



Buenos Aires

12-17 October
International Bar Association Conference 2008



Programme



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IBA staff

In addition to the Association's senior officers, many staff from the IBA offices will be attending the conference and would be happy to talk to delegates about any aspect of the Association's work.

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Continuing Professional Development/Continuing Legal Education

The conference has been accredited for 25 hours of CPD/CLE by the Law Society of England and Wales, the New York State Bar and the State Bar of California.

For delegates from other countries where CPD/CLE is mandatory, the IBA will be pleased to provide a Certificate of Attendance for this conference. Subject to your bar association/law society, the certificate may be used to obtain the equivalent accreditation in your jurisdiction.

Certificates will be available from IBA staff at the Registration Desk.

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Messages of welcome

From the IBA President



It is my great privilege to welcome you to the International Bar Association's 2008 Annual Conference. Buenos Aires is such an appropriate setting for this event because of the long tradition of highly skilled and sophisticated legal practice in Argentina. I also extend an especially warm welcome to the great many of you who are attending an IBA conference for the first time.

Here you will meet friendly and knowledgeable colleagues from every practice area around the world. I hope you will participate in all of the wonderful social programmes and the superb learning opportunities that comprise this special event. I am certain that the tremendous benefits you will gain this week here with us will encourage you to come back to many more of our events throughout the years to come.

We are especially honoured that Hernando de Soto will address us at the Opening Ceremony, providing us with new ideas to stimulate and inform our work. We also welcome the Mayor and the Chief Justice of Buenos Aires to the ceremony. In this place where international business has been woven inextricably into the history of the city's development from its earliest days, lawyers from around the world will exchange ideas from all areas of the legal profession. Once again we will all experience a dynamic exchange of concepts and opinions from a truly international perspective.

I encourage you to look through this programme thoroughly, so that you may take all opportunities available to benefit your practice during this exciting week. I also look forward to seeing you at the variety of enjoyable social events where you may meet and talk more informally with your colleagues from all over the globe.

In closing, I hope your experience here will inspire you to get involved in our work during the rest of the year. Please feel free to talk to me, other IBA Officers or members of staff, to let us know of your interest so that we may keep in touch with you after this week ends. Your knowledge, skill and commitment are the bedrock of the Association. My involvement in the IBA has been personally and professionally satisfying for many, many years, and I am certain that you will find yours to be the same.

I send you my warm regards for a wonderful week.

Fernando Pombo

President, International Bar Association

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From the Chair of the Legal Practice Division



Welcome to Buenos Aires! This international centre for trade and commerce is a fitting place for us to gather and to discuss a wide range of hot topics across the spectrum of legal practice.

Our committees and fora have worked very hard this year to assemble for you a truly spectacular range of sessions, which bring

together leading experts from all fields of legal practice.

The quality and diversity of the material being presented this week is dazzling. In particular, I encourage you to join us at the Legal Practice Division Showcase Session on Wednesday morning, where the Division's Task Force on Extraterritorial Jurisdiction will discuss in depth the issues surrounding extraterritorial jurisdiction. The Task Force report, which has been provided to you in your welcome bags, is an extraordinary piece of work that analyses these issues in a variety of practice areas and formulates recommendations for governments, courts, international organisations and businesses in order to reduce costs and conflicts that arise from the exercise of extraterritorial jurisdiction.

Many of our sections, committees, and fora engage in ongoing projects throughout the year in order to develop the various cutting-edge comparative analyses and models of best practice that are presented here. I urge you to become involved in the projects that interest you. The collective knowledge and experience of our members is of immense value, and enthusiastic volunteers are very much welcome to help fill our publications, working groups and speaker slates. Please talk to me or any of the committee officers if you are interested in contributing your expertise in one of these ways.

Each member here is part of the voice of the global legal profession that is the International Bar Association, so I hope that you will speak out here and in future LPD projects.

Buenos Aires is a special city, full of culture, life and energy. I am sure that you will take advantage of the many exciting opportunities to enjoy this city and to socialise with each other throughout the week.

Enjoy the conference and this wonderful city. I look forward to seeing you during the week.

David W Rivkin

Chair, Legal Practice Division

From the Chair of the Public and Professional Interest Division



I am delighted and honoured that you have joined us here in Buenos Aires, a wonderfully vibrant cultural centre which provides a perfect setting for our week together.

The Public and Professional Interest Division has brought together a remarkable variety of prestigious and fascinating speakers who will be addressing the various ways

the practice of law continues to evolve in order to match increased globalisation, as well as addressing issues of importance for particular interest groups such as women lawyers, senior lawyers, barristers, judges, or academics. Other sessions will address public legal issues like human rights, anti-corruption and CSR, and the Bar Issues Commission will discuss issues of common interest to bar associations and law societies from around the world.

In particular I want to recommend to you the PPID Showcase Session on Monday morning, where we have assembled an exceptional panel to speak on the continuing importance of the independence of the judiciary as a key element of the Rule of Law, as well as the impact of judicial independence on the business environment and business lawyers.

I encourage you to attend and participate in this session which will be fascinating and very relevant to your work. Additionally I recommend the outstanding Rule of Law Symposium on Friday where distinguished speakers will examine this crucial topic in the South American context.

I also want to remind you that as part of your IBA membership, you receive membership of a PPID constituent of your choice, so please use this week's sessions to find out more about your area of interest and join its work. IBA staff at the membership stand will be pleased to tell you how to formally register your choice of PPID constituent.

The PPID is what we call 'the heart of the IBA', giving you a chance to contribute meaningfully to the development of the legal profession as it continues to change in order to match the world's demands. I look forward to meeting you this week and discussing these issues further, and I wish you a fulfilling conference experience.

Martin Šolc

Chair, Public and Professional Interest Division

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Committee Information

Legal Practice Division

Antitrust and Trade Law Section 45

The Antitrust and Trade Law Section is among the largest sections in the Legal Practice Division with over 1,500 members.

Antitrust 45

The Antitrust Committee provides an international forum for the exchange of the most current thinking in the field of antitrust law.

Trade and Customs Law 46

The Trade and Customs Law Committee brings together private sector and government lawyers who are active in the areas of international trade, customs and investment law.

Corporate Law Section 47

The Corporate Law Section has over 2,000 members from around the world.

Closely Held and Growing Business Enterprises 47

The Closely Held and Growing Business Enterprises Committee addresses issues of ownership, management and financing of start ups, owner managed, closely held and family businesses and their legal advisers, and organisations with ambitions for growth.

Corporate and M&A Law 48

The Corporate and M&A Law Committee is the principal committee covering issues relating to mergers and acquisitions. The committee reviews developments relating to corporate governance, privatisations, joint ventures, as well as multinationals, listed corporations, private family companies, partnerships and business trusts.

Criminal Law Section 50

The Criminal Law Section has over 600 members from around the world and membership is steadily growing.

Business Crime 50

The Business Crime Committee's primary objective is to promote awareness within the business community and among transactional lawyers of the growing significance of legal compliance.

Criminal Law 51

The Criminal Law Committee provides a forum for members from many countries and criminal justice systems to meet regularly, communicate, exchange views, and monitor developments in substantive and procedural criminal law.

Dispute Resolution Section 52

The Dispute Resolution Section has over 3,500 members from around the world.

Arbitration 52

The Arbitration Committee focuses on laws, practice and procedures relating to the arbitration of transnational disputes, as well as alternate dispute resolution methods.

Consumer Litigation 54

The aim of the Consumer Litigation Committee is to consider international aspects of liability and the consumer's rights.

Litigation 55

The Litigation Committee focuses on the legal, practical and procedural issues involved in conducting litigation. Differences and developments in individual jurisdictions are compared, including issues such as jurisdiction, choice of law, and the role of international judicial assistance in dispute resolution.

Mediation 56

The Mediation Committee focuses on laws, practices and procedures relating to the mediation, conciliation, and negotiation of transnational disputes, as well as other alternative dispute resolution (ADR) processes.

Negligence and Damages 58

The global travel supermarket presents new challenges and opportunities to personal injury and other litigation lawyers worldwide. The Negligence and Damages Committee has the objective of providing information from a range of jurisdictions worldwide.

Energy, Environment, Natural Resources and Infrastructure Law Section (SEERIL) 58

The Section on Energy, Environment, Natural Resources and Infrastructure Law (SEERIL) has a membership of over 2,000 lawyers in private practice, oil and mining companies, international organisations, government and academia.

Environment, Health and Safety Law 59

The objective of the committee is to promote knowledge and awareness in all areas of environmental, health and safety law and related issues, as well as the interrelationships between them.

International Construction Projects 59

This committee is for lawyers interested in construction law and in exchanging experiences from construction projects around the world, from traditional building and civil engineering contracts to state-of-the-art project finance infrastructure projects.

Mining Law 61

The objective of the Mining Law Committee is to promote an interchange of information and views and to advance knowledge among individual members of the section and others as to laws, practices and procedures affecting all activities concerning minerals and mining throughout the world.

Oil and Gas Law 61

The Oil and Gas Law Committee focuses on issues such as: exploration and production for all forms of hydrocarbons; onshore and offshore oil and gas; joint operating agreements and other usual contracts used by the industry; financing and insurance; comparative tax regimes; state participation and national oil companies; natural gas transportation and distribution; LNG chain; and hydrocarbons regulatory bodies and agencies.

Power Law 62

The Power Law Committee examines electricity law and law applicable to non-military uses of nuclear power, including: the generation, distribution and sale of electricity; contractual and regulatory problems relating to the electricity sector, including competition law aspects; licensing and decommissioning of nuclear installations; nuclear waste management; nuclear liability; uranium exploration and mining.

Water Law 63

The Water Law Committee looks at the following issues: quantity and quality rights in international rivers; national water allocation systems; national water quality protection systems; water resource related aspects of natural resource development; hydroelectric development; water transfers; alternative dispute resolution mechanisms; institutional issues in water resources development and distribution.

Financial Services Section 63

The Financial Services Section is one of the largest sections in the Legal Practice Division, comprising approximately 3,500 members.

Banking Law 64

The Banking Law Committee provides a worldwide forum for banking lawyers and other legal professionals within the banking community to address all sorts of practical and legal issues arising in commercial and regulatory activities in this context.

Capital Markets Forum 64

The Capital Markets Forum is a private sector initiative set up to monitor and assist in the orderly development of capital markets, while recognising the importance of the legal role in providing a framework for market forces, and in settling the parameters of fair behaviour.

Insurance 65

Insurance is present in every facet of commercial, industrial and private life. The committee aims to encourage the global exchange of knowledge and experience in connection with the law of insurance/reinsurance as well as industry practice and to provide opportunities for professionals working in this area of the law/industry to meet and foster relationships.

Investment Funds 66

The Investment Funds Committee provides a forum for its members to consider current developments in the global investment funds industry, including regulatory developments, product structuring and distribution, and other issues relating to investment management.

Securities Law 66

The Securities Law Committee, in addition to looking at traditional regulatory topics dealing with the organisation and functioning of capital markets, focuses on all financing techniques, including the raising of finance generally or for specific projects, whether in the form of equity, convertible debt or other forms of debt, equity or hybrid instruments, as well as securities issues in the context of mergers and acquisitions and security holders' rights.

Human Resources Section 67

The Human Resources Section has over 800 members from around the world.

Discrimination Law 68

The committee focuses on discrimination and gender equality issues which arise in the profession and under the general law.

Employment and Industrial Relations Law 69

The aims of the committee are to develop and exchange knowledge of employment and industrial relations law and practice.

Immigration and Nationality Law 70

The Immigration and Nationality Law Committee is concerned with all aspects of immigration and nationality law on a worldwide basis, including business-related immigration, family reunion policies, refugees and compassionate cases.

Insolvency, Restructuring and Creditors' Rights Section (SIRC) 71

The Insolvency, Restructuring and Creditors' Rights Section (SIRC) has 871 members. The section is the most prominent international association of lawyers interested in insolvency and creditors' rights law and serves as an Official Observer to the UNCITRAL Working Group on Insolvency Law, which it has assisted in developing the UNCITRAL Model Cross-Border Insolvency Law. It is currently working with the organisation to identify areas for harmonisation of domestic insolvency laws aimed at ensuring certainty and effectiveness in cross-border trade and other financial transactions.

Intellectual Property, Communications and Technology Law Section 73

With over 2,000 members, the Intellectual Property, Communications and Technology Section is one of the largest sections in the Legal Practice Division.

Art, Cultural Institutions and Heritage Law 73

The committee is concerned with all aspects of law as it relates to art, artists, and cultural heritage in the broadest context. This extends from archaeology and the protection of ancient monuments to national heritage and public and private collections to the art trade and contemporary art. 'Art law' is an interdisciplinary field involving tax (individual estates and charities), commercial transactions, intellectual property in all aspects and private and public international law.

Communications Law 74

The committee focuses on communication technology, delivery mechanisms, services and equipment.

Intellectual Property and Entertainment Law 75

The purpose of the committee is to encourage contacts between intellectual property and entertainment lawyers around the globe, and also to disseminate information about new developments and topical problems in these fast-changing areas of law.

Media Law 76

The committee is dedicated to gathering and disseminating, among its members and friends, knowledge in all areas of law related to the media industry. This encompasses both content and communication issues.

Space Law 77

The committee provides a forum for lawyers to address the increasing number of practical legal issues arising in commercial and regulatory activities in this specialised area of domestic and international law.

Technology Law 78

The committee's primary area of interest includes any law which touches on the use of computer and internet technology in commerce, whether contentious or non-contentious, civil or criminal.

International Sales, Franchising and Product Law Section 79

The International Sales, Franchising and Product Law Section has over 1,500 members from around the world.

International Franchising 79

The International Franchising Committee focuses on the law and business of international franchising. Committee interests include competition law principles, cross-border sales and licensing issues, the business forms employed, and trademark and intellectual property protections required to assure franchising success.

International Sales 79

The International Sales Committee examines legal issues fundamental to the growth and development of international commerce, including international sales contracts, agency and distribution, cross-border acquisitions, warranties and financing of international sales.

Product Law and Advertising 80

The committee covers a broad range of topics and problems, which are of increasing importance to the international lawyer in both national and transnational work in the field of product law and advertising.

Law and Individual Rights Section 81

The Law and Individual Rights Section has a membership of over 700.

Family Law 81

The committee focuses on developments of international significance in all aspects of family law, including marriage, divorce, inheritance, human rights in the family, adoption, and international child abduction.

Human Rights Law 82

The committee is concerned with all human rights matters relevant to legal practice. The committee directs its attention to both national laws and to international human rights instruments and the position of lawyers themselves and the protection of the rights of others.

Indigenous Peoples 82

The Indigenous Peoples Committee looks at questions of development as it affects both land and people. It approaches the subject from the legal perspective of the people and the land affected rather than that of developers or proponents of projects, governments or business in general.

Medicine and the Law

The Medicine and the Law Committee is concerned with all aspects of medicine and law including health law on a worldwide basis.

Leisure Industries Section 82

The Leisure Industries Section has a membership of 264, and looks at the latest developments and changes in laws relating to various leisure pursuits. This includes sports and gaming, which demonstrates ever-increasing internationalisation of the legal issues in recent years. It also includes legal issues arising from travel, tourism and hospitality, providing a focused specialist perspective on the related fields of aviation, property, finance, maritime, intellectual property, employment, litigation, conflict of laws, consumer law, insurance and trade law. This section formerly consisted of two committees – Sports and Gaming Law and Tourism and Hospitality Law – which have now merged into one section to cover issues in both areas.

Maritime and Aviation Law Section 84

The Maritime and Aviation Law Section has over 1,000 members.

Aviation Law 84

The Aviation Law Committee is concerned with several major areas of law. Aircraft transactions and financing are always a major interest. The committee also follows developments of international law with respect to airlines in both economic and tort areas, and also focuses on competition issues related to aviation.

Maritime and Transport Law 86

The committee works to increase knowledge on a worldwide basis of the most current legal issues in the field of maritime and transport law.

Public Law Section 87

With 338 members in 76 countries, the Public Law Committee provides a worldwide forum where all topics of public law are discussed, focusing on furthering the debate relating to governmental policy and the implementation and regulation of administrative action, and exploring both traditional and non-traditional aspects of administrative law.

Real Estate Section 87

The Real Estate Law Committee represents a vast knowledge pool within its membership of 591, and works to communicate and disseminate that knowledge throughout the profession. Worldwide trends, individual jurisdictional matters and transnational developments are regularly the focus of newsletters and conference presentations.

Taxation Section 88

The Taxation Section has over 1,000 members around the world.

Individual Tax and Private Client 89

The committee is concerned with not only what the law is but how it might develop internationally in: inheritance rights and succession rules; will making; lifetime giving; trusts; creditor claims against trusts and estates; and regulatory compliance affecting trusts.

Taxes 89

The Taxes Committee offers its members access to the highest quality technical, practical and professional tax expertise to understand and find solutions to international tax issues and concerns, encourages interface between international tax specialists, and promotes the building of networks among tax lawyers worldwide. The committee is divided informally into four practice group areas – income taxes, other taxes, tax litigation and employee benefits.

IBA Fora 92**African Regional Forum** 92

The problems facing African lawyers are different to those affecting lawyers in other regions. To this end, the African Regional Forum was created to identify and address these challenges.

Arab Regional Forum 93

This forum provides a network for lawyers who work in or have an interest in the Arab region to establish contact and exchange information. A particular focus of interest is the continuing economic importance of the region, including reconstruction and investment projects following peace initiatives.

Asia Pacific Forum 93

In addition to offering an unrivalled opportunity to establish contact among lawyers within and outside the region, and with acknowledged experts on different areas of law, specialist forum activities provide an unparalleled opportunity to keep abreast of legal business developments in the Asia Pacific region.

Corporate Counsel Forum 94

The Corporate Counsel Forum is the pre-eminent forum for discussion, education and spokespersonship for corporate counsel within the IBA. Through its conference sessions and publications, it looks at the most topical issues for corporate counsel in all legal fields, as the responsibilities and complexities of the role continue to increase.

European Forum 96

The European Forum was established to provide a focus for the work carried out by the IBA in Europe, as lawyers in the region develop their practice under changing legal systems. It also acts as a channel for the IBA to communicate with the local bar associations in the region.

Latin American Regional Forum 97

The Latin American Forum covers all countries in Latin America as well as Mexico, Puerto Rico and Spanish-speaking areas of the Caribbean, and provides a focus for all activities in the region.

North American Regional Forum 99

The North American Forum covers Canada, Mexico, Puerto Rico, the United States, and English-speaking areas of the Caribbean. Launched in 2006, the NAF is the focus for all activities in the region.

Constituent Information

Public and Professional Interest Division

Academic and Professional Development 100

The Academic and Professional Development Committee aims to represent the interests of law teachers (academic and professional) as well as professional developers.

Anti-Corruption 102

The Anti-Corruption Committee focuses on the effect of new anti-corruption laws around the world. The advent of several anti-corruption conventions has brought about the enactment of new anti-corruption laws in scores of countries. Aggressive enforcement, including extraterritorial enforcement of national laws and a wide range of anti-corruption initiatives, has brought this issue to the forefront worldwide.

Bar Issues Commission 103

The Bar Issues Commission (BIC) supports the activities and interests of the IBA's member organisations by providing a forum for discussion on issues of common interest and, through its Policy Committee, proposes resolutions and guidelines for approval that are of relevance to member organisations. The BIC holds an annual conference in May of each year, presents programmes at annual conferences on issues of particular interest to member organisations, has resource pages on the IBA website and provides e-bulletins for its members.

Corporate Social Responsibility 105

The Corporate Social Responsibility (CSR) Committee identifies issues and takes steps to strengthen the understanding and adoption of CSR principles in the operation of corporations' overall businesses. The CSR Committee recognises that today's corporation has duties extending beyond its shareholders to its workforce, the communities that it impacts and the environment. The CSR Committee deals extensively with issues relating to human rights, diversity and corporate governance.

Forum for Barristers and Advocates 106

The Forum for Barristers and Advocates represents those who practise as independent referral practitioners in jurisdictions where the legal profession is divided. It was formed by the bar leaders in these jurisdictions to give a voice within the IBA to the principles of independent advocacy. The Forum has played a particular role in addressing the importance to the rule of law of the independence of advocates and the judiciary, the need for ethical conduct and training and education.

Human Rights Institute 106

Established in 1995 under the honorary presidency of Nelson Mandela, the IBA's Human Rights Institute (HRI) is a leading voice in the promotion of the rule of law worldwide and works to promote, protect

and enforce human rights under a just rule of law in a variety of ways. The HRI also liaises closely with international and regional human rights organisations and produces newsletters and other publications highlighting issues of concern to worldwide media.

Judges' Forum 107

The Judges' Forum offers an opportunity for judges from all jurisdictions to meet and discuss issues that are of common and current interest to members of the judiciary. Membership of the forum is open to judges of all levels of court and seniority, whether exercising general or special jurisdiction, and including part-time retired judges.

Law Firm Management 108

The Law Firm Management Committee has something of interest and relevance to every member of the IBA. Its principal objective is to be a leading global commentator on and provider of thought-provoking, informative, practical and relevant articles, programmes, seminars and discussion forums on all aspects of law firm management for firms in private practice of all sizes. The committee seeks to provide lawyers with the practical tools that they need in order to enhance their practice, their business development skills and their management capabilities.

Legal Profession and World Organisations 109

The aim of this committee is to oversee IBA contacts with the UN and other world organisations, ensuring that the relevant IBA committees and constituents are fully informed and their inputs coordinated.

Multidisciplinary Practices 109

This committee is involved in the study of developments in, and the impact of, non-lawyer ownership and participation in organisations delivering services to the public. It also focuses on the provision of non-legal products and services (as well as legal services) by lawyer-owned firms.

Pro Bono and Access To Justice 110

In 2006, the Access to Justice Committee was reconstituted as the Pro Bono and Access to Justice Committee to emphasise the committee's accelerated efforts to promote pro bono work by lawyers, law firms and organisations of lawyers.

The constituent's objectives are: to foster worldwide recognition that access to justice is the right of all individuals; to promote access to justice for all, with particular attention to the indigent, disadvantaged and marginalised; to strengthen a culture of pro bono work among lawyers, law firms and other organisations of lawyers; and to identify/facilitate best practices in the delivery of legal aid.

Professional Ethics 111

Professional ethics involves an area that all lawyers must be familiar with, regardless of their field of practice. The Professional Ethics Committee seeks to promote the high standards of professional conduct and ethics on a global basis. The committee provides a forum for all international lawyers who are interested in discussing and debating issues affecting the practice of law. In today's world a lawyer may face conflicting duties and the application of professional standards may be far from apparent.

Anti-Money Laundering Legislation Implementation Working Group 112

The group tackles the practical difficulties for the legal profession presented by compliance with anti-money laundering legislation in Europe and the rest of the world. The group is in constant dialogue with the Financial Action Task Force (FATF), the European Commission, local regulatory bodies, bar associations and others to share information and encourage more coordination.

Senior Lawyers 112

The Senior Lawyers' Committee is designed, as the name implies, to cater for the needs and interests of senior lawyers. It acts, not only within, but also outside the IBA to advance the interests of senior lawyers, particularly in issues of age discrimination.

Women Lawyers' Interest Group 112

The Women Lawyers' Interest Group offers a forum for women members from Australia to Zambia to discuss topics of global significance to women practitioners.

Young Lawyers 113

The Young Lawyers' Committee's primary goal is to further the interests and objectives of young lawyers around the world and within the IBA. It aims to help them establish themselves within the legal profession by promoting their professional skills.

THE RULE OF LAW ACTION GROUP

The President has created a Rule of Law Action Group to continue to address and guide the Association in its Rule of Law work.

