges of Compensation Claims, Administrative Law Judges and full-time legal aid attorneys if directly related to their client practice. (We reserve the right to verify employment.)

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<p>ILAT Conference (LIVE) (1915R)</p> <p>Maximum CLE Credit: 7.0 hours</p> <p>General: 7.0 hours</p> <p>Ethics: 2.5 hours</p>	<p>CERTIFICATION PROGRAM</p> <p>Maximum Certification Credit: 7.0 hours</p> <p>Business Litigation: 5.0 hours</p> <p>International Law: 7.0 hours</p>		

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HOTEL RESERVATION INFORMATION: A block of rooms has been reserved at the Conrad Miami at the rate of \$309 single/double occupancy. To make reservations, call Conrad Miami at (305) 503-6500. Reservations must be made by February 5, 2015 to assure the group rate and availability. After that date, the group rate will be granted on a "space available" basis.

REFUND POLICY: A \$25 service fee applies to refund requests. Requests must be in writing and postmarked no later than two business days following the live course presentation or receipt of product. Registration fees are non-transferable, unless transferred to a colleague registering at the same price paid. Registrants who do not notify The Florida Bar by 5:00 p.m., February 20, 2015 that they will be unable to attend the seminar will have an additional \$150 retained.

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