See page 42 for information on the Rule of Law Symposium on Friday 17 October, 1000 – 1700.

Daily schedule of sessions

Time	Event	Location	Page
SATURDAY			
1400 – 1730	Registration	San Isidro Hall, Lower Level	
SUNDAY			
1000 – 1800	Registration	San Isidro Hall, Lower Level	
1800 – 1930	*Opening ceremony	La Rural	121
1930 – 2230	*Welcome party	La Rural	121
MONDAY – FRIDAY			
0900 – 1800	Registration	San Isidro Hall, Lower Level	

OPENING CEREMONY

SUNDAY 12 October

1800 – 1930

La Rural, Buenos Aires

We are delighted to announce the band of the Regimiento de Granaderos a Caballo, one of the oldest and most prestigious regiments in the Argentine Army, will perform during the Opening Ceremony. The regiment was founded by José de San Martín in 1812 and today acts as the presidential guard.

Welcome

Ambassador Emilio J Cárdenas *Former Permanent Representative to the United Nations for Argentina; Co-Chair, IBA Human Rights Institute*

Dr Ricardo Luis Lorenzetti *Chief Justice of the Supreme Court of Justice of Argentina*

~ **Mauricio Macri** *Mayor of Buenos Aires*

Speakers

Fernando Pombo *President, International Bar Association, Madrid, Spain*

David W Rivkin *Chair, IBA Legal Practice Division, New York, USA*

Martin Solc *Chair, IBA Public and Professional Interest Division, Prague, Czech Republic*

Keynote Speaker

Hernando de Soto *President, Institute for Liberty and Democracy (ILD), Lima, Peru*

Hernando de Soto is President of the Institute for Liberty and Democracy headquartered in Lima, Peru considered by The Economist as one of the two most important think tanks in the world.

Time and Forbes have chosen him as one of the leading innovators in the world, and more than 20,000 readers of Prospect and Foreign Policy ranked him as one of the world's top 13 "public intellectuals".

He has served as President of the Executive Committee of the Copper Exporting Countries Organization, as CEO of Universal Engineering Corporation, as a principal of the Swiss Bank Corporation Consultant Group, and as a governor of Peru's Central Reserve Bank.

He is also the author of several books and papers on economic policy, including the seminal work *The Mystery of Capital*.

*

The opening ceremony will be followed by the welcome party at La Rural
Transport will be provided from the Sheraton Buenos Aires Hotel & Convention Center

Working Sessions

Working sessions will take place from 1000 – 1300 and 1500 – 1800 at the Sheraton Buenos Aires Hotel & Convention Center and the Meliá Buenos Aires Hotel. The Meliá Buenos Aires Hotel is a 5 -10 minute walk from the Sheraton Buenos Aires Hotel & Convention Center.

Please refer to the meeting room layouts on pages 119.

Coffee and tea break times: 1115 – 1145 and 1615 – 1645.

Committee business meetings discuss future activities: members and non-members are welcome to attend.

With the exception of the Cultural Issues Programme 'Tango – expressing the vibrant urban culture of Argentina' (1315 – 1600 Monday 13 October), which will take place at El Querandi, guests are not entitled to attend working sessions. Tickets must be purchased for this programme.

Dress Code

The dress code is smart casual for working sessions and social events unless otherwise stated.

Social Programme

Full details of all conference and committee social events appear on pages 121 – 127.

All functions are open to delegates and registered accompanying persons. Tickets for social events, subject to availability, may be purchased from the IBA registration desk.

*** Indicates functions open to delegates and registered accompanying persons and for which there is no charge. Admission is by conference badge unless otherwise indicated.**

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Schedule of sessions

Section/Committee	Co-sponsor	Title	Location	Page
Monday all day 1000 – 1800				
Energy, Environment, Natural Resources and Infrastructure Law Section (SEERIL)		What price carbon? Climate change and the law	Golden Horn (1 st Floor)	58
Human Resources Section Employment and Industrial Relations Law		Labour and employment law standards for global businesses with operations in the Americas	La Pampa (1 st Floor)	69
Monday AM 1000 – 1300				
LEGAL PRACTICE DIVISION				
Antitrust and Trade Law Section		Competing by trading – developments in the antitrust/trade law interface	Catalinas (1 st Floor)	45
Corporate Law Section Corporate and M&A Law		All you need to know about M&A in South America	Libertador C (1 st Floor)	47
Criminal Law Section Business Crime		Industrial espionage and competitive intelligence: challenges and recent trends – working group meeting	Río de la Plata (2 nd Floor)	50
Criminal Law	Human Rights Law	History and justice: achieving justice through the legal mechanisms necessary to bring those guilty of crimes during dictatorships and military rule to justice	Gómez Losada (2 nd Floor)	51
Dispute Resolution Section		Financial aspects of dispute resolution	Libertador B (1 st Floor)	52
Energy, Environment, Natural Resources and Infrastructure Law Section (SEERIL) International Construction Projects		Ten ways to define the word 'fraught': successful project delivery in a fraught environment	El Aguila (24 th Floor)	59
Financial Services Section		Capital markets in crisis	Retiro B (1 st Floor)	63
Human Resources Section Immigration and Nationality Law		Global business immigration update	Tirso De Molina C Meliá Buenos Aires Hotel	70
Insolvency, Restructuring and Creditors' Rights Section (SIRC)	Litigation	When the crunch comes: the battle for survival for businesses in the subprime jungle	Retiro C (1 st Floor)	71
Intellectual Property, Communications and Technology Law Section		Up to speed dating – informal table talks on hot topics for the Intellectual Property, Communications and Technology Law Section	San Telmo (Ground Floor)	73
Media Law	Human Rights Law	Press freedoms in the Americas and beyond: current issues in newsgathering and publishing liabilities	Martín Fierro I (2 nd Floor)	76
International Sales, Franchising and Product Law Section		International consignment sales and parallel imports	Retiro A (1 st Floor)	79

Section/Committee	Co-sponsor	Title	Location	Page
Law and Individual Rights Section		Child protection – children's rights and their protection	Casona A Meliá Buenos Aires Hotel	81
1300 – 1400 Human Rights Law		Open business meeting	Martín Fierro I (2 nd Floor)	82
Leisure Industries Section	Real Estate	Hot for hotels	Tirso De Molina A Meliá Buenos Aires Hotel	82
Maritime and Aviation Law Section		Aircraft liens including non-consensual liens	Poncho (2 nd Floor)	84
Aviation Law		Founding of jurisdiction and anti-suit injunctions	Ombú I (2 nd Floor)	86
Maritime and Transport Law				
Taxation Section		Rationalising Latin American ownership structures	Martín Fierro II (2 nd Floor)	88
FORA				
Corporate Counsel Forum		Ethics in-house: responsibilities, duties and privilege(s) for in-house counsel	Atalaya (24 th Floor)	94
European Forum	Human Rights Institute/Latin American Forum	Human Rights – should they go beyond traditional areas of protection?	Ombú II (2 nd Floor)	96
Latin American Forum	Private Equity/ Private Investment Funds	Latin American private equity and hedge funds	Libertador A (1 st Floor)	97
PUBLIC AND PROFESSIONAL INTEREST DIVISION	SHOWCASE	Importance of the independence of the judiciary	Auditorium (Ground Floor)	34
Academic and Professional Development		Ensuring the future success of your firm: choosing and training your partners	Tirso De Molina B Meliá Buenos Aires Hotel	101
Bar Issues Commission 0845 – 0945		BIC Welcome Meeting	Martín Fierro I (2 nd Floor)	103
Young Lawyers' Committee		Young lawyers' introductory meeting	Casona B Meliá Buenos Aires Hotel	113
Monday 1300 – 1400				
Corporate Counsel Forum		Open forum: identification of issues common to corporate counsel	Atalaya (24 th Floor)	94
Monday Lunch 1300				
European Forum lunch			Fiestas Room The Marriott Plaza Hotel	121
North American Forum lunch			Florida Rooms The Marriott Plaza Hotel	121
Arab Regional Forum lunch			Dorado Room The Marriott Plaza Hotel	121
Monday Lunch 1315				
Capital Markets Forum lunch			West Bengal	125
Cultural Issues Programme event			El Querandi	37

Section/Committee	Co-sponsor	Title	Location	Page
Public and Professional Interest Division lunch			Versailles Ballroom, Alvear Palace Hotel	121
Monday PM 1500 – 1800				
LEGAL PRACTICE DIVISION				
Antitrust and Trade Law Section Antitrust		Multinational merger control – how to deal with many cooks	Retiro A (1 st Floor)	45
Corporate Law Section Closely Held and Growing Business Enterprises		Passing on the mantle - succession planning for closely held and family businesses	Libertador A (1 st Floor)	47
Dispute Resolution Section Arbitration	Corporate Counsel Forum	Ethics in arbitration for counsel and arbitrators	Libertador B (1 st Floor)	52
Energy, Environment, Natural Resources and Infrastructure Law Section (SEERIL) Water Law	Business Crime	Water and terrorism	Gómez Losada (2 nd Floor)	63
Financial Services Section Insurance		Recent developments in insurance/ reinsurance	Retiro B (1 st Floor)	65
Securities Law		Mutual recognition in cross-border securities laws and regulations	Retiro C (1 st Floor)	66
Intellectual Property, Communications and Technology Law Section Art, Cultural Institutions and Heritage Law		Buying art – the worldwide market	Río de la Plata (2 nd Floor)	73
Media Law		Digital media and the internet: South America is home to a variety of unique content	Poncho (2 nd Floor)	76
Space Law	Human Rights Institute	Space law as a tool to human rights enforcement	Ombú II (2 nd Floor)	77
Technology Law		Technology private equity transactions	El Aguila (24 th Floor)	78
International Sales, Franchising and Product Law Section International Sales		CISG on the beach	Catalinas (1 st Floor)	79
Maritime and Aviation Law Section Maritime and Transport Law		Specialised charter parties, including contracts of affreightment	Ombú I (2 nd Floor)	86
Taxation Section Taxes		Securitisation as an alternate for raising financing and to deleverage for the multinational	Libertador C (1 st Floor)	89
FORA				
Arab Regional Forum 1700 – 1800		Open business meeting	Martín Fierro II (2 nd Floor)	93
Asia Pacific Forum	Private Equity	Key developments in corporate governance and other laws in Greater China and Asia Pacific countries affecting private equity investors	Tirso De Molina A Meliá Buenos Aires Hotel	93

Section/Committee	Co-sponsor	Title	Location	Page
European Forum	Latin American Forum/ Insolvency, Restructuring and Creditors' Rights Section (SIRC)	Soccer: players' transfers and clubs' takeovers – business operations and disputes around the sport of soccer	Martín Fierro II (2 nd Floor)	96
PUBLIC AND PROFESSIONAL INTEREST DIVISION				
Bar Issues Commission 1400 – 1700		Tour of the local Bar Association and Law Courts		103
Bar Issues Commission 1500 – 1700	Human Rights Institute	The International Criminal Court: the role of bar associations and practitioners	Martín Fierro I (2 nd Floor)	103
Forum for Barristers and Advocates 1500 – 1710	Litigation	The role of the Attorney General/Law Officer in a democratic society	Casona B Meliá Buenos Aires Hotel	106
1715 – 1800		The DIFC Courts and the role of the advocate in conducting international litigation	Casona B Meliá Buenos Aires Hotel	106
Judges' Forum	Criminal Law	Security and safety for judges and sexual abuse of children	Casona A Meliá Buenos Aires Hotel	107
Law Firm Management		Knowledge management in the smaller law firm: profitability tool or expensive fad?	Auditorium (Ground Floor)	108
Professional Ethics		Ethics in times of crisis and upheaval	Tirso De Molina B Meliá Buenos Aires Hotel	111
Women Lawyers' Interest Group		Glass ceilings and compensation discrimination facing women lawyers – part II	Atalaya (24 th Floor)	112
Young Lawyers' Committee		'Top 5' – Speed talk tables	Tirso De Molina C Meliá Buenos Aires Hotel	113
GENERAL INTEREST		Turn contacts into clients and referrers: five steps for successful rainmaking	San Telmo (Ground Floor)	37
GENERAL INTEREST		Tango – expressing the vibrant urban culture of Argentina	El Querandi (off site)	37
Monday evening				
1830 – 2130 Hosted Law Firm reception			Tattersall	121
2030 Art, Cultural Institutions and Heritage Law Committee dinner			La Cabana	125
Tuesday AM 0830 – 1000				
African Regional Forum Breakfast		Breakfast	Dorado Room The Marriott Plaza Hotel	125
ABA Welcome Breakfast		Breakfast	Fiestas Room The Marriott Plaza Hotel	121
Family Law Committee Breakfast		Breakfast	Florida Rooms The Marriott Plaza Hotel	125

Section/Committee	Co-sponsor	Title	Location	Page
Tuesday all day 1000 – 1800				
LEGAL PRACTICE DIVISION				
1100 Committees on Insurance and Maritime and Transport Law joint lunch excursion			Delta tour and Gato Blanco	125
PUBLIC AND PROFESSIONAL INTEREST DIVISION				
Corporate Social Responsibility	Corporate Counsel Forum	CSR: a matter of principle(s), law(s) or both? CSR with a special focus on human rights in a legal perspective	Gómez Losada (2 nd Floor)	105
Tuesday AM 1000 – 1300				
LEGAL PRACTICE DIVISION				
Antitrust and Trade Law Section Antitrust		Abuse of dominance: the centre of controversies	Libertador C (1 st Floor)	46
Corporate Law Section Corporate and M&A Law		Exit strategies for public and private companies (including dual track)	Retiro B (1 st Floor)	48
Criminal Law Section Business Crime	Capital Markets Forum	Criminalising corporate conduct	Auditorium (Ground Floor)	50
Dispute Resolution Section Arbitration	North American Forum/Latin American Forum	Court support for arbitration in the Americas and the role of public law	Libertador B (1 st Floor)	53
Consumer Litigation	Banking Law	Responsible lending in consumer credit agreements	Retiro C (1 st Floor)	54
Mediation		Mediation techniques workshop	Libertador A (1 st Floor)	56
Negligence and Damages		Tort reform: a solution to perceived defects of the traditional tort regime, or 'tort deform'?	Martín Fierro II (2 nd Floor)	58
Energy, Environment, Natural Resources and Infrastructure Law Section (SEERIL)				
Mining Law	Taxes	How to allocate benefits derived from mining activities among all stakeholders	Casona A Meliá Buenos Aires Hotel	61
Oil and Gas		Energy conflict management in Latin America	Tirso De Molina B Meliá Buenos Aires Hotel	61
Power Law	Environment, Health and Safety Law/ Water Law/ Mining Law	The law of sustainability	Casona B Meliá Buenos Aires Hotel	62
Water Law		International river basins	Tirso De Molina A Meliá Buenos Aires Hotel	63

Section/Committee	Co-sponsor	Title	Location	Page
Human Resources Section				
Employment and Industrial Relations Law		The legal advantages and risks of global outsourcing and contracting out and best practices for drafting and implementing cross-border and secondment employment agreements	La Pampa (1 st Floor)	69
1300 – 1500	Discrimination Law	Committee business meeting	La Pampa (1 st Floor)	69
Immigration and Nationality Law	Family Law	Family relationships and immigration: traditional concepts at the crossroads	Golden Horn (1 st Floor)	71
Insolvency, Restructuring, Creditors' Rights Section (SIRC)	North American Forum	The intersection of the credit markets and insolvency	Retiro A (1 st Floor)	72
Intellectual Property, Communications and Technology Law Section				
Communications Law		Gazing into the future: What will the regulation of tomorrow look like?	Catalinas (1 st Floor)	74
Technology Law	Media Law/ Space Law	We know where you are: geopositioning and the law	Ombú II (2 nd Floor)	78
Leisure Industries Section	Media Law/ Latin American Forum	Show me the money: representing athletes and sport franchises	El Aguila (24 th Floor)	83
1300 – 1400		Open business meeting	El Aguila (24 th Floor)	83
Taxation Section				
Taxes		Global trends in direct taxation: part I	Atalaya (24 th Floor)	90
FORA				
African Regional Forum		Can Africa compete? The role of Public Private Partnerships, venture capital, sovereign wealth funds, multilateral and bilateral institutions for accelerated economic growth	Tirso De Molina C Meliá Buenos Aires Hotel	92
PUBLIC AND PROFESSIONAL INTEREST DIVISION				
Academic and Professional Development		Cost-effective ways to train and develop your lawyers	Poncho (2 nd Floor)	101
Bar Issues Commission 1200 – 1400	Discrimination Law/Women Lawyers' Interest Group	Gender equality in bar associations	Martín Fierro I (2 nd Floor)	104
Professional Ethics		Hot topics in legal ethics	Ombú I (2 nd Floor)	111
Young Lawyers' Committee 1000 – 1130	Bar Issues Commission	The importance of bar associations having Young Lawyers' committees	Martín Fierro I (2 nd Floor)	114
GENERAL INTEREST		Increase your value to current and future clients: the RAINBOW strategy	San Telmo (Ground Floor)	37
Tuesday lunch 1300				
Asia Pacific Forum lunch			Florida Rooms The Marriott Plaza Hotel	121
Latin American Regional Forum lunch			Fiestas Room The Marriott Plaza Hotel	121
Women Lawyers' lunch			Dorado Room The Marriott Plaza Hotel	121

Section/Committee	Co-sponsor	Title	Location	Page
Committees on Banking Law and Securities Law joint lunch			Casa Cruz	125
Tuesday lunch 1315				
Mediation Committee lunch			West Bengal	125
Tuesday lunch 1330				
Antitrust Committee lunch			Circulo Militar	125
Tuesday PM 1500 – 1800				
LEGAL PRACTICE DIVISION				
Antitrust and Trade Law Section				
Trade and Customs Law	International Sales	Sales, soles, customs and pirates: a case study in international sales in the new millenium	Golden Horn (1 st Floor)	46
Corporate Law Section				
Private Equity		Management equity: economic, cultural and fiduciary issues	San Telmo (Ground Floor)	49
Dispute Resolution Section				
Arbitration		Arbitral procedure: new developments and good practice	Libertador B (1 st Floor)	53
Litigation		Private international law workshop	Retiro C (1 st Floor)	55
Mediation		Hot topics in mediation	Libertador A (1 st Floor)	57
Energy, Environment, Natural Resources and Infrastructure Law Section (SEERIL)				
Environment, Health and Safety Law		Environmental protection versus industrial development – have we gone too far?	Tirso De Molina B Meliá Buenos Aires Hotel	59
Mining Law	African Regional Forum/Latin American Forum	The host countries' perspective towards mining investments	Casona A Meliá Buenos Aires Hotel	61
Financial Services Section				
Investment Funds	Real Estate	Property-related investments	Retiro B (1 st Floor)	66
Securities Law	Banking Law	Structuring takeovers of financial institutions	Retiro A (1 st Floor)	66
Human Resources Section				
Discrimination Law	Indigenous Peoples	Recent developments in discrimination laws: indigenous peoples' rights and new remedies	Río de la Plata (2 nd Floor)	68
Employment and Industrial Relations Law		Compliance with rules and regulations pertaining to cross-border transfer of personnel and business data and best global practices to protect valuable and confidential business relationships	La Pampa (1 st Floor)	70
Intellectual Property, Communications and Technology Law Section				
Communications Law	Media Law	The emergence of the Third Screen: insights into the legal, regulatory and business issues around mobile television	Catalinas (1 st Floor)	74
Intellectual Property and Entertainment Law		Thinking outside the box – creative defences to intellectual property infringement actions	Libertador C (1 st Floor)	75

Section/Committee	Co-sponsor	Title	Location	Page
International Sales, Franchising and Product Law Section International Franchising		Franchising in Central and South America	Ombú I (2 nd Floor)	79
Leisure Industries Section		Special purpose tours – can I please have a nose job with my resort?	Auditorium (Ground Floor)	83
Taxation Section Taxes		Cross-border relocation of companies	Tirso De Molina C Meliá Buenos Aires Hotel	90
FORA				
African Regional Forum		Promoting rule of law in Africa: the role of regional institutions	Casona B Meliá Buenos Aires Hotel	92
Asia Pacific Forum	International Sales/Latin American Forum	Distribution and licensing in Latin America and Asia	Atalaya (24 th Floor)	93
European Forum	Corporate and M&A Law Committee	Cross border M&A transactions: state's interests versus European rules	Martín Fierro II (2 nd Floor)	96
PUBLIC AND PROFESSIONAL INTEREST DIVISION				
Anti-Corruption		Global update on anti-corruption enforcement	Ombú II (2 nd Floor)	102
Anti-Money Laundering Legislation Implementation Working Group		Are lawyers laundering money?	Poncho (2 nd Floor)	112
Bar Issues Commission		Privilege versus professional responsibility	Martín Fierro I (2 nd Floor)	104
Human Rights Institute		The independence of the legal profession	Tirso De Molina A Meliá Buenos Aires Hotel	106
Law Firm Management		Managing a modern law firm – is a corporate approach compatible with the core principles of the legal profession?	El Aguila (24 th Floor)	108
Tuesday evening				
1830 Newcomers' reception			Fiestas Room The Marriott Plaza Hotel	121
Leisure Industries Section, Latin American Regional Forum, Media Law Committee and Young Lawyers' Committee joint dinner and tour			Boca Stadium (La Bombonera) and Museum	125
2000 Joint Senior Lawyers and Women Lawyers Tango dinner			Dock TRES Puerto Madero	121
2030 Anti-Corruption Committee dinner			La Cabana	125
Committees on Communications Law and Space Law joint dinner			Piegari Vittelo & Dolce	125
Corporate and M&A Law Committee dinner			Lola	125
Investment Funds Committee dinner			Sottovoce	125
Taxation Section dinner			La Bourgogne at Alvear Palace Hotel Ballroom	125

Section/Committee	Co-sponsor	Title	Location	Page
2130 Section on Energy, Environment, Natural Resources and Infrastructure Law (SEERIL) dinner			Subito	125
Wednesday All day 1000 – 1800				
Intellectual Property, Communications and Technology Law Section Intellectual Property and Entertainment Law	Technology Law	Information protection: access, protection and use in litigation/ADR privilege; privacy law; cross-border restrictions and damages for misuse	El Aguila (24 th Floor)	75
Wednesday AM 1000 – 1300				
LEGAL PRACTICE DIVISION	SHOWCASE	Presentation on the IBA's Legal Practice Division Task Force on Extraterritorial Jurisdiction	Auditorium (Ground Floor)	35
Corporate Law Section Corporate and M&A Law		Anglo-Saxon clauses in civil law corporate sale and purchase agreements: do they work?	Libertador C (1 st Floor)	48
Dispute Resolution Section Litigation	Trade and Customs Law/ Arbitration	International dispute resolution and enforcement – a comparative analysis of WTO, BIT, ICC and domestic dispute resolution	Libertador B (1 st Floor)	55
Mediation		Investor-state mediation: is mediation suitable in investor-state disputes?	Retiro C (1 st Floor)	57
Energy, Environment, Natural Resources and Infrastructure Law Section (SEERIL) International Construction Projects	Project Finance/ Latin American Forum/North American Forum	PPPs in Latin America: what is working and what is not	Martín Fierro I (2 nd Floor)	60
Power Law		Visit to the Costanera Power Plant		62
Financial Services Section Insurance		Insurance on asbestos liabilities	Golden Horn (1 st Floor)	65
Human Resources Section Discrimination Law	Women Lawyers' Interest Group/Senior Lawyers	Discrimination, with particular reference to gender and age, in the legal profession – how this affects lawyers	Ombú II (2 nd Floor)	68
Immigration and Nationality Law		Work permit and visa options in Latin America	La Pampa (1 st Floor)	71
Insolvency, Restructuring and Creditors' Rights Section (SIRC)	Securities Law/ Capital Markets Forum	Acquisition of companies in the insolvency zone	Catalinas (1 st Floor)	72
International Sales, Franchising and Product Law Section International Sales		How to structure an international sales contract	San Telmo (Ground Floor)	80
Leisure Industries Section		Travel law hotspots around the world	Martín Fierro II (2 nd Floor)	84

Section/Committee	Co-sponsor	Title	Location	Page
Maritime and Aviation Law Section				
Aviation Law		Slots as a commodity and how they are treated around the world	Río de la Plata (2 nd Floor)	85
Maritime and Transport Law		Liability of freight forwarders	Ombú I (2 nd Floor)	86
Public Law Section	Indigenous Peoples	Implementing the UN Declaration on the Rights of Indigenous Peoples	Tirso De Molina A Meliá Buenos Aires Hotel	87
Real Estate Section		Real estate financing in Latin America	Tirso De Molina B Meliá Buenos Aires Hotel	88
Taxation Section				
Individual Tax and Private Client		I know we'll use a foreign trust – recognition and acceptance of foreign trusts	Retiro A (1 st Floor)	89
Taxes		Preservation of tax attributes and basis stepup in M&A transactions	Libertador A (1 st Floor)	90
FORA				
European Forum	Latin American Forum/ Corporate Counsel Forum	What Latin American general counsels expect from European lawyers	Atalaya (24 th Floor)	97
PUBLIC AND PROFESSIONAL INTEREST DIVISION				
Academic and Professional Development	Environment, Health and Safety Law	Greenrush or goldrush? What is the role of lawyers in achieving 'success' in environmental law matters?	Casona A Meliá Buenos Aires Hotel	101
Bar Issues Commission 1000 – 1130	Law Firm Management	Traditional versus modern ways of practising law	Tirso De Molina C Meliá Buenos Aires Hotel	104
1200 – 1400		Working in partnership with government to promote the business of your bar association's members	Tirso De Molina C Meliá Buenos Aires Hotel	104
Law Firm Management		Leadership and the law firm life cycle – the panel	Retiro B (1 st Floor)	108
Pro bono and Access to Justice		The Pro bono Declaration for the Americas: an initiative to commend and support throughout the American continents	Gómez Losada (2 nd Floor)	110
Wednesday 1300 – 1400				
Insolvency, Restructuring and Creditors' Rights Section (SIRC)		Open business meeting	Catalinas (1 st Floor)	73
Wednesday lunch 1300				
Legal Practice Division lunch			Fiestas Room The Marriott Plaza Hotel	121
Wednesday PM 1500 – 1800				
LEGAL PRACTICE DIVISION				
Antitrust and Trade Law Section Antitrust	Business Crime	Cartels: latest developments in international cartel enforcement	Golden Horn (1 st Floor)	46

Section/Committee	Co-sponsor	Title	Location	Page
Corporate Law Section Current Legal Developments		Recent developments in M&A (to include use of derivatives in M&A and activities of sovereign funds)	Libertador C (1 st Floor)	49
Dispute Resolution Section Arbitration		Hot topics in arbitration	Libertador B (1 st Floor)	54
Consumer Litigation		Collective redress and class action judgments – where, when, why and how global judgments have been enforced	Retiro C (1 st Floor)	55
Mediation	Forum for Barristers and Advocates/ Judges' Forum	The role of the judge and of the advocate in promoting mediation	Libertador A (1 st Floor)	57
Energy, Environment, Natural Resources and Infrastructure Law Section (SEERIL) International Construction Projects		Electronic documentation in construction – project management and dispute resolution	Tirso De Molina A Meliá Buenos Aires Hotel	60
Oil and Gas		Integration: what the governments say	Tirso De Molina C Meliá Buenos Aires Hotel	62
Financial Services Section Insurance		Fronting insurance	Tirso De Molina B Meliá Buenos Aires Hotel	65
Human Resources Section Employment and Industrial Relations Law	Discrimination Law	Employment and discrimination law aspects of global recruitment, interviewing, evaluating and hiring employees and issues which must be considered when terminating employees or reducing the workforce due to declining business	La Pampa (1 st Floor)	70
International Sales, Franchising and Product Law Section Product Law and Advertising	Environment, Health and Safety Law	When is advertising truly green?	Casona B Meliá Buenos Aires Hotel	80
Law and Individual Rights Section Family Law	Individual Tax and Private Client	Big money divorces: prenuptial and postnuptial agreements and trust – how are they treated in divorce in different jurisdictions	Casona A Meliá Buenos Aires Hotel	81
Maritime and Aviation Law Section Aviation Law		Are passengers being treated as self-loading cargo by some airlines – what are passengers' rights and issues?	Ombú I (2 nd Floor)	85
Public Law Section		The Lisbon Reform Treaty – a European Constitution in all but name?	Poncho (2 nd Floor)	87
Real Estate Section		Buenos Aires real estate tour		88
Taxation Section Taxes		Issues arising from transfer pricing adjustments	Atalaya (24 th Floor)	91

Section/Committee	Co-sponsor	Title	Location	Page
FORA				
Asia Pacific Forum	Corporate and M&A Law	Acquiring regulated investments in Asia and the Pacific – overcoming the regulatory hurdles and controlling your JV partners	Catalinas (1 st Floor)	93
Corporate Counsel Forum		Risking it all: how should a company respond to allegations that senior management have been involved in bribery and corruption?	Martín Fierro I (2 nd Floor)	95
Latin American Forum 1500 – 1700		Open business meeting	San Telmo (Ground Floor)	98
PUBLIC AND PROFESSIONAL INTEREST DIVISION				
Anti-Corruption		Recovery of looted assets	Río de la Plata (2 nd Floor)	102
Corporate Social Responsibility		CSR and our planet	Ombú II (2 nd Floor)	105
Human Rights Institute	SHOWCASE	Rendition, disappearances and indefinite detention: debates around torture	Auditorium (Ground Floor)	35
Law Firm Management	Closely Held and Growing Business Enterprises	Leadership and the law firm life cycle – the workshop	Retiro B (1 st Floor)	108
Multidisciplinary Practices		Multidisciplinary practices – arisen from the post-Enron death?	Gómez Losada (2 nd Floor)	109
Professional Ethics 1700 – 1800	Academic and Professional Development	Plagiarism: a threat to global law firm integrity	San Telmo (Ground Floor)	111
Young Lawyers' Committee		Transborder practice – Yes! Lawyers can work all over the world!	Martín Fierro II Meliá Buenos Aires Hotel	114
Wednesday evening				
2000 Arbitration Committee reception and dinner			Tattersall	127
Consumer Litigation Committee dinner			La Cabana	127
Insolvency, Restructuring and Creditors' Rights Section (SIRC) reception and dinner			Yacht Club Puerto Madero	127
2030 Aviation Law Committee dinner			Sottovoce	127
Intellectual Property and Entertainment Law Committee dinner			Casa Cruz	127
Trade and Customs Law Committee dinner			La Brigada	127
2100 International Construction Projects Committee dinner			Cabana Las Lilas	127
International Sales, Franchising and Product Law Section dinner			Rio Alba	127
Thursday AM 0830 – 1000				
Academic and Professional Development		Breakfast	Florida Rooms The Marriott Plaza Hotel	127

Section/Committee	Co-sponsor	Title	Location	Page
Law Firm Management		Managing Partners Breakfast	Fiestas Room The Marriott Plaza Hotel	127
Thursday All day 1000 – 1800				
Intellectual Property, Communications and Technology Law Section				
Communications Law	Media Law	Gulping from the fire hydrant: strategies for roll-out of new fibre networks, including analysis of deals and regulatory issues	Martín Fierro I (2 nd Floor)	75
Thursday AM 1000 – 1300				
LEGAL PRACTICE DIVISION				
Antitrust and Trade Law Section				
Trade and Customs Law		In search of the best – trade and customs practices by government, business and private sector advisors	Catalinas (1 st Floor)	47
Corporate Law Section				
Closely Held and Growing Business Enterprises		'Show me the money' – financing private companies with venture capital	La Pampa (1 st Floor)	47
Criminal Law Section				
Criminal Law		Organised crime: the impact of corruption and terrorism on the rule of law and public/private business	Tirso De Molina C Meliá Buenos Aires Hotel	51
Dispute Resolution Section				
Arbitration		Investment treaty arbitration workshop	Retiro B (1 st Floor)	54
Litigation 1000 – 1230		United States versus rest of the world: who is winning the war on litigation?	Retiro C (1 st Floor)	56
Negligence and Damages	Space Law	Have fun at your own risk: drafting and enforcing liability/damages releases	Casona A Meliá Buenos Aires Hotel	58
Energy, Environment, Natural Resources and Infrastructure Law Section (SEERIL)				
International Construction Projects		Termination and substituted performance	Martín Fierro II (2 nd Floor)	60
Water Law		Is Latin America ready for private water?	Gómez Losada (2 nd Floor)	63
Financial Services Section				
Capital Markets Forum	Investment Funds/Securities Law	Capital markets transactions in Latin America	Retiro A (1 st Floor)	64
Human Resources Section		Employment and discrimination issues in the workplace affecting foreign workers	Libertador B (1 st Floor)	67
Intellectual Property, Communications and Technology Law Section				
Art, Cultural Institutions and Heritage Law	Mediation	Mediating disputes in the art and heritage sector: why and how to spread the word	Tirso De Molina A Meliá Buenos Aires Hotel	74
Intellectual Property and Entertainment Law		Intellectual property law meets competition law: latest developments with a Latin flavour	Libertador A (1 st Floor)	76

Section/Committee	Co-sponsor	Title	Location	Page
International Sales, Franchising and Product Law Section Product Law and Advertising		Global product liability trends	Casona B Meliá Buenos Aires Hotel	80
Maritime and Aviation Law Section Aviation Law		Reorganisation and reconstruction of airlines	Auditorium (Ground Floor)	85
Taxation Section Taxes		In search for, in combat of ... tax arbitrage	Atalaya (24 th Floor)	91
FORA				
Corporate Counsel Forum		Electronic discovery and cross-border issues related to corporations	Poncho (2 nd Floor)	95
PUBLIC AND PROFESSIONAL INTEREST DIVISION				
Academic and Professional Development		Part-time law – implications for legal practice and education	Río de la Plata (2 nd Floor)	102
Bar Issues Commission 0900 – 1200		BIC open forum and open Policy Committee meeting	Ombú I (2 nd Floor)	104
Human Rights Institute		Reconciliation: the challenges of combating impunity	Ombú II (2 nd Floor)	107
Law Firm Management		Law firm visits	Off site	109
Legal Profession and World Organisations 1100 – 1230		Open business meeting	Golden Horn (1 st Floor)	109
Pro bono and Access to Justice		Class actions: are they an effective access to justice tool?	Tirso De Molina B Meliá Buenos Aires Hotel	110
Women Lawyers' Interest Group		Trafficking in women and children	El Aguila (24 th Floor)	113
Thursday AM				
1030 – 1130				
PUBLIC AND PROFESSIONAL INTEREST DIVISION		General Meeting	Libertador C (1st Floor)	41
1130 – 1230				
LEGAL PRACTICE DIVISION		General Meeting	Libertador C (1st Floor)	41
1230 – 1330				
Human Rights Institute		General Meeting	Libertador C (1st Floor)	41
Thursday lunch				
1245 Litigation Committee lunch excursion			Regina Australe	127
1300 Corporate Counsel lunch			Fiestas Room The Marriott Plaza Hotel	123
African Regional Forum lunch			Florida Rooms The Marriott Plaza Hotel	123

Section/Committee	Co-sponsor	Title	Location	Page
Thursday PM 1400 – 1800				
IBA		IBA Council Meeting and Election of Officers	San Telmo (Ground Floor)	41
Thursday PM 1500 – 1800				
LEGAL PRACTICE DIVISION				
Antitrust and Trade Law Section	Latin American Forum	Competition issues on regulated industries: access to essential facilities in emerging markets	La Pampa (1 st Floor)	45
Criminal Law Section				
Business Crime	Financial Services Section	Financial crime and regulation	Casona B Meliá Buenos Aires Hotel	50
Criminal Law	Indigenous Peoples	Sentencing: innovative initiatives	Tirso De Molina C Meliá Buenos Aires Hotel	52
Dispute Resolution Section				
Litigation 1530 – 1800	Corporate Counsel Forum	Conflict management and dispute resolution	Libertador B (1 st Floor)	56
Energy, Environment, Natural Resources and Infrastructure Law Section (SEERIL)				
International Construction Projects		Latest developments in construction	Martín Fierro II (2 nd Floor)	60
Power Law	Antitrust	The transition to competitive power systems	Gómez Losada (2 nd Floor)	62
Financial Services Section				
Insurance	Business Crime	Insurance fraud/asset tracing and subrogation	Catalinas (1 st Floor)	65
Intellectual Property, Communications and Technology Law Section				
Technology Law		Tractors, sensors, satellites and genes	Libertador A (1 st Floor)	78
International Sales, Franchising and Product Law Section				
International Sales		E-commerce and internet sales	Retiro B (1 st Floor)	80
Product Law and Advertising		Lessons learned from children's toys	Casona A Meliá Buenos Aires Hotel	81
Law and Individual Rights Section				
Family Law		The international movement of children	El Aguila (24 th Floor)	81
Maritime and Aviation Law Section				
Aviation Law		Financing and assignment of operating leases	Ombú II (2 nd Floor)	85
Maritime and Transport Law		Recent developments in maritime law	Auditorium (Ground Floor)	87
Taxation Section				
Individual Tax and Private Client		Anti-avoidance provisions – another great planning technique bites the dust	Poncho (2 nd Floor)	89
Taxes		Global trends in direct taxation: Part II	Atalaya (24 th Floor)	91

Section/Committee	Co-sponsor	Title	Location	Page
FORA				
African Regional Forum	Family Law	Women in development: focus deficiency or cultural barriers, a legal and judicial perspective	Tirso De Molina A Meliá Buenos Aires Hotel	92
1800 – 1900		Open business meeting	Tirso De Molina A Meliá Buenos Aires Hotel	93
Latin American Forum	Insolvency, Restructuring and Creditors' Rights Section (SIRC)	Securitisation in the Americas: legal problems and opportunities	Retiro A (1 st Floor)	98
North American Forum		Lessons from the school of hard knocks: extraterritorial reach of North American laws on multinational corporations	Retiro C (1 st Floor)	99
PUBLIC AND PROFESSIONAL INTEREST DIVISION				
Anti-Corruption 1500 – 1630		OAS Inter-American Anti-Corruption Convention developments	Ombú I (2 nd Floor)	103
1630 – 1800		Open committee business meeting	Ombú I (2 nd Floor)	103
Human Rights Institute		Towards a system of international criminal justice: from the ad hoc tribunals to the International Criminal Court	Río de la Plata (2 nd Floor)	107
Pro bono and Access to Justice		Which law firms and organisations are doing the best international pro bono work? What models are being developed? How can they be adapted?	Tirso De Molina B Meliá Buenos Aires Hotel	110
GENERAL INTEREST		Give a winning presentation	Libertador C (1 st Floor)	37
Thursday evening				
1830 Young lawyers' reception			Fiestas Room The Marriott Plaza Hotel	123
1930 Committees on Employment and Industrial Relations Law and Discrimination Law joint dinner			Yacht Club Argentino	127
2000 Immigration and Nationality Law Committee dinner			La Cabana	127
2015 Insurance Committee dinner			Aberg Cobo House	127
2030 Criminal Law Section dinner			La Cabana	127
Maritime and Transport Law Committee dinner			Lola	127
Technology Law Committee dinner			Cabana Las Lilas	127

Section/Committee	Co-sponsor	Title	Location	Page
Friday All day 0900				
International Construction Projects excursion			San Antonio de Areco tour	127
Friday All day 1000 – 1700				
Rule of Law Action Group		RULE OF LAW SYMPOSIUM	Libertador B (1st Floor)	42
Friday AM 1000 – 1300				
LEGAL PRACTICE DIVISION				
Corporate Law Section Corporate and M&A Law		Directors' duties and shareholder entitlements in public M&A	Golden Horn (1 st Floor)	49
Dispute Resolution Section Arbitration		The New York Convention – worldwide implementation, recent cases and practical issues	Catalinas (1 st Floor)	54
Litigation		Civil law perspective on class action proceedings	Retiro B (1 st Floor)	56
Law and Individual Rights Section Family Law		Mediation in international child abduction cases	Martín Fierro II (2 nd Floor)	82
Leisure Industries Section	Environment, Health and Safety Law	The greening of tourism: an oxymoron?	Ombú I (2 nd Floor)	84
Maritime and Aviation Law Section Aviation Law		Aviation roundtable	Poncho (2 nd Floor)	85
FORA				
Asia Pacific Forum	Employment and Industrial Relations Law	Understanding how Asian employment law applies to and affects foreign expatriates seconded to work in MNCs' Asian operations	La Pampa (1 st Floor)	94
Latin American Forum	Power Law/ Project Finance	Schemes for dealing with the energy crisis in the Americas	Retiro A (1 st Floor)	98
PUBLIC AND PROFESSIONAL INTEREST DIVISION				
Anti-Corruption Committee		UN oil for food: investigation, prosecution and civil recovery	Martín Fierro I (2 nd Floor)	103
Friday evening				
1900				
Closing dinner and tango show			Tango Porteno	123



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Information for newcomers



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- Have your voice heard – be part of the debate on international law reform and make your own contribution to the advance of cross-border law reform.
- Show your support for rule of law and human rights around the world through the world body for your profession.
- Develop your knowledge and skills, interact with different cultures and make friendships that will last a lifetime.

To find out more about IBA membership please visit the IBA stand in the downstairs Exhibition Area or contact the IBA Membership Department at member@int-bar.org

HINTS AND TIPS FOR NEWCOMERS

Attending an IBA conference is a unique experience and for those of you who are attending for the first time, the following guide will help you get the most out of your week!

- The conference programme comprises over 150 working sessions so do take time to study the range of sessions taking place during the conference so you can plan the best possible way to spend your time during the week. Check the daily schedule on pages 13-30 which will help you map out your time.
- Take the opportunity to step outside of your practice area and broaden your knowledge by checking out some of the sessions tackling the wider global issues affecting the profession as well as those of direct relevance to your practice area.
- You may find it beneficial to introduce yourself to the officers of committees you have an interest in, who will be more than happy to discuss any issues you may have about the IBA or the conference itself. Committee officers will be present at the Newcomers' Reception.
- Make sure you visit the Exhibition Area during the week where there will be over 50 stands including the IBA stand where you can learn how to gain the most from IBA membership, find out about current IBA work, products and conferences and familiarise yourself with the website.

NEWCOMERS' RECEPTION

Make sure you attend the Newcomers' Reception taking place at 1830 on Tuesday 14 October, Fiestas Room, The Marriott Plaza Hotel. Come and enjoy a drink and mingle with fellow delegates and committee officers in an informal setting. It is a great opportunity to step outside your committee background, meet others from different backgrounds and cultures and find out more about the committees, constituents and sections that make up the IBA.

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Showcase sessions

Importance of the independence of the judiciary

Presented by the Public and Professional Interest Division

Session Chair

Martin Šolc *Kocián Šolc Balaščík, Prague, Czech Republic; Chair, Public and Professional Interest Division*

Hon Sheila Murphy *Rothschild Barry & Myers LLP, Chicago, Illinois, USA; Chair, Judges' Forum*

Prominent speakers from several continents will discuss why the independence of the judiciary is a key element of the Rule of Law and why it should continue to be a primary issue for any lawyer at the beginning of the 21st century. They will analyse to what extent the original concept of independence of judges from the executive branch of the Government should be broadened to include independence from other outside pressures such as media, wealth etc, as well, and, if so, by what means the judiciary should be protected from such pressures in the years to come. The session will also deal with the impact of judicial independence on the business environment and business lawyers and will address issues specific to Latin America as well as other regions.

Speakers

Hon Fakhruddin Ebrahim *Supreme Court of Pakistan, Islamabad, Pakistan*

Hon Joan Humphrey Lefkow *United States District Court, Chicago, Illinois, USA*

Carlos Oteiza Aguirre *Foro de Estudios sobre la Administración de Justicia (FORES), Buenos Aires, Argentina*

Hon Wilson Sandura *Supreme Court of Zimbabwe, Harare, Zimbabwe*

MONDAY 1000 – 1300
Auditorium, Ground Floor

Presentation on the IBA Legal Practice Division Task Force on Extraterritorial Jurisdiction

Presented by the Legal Practice Division

Session Co-Chairs

Michael A Greene *A & L Goodbody, Dublin, Ireland; Assistant Treasurer, Legal Practice Division*

Claus von Wobeser *Von Wobeser y Sierra, Mexico City, Mexico*

In October 2006, the Legal Practice Division of the IBA established the Task Force on Extraterritorial Jurisdiction, which embarked on a two-year project to produce a White Paper and recommendations on extraterritorial jurisdiction in a number of areas. The Task Force has focused on extraterritorial jurisdiction in the context of:

- competition – antitrust;
- bribery and corruption;
- tort law;
- criminal law;
- securities law; and
- insolvency law.

There has been a steady increase in states exercising extraterritorial jurisdiction but little abatement of the controversies surrounding such exercise. Exercises of extraterritorial jurisdiction involve a fundamental dilemma. On the one hand, every state has the right to regulate its own public order, so it is entitled to legislate for persons and conduct occurring within its territory. This principle is considered to be a corollary of state sovereignty. On the other hand, however, states are permitted to legislate over certain persons and conduct occurring outside their borders. When this happens, the same conduct may be regulated by two or more states.

Extraterritoriality thus raises two important questions:

- (1) When should a state be able to regulate persons or conduct occurring outside its territory?
- (2) How should overlaps or conflicts of jurisdiction between two or more states be resolved?

The Task Force has focused on both issues. In addition to laying out the principles governing extraterritoriality, the White Paper provides recommendations for governments, courts, international organisations and businesses on methods for minimising costs and conflicts associated with extraterritorial exercises of jurisdiction. These recommendations may include increasing governmental cooperation through the adoption of international standards or principles of mutual recognition, as well as promoting recourse to judicial doctrines such as comity, forum non conveniens and exhaustion of local remedies. The Task Force has considered legislative changes for various countries' statutes.

At this session, the Task Force will present its White Paper and feedback will be sought from the audience.

Speakers

Alexander Klauser *Brauneis Klauser Prändl Rechtsanwälte, Vienna, Austria; Co-Chair, Insolvency Restructuring and Creditors' Rights Section (SIRC)*

Lucinda A Low *Steptoe & Johnson LLP, Washington DC, USA*

Lucy Martinez *Freshfields Bruckhaus Deringer, New York, USA*

Michael J Reynolds *Allen & Overy LLP, Brussels, Belgium; Council Member, Legal Practice Division*

Roy S Schondorf *Debevoise & Plimpton LLP, New York, USA*

Tefft W Smith *Kirkland & Ellis LLP, Washington DC, USA*

Margaret E Tahyar *Davis Polk & Wardwell, Paris, France*

WEDNESDAY 1000 – 1300

Auditorium, Ground Floor

Rendition, disappearances and indefinite detention: debates around torture

Presented by the IBA Human Rights Institute

Session Chair

Justice Richard J Goldstone *Past Justice of the South African Constitutional Court and former Prosecutor for the ICTR and ICTY, Sandton, South Africa*

Guantánamo Bay has been the most visible feature of the United States' policy of detention through its 'war on terror'. The accompanying policy of rendition of suspects to secret detention sites has also increasingly been the focus of media attention. The UK Foreign Secretary, David Miliband, publicly apologised after it was revealed that two US 'special rendition' flights carrying terrorist suspects had been allowed to refuel on British territory, despite earlier assurances from the Government that no such involvement in rendition had occurred.

Although there is a deficit of official figures regarding how many individuals are detained at various locations by the United States on a worldwide basis, the United States itself has admitted to holding at least 14,000 people without charge. Some media reports place the figure of detainees as high as 83,000. Most of these detainees are allegedly held in Iraq, but Morocco, Syria, Egypt, Pakistan, Poland, Afghanistan and Thailand are also reported to be hosting detention centres. The policy of secret detention and so called 'extraordinary' rendition, coupled with renewed debates about the use of 'enhanced interrogation techniques' and water-boarding has led to the question: to what extent has the prohibition of torture, a principle which has achieved the status of jus cogens in international law, been undermined?

Presentation of the IBA's Bernard Simons Memorial Award

The presentation of this year's Bernard Simons Memorial for the Advancement of Human Rights, sponsored by LexisNexis, will be made at the beginning of this session. This prestigious award recognises personal endeavour in the practice of criminal law which makes a substantial contribution to the promotion, protection and advancement of human rights. The award honours the memory of Bernard Simons, a highly committed criminal defence lawyer who worked towards the implementation of human rights at all judicial levels until his death in 1993.

The IBA was impressed with the high quality of nominations and is delighted to be presenting the award to a lawyer of such high standing. The presentation of the award will be made at the beginning of the Human Rights Institute showcase session Rendition, Disappearances and Indefinite Detention: Debates around Torture on Wednesday 15 October at 15.00.

Sponsored by:



Speakers

Yuval Ginbar *Amnesty International, London, England*

Zachary Katznelson *Reprieve, London, England*

Leonard Rubinstein *Physicians for Human Rights, Washington DC, USA*

Clara Sandoval *University of Essex, Colchester, England*

WEDNESDAY 1500 – 1800

Auditorium, Ground Floor



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General Interest

Developing your practice

Pippa Blakemore BSc PGCE of The PEP Partnership LLP will be leading three fully participative and interactive sessions on ways in which you can develop your practice.

Turn contacts into clients and referrers: five steps for successful rainmaking

This session will give you practical tips and ideas on how to:

- network effectively;
- introduce yourself to other people and remember their names;
- extract yourself from boring people;
- follow up contacts in a personal and effective way;
- develop and strengthen relationships with referrers and intermediaries;
- expand your practice;
- read other people's body language and control your own;
- find reasons to keep in touch in different ways;
- talk about fees without embarrassment;
- conduct sales meetings with confidence; and
- win new work.

MONDAY 1500 – 1800

San Telmo, Ground Floor

Increase your value to current and future clients: the RAINBOW strategy

Your clients can be your greatest ambassadors and sources of new work. We will develop strategies to:

- increase the quality and quantity of work from your clients;
- meet client expectations;
- provide 'added value';
- obtain feedback on your clients' perceptions of you;
- anticipate and prevent problems;
- deal with difficult clients and complaints;
- handle challenging fee discussions;
- cross-sell between your firm and the client;
- prepare a client relationship management strategy and plan; and
- implement your client relationship strategy.

TUESDAY 1000 – 1300

San Telmo, Ground Floor

Give a winning presentation

By the end of this session, you will have given a presentation, in which you know how to:

- win and keep the audience's attention for a wide range of audiences;
- make a complex legal lecture interesting to all;
- deliver a winning pitch presentation;
- keep to time;
- project your voice effectively;
- use your body language powerfully;
- be impressive in your personal appearance;
- handle awkward people and answer difficult questions;
- increase your confidence and overcome your nerves; and
- use your notes and visual aids effectively.

THURSDAY 1500 – 1800

Libertador C, 1st Floor

Cultural Issues Programme

Tango – expressing the vibrant urban culture of Argentina

Close to the heart and soul of Buenos Aires, the tango is an inextricable part of the identity of Argentina. Music, dance, poetry, passionate emotion and philosophy are all distilled in the experience of Tango.

Distinguished speakers from the National Academy of Tango in Buenos Aires will present and illustrate the fascinating history of this unique art form.

We will see how, inspired and influenced by the social and cultural context of the late nineteenth century, including the experience of European immigrants, it matured and evolved through the interpretation of expert artists and performers. Tango reflected the lived experience of the people. They in turn immediately and enthusiastically adopted it as the embodiment of popular urban culture. It is now admired around the world as a thrilling icon of Argentinean identity.

A lunch will be served as part of the event.

Open to all delegates and their guests.

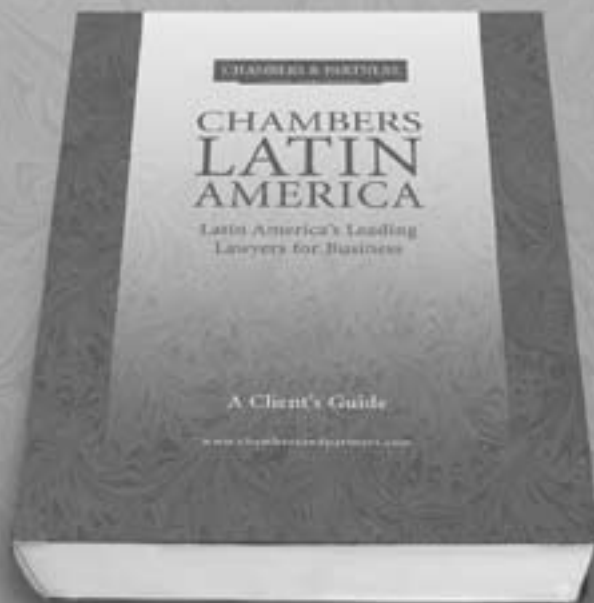
Tickets £15 (including lunch) must be purchased in advance from the IBA registration desk.

El Querandi

(www.querandi.com.ar)

MONDAY 1315 – 1600

Chambers announces the launch of its latest guide



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Scholarship Programme – Buenos Aires 2008

The following conference scholarships have been awarded by the Sections and Committees of the Legal Practice Division to lawyers under the age of 35, enabling them to attend this conference.

Antitrust and Trade Law

Murtaza Ali A Somjee (*Ahmedabad, India*)

Criminal Law

Praveen Chaturvedi (*Noida, India*)

Corporate Law

Archana Rajaram (*Mumbai, India*)

Dispute Resolution

Julio Gutiérrez Morales (*San José Insurgentes, Mexico*)

Jacqueline Chang (*Kuala Lumpur, Malaysia*)

Energy, Environment, Natural Resources and Infrastructure Law (SEERIL)

Kim Talus (*Helsinki, Finland*)

Financial Services

Daniel de Avila Vio (*Milan, Italy*)

Sergey Tufar (*Moscow, Russia*)

Human Resources

António Machado (*Vaz Gaia, Portugal*)

Insolvency, Restructuring and Creditors' Rights (SIRC)

Barbara Pogacär (*Vienna, Austria*)

Rachel Raha Shahid-Saleh (*Arlington, Virginia, USA*)

Intellectual Property, Communications and Technology

Desislava Krusteva (*Sofia, Bulgaria*)

Nirupam Lodha (*New Delhi, India*)

International Sales, Franchising and Product Law

Bennar Balkaya (*Istanbul, Turkey*)

Law and Individual Rights

Shazia Razzaque (*Ontario, Canada*)

Leisure Industries

Michela Foti (*Bologna, Italy*)

Maritime and Transport Law

Bogna Krysińska (*Gdynia, Poland*)

Trudy Pisani (*London, England*)

Public Law

Wanjiku Ndiho (*Nairobi, Kenya*)

Taxation

Emin Toro (*Washington DC, USA*)

Ron Choudhury (*Ontario, Canada*)

Matthijs Vogel (*Rotterdam, the Netherlands*)

IBA Fellows 2008

Upon successful completion of five International Practice Diploma modules within seven years, participants earn the designation of IBA Fellow in International Legal Practice. This includes:

- Two years' free membership of the IBA;
- One free committee in each of the Legal Practice and the Public and Professional Interest Divisions as well as membership of a regional forum of their choice;
- Waiver of Annual Conference registration to attend Awards Ceremony at the IBA Council Meeting.

We are delighted to announce that 19 participants were awarded a Fellowship this year. They are:

Amjad Butt (*England*)

James Gilhooly (*Ireland*)

Hai Huang (*England*)

Imomoemi Ibisiki (*Nigeria*)

Chiazor Iyama (*Nigeria*)

Parminder Kanda (*UAE*)

Richard Larue (*Belgium*)

Adrian Lawrence (*England*)

Shiang Lee (*Singapore*)

David Lefebvre (*Canada*)

Ling Ling Lu (*Singapore*)

Martin Morgado (*Portugal*)

Vasily Mozgovoi (*Russian Federation*)

Cornelius Nel (*South Africa*)

Robert Nemec (*Czech Republic*)

Yasser Omar (*UAE*)

Adam Pappin (*USA*)

Rakesh Prasad (*India*)

Mary-Heather Styles (*USA*)

The IBA and the College of Law congratulates the Fellows and welcomes them to the International Bar Association and to Buenos Aires.

We look forward to many more Fellowships being awarded in the future and the continuing success of the International Practice Diploma Programme.

THE MAGAZINE 10 issues/year

Europe's pre-eminent monthly legal journal provides the profession with a platform to voice **opinions** on issues affecting the **integration** and

expansion of the single market. **Leading commentators** from the legal profession, business sector and regulatory authorities discuss **topical matters**

with a bearing on the practice of law in Europe. Contributors have included the **Vice-President of**

the European Commission, EC Commissioner for Justice, the EC Director-General for Enlargement, the General Counsel of the European Central Bank, and the Legal Director of the Council of Europe.

THE WEBSITE <http://www.europeanlawyer.co.uk>

You can have access to the **content** of The European Lawyer via its new website. It provides the magazine's full content and is currently updating the back catalogue (74 issues in January 2006). A **search engine** helps you find the name or subject you are looking for, not only in the magazine editions but also in the The European Lawyer series of reference books and directories.

REFERENCE BOOKS

The European Lawyer's Reference series comprises **leading comparative law publications**. Published in hardback the books are edited and

compiled by major law firms in Europe and the rest of the world on a jurisdiction-by-jurisdiction basis. Previous editors include: Keith Clark, general counsel, Morgan Stanley, editor Conflicts of Interest for Banks, Auditors & Lawyers and David Frank, Slaughter and May, CSR World.

To familiarise yourself with our previous titles, please visit:

<http://www.europeanlawyer.co.uk/referencebooks.html>

DIRECTORIES



The Brussels Year Book unites in one annual publication the names and credentials of every private practice partner and their firms; the senior lawyers, and legal officers within each European directorate-general from competition through internal markets, justice and home affairs to trade and environment.



The Handbook of Independent Law Firms which serves both in-house and private practice lawyers, is concise and designed to be portable. The Handbook's design and features, which include essential travel information and law firm map locations, encourages users to refer to it frequently and also take it on business trips.

General meetings

Public and Professional Interest Division General Meeting

All Division members are encouraged to attend this meeting and are invited to put to the Officers and members of the Council any questions they may have relevant to the work of the Division.

Agenda

1. Report of the Chair
 - General activities and plans for the future
2. Statement of accounts for 2007
3. Election of Division Council (2009 – 2012)

Those standing for positions are as follows:

Geraldine Clarke *Gleeson McGrath Baldwin, Dublin, Ireland*
 Graeme Kirk *Gross & Co, Suffolk, England*
 The Hon Judge Sheila Murphy *Rothschild Barry & Myers, Chicago, Illinois, USA*
 Richard Carter *ALI-ABA, Philadelphia, Pennsylvania, USA*
 John Moorhouse *Attorneys Fidelity Fund, Cape Town, South Africa*

If you would like further information on any of the candidates listed please contact Ronnie Hart (ronnie.hart@int-bar.org) at the IBA London Office.
4. Any other business of which due notice has been given.

THURSDAY 1030 – 1130

Libertador C, 1st Floor

Legal Practice Division General Meeting

All Division members are encouraged to attend this meeting and are invited to put to the Officers and members of the Council any questions they may have relevant to the work of the Division.

Agenda

1. Report of the Chair
 - General activities and plans for the future
2. Statement of accounts for 2007
3. Election of Division Council (2009 – 2012)

Those standing for positions are as follows:

Lisa Curran *Allen & Overy LLP, Rome, Italy*
 Daniel Del Rio *Basham Ringe y Correa SC, Mexico City, Mexico*
 Jon Grouf *Duane Morris, New York, USA*
 Sally Harpole *Sally Harpole & Co, Hong Kong SAR*
 Ronan Harty *Davis Polk & Wardwell, New York, USA*
 Pii Ketvel *Clyde & Co, London, England*
 Edgar Paltzer *Niederer Kraft & Frey, Zurich, Switzerland*
 Christopher Rees *Herbert Smith LLP, London, England*
 Des Williams *Werksmans, Sandton, Johannesburg, South Africa*

If you would like further information on any of the candidates listed please contact Ronnie Hart (ronnie.hart@int-bar.org) at the IBA London Office.
4. Any other business of which due notice has been given.

THURSDAY 1130 – 1230

Libertador C, 1st Floor

Human Rights Institute General Meeting

All Human Rights Institute members are encouraged to attend this meeting and are invited to put to the HRI Officers any questions and suggestions they may have relevant to the work of the Institute. The meeting will receive reports of the activities of the Institute in 2007/8 and its planned programme for 2009.

THURSDAY 1230 – 1330

Libertador C, 1st Floor

IBA Council Meeting and Election of Officers

The IBA Council is the governing body of the Association, having the general control of the affairs of the Association and passing, as required, resolutions and guidelines for members. Those entitled to attend are the IBA Officers and Division Officers, any Honorary Life President and Honorary Life Members of the Council, appointed representatives from Member Organisations and any co-opted members.

The election of the IBA Officers and BIC Officers will take place at this meeting.

THURSDAY 1400 – 1800

San Telmo, Ground Floor

Rule of Law Symposium

1000 – 1700

Friday 17 October

LIBERTADOR B, 1ST FLOOR

Following the immensely successful Symposia in Chicago in September 2006 and Singapore in October 2007, the final day of the Conference in Buenos Aires will again be devoted to the Rule of Law, with emphasis on social, cultural and economic development in Latin America.

In the morning, a number of distinguished speakers will discuss the Rule of Law in the South American context, in each case supported by a panel which will lead and stimulate question, answer and discussion with the audience.

In the afternoon, small, separate working groups will be established to consider the following topics:

1. Combating Corruption
2. Controlling Abuse of Executive Power
3. The Meaning of the Rule of Law

The first two working groups will consider and develop a list of concrete steps which could or should be taken by the legal profession, either individually or collectively, to achieve the relevant objective and thereby to contribute to building the Rule of Law. The third will consider and criticise a Discussion Paper prepared to reflect the Association's views on the Rule of Law and to build on the Council's Resolution passed in Prague in September 2005.

Written materials for the working groups will be available on the IBA website and at the registration desk during the Conference.

Coffee/tea and lunch will be provided.

Speakers

Julio Maria Sanguinetti

President of Uruguay 1985-1990 and 1995-2000

Lawyer, journalist and politician, first elected as a member of the national parliament in 1963, he was Minister for Industry and Commerce from 1969 to 1971 and Minister for Education and Culture from 1972 to 1973. Banned from political activity during the period of military rule in the 1970s, he had a major role in the negotiations leading to the peaceful return to democracy and was then elected President for a five-year term starting in 1985. He was elected for another five-year term in 1995.

Dr Leandro Despouy

Office of the High Commissioner for Human Rights, United Nations, Buenos Aires, Argentina

Since 2003 Dr Despouy has been the Special Rapporteur on the Independence of Judges and Lawyers to the Human Rights Council of the United Nations. He was previously President of the Human Rights Commission (now Council) of the United Nations and in 2000 and 2001 Special Representative for Human Rights of the Ministry of Foreign Affairs of Argentina. Born in Argentina in 1947, he has had an extensive and distinguished diplomatic and academic career, especially in the fields of public international law, international humanitarian law and human rights.

Yon Goicoechea

Fundación Futuro Presente, Municipio Baruta, Venezuela

Freddy Guevara-Cortez

La Universidad Católica Andrés Bello, Caracas, Venezuela

Both recent graduates of the Law School of the Universidad Católica Andrés Bello, Yon and Freddy joined with other student leaders in organising the protests which followed the shut-down of Radio Caracas Television in May 2007, which led to the rejection of President Chavez's proposed constitutional reform which would have entrenched his presidency indefinitely.

Both suffered injuries in the violence which resulted from the efforts to suppress the protests. Yon has recently been awarded the Milton Friedman Prize for Advancing Liberty by the Cato Institute of Washington DC, USA.

Justice Albie Sachs

Constitutional Court of South Africa, Braamfontein, South Africa

One of the draftsmen of the new South African Constitution and appointed a justice of the Constitutional Court by Nelson Mandela in 1994, Albie Sachs was a member of the African National Congress who went into exile during the apartheid era and nearly lost his life to a car bomb in Mozambique planted by South African security agents. No one who attended last year's Symposium will forget his inspiring account of his personal struggle to restore the Rule of Law to his country. We are very fortunate that he has agreed to join us again.

Rule of Law Symposium

The Symposium is organised by the Rule of Law Action Group (formerly the Presidential Taskforce on the Rule of Law), formed in answer to the call at the end of the IBA Council's Resolution passed in Prague in September 2005:

'The International Bar Association (IBA), the global voice of the legal profession, deplores the increasing erosion around the world of the Rule of Law. The IBA welcomes recent decisions of courts in some countries that reiterate the principles underlying the Rule of Law. These decisions reflect the fundamental role of an independent judiciary and legal profession in upholding these principles. The IBA also welcomes and supports the efforts of its member Bar Associations to draw attention and seek adherence to these principles.

An independent, impartial judiciary; the presumption of innocence; the right to a fair and public trial without undue delay; a rational and proportionate approach to punishment; a strong and independent legal profession; strict protection of confidential communications between lawyer and client; equality of all before the law; these are all fundamental principles of the Rule of Law. Accordingly, arbitrary arrests; secret trials; indefinite detention without trial; cruel or degrading treatment or punishment; intimidation or corruption in the electoral process, are all unacceptable.

The Rule of Law is the foundation of a civilised society. It establishes a transparent process accessible and equal to all. It ensures adherence to principles that both liberate and protect. The IBA calls upon all countries to respect these fundamental principles. It also calls upon its members to speak out in support of the Rule of Law within their respective communities.'

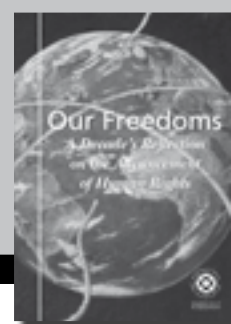
IBA PUBLICATION

Our Freedoms

A Decade's Reflection on the Advancement of Human Rights

Edited by the IBA's Human Rights Institute

PRICE: £25 +p&p



The International Bar Association (IBA) as the global voice of the legal profession influences the development of international law reform and shapes the future of the legal profession. In 1995, the IBA established the Human Rights Institute (HRI), under the Honorary Presidency of Nelson Mandela. The HRI is now a leading voice in the promotion of the rule of law worldwide.

To celebrate its tenth anniversary year, the HRI has published *Our Freedoms: A Decade's Reflection on the Advancement of Human Rights*.

Written by some of the leading commentators on human rights, *Our Freedoms* offers an accessible and insightful portrait of the human rights agenda worldwide, and reveals what is yet to be achieved.



To order your copy or for further information please contact:
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Working Sessions

Legal Practice Division

Antitrust and Trade Law Section

Council Liaison Officer

Michael J Reynolds *Allen & Overy LLP, Brussels, Belgium*

Competing by trading – developments in the antitrust/trade law interface

Session Co-Chairs

Marcelo Procopio Calliari *TozziniFreire Advogados, São Paulo, Brazil; Membership Officer, Trade and Customs Law Committee*

Pieter Steyn *Werksmans Inc, Johannesburg, South Africa; Publications Officer, Antitrust Committee*

The interface between antitrust and trade law continues to develop throughout the world. Decisions by governmental and regulatory authorities and the worldwide conclusion of bilateral and other trade agreements increasingly impact on both fields of law. Recent developments include decisions by competition authorities that are conditional on a change in tariffs or in trade remedies and bilateral trade agreements with provisions dealing with trade remedies and competition (such as eliminating trade remedies and forwarding potential complaints to competition authorities). This session will focus on recent developments in the antitrust/trade law interface and will include experts from various regions of the world for comparative analysis and debate on those developments.

Speakers

Felipe Cousiño *Alessandri & Compañía Attorneys at Law, Santiago, Chile; Vice-Chair, Investments Funds Committee*

Fernando Furlan *Conselho Administrativo de Defesa Econômica, Brasília, Brazil*

Andrew Matthews *Minter Ellison Rudd Watts, Auckland, New Zealand*

Michael Schuette *Howrey LLP, Brussels, Belgium; Chair, Multidisciplinary Practices Committee*

David Unterhalter *SC Johannesburg Bar, Member of the WTO Appellate Body, Johannesburg, South Africa*

MONDAY 1000 – 1300

Catalinas, 1st Floor

Competition issues on regulated industries: access to essential facilities in emerging markets

Joint session with the Latin American Forum.

Session Co-Chairs

José Augusto Caleiro Regazzini *TozziniFreire Advogados, São Paulo, Brazil; Vice-Chair, Antitrust Committee*

Eduardo M Sanguinetti *Sanguinetti Fodere Bragard, Montevideo, Uruguay; Secretary, Latin American Regional Forum*

In recent years, the energy, oil and gas and telecom industries sectors have presented difficult challenges for both competition authorities and practitioners in emerging countries, most notably in Latin America. Concentration in these markets remains an issue, and the only alternative is a thorough analysis of merger cases, especially concerning access to essential facilities. At the same time, regulatory agencies must interact with national competition authorities on these matters. This panel will bring US and EU experts to share their experiences with counsels and regulators from the region on some key issues that are arising in merger control activities for these industries.

Speakers

Andre Borges *Net Servicos de Comunicacao SA, São Paulo, Brazil*

Rachel Brandenburger *Freshfields Bruckhaus Deringer LLP, Brussels, Belgium*

Bruno Ciuffetelli *Hogan & Hartson, Caracas, Venezuela*

Jacqueline I Grise *Howrey LLP, Washington DC, USA*

Marcelo A den Toom M & M Bomchil *Abogados, Buenos Aires, Argentina*

Enrique Vergara *Fiscal Nacional Económico, Santiago, Chile*

THURSDAY 1500 – 1800

La Pampa, 1st Floor

Antitrust

Co-Chairs

Ronan Harty *Davis Polk & Wardwell, New York, USA*

Iñigo Igartua Arregui *Gómez-Acebo & Pombo Abogados, Barcelona, Spain*

Multinational merger control – how to deal with many cooks

Session Co-Chairs

Caní Fernandez *Cuatrecasas, Brussels, Belgium; Vice-Chair, Antitrust Committee*

Marc Reysen *Howrey LLP, Brussels, Belgium; Newsletter Editor, Antitrust Committee*

Merger control rules are a standard feature of modern competition laws. More than 70 countries already effectively implement some form of scrutiny and additional countries, including major economies such as China and India, are moving to embrace the concept. The resulting need to file for clearance in one or more jurisdictions may have serious implications for the timing of transactions and require significant management resources to avoid disruptions. This panel of experts will consider the implications of the proliferation of merger control rules for M&A transactions, the need to strategically plan how to guide them through different processes and discuss whether best administrative practices are indeed emerging, in particular in the light of the ICN merger working group's attempts to define 'guiding principles and recommended practices'.

Speakers

Humberto Guardia Mendonca *Comisión Nacional de Defensa de la Competencia, Buenos Aires, Argentina*

Jason Gudofsky *Blake Cassels & Graydon LLP, Toronto, Ontario, Canada*

Thomas Janssens *Freshfields Bruckhaus Deringer LLP, Brussels, Belgium*

Roxana Kahale *Kahale Abogados, Buenos Aires, Argentina; Secretary, Women Lawyers' Interest Group; Website Officer, Individual Tax and Private Client Committee*

Bill Kolasky *WilmerHale, Washington DC, USA*

Julián Peña *Allende & Brea, Buenos Aires, Argentina*

MONDAY 1500 – 1800

Retiro A, 1st Floor

Abuse of dominance: the centre of controversies*Session Co-Chairs***Gregory S McCurdy** *Microsoft Corporation, Washington DC, USA; Senior Vice-Chair and Corporate Counsel forum Liaison Officer, Antitrust Committee***David Poddar Mallesons Stephen Jaques**, *Sydney, New South Wales, Australia; Secretary, Antitrust Committee*

Unilateral conduct is one of the most complex and controversial areas of antitrust enforcement. The number of cases is much smaller than for mergers or cartels, but they are often high profile and take years to resolve. This panel of experts will examine the basic elements through the lens of the ICN working group on unilateral conduct and in light of some recent high profile controversies including the EU investigations in the high technology sector.

*Speakers***Nicholas Banasevic** *DG for Competition, European Commission, Brussels, Belgium***Charles Compton Wilson** *Sonsini Goodrich & Rosati, Palo Alto, California, USA***Kenneth Glazer** *Federal Trade Commission, Washington DC, USA***Daniel Krepel Goldberg** *Morgan Stanley, São Paulo, Brazil***Janet McDavid** *Hogan & Hartson LLP, Washington DC, USA***Paolo Palmigiano** *BT Group Plc, London, England***TUESDAY 1000 – 1300****Libertador C, 1st Floor****A LUNCH will be held for committee members and guests.***See page 125 for details.***TUESDAY 1330****Cartels: latest developments in international cartel enforcement***Joint session with the Business Crime Committee.**Session Co-Chairs***Neil Campbell** *McMillan LLP, Toronto, Ontario, Canada; Senior Vice-Chair, Antitrust Committee***Elizabeth Morony** *Clifford Chance LLP, London, England; Newsletter Editor, Antitrust Committee*

Cartel enforcement is a top priority for antitrust regulators across all jurisdictions. This session will examine recent developments in cartel investigations and enforcement in Latin America as well as in the United States, Europe and Asia. A panel of practitioners and enforcement officials will discuss issues such as the proliferation of criminal offences, extradition, cooperation and settlements (including new EU procedures) and the latest trends in cartel damages claims.

*Speakers***Robert Bloch** *Mayer Brown LLP, Washington DC, USA***Adam Fanaki** *Special Counsel to the Commissioner Industry Canada, Gatineau, Canada***Kirtikumar Mehta** *Director, Cartels Directorate, DG Competition, European Commission, Brussels, Belgium***Tsutomu Nakato** *Hibiya Sogo Law Offices, Tokyo, Japan***Michael O'Kane** *Peter & Peters, London, England; Membership Officer, Business Crime Committee***Barbara Rosenberg** *Barbosa Müssnich & Aragão, São Paulo, Brazil***WEDNESDAY 1500 – 1800****Golden Horn, 1st Floor****The transition to competitive power systems***Joint session with the Power Law Committee. See page 62 for details.***THURSDAY 1500 – 1800****Gómez Losada, 2nd Floor****Trade and Customs Law***Chair***Scott Andersen** *Sidley Austin LLP, Geneva, Switzerland***Sales, soles, customs and pirates: a case study in international sales in the new millennium***Joint session with the International Sales Committee.**Session Co-Chairs***Alan Lebowitz** *Grunfeld Desiderio Lebowitz Silverman & Klestadt LLP, New York, USA;***Steven Richman** *Duane Morris LLP, Princeton, New Jersey, USA; Communications Officer, Professional Ethics Committee; Publications Officer, International Sales Committee*

This session will focus on a hypothetical international sales transaction.

Practitioners engaging in what might appear to be straightforward international sales transactions, whether pertaining to consumer or commercial goods, often encounter non-obvious issues involving areas of practice other than their own that can set traps for the unwary. It remains important to recognise these issues, at a minimum, and understand how, in today's legal world, few things are truly straightforward or simple. In presenting a real life situation, this session will provide an interactive opportunity for practitioners to discuss with a panel of experts the interaction and implications of various practice areas. From the initial drafting of sales contracts to consideration of international tax and customs issues, through efforts to protect against the infringement of intellectual property rights, the prevalence of grey market goods and violations of export control regulations, this session will focus on a variety of issues that are becoming increasingly prevalent in today's international market.

*Speakers***Dalton Albrecht** *Miller Thomson LLP, Toronto, Ontario, Canada***Jonas Bergstein** *Estudio Bergstein, Montevideo, Uruguay***James Hart Holden** *Paul Hastings Janofsky & Walker, New York, USA***Fernando Jamarne Alessandri & Compania**, *Santiago, Chile***Alan Lebowitz****Hector Ariel Manoff** *Vitale Manoff & Feilbogen, Buenos Aires, Argentina***Jazna Vanessa Oqueli Juárez García & Bodán**, *Tegucigalpa, Honduras***Steven Richman****Mark Willis-Jones** *Armstrong World Industries, Barcelona, Spain***Lynda J Zadra-Symes** *Knobbe Martens Olsen & Bear LLP, Los Angeles, USA; Council Member, Legal Practice Division***TUESDAY 1500 – 1800****Golden Horn, 1st Floor****International dispute resolution and enforcement – a comparative analysis of WTO, BIT, ICC and domestic dispute resolution.***Joint session with the Litigation Committee. See page 55 for details.***WEDNESDAY 1000 – 1300****Libertador B, 1st Floor**

A DINNER will be held for committee members and guests

see page 127 for details.

WEDNESDAY 2030

In search of the best – trade and customs practices by government, business and private sector advisors

Session Chair

Edmund Sim *Hunton & Williams LLP, Singapore; Secretary, Trade and Customs Law Committee*

This session will focus on examining the best practices of government, business and private sector officials in relation to customs and trade issues. The panel of speakers from a variety of jurisdictions including the United States, the European Union, Canada, China, and Brazil will examine such best practices through examination of important developments in trade and customs issues such as China's market economy status, the application of export controls, and customs enforcement, among other issues.

Speakers

Mauro Berenholc Pinheiro Neto *Abogados, São Paulo, Brazil; Vice-Chair, Trade and Customs Law Committee*

Raj Bhala *The University of Kansas School of Law, Lawrence, Kansas, USA*

Dan Horovitz *Holman Fenwick Willan, Brussels, Belgium*

Edmund Sim

Brenda Swick McCarthy *Tetraault, Ottawa, Ontario, Canada; Senior Vice-Chair, Trade and Customs Law Committee*

THURSDAY 1000 – 1300

Catalinas, 1st Floor

Corporate Law Section

Council Liaison Officers

Michael Greene *A & L Goodbody, Dublin, Ireland; Assistant Treasurer, Legal Practice Division*

Jaime Carey *Carey y Cia, Santiago, Chile*

Closely Held and Growing Business Enterprises

Chair

Alberto Navarro *Navarro Castex Abogados, Buenos Aires, Argentina*

Passing on the mantle – succession planning for closely held and family businesses

Session Co-Chairs

Stephanie Denkowicz *Alston & Bird LLP, New York, USA; Membership Officer and Corporate Counsel Forum Liaison Officer, Closely Held and Growing Business Enterprises Committee*

Thomas Kaiser-Stockmann *Mannheimer Swartling, Berlin, Germany; Website Officer, Closely Held and Growing Business Enterprises Committee*

This session will cover elements of successful succession planning for closely held and family owned businesses. Among the facets of the succession process to be covered will be:

- legal/business structure issues;

- business valuation;
- managerial transition;
- ownership transferral;
- generational issues; and
- post-succession planning.

The panel will consist of representatives from South and North America, Europe and the Asia Pacific Region. The panellists will discuss succession planning from their own regional perspective using real life case studies. The session will be moderated by the co-chairs.

Speakers

Beat M Barthold *Frøiep Renggli, Zurich, Switzerland*

Richard E Clark *Stikeman Elliot LLP, Toronto, Ontario, Canada*

Fernando de las Cuevas Castresana *Gómez-Acebo & Pombo, Madrid, Spain*

José Antônio Miguel Neto *Miguel Neto Business Lawyers, São Paulo, Brazil*

Dilhan Pillay Sandrasegara *Wong Partnership, Singapore*

MONDAY 1500 – 1800

Libertador A, 1st Floor

Leadership and the law firm life cycle – the workshop

Joint session with the Law Firm Management Committee. See page 108 for details.

WEDNESDAY 1500 – 1800

Retiro B, 1st Floor

'Show me the money' – financing private companies with venture capital

Session Co-Chairs

Robert Falvey *Minter Ellison Rudd Watts, Auckland, New Zealand; Secretary, Closely Held and Growing Business Committee*

Luis González Nieves *Solorazano Carvajal Gonzalez y Perez-Correa SC, San Jose Insurgentes, Mexico; Publications Officer, Closely Held and Growing Business Enterprises Committee*

The session will present the fundamentals of entrepreneurship and private equity finance, focusing on the challenges associated with the financing of private companies. The session will cover the private equity and venture capital market structure, institutional arrangements and the application of financial theory and methods in a private equity and venture capital setting.

The session will address four main aspects of private equity investment and venture capital transactions:

- valuation;
- deal structuring;
- governance; and
- harvesting.

Relevant case studies will be analysed and discussed to demonstrate the practical, hands-on application of techniques following their development in the session. The relevant case studies will be provided beforehand, and will be based upon factual transactions.

Speakers

Harvey Cohen *Dinsmore & Shohl LLP, Cincinnati, Ohio, USA*

Juan Navarro *The Exxel Group, Buenos Aires, Argentina*

Timothy J Pfister *Patton Boggs LLP, New York, USA*

Charles D Schmerler *Fulbright & Jaworski LLP, New York, USA*

Julio Veloso *Rodés & Sala, Madrid, Spain*

THURSDAY 1000 – 1300

La Pampa, 1st Floor

Corporate and M&A Law

Co-Chairs

Felix R Ehrat *Bär & Karrer AG, Zurich, Switzerland*

Andrew Wigfall *Nabarro LLP, London, England*

All you need to know about M&A in South America

Session Co-Chairs

Jaime Carey *Carey y Cia, Santiago, Chile; Council Member, Legal Practice Division*

Alberto Lasheras-Shine *Estudio Beccar Varela, Buenos Aires, Argentina; Vice-Chair, Corporate and M&A Law Committee*

M&A activity in South America has again gained momentum and is once more very intense. Various multijurisdictional transactions affecting South American companies have shown that the potential of the region is drawing special attention, and an experienced hand is required to be a player in this market. The South American market has traditionally shown peculiarities that are quite unique to the practice of M&A and this session will, through the analysis of a case study, dig out the various aspects that need to be known by all M&A lawyers acting in this market. The common roots of the practices within different South American countries will bring to light points in common and significant differences in the treatment of certain factual and legal situations, and their various perspectives as viewed by practitioners from other jurisdictions.

The panellists will go through the various aspects of a transaction affecting several jurisdictions in South America, describing and analysing the different alternatives and peculiarities of some of them, both from the vendor's and the purchaser's point of view.

Speakers

Jacques Buhart *Herbert Smith LLP, Paris, France; Councillor Emeritus, Legal Practice Division*

Priscilla C Hughes *Thomson Reuters, New York, USA*

Jose Luiz Homem de Mello *Pinheiro Neto Advogado, São Paulo, Brazil*

José Antonio Olaechea *Estudio Olaechea S Civil de R L, Lima, Peru*

Carlos Urrutia *Brigard & Urrutia, Bogotá, Colombia*

MONDAY 1000 – 1300

Libertador C, 1st Floor

Exit strategies for public and private companies (including dual track)

Session Co-Chairs

Vanessa Blackmore *Sullivan & Cromwell LLP, London, England; Membership Officer, Corporate and M&A Law Committee*

John Williamson-Noble *Gilbert + Tobin, Sydney, New South Wales, Australia; Senior Vice-Chair, Corporate and M&A Law Committee*

This session will examine the different methods of exit for shareholders of both public and private companies, and the strategies adopted in relation to exits, including when it is appropriate to consider a dual track strategy.

Speakers

Paul Cronheim *De Brauw Blackstone Westbroek NV, Amsterdam, the Netherlands*

Luis de Carlos Uria Menéndez *Madrid, Spain*

David Eich *Kirkland & Ellis LLP, Hong Kong*

Roberto Guerrero del Río *Guerrero Olivos Novoa y Errázuriz Abogados, Santiago, Chile; Education Officer, Corporate and M&A Law Committee*

Richard Hall *Cravath Swaine & Moore LLP, New York, USA*

Dilhan Pillay *Wong Partnership LLP, Singapore*

TUESDAY 1000 – 1300

Retiro B, 1st Floor

Cross-border M&A transactions: state's interests versus European rules

Joint session with the European Forum. See page 96 for details.

TUESDAY 1500 – 1800

Martín Fierro II, 2nd Floor

A DINNER will be held for committee members and guests.

See page 125 for details.

TUESDAY 2030

Anglo-Saxon clauses in civil law corporate sale and purchase agreements: do they work?

Session Co-Chairs

Sergio Sanchez Solé *J&A Garrigues SL, Barcelona, Spain; Vice-Chair, Corporate and M&A Law Committee*

Oliver Triebold *Schellenberg Wittmer, Zurich, Switzerland; Treasurer, Corporate and M&A Law Committee*

Many practitioners in common law jurisdictions tend to believe that, since common law contracts have become a standard in cross-border transactions worldwide, the clauses and concepts included in such contracts will work in all jurisdictions concerned. In this session, common law lawyers will explain the meaning of some of the main clauses in the contracts that they use and how they expect them to work in foreign jurisdictions. Practitioners representing other law systems will then analyse whether these clauses do actually work in their jurisdictions and, if they do not, they will explain to the audience what could be done about them in order to reach the same results expected by their common law colleagues.

Speakers

Harvey Cohen *Dinsmore & Shohl LLP, Cincinnati, Ohio, USA*

Guy Harles *Arendt & Medernach, Luxembourg*

Dominic Hui *Vivien Chan & Co, Shanghai, China*

Roxana Kahale *Kahale Abogados, Buenos Aires, Argentina; Secretary, Women Lawyers Interest Group; Website Officer, Individual Tax and Private Client Committee*

Maria Miroshnikova *Egorov Puginsky Afanasiev and Partners, Moscow, Russia*

Samer Qudah *Al Tamimi & Company, Dubai, United Arab Emirates*

William D Savitt *Wachtell Lipton Rosen & Katz, New York, USA*

Andrew Wigfall

WEDNESDAY 1000 – 1300

Libertador C, 1st Floor

Acquiring regulated investments in Asia and the Pacific – overcoming the regulatory hurdles and controlling your JV partners

Joint session with the Asia Pacific Forum. See page 93 for details.

WEDNESDAY 1500 – 1800

Catalinas, 1st Floor

Directors' duties and shareholder entitlements in public M&A

Session Co-Chairs

Samuel A Nolen *Richards Layton and Finger, Wilmington, Delaware, USA; Conference Coordinator, Corporate and M&A Law Committee*

Paul White *A & L Goodbody, Dublin, Ireland; Secretary, Corporate and M&A Law Committee*

This session will involve a case study and discussion of issues arising for directors and shareholders in public takeovers of corporations. In particular, it will address fiduciary issues facing directors of the target corporation and factors to be considered in making recommendations and in dealing with contested and hostile bidding situations. It will address issues affecting dissenting shareholders, such as squeeze-outs and appraisal rights, together with disclosure principles and shareholder activism in the sale process.

Speakers

Felix R Ehrat

Richard Hall *Cravath Swaine & Moore LLP, New York, USA*

Christian Hoedl *Uria Menéndez, Madrid, Spain*

Charles Penney *Addleshaw Goddard LLP, London, England*

Jaime Fernández Madero *BFML&M Abogados, Buenos Aires, Argentina*

Ryutaro Nakayama *Nishimura & Asahi, Tokyo, Japan*

Chief Justice Myron Steele *Supreme Court of Delaware, Delaware, USA*

Gerhard Wegen *Gleiss Lutz, Stuttgart, Germany*

FRIDAY 1000 – 1300

Golden Horn, 1st Floor

Private equity

Chair

Stuart Mills *Leighton Mills PLLC, North Carolina, USA*

Latin American private equity and hedge funds

Joint session with the Latin American Forum. See page 97 for details.

MONDAY 1000 – 1300

Libertador A, 1st Floor

Key developments in corporate governance and other laws in Greater China and Asia Pacific countries affecting private equity investors

Joint session with the Asia Pacific Forum. See page 93 for details.

MONDAY 1500 – 1800

Tirso De Molina A, Meliá Buenos Aires Hotel

Management equity: economic, cultural and fiduciary issues

Session Co-Chairs

Ellisa Habbart *The Delaware Counsel Group LLP, Wilmington, Delaware, USA; Vice-Chair, Private Equity Subcommittee*

Stuart Mills *Leighton Mills PLLC, North Carolina, USA; Chair, Private Equity Subcommittee*

Many factors affect the amount of equity that should be retained by founders and officers. The analysis requires the blending of investors' financial expectations and customary practices in the industry as well as a balancing of the interests of investors and management. A panel of private equity experts will provide guidance as to how to make a determination in light of these various concerns.

Speakers

Jeffrey Blount *Fulbright & Jaworski LLP, Beijing, China; Vice-Chair and Publications Officer, Asia Pacific Forum*

Fred Chilton *Allens Arthur Robinson, Sydney, New South Wales, Australia*

Craig Cleaver *Slaughter and May, London, England; Journal Editor, Corporate and M&A Law Committee*

Rachel Eng Wong *Partnership, Singapore; Corporate Counsel Forum Liaison Officer, Capital Markets Forum*

Chief Justice Myron Steele *Supreme Court of Delaware, Delaware, USA*

Luis González Nieves Solorzano *Carvajal Gonzalez y Perez-Correa SC, Mexico City, Mexico*

Jason Norris *The Bernstein Companies, Washington DC, USA*

TUESDAY 1500 – 1800

San Telmo, Ground Floor

Current legal developments

Chair

Christian Herbst *Schönherr, Vienna, Austria*

Recent developments in M&A (to include use of derivatives in M&A and activities of sovereign funds)

Session Co-Chairs

Christian Herbst

Jocelyn Kelley *Blake Cassels & Graydon LLP, Vancouver, British Columbia, Canada; Vice-Chair, Current Legal Developments Subcommittee*

committee

The session will focus on some key developments that had an impact on M&A activity in 2007 and will continue to be present in 2008. These include the increasing investment activity of sovereign wealth funds and the implications of that development, the use of derivatives in M&A in connection with stakebuilding, the challenges to acquirers, targets and regulators in dealing with activist hedge funds as well as dispositions, demergers and spin-offs by companies to retransact failed mergers or in following a policy to focus on core competences (often in response to shareholder pressure).

Speakers

Horacio E Beccar Varela *Estudio Beccar Varela, Buenos Aires, Argentina*

Christian Cascante *Gleiss Lutz, Stuttgart, Germany; Conference Coordinator, Securities Law Committee*

Craig Cleaver *Slaughter & May, London, England; Journal Editor, Corporate and M&A Law Committee*

Paul Cronheim *De Brauw Blackstone Westbroek NV, Amsterdam, the Netherlands*

Ezra Davids *Bowman Gilfillan Attorneys, Johannesburg, South Africa*

Dieter Gericke *Homburger AG, Zurich, Switzerland*

Richard Hall *Cravath Swaine & Moore LLP, New York, USA*

Christian Hoedl

WEDNESDAY 1500 – 1800

Libertador C, 1st Floor

Criminal Law Section

Council Liaison Officer

Charles-Henri de Pardieu *De Pardieu Brocas Maffei, Paris, France*

A DINNER will be held for section members and guests.

See page 127 for details.

THURSDAY 2030

Business Crime

Co-Chairs

Peter Binning *Corker Binning, London, England*

Roberto Pisano *Studio Legale Pisano, Milan, Italy*

Industrial espionage and competitive intelligence: challenges and recent trends – working group meeting

Session Co-Chairs

Stéphane Bonifassi *Lebray & Associés, Paris, France; Chair,*

Industrial Espionage and Business Intelligence Working Group

Charles-Henri de Pardieu *De Pardieu Brocas Maffei, Paris, France;*

Council Member, Legal Practice Division

Competitive intelligence has become a significant part of contemporary business practice, with only a fine line distinguishing it from industrial espionage, which threatens a large number of people and companies worldwide. The Business Crime Committee has formed a working group to analyse the role of the legal community in tackling this problem. The session will focus on:

- the role of lawyers in protecting their clients both before and after they are targets of espionage;
- the legal limits on private investigations and competitive intelligence; and
- whether existing national sanctions adequately counter industrial espionage.

This session will be interactive and based around a case study focused on competitive intelligence versus business crime. We will examine the subtleties surrounding gathering information about a competitor in order to defeat a competitor versus fabricating information about a competitor to destroy value and reputation.

Speakers

Roberto Durrieu *Estudo Durrieu, Buenos Aires, Argentina; IBA Liaison Officer, Criminal Law Committee*

Marc Henzelin *Lalive, Geneva, Switzerland; Secretary, Business Crime Committee*

Martin Kenney *Martin Kenney & Co Solicitors, Tortola, British Virgin Islands*

Brian Spiro *BCL Burton Copeland, London, England*

Janusz Tomczak *Wardynski & Partners, Warsaw, Poland*

Steven Williams *Nabarro, London, England*

MONDAY 1000 – 1300

Río de la Plata, 2nd Floor

Water and terrorism

Joint session with the Water Law Committee. See page 63 for details.

MONDAY 1500 – 1800

Gómez Losada, 2nd Floor

Criminalising corporate conduct

Joint session with the Capital Markets Forum.

Session Co-Chairs

Jan Sjöcrona *Sjöcrona Van Stigt, The Hague, the Netherlands; Vice-Chair, Business Crime Committee*

George H White *Sullivan & Cromwell LLP, London, England; Vice-Chair, Capital Markets Forum*

Recent years have seen a dramatic escalation in the use of criminal laws and criminal sanctions to police corporate behaviour. This session will bring together corporate counsel, prosecutors and regulators and experienced defence lawyers to discuss this trend and its implications for corporate directors and officers. Topics will include the extraterritorial application of criminal laws, recent initiatives to combat bribery and money laundering, cross-border cooperation among regulators and prosecutors dealing with market abuse and insider dealing and the increased burden on corporate directors.

Speakers

Louise Delahunty *Simmons & Simmons, London, England*

Gary DiBianco *Skadden Arps Slate Meagher & Flom LLP, Washington DC, USA*

Stephen Gentle *Kingsley Napley, London, England; Newsletter Editor, Business Crime Committee*

Kai Hart-Hoenig *Kai Hart-Hoenig Rechtsanwälte, Wiesbaden, Germany*

Daniel Rafecas *Federal Judge, Buenos Aires, Argentina*

TUESDAY 1000 – 1300

Auditorium, Ground Floor

Cartels: latest developments in international cartel enforcement

Joint session with the Antitrust Committee. See page 46 for details.

WEDNESDAY 1500 – 1800

Golden Horn, 1st Floor

Financial crime and regulation

Joint session with the Financial Services Section.

Session Co-Chairs

Peter Binning

Roberto Pisano

General principles of regulation and financial crime, focusing on financial services and markets regulation:

- regulation versus prosecution of financial crime;
- market abuse/manipulation and insider dealing; and
- a comparison of the FSA, SEC and other regulators.

Speakers

Joseph Covington *Jenner & Block LLP, Washington DC, USA*

Cristiàn Francos Baach *Robinson & Lewis, Washington DC, USA*

Paul Gully-Hart *Schellenberg Wittmer, Geneva, Switzerland*

Michael S Kim *Kobre & Kim LLP, New York, USA*

Maurice Martin *Irwin Mitchell, London, England*

Jorge Nemr *Leite Tosto e Barros Advogados Associados, São Paulo, Brazil; Newsletter Editor, Business Crime Committee*

Monty Raphael *Peters & Peters, London, England*

THURSDAY 1500 – 1800

Casona B, Meliá Buenos Aires Hotel

Insurance fraud/asset tracing and subrogation

Joint session with the Insurance Committee. See page 65 for details.

THURSDAY 1500 – 1800

Catalinas, 1st Floor

Criminal Law

Chair

Marie Dyhrberg *Barrister, Auckland, New Zealand*

History and justice: achieving justice through the legal mechanisms necessary to bring those guilty of crimes during dictatorships and military rule to justice

Joint session with the Human Rights Law Committee.

Session Chair

Dan Conaway *Conaway & Strickler PC, Atlanta, Georgia, USA;*
Publications Officer and Treasurer, Criminal Law Committee

There are continuing concerns that current national and international justice systems are ineffective in bringing dictators and high-ranking military officers to justice and punishing them for their responsibility in the perpetration of atrocities against human rights and humankind. This session will explore some of the potential legal processes available to victims and their families wishing to pursue punishment against their perpetrators in a timely and fair manner commensurate with international standards of due process and criminal justice. The session will examine the effectiveness and problems associated with various recently-adopted models of prosecution including the Truth and Reconciliation Commissions in South Africa, the Rwandan Tribunal, and the Saddam Hussein Trial.

- How effective were these models of prosecution in achieving justice for the victims under a system of internationally-accepted standards of due process?
- Did the pursuit of justice in these matters violate established principles of national sovereignty and jurisdiction?
- Where is the line between international jurisdiction and domestic jurisdiction in such cases?

Speakers

Martín F Böhmer *Área de Derecho, Buenos Aires, Argentina*

Michael J Griffith *International Legal Defense Counsel,*
Amagansett, New York, USA

Eric L Lewis *Baach Robinson & Lewis PLLC, Washington DC, USA*

Linda Malone *William and Mary Law School; Williamsburg,*
Virginia, USA

Francois A Serres *Francois Serres & Associates, Paris, France*

MONDAY 1000 – 1300

Gómez Losada, 2nd Floor

Security and safety for judges and sexual abuse of children

Joint session with the Judges Forum. See page 107 for details.

MONDAY 1500 – 1800

Casona A, Meliá Buenos Aires Hotel

Organised crime: the impact of corruption and terrorism on the rule of law and public/private business

Session Co-Chairs

Luz Estella Nagle *Stetson University College of Law, Gulf Port,*
Florida, USA; Vice-Chair, Criminal Law Committee

Nayra Prado Marrero *Fernando Scornik Gerstein Abogados,*
Madrid, Spain

Aided by globalisation and the technological ability to move rapidly money, people, and trade, prolific and tenacious organised criminals and terrorist groups have diversified and have gained the mobility to respond to conditions unfavourable to their operations. Criminal organisations and terrorists have increased cooperation worldwide, and, in many nations, organised crime controls economic and governmental organisations with impunity. Corruption and terrorism perpetrated by these groups undermine democracy and the rule of law, influence policy making, reduce accountability, and intimidate the civil society.

What elements allow transnational crime to persist? What role does foreign cooperation have in combating organised crime? What impact do corruption and terrorism have on the rule of law and the conduct of business?

Speakers

Mark Biros *Proskauer Rose LLP, Washington DC, USA*

Edgardo Buscaglia *International Law and Development Centre,*
Mexico City, Mexico

Ross H Garber *Shipman & Goodwin LLP, Hartford, Connecticut, USA*

Manuel Garrido *Fiscalia de Investigaciones Administrativas, Buenos*
Aires, Argentina

Samuel Gonzalez Ruiz *Deputy Federal Attorney General of*
Mexico, Mexico City, Mexico

Artemisia Lorusso *Studio Legale Pisano, Milan, Italy*

Manuel Superville *Navigant Consulting, Miami, Florida, USA*

Bolaji Owasanoye *Nigerian Institute of Advanced Legal Studies,*
Lagos, Nigeria

THURSDAY 1000 – 1300

Tirso De Molina C, Meliá Buenos Aires Hotel

Sentencing: innovative initiatives

Joint session with the Indigenous Peoples Committee.

Session Chair

Meg Strickler *Conaway & Strickler PC, Atlanta, Georgia, USA;
Newsletter Editor and Website Officer, Criminal Law Committee;
and Website Officer, Business Crime Committee*

The traditional criminal justice system in most countries adopts a uniform concept of one law for all, with the focus upon the responsibility of the individual offender, specifically rejecting the notion of collective or community responsibility for criminal activity. Such a system lacks any recognition of specific indigenous and minority group forms of social control. Generally there is a common dissatisfaction among both offenders and victims alike with the traditional criminal justice system in relation to sentencing. Indigenous and minority groups perceive the current criminal justice system as lacking cultural sensitivity, and many of the system's philosophies are diametrically opposed to indigenous and minority notions of justice.

The session will explore how the maintenance of law and order generally may be better achieved by adopting a system based on indigenous and minority group principles of conflict resolution which welcome and provide for a greater sense of community involvement and responsibility in the justice process.

Speakers

Fernando Toller *Universidad Austral, Buenos Aires, Argentina*
William R Mitchelson Jr *Alston & Bird, Atlanta, Georgia, USA*
Rusell Raikes *Cohen Highley LLP, London, Ontario, Canada; Chair,
Indigenous Peoples Committee*
Joanne Wicklife *Auckland, New Zealand*

THURSDAY 1500 – 1800

Tirso De Molina C, Meliá Buenos Aires Hotel

Dispute Resolution Section

Council Liaison Officers

Henri Alvarez QC *Fasken Martineau DuMoulin LLP, Vancouver,
British Columbia, Canada*
Nicola Mumford *Wragge & Co LLP, London, England*

Financial aspects of dispute resolution

Session Co-Chairs

Michael L Novicoff *Liner Yankelevitz Sunshine & Regenstreif
LLP, Los Angeles, California, USA; Senior Vice-Chair, Litigation
Committee*
Mark W Friedman *Debevoise & Plimpton LLP, London, England;
Vice-Chair, Arbitration Committee*

Dispute resolution can be expensive. As a result, parties are developing new strategies for financing and managing the costs of disputes. In this joint programme, experts in litigation, arbitration and mediation will together explore the drivers of litigation expenses, and emerging responses to them, including the increasing availability of contingency fee arrangements, third party litigation funding, the securitisation of disputed claims, and changes to fee-shifting rules.

Speakers

José Astigarraga *Astigarraga Davis, Miami, Florida, USA*
Antonio Bravo *Lupicinio Eversheds, Madrid, Spain; Vice-Chair,
Litigation Committee*
Kathleen A Bryan *Institute for Conflict Prevention and Resolution,
New York, USA*

Simon Gallant *Gallant Macmillan LLP, London, England*
Bettina Knoetzel *Wolf Theiss, Vienna, Austria; Membership Officer,
Litigation Committee*
Cecilia Pasman *Estudio O'Farrell, Buenos Aires, Argentina*
Walter Remmerswaal *Omni Bridgeway, The Hague, the
Netherlands*

MONDAY 1000 – 1300

Libertador B, 1st Floor

Arbitration

Co-Chairs

Pierre Bienvenu *Ogilvy Renault LLP, Montreal, Quebec, Canada*
Sally Harpole *Sally Harpole & Co, Hong Kong SAR*

Ethics in arbitration for counsel and arbitrators

Joint session with the Corporate Counsel Forum.

Session Co-Chairs

Julius Ejikonye *The Shell Petroleum Development Company of
Nigeria Ltd, Port Harcourt, Nigeria; Corporate Counsel Forum
Liaison Officer, Arbitration Committee*
Judith Gill *Allen & Overy LLP, London, England; Vice-Chair,
Arbitration Committee*
Matthias Scherer *Lalive, Geneva, Switzerland; Chair, Conflicts of
Interest Subcommittee*

This session will consider the ethical issues affecting counsel and arbitrators in international arbitration. Is there a worldwide ethical code for counsel in arbitration? To what extent do domestic professional obligations apply to international arbitration? What is the scope of ethical requirements that should be imposed on arbitrators?

These and numerous other issues will be debated in a lively format.

Speakers

Fernando Aguilar Marval *O'Farrell & Mairal, Buenos Aires,
Argentina*
Julie Bedard *Skadden Arps Slate Meagher & Flom LLP, New York,
USA*
Cyrus Benson *Gibson Dunn & Crutcher LLP, London, England*
Mohammed Dele Belgore *Sofunde Osakwe Ogundipe & Belgore,
Lagos, Nigeria*
Jean-André Diaz *TOTAL SA, Exploration & Production Legal Affairs
& Agreements, Paris, France*
Karim Hafez Hafez *Cairo, Egypt*
Antonio Hernandez-Gil *Decano del Ilustre Colegio de Abogados
de Madrid, Madrid, Spain*
Carole Malinvaud *Gide Loyrette Nouel, Paris, France*
Audley Sheppard *Clifford Chance, London, England*

MONDAY 1500 – 1800

Libertador B, 1st Floor

Court support for arbitration in the Americas and the role of public law

Joint session with the Latin American Forum and North American Forum.

Session Co-Chairs

Henri Alvarez QC *Fasken Martineau DuMoulin LLP, Vancouver, British Columbia, Canada; Council Member, Legal Practice Division*

Guido Tawil *M&M Bomchil, Buenos Aires, Argentina; Senior Vice-Chair, Arbitration Committee; Co-Chair, Latin American Regional Forum*

Eduardo Zuleta *Gomez-Pinzón & Zuleta, Bogota, Colombia; Secretary, Arbitration Committee*

The relationship between judicial courts and arbitral tribunals has been a matter of tension and debate for decades. In the same way that court support is essential to the success of arbitration as a dispute resolution method, judicial interference can render the parties' choice for arbitration meaningless. In this session, practitioners will consider forms of support and interference by courts at different stages of an arbitration, including upholding agreements to arbitrate and staying litigation, interim measures, challenges to arbitrators, obtaining evidence, applications to set aside awards and enforcing awards. The session will focus on the Americas and recent decisions based on constitutional and other public law which have allowed judicial review of various types of decisions, including arbitral awards.

Speakers

Maurício Almeida Prado *LO Baptista Advogados Associados, São Paulo, Brazil*

Oliver Armas *Chadbourne & Park LLP, New York, USA*

Roque Caivano *Buenos Aires Cereal Exchange Arbitral Tribunal, Buenos Aires, Argentina*

Fernando Cantuarias Salaverry *Universidad Peruana de Ciencias Aplicadas, Lima, Peru*

Yves Derains *Derains & Associés, Paris, France*

Dana Freyer *Skadden Arps Slate Meagher & Flom LLP, New York, USA*

Francisco González de Cossío *González de Cossío Abogados, Mexico City, Mexico*

Andrés Jana Alvarez *Hinzpeter Jana Abogados, Santiago, Chile*

Selma Lemes *Selma Lemes Advogados Associados, Sao Paulo, Brazil*

Noiana Marigó *Freshfields Bruckhaus & Deringer, Paris, France*

Hernán Perez Loose *Coronel & Perez, Guayaquil, Quito, Ecuador*

Eduardo Silva Romero *Dechert, Paris, France*

Julio César Rivera *Rivera Abogados, Buenos Aires, Argentina*

TUESDAY 1000 – 1300

Libertador B, 1st Floor

Arbitral procedure: new developments and good practice

Session Co-Chairs

Christian Camboulive *Gide Loyrette Nouel, Paris, France; Vice-Chair, Arbitration Committee*

Richard H Kreindler *Shearman & Sterling LLP, Frankfurt am Main, Germany, Chair, IBA Rules of Evidence Subcommittee*

This session will highlight best practices in arbitral procedure and new developments affecting the manner in which arbitration is conducted around the world. In addition, we will provide an update on the IBA's working study relating to the IBA Rules of Evidence and other current topics.

Speakers

José Maria Alonso *Garrigues, Madrid, Spain*

Essam Al Tamimi *Al Tamimi & Company, Dubai, United Arab Emirates*

Mark Baker *Fulbright & Jaworski LLP, Houston, Texas, USA*

José Antonio Cainzos *Clifford Chance, Madrid, Spain*

Paolo Di Rosa *Arnold & Porter, Washington DC, USA*

Pierre Duprey *Darros Villey Maillot Brochier, Paris, France*

Paul Friedland *White & Case LLP, New York, USA*

Kevin Kim *Bae Kim & Lee, Seoul, South Korea*

Anne-Veronique Schlaepfer *Schellenberg Wittmer, Geneva, Switzerland*

Rolf Trittmann *Freshfields Bruckhaus Deringer, Frankfurt am Main, Germany*

TUESDAY 1500 – 1800

Libertador B, 1st Floor

International dispute resolution and enforcement - a comparative analysis of WTO, BIT, ICC and domestic dispute resolution

Joint session with the Litigation Committee. Please see page 55 for details.

WEDNESDAY 1000 – 1300

Libertador B, 1st Floor

Hot topics in arbitration

Session Co-Chairs

Nicolás Gamboa *Gamboa Chalela & Gamboa, Bogota, Colombia*
Hiroyuki Tezuka *Nishimura & Asahi, Tokyo, Japan; Vice-Chair, Arbitration Committee*

This session addresses notable developments and current trends in international arbitration. Recent sports arbitration cases, an update on Mercosur, the restrictions on arbitration that are found in some jurisdictions and future developments in the Arbitration Rules of UNCITRAL, ICC and AAA are among subjects to be discussed.

Panel Moderators

Dominique Brown-Berset *Geneva, Switzerland*
Nicolás Gamboa
Hiroyuki Tezuka

Speakers

José Maria Abascal *Abascal & Asociados, Mexico City, Mexico*
Gonzalo Biggs *Figueroa Valenzuela y Cia, Santiago, Chile*
James Carter *Sullivan & Cromwell LLP, New York, USA*
Elisabeth Eljuri *Macleod Dixon, Caracas, Venezuela*
Jason Fry *Secretary General, International Court of Arbitration, Paris, France*
Alejandro Garro *Columbia University School of Law, New York, USA*
Mauricio Gomm-Santos *Buchanan Ingersoll & Rooney, Miami, Florida, USA*
Tao Jingzhou *Jones Day, Beijing, China*
Corinne Montineri *International Trade Law Division of the United Nations Office of Legal Affairs, UNCITRAL, Vienna, Austria*
David W Rivkin *Debevoise & Plimpton LLP, New York, USA; Chair, Legal Practice Division*
Ank Santens *White & Case LLP, New York, USA*

WEDNESDAY 1500 – 1800

Libertador B, 1st Floor

A RECEPTION and DINNER will be held for committee members and guests.

See page 127 for details.

WEDNESDAY 2000

Investment treaty arbitration workshop

Session Co-Chairs

Abby Cohen Smutny *White & Case LLP, Washington DC; Chair, Investment Treaty Arbitration Subcommittee*
Kaj Hobér *Mannheimer Swartling, Stockholm, Sweden; Vice-Chair, Arbitration Committee*

The session will look at the current issues in investment treaty arbitration including a review of recent awards, applications for annulment, applications for provisional measures and distinctions between arbitrations under UNCITRAL Rules and the ICSID Convention.

Speakers

Gabriela Alvarez Avila *Curtis Mallet-Prevost Colt & Mosle LLP, Mexico City, Mexico*
Yas Banifatemi *Shearman & Sterling LLP, Paris, France*
Nigel Blackaby *Freshfields Bruckhaus Deringer, Paris, France*
Oscar Garibaldi *Covington & Burling LLP, Washington DC, USA*
Horacio Grigera Naón *Washington DC, USA*
Veijo Heiskanen *Lalive, Geneva, Switzerland*
Meg Kinnear *Director-General and Senior General Counsel, Government of Canada, Ottawa, Ontario, Canada*

THURSDAY 1000 – 1300

Retiro B, 1st Floor

The New York Convention – worldwide implementation, recent cases and practical issues

Session Co-Chairs

Dushyant Dave *Senior Advocate, New Delhi, India; Vice-Chair, Arbitration Committee*
Ilya Nikiforov *Egorov Puginsky Afanasiev & Partners, St Petersburg, Russia; Vice-Chair, Arbitration Committee*

This session will highlight the 2008 reports by UNCITRAL and the ICC on their respective surveys of the worldwide implementation of the New York Convention, followed by the IBA's annual review of significant recent case decisions and current challenges to recognition and enforcement. The issues of whether the New York Convention should be updated and the merits of the Panama Convention will be debated in the final portion of this programme.

Speakers

Teresa Cheng *Des Voeux Chambers, Hong Kong SAR*
Andrew Foyle *One Essex Court, London, England*
Christopher Lau *QC Alban Tay Mahtani & de Silva, Singapore*
Geoffroy Lyonnet *Curtis Mallet-Prevost Colt & Mosle LLP, Paris, France*
Luis Martinez *ICDR and The Inter-American Commercial Arbitration Commission, New York, USA*
Corinne Montineri
Kenneth B Reisenfeld *King & Spalding, Washington DC, USA*
David Roney *Schellenberg Wittmer, Geneva, Switzerland*
Per Runeland *SJ Berwin LLP, London, England*
Pierre Tercier *Former Chairman, ICC International Court of Arbitration, Fribourg, Switzerland*
Dorothy Ufot *Dorothy Ufot & Co, Lagos, Nigeria; Council Member, Legal Practice Division*
Claus von Wobeser *von Wobeser y Sierra, Mexico City, Mexico*

FRIDAY 1000 – 1300

Catalinas, 1st Floor

Consumer Litigation

Chair

Frank Johnstone *McClure Naismith, Glasgow, Scotland*

Responsible lending in consumer credit agreements

Joint session with the Banking Law Committee.

Session Co-Chairs

Frank Johnstone
Markus Pfenninger *Walder Wyss and Partners LLP, Zurich, Switzerland; Co-Chair, Banking Law Committee*

This session will consist of an international panel of experts who will examine the developing concept of responsible lending and how it is addressed in a number of jurisdictions. The session will also examine consumer remedies where irresponsible lending has occurred and what sanctions are imposed on creditors for irresponsible lending. The session will be interactive and will also cover related issues such as credit checking, unfair terms and unfair business practices in the consumer credit sector.

Speakers

Angela Flannery *Clayton Utz, Sydney, New South Wales, Australia*
Juan Manuel Mercant *Guyer & Regules, Montevideo, Uruguay*
Sarah O'Neil *Scottish Consumer Council, Glasgow, Scotland*
Sandra G Wiedmer *GE Money, Zurich, Switzerland*

TUESDAY 1000 – 1300

Retiro C, 1st Floor

Collective redress and class action judgments – where, when, why and how global judgments have been enforced

Session Chair

John P Brown *McCarthy Tétrault, Toronto, Canada; Vice-Chair, Consumer Litigation Committee*

This interactive session will consist of an international panel of experts and will review the leading cases involving multijurisdictional enforcement of collective redress and class action judgments. It will also consider the potential impact of the proposed Guidelines for Recognising and Enforcing Foreign Judgments for Collective Redress. This session will develop and build upon the important work of the committee in developing the Guidelines which were presented at the committee's session in Singapore.

Speakers

George Bermann *Columbia University School of Law, New York, USA*

Daniel Posse *Posse Herrera & Ruiz Abogados, Bogotá, Colombia*

Debrah Prince *Which?, London, England*

Daan Lunsingh Scheurleer *NautaDutilh, Amsterdam, the Netherlands*

Janet Walker *Osgoode Hall Law School of York University, Toronto, Ontario, Canada*

WEDNESDAY 1500 – 1800

Retiro C, 1st Floor

A DINNER will be held for committee members and guests.

See page 127 for details.

WEDNESDAY 2000

Litigation

Co-Chairs

Klaus Reichert *Law Library/Brick Court Chambers, Dublin, Ireland*
Des Williams *Werksmans, Sandton, South Africa*

When the crunch comes: the battle for survival for businesses in the subprime jungle

Joint session with the Insolvency, Restructuring and Creditors' Rights Section (SIRC). See page 71 for details.

MONDAY 1000 – 1300

Retiro C, 1st Floor

The role of the Attorney General/Law Officer in a democratic society

Joint session with the Forum for Barristers and Advocates. See page 106 for details.

MONDAY 1500 – 1800

Casona B, Meliá Buenos Aires Hotel

Private international law workshop

Session Co-Chairs

Liam Kennedy *A & L Goodbody, Dublin, Ireland; Secretary, Litigation Committee*

Klaus Reichert

The first half of the session will be a workshop on important developments in the fields of private international law bringing delegates up to date on some of the most topical and controversial matters presently facing cross-border litigation. A speaker from The Hague Conference on Private International Law will set out the plans for the forthcoming project on choice of law – to which participants will be actively encouraged to give feedback. The second part of the session will be devoted to the realities and pitfalls of, and methods for success in, securing evidence abroad. The second edition of the Litigation Committee's Handbook, the first edition of which was met with much acclaim at the Toronto Conference in June 2008, will be made available at this session.

Speakers

Roberto Cuétara *Cuétara Serna y Bolaños SC, Mexico City, Mexico*

Campbell McLachlan *QC Victoria University of Wellington, Wellington, New Zealand*

Marta Pertegás *Hague Conference on Private International Law, The Hague, the Netherlands*

John S Reynolds *White & Case LLP, London, England*

Marco Schnabl *Skadden Arps Slate Meagher & Flom LLP, New York, USA*

Janet Walker *Osgoode Hall Law School, York University, Toronto, Ontario, Canada*

TUESDAY 1500 – 1800

Retiro C, 1st Floor

International dispute resolution and enforcement – a comparative analysis of WTO, BIT, ICC and domestic dispute resolution.

Joint session with the Arbitration Committee and Trade and Customs Law Committee.

Session Co-Chairs

Scott Andersen *Sidley Austin LLP, Geneva, Switzerland; Chair, Trade and Customs Law Committee*

Des Williams

This session will focus on a comparison of litigation strategies:

- in WTO and domestic litigation;
- between the WTO and commercial arbitration; and
- between the WTO and BIT litigation.

Issues of comparison will include rules of evidence, the role of experts, the role of judges and arbitrators, cross-examination, discovery, pleading and jurisdictional issues.

Speakers

Steve Davidson *Steptoe & Johnson LLP, Washington DC, USA*

John L Gardiner *Skadden Arps Slate Meagher & Flom LLP, New York, USA*

Gilberto Giusti Pinheiro Neto *Advogados, São Paulo, Brazil*

Hillary Heilbron *QC Brick Court Chambers, London, England*

Ignacio J Minorini *Lima M&M Bomchil, Buenos Aires, Argentina*

Daniel Moulis *Principal, Moulis Legal, Canberra, Australian Capital Territory, Australia; Senior Vice-Chair, Trade and Customs Law Committee*

Josefa Sicard-Mirabel *ICC International Court of Arbitration, New York, USA*

WEDNESDAY 1000 – 1300

Libertador B, 1st Floor

United States versus the rest of the world: who is winning the war on litigation?

Session Co-Chairs

Niamh Loughran *LK Shields Solicitors, Dublin, Ireland; Young Litigators Club Officer, Litigation Committee*

Amanda Wong *Kirkland & Ellis LLP, Los Angeles, California, USA; Young Litigators Club Officer, Litigation Committee*

As the practice of forum-shopping becomes more prevalent in Europe and the United States, this session examines the merits and pitfalls of different jurisdictions' unique approaches to the process of civil litigation, and considers which approach best meets clients' needs in terms of costs, access to and use of discovery, admissibility of evidence, group actions, enforcement of judgments and access to justice.

Speakers

Holger Bielez *Wolf Theiss, Vienna, Austria*

Alex DeZordo *Borden Ladner Gervais LLP, Montreal, Quebec, Canada*

Eric Hagen *McDermott Will & Emery, Los Angeles, California, USA*

Maurice Kenton *Barlow Lyde & Gilbert LLP, London, England*

Luis Lucero *Cárdenas Di Cío Romero Tarsitano & Lucero, Buenos Aires, Argentina*

THURSDAY 1000 – 1230

Retiro C, 1st Floor

A LUNCH excursion will be held for committee members and guests.

See page 127 for details

THURSDAY 1245

Conflict management and dispute resolution

Joint session with the Corporate Counsel Forum.

Session Chair

Des Williams

A client from one country is facing a dispute with a party in another country. Should the dispute be submitted to litigation, arbitration or any other form of ADR? What are the important issues that should be considered by corporate counsel at an early stage in conflict management and dispute resolution in unfamiliar jurisdictions?

This will be an interactive session, including a case study. Panellists will include members of the Conflict Management Project Working Group, a joint project of the Litigation Committee and the Corporate Counsel Forum.

Speakers

James Brumm *Mitsubishi International Corporation, New York, USA; Senior Co-Chair, Corporate Counsel Forum*

Jan Eijssbouts *Consultant, Business Law and Mediation and Legal Advisor to Akzo Nobel NV, Amsterdam, the Netherlands; Co-Chair, Corporate Social Responsibility Committee; Council Member, Legal Practice Division*

Fernando Gonzalez *Hammonds, Madrid, Spain*

Joel Richler *Blake Cassels & Graydon LLP, Toronto, Ontario, Canada*

Stefan Ruetzel *Gleiss Lutz, Frankfurt am Main, Germany*

Dan Terkildsen *Danders & More, Copenhagen, Denmark*

THURSDAY 1530 – 1800

Libertador B, 1st Floor

Civil law perspective on class action proceedings

Session Chair

Jorge Angell *LC Rodrigo Abogados, Madrid, Spain*

Previously unknown or ignored, US-style class actions increasingly pervade civil law jurisdictions throughout the world. The level of interaction is variable as each jurisdiction tends to provide its own answer according to its legal values and traditions to a phenomenon that is deeply rooted in high considerations of justice. In this session experts from selected civil law jurisdictions will analyse the current and foreseeable future impact of US-style class actions in civil law systems, including supranational efforts such as that of the European Union, the pros and cons and the real possibilities of adopting a similar system. Particular attention will be given to the possible enforcement of world class actions judgments in civil law countries.

Speakers

Carlos Dominguez Hoet *Peláez Castillo & Duque, Caracas, Venezuela*

Cristina Pagni *Norton Rose LLP, Milan, Italy*

Javier Petrantonio *M&M Bomchil, Buenos Aires, Argentina*

Daniel Urbas *Borden Ladner Gervais LLP, Montreal, Quebec, Canada*

Jorge Velarde *Rodrigo Elías y Medrano Abogados, Lima, Peru*

FRIDAY 1000 – 1300

Retiro B, 1st Floor

Mediation

Chair

Siegfried Elsing *Hölters & Elsing, Düsseldorf, Germany*

Mediation techniques workshop

Session Co-Chairs

Patricia Barclay *Bonaccord Ecosse Limited, Edinburgh, Scotland; Co-Chair, Mediation Techniques Subcommittee*

Nikolaus Pitkowitz *Graf & Pitkowitz, Vienna, Austria; Co-Chair, Mediation Techniques Subcommittee*

The session will take the form of a workshop in the course of which different techniques to encourage effective negotiation will be explored and demonstrated through practical examples. The discussions and analyses will include integrative negotiation and 'Getting To Yes' techniques, as well as traditional versus evaluative methods. Special attention will be given to indirect communication and the use of emotions, in particular to body language and signals.

Speakers

Walter Samuel Bartussek *Universities for Music and Performing Arts in Graz and Konservatorium-Wien Music University, Vienna, Austria*

Denis Rice *Howard Rice Nemerovski Canady Falk & Rabkin, San Francisco, California, USA*

Carlos Ruffinelli *Moreno Ruffinelli & Asociados, Asunción, Paraguay*

James South *Centre for Effective Dispute Resolution (CEDR), London, England*

TUESDAY 1000 – 1300

Libertador A, 1st Floor

A LUNCH will be held for committee members and guests.

See page 125 for details.

TUESDAY 1315

Hot topics in mediation

Session Chair

Birgit Sambeth Glasner *Altenburger, Geneva, Switzerland; Co-Chair, UNCITRAL Model Law Subcommittee*

Current developments in mediation will be examined, including:

- The impact of the new European Mediation Directive on international civil and commercial mediation: Does it have any 'teeth'?
- IMI: does the market have a need for the certification of international mediators?
- Do hybrid processes work? If so, how? Multi-steps escalation clauses, settlements in arbitration and enforceability.
- Can mandatory mediation work? The Argentine example in Buenos Aires.

Speakers

William Baker *Alston & Bird LLP, New York, USA*

Jonathan Lux Ince & Co, *London, England*

Luis Martinez *American Arbitration Association, New York, USA*

Miguel O'Farrell Marval O'Farrell & Mairal, *Buenos Aires, Argentina*

Joe Tirado *Norton Rose LLP, London, England*

TUESDAY 1500 – 1800

Libertador A, 1st Floor

Investor-state mediation: is mediation suitable in investor-state disputes?

Session Co-Chairs

Jack Coe *Pepperdine University School of Law, Malibu, California, USA; Co-Chair, State Mediation Subcommittee*

Margrete Stevens King & Spalding, *Washington DC, USA; Co-Chair, State Mediation Subcommittee*

The objective of this session is to examine the current use of mediation in relation to investor-state disputes, to determine whether its wider use would benefit the investor-state dispute system in general (or discrete types of participants who use it in particular), to identify and assess obstacles to wider use of investor state mediation, and to propose concrete measures that might be pursued to increase resort to mediation for investor-state disputes.

Moderators

José Martínez de Hoz Pérez Alati Grondona Benites Arnsten & Martínez de Hoz, *Buenos Aires, Argentina*

Sandra Morelli Rico *National Federation of Coffee Growers, Bogotá, Colombia*

Speakers

Gabriel Bottini *Office of the Attorney General, Government of Argentina, Buenos Aires, Argentina*

Jack Coe

Hugo Perezcano Diaz *Ministry of the Economy Government of Mexico, Lomas de Tecamachalco, Mexico*

Roberto Echandi *Mission of Costa Rica to the European Union, Brussels, Belgium*

Anna Joubin-Bret *United Nations Conference on Trade and Development, Geneva, Switzerland; Vice-Chair, State Mediation Subcommittee*

Bart Legum *Debevoise & Plimpton LLP, Paris, France; Vice-Chair, State Mediation Subcommittee*

Peter Wolrich *Curtis Mallet-Prevost Colt & Mosle LLP, Paris, France*

WEDNESDAY 1000 – 1300

Retiro C, 1st Floor

The role of the judge and of the advocate in promoting mediation

Joint session with the Forum for Barristers and Advocates and the Judges' Forum.

Session Co-Chairs

Judge Petria McDonnell *The Circuit Court, Four Courts, Dublin, Ireland; Senior Vice-Chair, Mediation Committee*

Aleš Zalar *Former Senior District Court Judge of Ljubljana, Slovenia*

This ambitious session aims to conduct a review of the current status of mediation worldwide. In particular it will consider how mediation is regarded by judges, by advocates and by the clients internationally. Is it supported by them or not? Can (and do) the judges mandate mediation? Alternatively can they simply encourage its use and if so, how? And how do the advocates and clients respond? We will consider specific issues which are relevant in this context such as confidentiality and the ability of the judge to make orders regarding costs.

In this session we will also review the diverse ways in which mediation is conducted in different parts of the world. In some countries judges mediate whereas in others the judges have no power (or no inclination) to do so.

By pooling the information gleaned internationally on these topics we may be able to reach some consensus on the preferred role of the judge and of the advocate in promoting mediation.

Keynote speaker

Justice Elena Highton de Nolasco *Supreme Court of Argentina, Buenos Aires, Argentina*

Speakers

Claes Broman *Setterwalls, Stockholm, Sweden*

Judge Candide-Johnson *The High Court, Lagos, Nigeria*

Christopher Lao QC *Alban Tay Mahtani & de Silva LLP, Singapore*

Sriram Panchu IV *High Court Chambers, Madras, India*

Peter Phillips *Business Conflict Management LLC, Montclair, New Jersey, USA*

Paul Sreenan *SC Bar Council of Ireland, Dublin, Ireland*

WEDNESDAY 1500 – 1800

Libertador A, 1st Floor

Mediating disputes in the art and heritage sector: why and how to spread the word

Joint session with the Art, Cultural Institutions and Heritage Law Committee. See page 74 for details.

THURSDAY 1000 – 1300

Tirso De Molina A, Meliá Buenos Aires Hotel

Negligence and Damages

Chair

Ramón Bado Sanz *Estudio Dr Mezzera, Montevideo, Uruguay*

Tort reform: a solution to perceived defects of the traditional tort regime, or 'tort deform'?

Session Chair

Matthew Reiter *Baer & Karrer AG, Zurich, Switzerland*

Disadvantages of common law tort claims include vagaries of litigation, costs on industry and insurance, and legal costs.

What is the most effective way to compensate accident victims for personal injury?

A panel of experts will discuss their experience and the most recent trends on a matter of the utmost interest and growing controversy in today's world. Experiences taken from the common law system will be contrasted with the civil law approaches to such issues.

Speakers

Andrés M Cerisola *Ferrere Abogados, Montevideo, Uruguay*

Edmund Hinkson *Charlton Chambers, Bridgetown, Barbados*

Liam Kennedy *A&L Goodbody Solicitors, Dublin, Ireland; Secretary, Litigation Committee*

Lorelie S Masters *Jenner & Block LLP, Washington DC, USA*

Juan Eduardo Palma *Vial y Palma Abogados, Santiago, Chile*

Mark Simpson *QC Fountain Court Chambers, London, England*

TUESDAY 1000 – 1300

Martín Fierro II, 2nd Floor

Have fun at your own risk: drafting and enforcing liability/damages releases

Joint session with the Space Law Committee.

Session Co-Chairs

Ramón Bado Sanz

Rachel Yates *Holland & Hart LLP, Greenwood Village, USA; Vice-Chair, Space Law Committee*

Sports and recreational activities can present risks to participants, organisers, and the public. The session will focus on an animation of a 'day at an amusement park' with a series of mishaps and accidents. Session participants will analyse the extent of liability for each accident, examining different forms of liability releases and waivers. Then, experts from different jurisdictions and law systems will present their perspectives and experience with drafting and enforcing both contractual and statutory releases and waivers.

Speakers

Riccardo Cajola *Cajola & Associati, Milan, Italy*

Peter Coles *Barlow Lyde & Gilbert LLP, Hong Kong SAR*

Dato Cyrus Das *Shook Lin & Bok LLP, Kuala Lumpur, Malaysia*

Paul Emerson *Lamb Chambers, London, England; Vice-Chair and Website Officer, Negligence and Damages Committee*

José Luis Marcó *Pennino & Marcó, Buenos Aires, Argentina*

Gordon Strachan *Strachan Strachan & Simon PC, Park City, Utah, USA*

THURSDAY 1000 – 1300

Casona A, Meliá Buenos Aires Hotel

Energy, Environment, Natural Resources and Infrastructure Law Section (SEERIL)

Chair

Alan B Dunlop *Hess Corporation, Houston, Texas*

Council Liaison Officer

E T Hunt Talmage II *Chandler & Thong-ek, Bangkok, Thailand*

What price carbon? Climate change and the law

Session Co-Chairs

C Baird Brown *Ballard Spahr Andrews & Ingersoll LLP, Philadelphia, Pennsylvania, USA; Co-Chair, Power Law Committee*

William L Thomas *Skadden Arps Slate Meagher & Flom LLP,*

New York, USA; Secretary, Environment, Health and Safety Law Committee

The 13th Conference of the Parties to the UN Framework Convention on Climate Change (UNFCCC) and the Third Session of the Meeting of the Parties to the Kyoto Protocol launched a negotiating process toward a new global climate agreement in 2009. This session will review the outcome of the conference in Bali and frame the critical issues going forward. Topics to be discussed by a cast of leading experts include the status of negotiations under the UNFCCC and Kyoto Protocol, emission targets and mitigation actions, emissions trading, avoided deforestation, carbon capture and storage, technology transfer, and adaptation.

Speakers

Marie Ann Birken *Asian Development Bank, Manila, Philippines*

William Bumpers *Baker Botts LLP, Washington DC, USA*

John Cahill *Chadbourne & Parke LLP, New York, USA*

Rutger De Witt Wijnen *DeBrau Blackstone Westbroek NV, Amsterdam, the Netherlands*

Kevin A Ewing *Bracewell & Giuliani LLP, Washington DC, USA*

Gary Guzy *APX Inc, Washington DC, USA*

Beat Hess *General Counsel, Royal Dutch Shell plc, The Hague, the Netherlands*

Guillermo Malm *Green Brons & Salas, Buenos Aires, Argentina*

Christopher Norton *Lovells, London, England*

Clara Maria Poffenberger *Exxon Mobil, Fairfax, Virginia, USA*

Dane Ratliff *Permanent Court of Arbitration, The Hague, the Netherlands*

Michelle Riley *General Counsel, Good Energies Inc, New York, USA*

Marcelo Slonimsky *Baker & McKenzie, Buenos Aires, Argentina*

Gray Taylor *Bennett Jones LLP, Toronto, Ontario, Canada*

MONDAY 1000 – 1800

Golden Horn, 1st Floor

A DINNER will be held for Section members and guests.

See page 125 for details.

TUESDAY 2130

Environment, Health and Safety Law

Chair

Ian Rose *Salans, London, England*

The law of sustainability

Joint session with the Power Law Committee. See page 62 for details.

TUESDAY 1000 – 1300

Casona B, Meliá Buenos Aires Hotel

Environmental protection versus industrial development – have we gone too far?

Session Chair

Claus-Peter Martens *Murawo, Berlin, Germany; Senior Vice-Chair, Environment, Health and Safety Law Committee*

Fierce competition between nature and industry has resulted from the dramatic increase in the scope of environmental protection in recent years. Tension has arisen between the increasing urgency of environmental awareness and action on the one hand, and the sheer economic and social need for adequate space and opportunities for industrial development on the other.

Species, habitats and nature reserves or housing, industry and transport? In the fight for supremacy, striking a balance between these apparently opposing demands presents challenges for lawyers and clients around the world. Have we gone too far in protecting the environment at the cost of our own economic future? Or is this protection instead the key to safeguarding natural economic resources whose disappearance would otherwise lead to grave economic disadvantages in the long-term future? Legal provisions around the world struggle to weigh up sometimes diametrically opposite interests and produce a fair, balanced result for all.

This session highlights the legal challenges in the tension between environmental protection and industrial development.

Speakers

Christopher Colman *Hess Corporation, Woodbridge, New Jersey, USA*

Angeles Murgier *Brons & Salas, Buenos Aires, Argentina*

Raul Montenegro *Furnam, Cordoba, Argentina*

Andrés Nápoli *Environment and Natural Resources Foundation FARN, Buenos Aires, Argentina*

TUESDAY 1500 – 1800

Tirso De Molina B, Meliá Buenos Aires Hotel

Greenrush or goldrush? What is the role of lawyers in achieving 'success' in environmental law matters?

Joint session with the Academic and Professional Development Committee. See page 101 for details.

WEDNESDAY 1000 – 1300

Poncho, 2nd Floor

When is advertising truly green?

Joint session with the Product Law and Advertising Committee. See page 80 for details.

WEDNESDAY 1500 – 1800

Casona B, Meliá Buenos Aires Hotel

The greening of tourism: an oxymoron?

Joint session with the Leisure Industries Section. See page 84 for details.

FRIDAY 1000 – 1300

Ombú I, 2nd Floor

International Construction Projects

Co-Chairs

Doug Jones *Clayton Utz, Sydney, New South Wales, Australia*

Jaya Sharma *4N Consultants Inc, Madison, Wisconsin, USA*

Ten ways to define the word 'fraught': successful project delivery in a fraught environment

Session Chair

Arent van Wassenae *Allen & Overy LLP, Amsterdam, the Netherlands; Secretary, Energy, Environment, Natural Resources and Infrastructure Law Section (SEERIL)*

This session will deal with the challenges of effective project management including mechanisms for minimising disputes and facilitating successful project delivery. It will also look at the different legal structures available in an environment which poses challenges to contractors such as lack of political stability, environmental issues, a tendency to corruption or lack of experienced subcontractors, or a sellers' market. Sustainability also continues to grow as a major issue in international construction. What is its impact upon project delivery and how can it be enhanced?

The session will look into ten ways to define the adverb "fraught". Using ten brief presentations as illustrative examples, a number of conclusions and recommendations will be drawn, possibly for use in a IBA sponsored document, "Recommendations for avoiding project failures / substantial costs and time overruns when dealing with international construction projects in a difficult environment".

Speakers

Julio Cesar Bueno *Pinheiro Neto Advogados, São Paulo, Brazil*

Emmanuel Fontaine *Gide Loyrette Nouel, Paris, France*

Donald Gavin *Akerman Senterfitt Wickwire Gavin, Vienna, Virginia, USA*

Roberto Hernández-García *COMAD SC, Mexico City, Mexico; Vice-Chair, International Construction Projects Committee*

Sumeet Kachwaha *Kachwaha & Partners, New Delhi, India*

Santiago Klein *Currie & Brown, London, England*

Eduardo Koch *Rossa Alba Francia & Ruiz Moreno, Buenos Aires, Argentina*

Richard Pearse *Vedder Price PC, Chicago, Illinois, USA*

Peter Rees *Debevoise & Plimpton LLP, London, England; Council Member, Public and Professional Interest Division*

Eduardo Zuleta *Gomez-Pinzón Zuleta, Bogotá, Colombia; Secretary, Arbitration Committee*

MONDAY 1000 – 1300

El Aguila, 24th Floor

PPPs in Latin America: what is working and what is not

Joint session with the Project Finance Subcommittee, the Latin American Forum and the North American Forum.

Session Co-Chairs

Jaime Herrera *Posse Herrera & Ruiz Abogados, Bogotá, Colombia;*
Senior Vice-Chair, Latin American Regional Forum

Mark Lane *Pinsent Masons, London, England; Vice-Chair,*
International Construction Projects Committee

Timothy Powers *Haynes and Boone LLP, Dallas, Texas, USA;*
Co-Chair, North American Forum and Chair, Project Finance Subcommittee

Public Private Partnerships (PPPs) are being used increasingly as a mechanism for funding infrastructure needed in Latin America and other parts of the world. This session will focus on PPP projects in Latin America and will highlight successful PPP projects as well as projects which have proven to be unworkable in the transportation sector. The session will identify the strategies and delivery mechanisms which have enabled the sustainability of PPP projects in this region.

Speakers

Marc Frilet *Frilet Société d'Avocats, Paris, France*

Juan Carlos Machorro *Santamarina y Steta, Mexico City, Mexico*

Ivan Mattei *Debevoise & Plimpton LLP, New York, USA*

Diego Muñoz Tamayo *Muñoz Tamayo & Asociados, Bogotá, Colombia*

Cecilia Vidigal Monteiro de Barros Xavier Bernardes Braganca,
São Paulo, Brazil

Marcelo Villegas Nicholson y Cano *Abogados, Buenos Aires, Argentina*

WEDNESDAY 1000 – 1300

Martín Fierro I, 2nd Floor

Electronic documentation in construction – project management and dispute resolution

Session Chair

Doug Jones

International construction projects are becoming increasingly paperless. The volume of electronic documentation is immense and the issue of how to deal with electronic documents in dispute processes is huge. In international arbitration concepts of limited disclosure are challenged by the procedures for e-discovery being adopted in many common law jurisdictions.

This session will discuss the challenges for projects and the relationship between the electronic documentation being generated on projects and processes for electronic disclosure in international arbitration proceedings.

Speakers

Jim Butler *Smith Currie & Hancock LLP, Atlanta, Georgia, USA*

Virginia A Colaiuta *Hughes Hubbard & Reed LLP, Paris, France*
Donald Gavin

Troy Harris *King & Spalding LLP, Atlanta, Georgia, USA*

Richard F Paciaroni *K & L Gates, Pittsburgh, Pennsylvania, USA*

WEDNESDAY 1500 – 1800

Tirso De Molina A, Meliá Buenos Aires Hotel

A DINNER will be held for committee members and guests.

See page 127 for details.

WEDNESDAY 2100

Termination and substituted performance

Session Chair

Edward Corbett *Corbett & Co, Teddington, England; Council Member, Energy, Environment, Natural Resources and Infrastructure Law Section (SEERIL)*

This session will consider the problems of the entitlements of employers and contractors following the termination of the contract. The session will take the form of an arbitration hearing following the mutual termination of the Contractor's FIDIC Yellow Book contract in a power project. It is assumed that submissions have been made as to which termination was correct and the arbitrator will now consider the financial consequences, firstly, if the employer's termination was correct and, secondly, if the contractor's termination was correct. There will be eight topics arising from the employer's successful termination, eight from the contractors. Each counsel will argue two topics in each half for four minutes each. The issues to be addressed will include:

- the employer's rights to damages for delay;
- the employer's obligations in procuring a completion contractor;
- the employer's ability to recover for the replacement contractor's claims;
- the contractor's claim for lost profit;
- the ability of the contractor to claim a quantum meruit for the work done; and
- the relevance of variations and claims arising on the replacement contract.

Speakers

Oscar Aitken *Carey & Cia, Santiago, Chile*

Julio Cesar Bueno Pinheiro Neto *Advogados, São Paulo, Brazil*

Robert Knutson *Chartered Arbitrator, London, England*

Stefan Osing *Heuking Kühn Lüer Wojtek, Dusseldorf, Germany*

Bruce Reynolds *Borden Ladner Gervais LLP, Toronto, Ontario, Canada*

Michael Schneider *Lalive, Geneva, Switzerland*

Steven Stein *Stein Ray & Harris LLP, Chicago, Illinois, USA*

Tom Wilson *Kilpatrick Stockton LLP, Atlanta, Georgia, USA*

John Wright *Lane & Partners LLP, London, England*

THURSDAY 1000 – 1300

Martín Fierro II, 2nd Floor

Latest developments in construction

Session Co-Chairs

Doug Jones

Jaya Sharma

This annual session will consider recent developments relevant to practitioners in all areas of international construction law. The areas covered will include:

- new standard forms of contract;
- developments in dispute boards and dispute resolution;
- reports on adopted projects;
- procurement;
- financing structures;
- contract law and regulation; and
- construction management.

The last half-hour of the session will be devoted to Committee planning and activities such as topics discussed on ICP-Net (the Committee's mailing list) and articles in *Construction Law International* (the Committee magazine).

THURSDAY 1500 – 1800

Martín Fierro II, 2nd Floor

An EXCURSION will be held for committee members and guests.

See page 127 for details

FRIDAY 0900

Mining Law

Chair

Patricia Nuñez Nuñez Muñoz y Cía Ltda, Santiago, Chile;
Council Member, Energy, Environment, Natural Resources and
Infrastructure Law Section (SEERIL)

How to allocate benefits derived from mining activities among all stakeholders

Joint session with the Taxes Committee.

Session Chair

Florencia Heredia Holt Abogados, Buenos Aires, Argentina;
Newsletter Editor, Mining Law Committee

Mining projects have an important economic impact in local communities. This panel will address some of the main economic beneficial impacts, such as royalties, and direct and indirect employment in different jurisdictions where mining projects take place.

On the other hand, governmental organisations and policies play an important role in the allocation of these benefits among all stakeholders. The panel will present different views and models that are being currently used as well as proposals for the improvement of the allocation of these benefits.

Speakers

Robert A Bassett Holland & Hart LLP, Denver, Colorado, USA;

Secretary, Mining Law Committee

Manus Booysen Webber Wentzel, Johannesburg, South Africa

Alex Fischer Carey y Cía, Santiago, Chile

Florencia Heredia

Luis Carlos Rodrigo Rodrigo Elías & Medrano Abogados, Lima,

Peru; Senior Vice-Chair, Mining Law Committee

TUESDAY 1000 – 1300

Casona A, Meliá Buenos Aires Hotel

The host countries' perspective towards mining investments

Joint session with the African Regional Forum and the Latin American Forum.

Session Co-Chairs

Pedro Aguiar de Freitas Companhia Vale do Rio Doce, Rio de Janeiro, Brazil; Vice-Chair, Corporate Counsel Forum; Membership Officer, Mining Law Committee; Corporate Counsel Forum Liaison Officer, Latin American Regional Forum

Maria Teresa Quiñones Rodrigo Elías & Medrano Abogados, Lima, Peru; Website Officer, Latin American Regional Forum

The boom in mining commodity prices has increased the search for new investment projects worldwide, while growth and consolidation in the mining industry have reshuffled the ownership of mining investments. Host countries have reacted to these industry/investment trends with new protective policies, regulatory restrictions and mining royalties aimed at promoting the resource nationalism of the host and corporate social responsibility of the investor. This panel will compare and contrast host country perspectives in Latin America, Africa and other regions towards mining investments emanating from diverse home country sources, and seek to identify measures that optimise such investments for all parties concerned.

Speakers

William Braithwaite Stikeman Elliott LLP, Toronto, Ontario, Canada

Florencia Heredia

Peter Leon Webber Wentzel Bowens, Johannesburg, South Africa;

Vice-Chair, Mining Law Committee

David Ryan Baker & McKenzie, Sydney, New South Wales, Australia

TUESDAY 1500 – 1800

Casona A, Meliá Buenos Aires Hotel

Oil and Gas Law

Chair

Peter Roberts Centrica Energy, London, England

Energy conflict management in Latin America

Session Chair

Luis A Erize Abeledo Gottheil Abogados, Buenos Aires, Argentina;

Vice-Chair and Website Officer, Oil & Gas Law Committee

The changing scenarios in the energy economics, regulatory changes and political and institutional trends in the Southern Cone make for a sweeping adaptation of the energy players, and for the reassessment of prior assumptions about the institutional climate, the legal framework, and the contractual and other engagements.

The session will look at issues raised as a consequence of the above, both between private parties and with respect to the governments in the region, regarding oil and gas upstream concessions and services contracts, transboundary and domestic supply and transportation agreements, project and corporate finance issues and contractual remedies, risk insurance, and the authorisation process for both international supply and transportation.

Depending on the trends in hydrocarbons policies, there are periods in which countries open their economies and allow for an extended cooperation with the private sector, in which case the accent is on the development of the specific service contracts, risk sharing contracts or exploration permits and exploitation concessions, and the various forms of joint operating agreements or similar associations, and, in the case of transportation, the granting of licenses.

But there are other times, like the present, in which there is a less open attitude, and restrictions are imposed through changes of regulations, with a view to increase the role of the sovereign in control and even in direct operation of the business. As much as the period first described makes for a focus on different contractual approaches and the terms of that cooperation and negotiation, in the period where the States introduce substantial changes in such policies, conflicts arise in a generalised way.

The focus in this session is on the content of these policy changes, on the impact they have in terms of the energy resources sustainability, security of supply, transition proposed or imposed by the host governments, new schemes proposed, taxation and regulatory new constraints, etc. As these changes affect acquired rights, and the status of the oil and gas companies previously held, conflicts cannot be disregarded.

Speakers

Germán Barrios Barrios Fuentes Gallo Abogados, Lima, Peru

Agustín Hurtado Bustamante & Bustamante, Quito, Ecuador

Jorge Jurado General Counsel, Shell CAPSA, Buenos Aires, Argentina

Ricardo Peña Carey y Cía, Santiago, Chile

Francisco Romano General Counsel, Chevron, Buenos Aires, Argentina

Carlos Urrutia Valenzuela Briggard & Urrutia, Bogota, Colombia

This session will be continued on Wednesday 15 October at 1500 in Room Tirso De Molina C at Meliá Buenos Aires Hotel. See below for speakers.

TUESDAY 1000 – 1300

Tirso De Molina B, Meliá Buenos Aires Hotel

Energy conflict management in Latin America *continued.**Session Chair***Luis A Erize***Speakers***Ramiro Guevara** *Guevara & Gutiérrez SC, La Paz, Bolivia***Reinaldo Hellmund Rodríguez & Mendoza**, Caracas, Venezuela**Rogelio López Velarde** *López Verlarde Heftye y Soria SC, Mexico City, Mexico***WEDNESDAY 1500 – 1615****Tirso De Molina C, Meliá Buenos Aires Hotel****Integration: what the governments say****The map of energy trade in Latin America, cooperation and conflict***Session Chair***Luis A Erize**

Several attempts at cooperation and integration between the different governments in the region have made for a number of treaties, protocols and notes between governments to discuss the issues of energy integration, projects in common and the putting in place of structures to finance the same. An active discussion has followed upon government changes, to readjust the international policies of each of them. The future flow of energy that is implicit in these discussions is to be analysed to make a list of what to expect, and the 'dos' and 'don'ts' in tackling this big game dialogue.

The restrictions to regional integration resulting from the policy change and the transboundary projects that instead are foreseen by states' eventual joint efforts, with the action by state companies, are also a matter of analysis.

*Speakers***Peter D Cleary** *Director and General Counsel, World Bank Group, Multilateral Investment Guarantee Agency (MIGA), Washington DC, USA***Paul Griffin** *Herbert Smith LLP, London, England***Daniel Montamat** *Montamat & Asociados, Buenos Aires, Argentina***WEDNESDAY 1630 – 1800****Tirso De Molina C, Meliá Buenos Aires Hotel****Power Law***Co-Chairs***C Baird Brown** *Ballard Spahr Andrews & Ingersoll LLP, Philadelphia, Pennsylvania, USA***Carlos Umaña Trujillo** *Brigard & Urrutia, Bogotá, Colombia***The law of sustainability***Joint session with the Environment, Health and Safety Law Committee.**Session Chair***C Baird Brown****Ignacio J Randle** *Estudio Randle, Buenos Aires, Argentina;**Treasurer, Mining Law Committee; Council Member, Energy, Environment, Natural Resources and Infrastructure Law Section (SEERIL)*

Sustainability has been broadly defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Achieving sustainability requires dealing with two kinds of constraints – the absolute limits of certain resources such as hydrocarbons and minerals and the limited capacity of natural and biological systems to absorb the effects of human activity. This programme explores the various legal regimes that

attempt to conform economic activity to these limits, ranging from private and governmental property rights in scarce resources, to pollution regulatory schemes including carbon cap and trade, or that attempt to direct economic activity in new directions such as renewable energy. The panel will explore examples from around the world and consider future legal directions.

*Speakers***Ricardo Barreiro-Deymonnaz** *Rattagan Macchiavello Arocena & Peña Robirosa, Buenos Aires, Argentina***Marie-Claire Cordonie Segger** *Director, Centre for International Sustainable Development Law of Canada & Fellow University, Lauterpacht Centre for International Law, Oxford, England***Ira Feldman** *Greentrack, Washington DC, USA***James Otto** *Independent Natural Resources Attorney and Economist, Denver, Colorado, USA***Christopher Tung** *Mallesons Stephens Jacques, Hong Kong SAR***TUESDAY 1000 – 1300****Casona B, Meliá Buenos Aires Hotel****Visit to the Costanera Power Plant**

A visit to Costanera, a combined cycle power plant, has been scheduled with the aim of learning about how it functions, and its participation in the Argentinean electricity market. It is the largest thermal power plant with an installed capacity of 2.319 MW and it has 10 per cent of the total installed capacity of the Interconnected Argentinean System (SADI). The power plant is located in Buenos Aires nearby the conference venue.

WEDNESDAY 1000 – 1300**The transition to competitive power systems***Joint session with the Antitrust Committee.**Session Co-Chairs***Graham Coop** *Energy Charter Secretariat, Brussels, Belgium***Carole L Hunt QC** *Bennett Jones LLP, Edmonton, Alberta, Canada*

Around the world, in both developed and developing countries, the provision of electric power is in transition from governmental or private monopolies to regimes of competitive electric supply. The transition has been neither swift nor easy. The power grid was often not designed to accommodate competitive power markets; the ability to store power is limited, requiring instant response to demand; and system security requires reserve units that must be paid for standing by rather than producing power. This programme reviews the legal structures that have been developed to manage the new systems and explores the lessons to be learned from their successes and failures.

*Speakers***Alimi Abdul-Razaq** *Nigerian Electricity Regulatory Commission (NERC), Abuja, Nigeria***Tito Amaral de Andrade** *Machado Meyer Sendacz e Opice Advogados, Sao Paulo, Brazil***Maximo Luis Bomchil M & M Bomchil**, Buenos Aires, Argentina; *Communications Officer, Law Firm Management Committee***Astrid Brunt Statnett**, Oslo, Norway**Linda Evans Clayton Utz**, Sydney, New South Wales, Australia**Evgency Raschevsky** *Yukov Khrenov & Partners, Moscow, Russian Federation***Mohit Saraf** *Luthra & Luthra, New Delhi, India***Gail Watkins** *Akin Gump Strauss Hauer & Feld LLP, Houston, Texas, USA***THURSDAY 1500 – 1800****Gómez Losada, 2nd Floor**

Schemes for dealing with the energy crisis in the Americas

Joint session with the Latin American Forum. See page 98 for details.

FRIDAY 1000 – 1300

Retiro A, 1st Floor

Water Law

Chair

John Crothers *Gide Loyrette Nouel, Paris, France; Council Member, Energy, Environment, Natural Resources and Infrastructure Law Section (SEERIL)*

Water and terrorism

Joint session with the Business Crime Committee.

Session Co-Chairs

Peter Binning *Corker Binning, London, England; Co-Chair, Business Crime Committee*

Mark Lane *Pinsent Masons LLP, London, England; Vice-Chair, International Construction Projects Committee and Council Member, Energy, Environment, Natural Resources and Infrastructure Law Section (SEERIL)*

This cutting edge session will explore legal and other issues arising out of one of the key threats facing civil authorities throughout the world today – namely a terrorist attack on water supply infrastructure.

Issues to be explored will include:

- the limits of liability on water service providers;
- the extent to which such risk is insurable; and
- the boundaries of the state's emergency powers to take control of the water supply.

Speakers

John Bellinger *US Department of State, Washington DC, USA*

Carmen Dowd *Peters & Peters, Former Head of Special Crime Division, Crown Prosecution Service, London, England*

Santiago Nicholson *Nicholson y Cano Abogados, Buenos Aires, Argentina*

Tom Pine *University of Hertfordshire, Civil Emergency Management Centre, Hatfield, England*

Bruce Reynolds *Borden Ladner Gervais LLP, Toronto, Ontario, Canada*

MONDAY 1500 – 1800

Gómez Losada, 2nd Floor

International river basins

Session Chair

Eric L Garner *Best Best & Krieger LLP, Riverside, California, USA; Vice-Chair, Water Law Committee*

There are over 250 international river basins around the world encompassing land in 145 countries, from the Amazon to the Colorado to the Nile to the River Jordan. Together all of these international rivers cover nearly half of the earth's surface and provide 60 per cent of the earth's fresh water. As the earth's population increases, stretching freshwater supplies to their limit, allocating water from international rivers is becoming increasingly important. This panel will discuss several international river basins, including those where differences have been cooperatively resolved and those that have descended into water wars.

Speakers

Nestor Loizaga *Ferrere Abogados, Asunción, Paraguay*

Juan Francisco MacKenna *Carey & Cía Ltd, Santiago, Chile*

Pia L Nielsen *Lett Law Firm, Copenhagen, Denmark*

TUESDAY 1000 – 1300

Tirso De Molina A, Meliá Buenos Aires Hotel

Is Latin America ready for private water?

Session Chair

Gonzalo Delaveau *S Guerrero Olivos Novoa y Errázuriz, Santiago, Chile*

Latin America has seen its share of resounding successes and monumental failures when public authorities have partnered with the private sector to provide water to the public. This session will examine the lessons learned by those countries in the region who have looked to private operators for reasons of efficiency, performance, price and capital investment in the water sector but who have had to deal with the fundamental principle that water (unlike electricity or roads) is necessary for life.

Speakers

Jorge Arancibia *Aguas Nuevas SA, Santiago, Chile*

Mariana Estradé *Hughes & Hughes, Montevideo, Uruguay*

Ramiro Guevara *Guevara & Gutiérrez SC, La Paz, Bolivia*

Ivan A Illescas *Multilateral Investment Guarantee Agency (MIGA), The World Bank Group, Washington DC, USA*

Ariel Portnoy *Cabanellas Etchebarne Kelly & Dell'Oro Maini, Buenos Aires, Argentina*

José Luis Vittor *McDermott Will & Emery LLP, Houston, Texas, USA*

THURSDAY 1000 – 1300

Gómez Losada, 2nd Floor

Financial Services Section

Council Liaison Officers

Jaap Willeumier *Stibbe, Amsterdam, the Netherlands*

Charles-Henri de Pardieu *De Pardieu Brocas Maffei, Paris, France*

Capital markets in crisis

Session Co-Chairs

Mark Berman *CompliGlobe Ltd, London, England; Secretary, Capital Markets Forum*

Uwe Eyles *Latham & Watkins LLP, Frankfurt, Germany; Vice-Chair and Programme Officer, Securities Law Committee*

Benoit Feron *NautaDutilh, Brussels, Belgium; Co-Chair, Innovations in Financing Transactions Subcommittee*

Arunothayam Rajaratnam *Willis Insurance Brokers, Singapore; Membership Officer, Insurance Committee*

Our capital markets have been rocked by crises: subprime credit, rogue traders, liquidity mismatches in mutual funds, defaults by debt insurers and prime brokers increasingly becoming subject to conflicts of interest. Commercial and investment banks with worldwide business operations, but also regional banks (including public sector banks) and other capital markets participants, have been extremely hard hit by the recent developments of the US subprime mortgage market. In the subprime market significant shortfalls in US residential mortgage loans also have significant negative collateral effects on other areas of retail finance, such as automobile finance or credit card business. Regulators have been caught off guard and will have to react. Are the regulators leading, following or stepping out of the way? Experienced practitioners will analyse and discuss, from the perspective of both bank surveillance and market supervision and regulation, numerous controversial topics, such as the accumulation and transparency of credit and market risks derived from certain off-balance sheet items, liquidity mismatches, conflicts of interest, the complexity of certain financial instruments in which troubled banks have made investments, the role of the rating agencies with regard to the rating of these instruments, the global reach and the shortfalls of the Basel II regime and the laws by which it is transposed into national law in the relevant jurisdiction. The impact of the credit

crisis on asset-backed securities and conduit structures (eg, asset-backed commercial paper), liquidity mismatch issues, corporate security and risk management aspects, and the role of government-owned funds in the restructuring process of the financial industry will be explored.

Speakers

Mark Berman

Uwe Eyles

Benoit Feron

Gernot Löhr *Apollo Management International LLP, London, England*

Tim Massad *Cravath Swaine & Moore LLP, New York, USA*

Arunothayam Rajaratnam

MONDAY 1000 – 1300

Retiro B, 1st Floor

Financial crime and regulation

Joint session with the Business Crime Committee. See page 50 for details.

THURSDAY 1500 – 1800

Casona B, Meliá Buenos Aires Hotel

Banking Law

Co-Chairs

André Andersson *Mannheimer Swartling, Stockholm, Sweden*

Markus Pfenninger *Walder Wyss & Partners, Zurich, Switzerland*

Responsible lending in consumer credit agreements

Joint session with the Consumer Litigation Committee. See page 54 for details

TUESDAY 1000 – 1300

Retiro C, 1st Floor

A LUNCH will be held with the Securities Law Committee for members and guests.

See page 125 for details.

TUESDAY 1300

Structuring takeovers of financial institutions

Joint session with the Securities Law Committee. See page 66 for details.

TUESDAY 1500 – 1800

Retiro A, 1st Floor

Project Finance

Chair

Timothy E Powers *Haynes and Boone LLP, Dallas, Texas, USA*

PPPs in Latin America: what is working and what is not

Joint session with the International Construction Projects Committee. See page 60 for details.

WEDNESDAY 1000 – 1300

Martín Fierro I, 2nd Floor

Schemes for dealing with the energy crisis in the Americas

Joint session with the Latin American Forum. See page 98 for details.

FRIDAY 1000 – 1300

Retiro A, 1st Floor

Capital Markets Forum

Co-Chairs

Blair Cowper-Smith *OMERS Administration Corporation, Toronto, Ontario, Canada*

Thomas Werlen *Novartis International AG, Basel, Switzerland*

A LUNCH will be held for forum members and guests.

See page 125 for details.

MONDAY 1315

Criminalising corporate conduct

Joint session with the Business Crime Committee. See page 50 for details.

TUESDAY 1000 – 1300

Auditorium, Ground Floor

Acquisition of listed companies in the insolvency zone

Joint session with the Section on Insolvency, Restructuring and Creditors' Rights (SIRC). See page 72 for details.

WEDNESDAY 1000 – 1300

Catalinas, 1st Floor

Capital markets transactions in Latin America

Joint session with the Investment Funds Committee and the Securities Law Committee.

Session Co-Chairs

Felipe Cousiño Alessandri & Compañía, Santiago, Chile

David Mercado *Cravath Swaine & Moore LLP, New York, USA*

Juan Luis Hernández Hernández & Cía Abogados, Lima, Peru; Membership Officer, Capital Markets Forum

This session will focus on Latin American capital market transactions. The panellists are experienced lawyers and bankers who will address regulatory and practical issues that arise. Topics will include supervision, state of the markets, recent developments, and pitfalls.

Speakers

Luis Nicolau *Ritch Mueller SC, Mexico City, Mexico*

Sergio Spinelli *Mattos Filho Veiga Filho Marrey Jr e Quiroga, São Paulo, Brazil*

THURSDAY 1000 – 1300

Retiro A, 1st Floor

Insurance

Chair

Martin Manzano Conejo *Marval O'Farrell & Mairal, Buenos Aires, Argentina*

Recent developments in insurance/reinsurance

Session Chair

Margaret Campbell *Reed Smith, London, England; Vice-Chair, Insurance Committee*

In this session the panel will analyse the most recent developments in insurance and reinsurance law in various jurisdictions across the world.

Speakers

Forrest Booth *Severson & Werson, San Francisco, California, USA*

Jan Dreyer *Dabelstein & Passehl, Hamburg, Germany*

Jan Heuvels *Ince & Co, London, England*

Derek Luxford *Hicksons Lawyers, Sydney, New South Wales, Australia*

Renato Mandaliti *Demarest e Almeida Advogados, São Paulo, Brazil*

Chris Mills *Clyde & Co LLP, Dubai, United Arab Emirates*

Dolores Sancha *Bartolome & Briones Abogados, Barcelona, Spain; Website Officer, Insurance Committee*

MONDAY 1500 – 1800

Retiro B, 1st Floor

A LUNCH excursion will be held with the Maritime and Transport Law Committee for members and guests.

See page 125 for details.

TUESDAY 1100

Insurance on asbestos liabilities

Session Co-Chairs

Robert D Laurie *Goldberg Segalla LLP, West Hartford, Connecticut, USA; Secretary, Insurance Committee*

Peter Mann *Clayton Utz, Sydney, New South Wales, Australia; Publications Officer, Insurance Committee*

Most countries in the world have a problem with asbestos-related disease. Many products containing asbestos have been used throughout the world. These products range from building materials through to brake linings. Because of the long latency period, asbestos claims present numerous challenges.

Asbestos claims are difficult to resolve and can test the boundaries of insurance and reinsurance. There are differences in the way that these challenges have been met throughout the world. This presentation will deal with asbestos liability and the response of the insurance and reinsurance market to asbestos-related liabilities.

Speakers

Donald Dinnie *Deneys Reitz Attorneys, Sandton, Johannesburg, South Africa*

Alejandro Guerrero *Marsh SA, Buenos Aires, Argentina*

John Morgan *Allens Arthur Robinson, Sydney, New South Wales, Australia*

James Thomson *Bersenas Jacobsen Chouest Thomson Blackburn LLP, Toronto, Ontario, Canada*

John G Trotter *Lovells LLP, London, England*

Vincent J Vitkowsky *Edwards Angell Palmer & Dodge LLP, New York, USA*

WEDNESDAY 1000 – 1300

Golden Horn, 1st Floor

Fronting insurance

Session Co-Chairs

Diana Chafey *DLA Piper, Chicago, Illinois, USA*

Dror Zamir *Levitan Sharon & Co, Tel Aviv, Israel*

This session will consider the whole range of legal and practical problems commonly encountered by fronting, primary or leading insurers faced with demands to provide timely policy response without losing the benefit of their own following market, higher layer or reinsurance protection. Speakers from a number of jurisdictions will consider the inevitable tensions or conflicts which frequently arise where those primarily at risk are required at the same time to call upon the support or direction of those whose pockets may be most, if not first, at risk.

This will include a full review of the challenges presented by leading underwriter provisions, fronting practices, so-called 'back-to-back' covers, claims notification, cooperation and control clauses and confusion surrounding the application of 'follow fortunes' concepts and 'follow settlements' provisions, the operation of 'cut through' clauses, advanced funding or letter of credit mechanisms, as well as disputes over potential mismatches in policy period exposures, costs and claims allocation and aggregation issues.

Speakers

Emily Canelo *Endurance Reinsurance, New York, USA*

Pablo S Cerejido *Marval O'Farrell & Mairal, Buenos Aires, Argentina*

Peter Mann

Marcelo Mansur Haddad *Matthos Filho, São Paulo, Brazil*

Leonel Perezniето *Creel García-Cuellar y Múggenburg SC, Mexico City, Mexico*

Jan Woloniecki *Attride-Stirling & Woloniecki, Hamilton, Bermuda*

Michael Zipper *Allianz Risk Transfer, New York, USA*

WEDNESDAY 1500 – 1800

Tirso De Molina B, Meliá Buenos Aires Hotel

Insurance fraud/asset tracing and subrogation

Joint session with the Business Crime Committee.

Session Co-Chairs

Andrew Grant *Clyde & Co, London, England*

Martin Kenney *Martin Kenney & Co Solicitors, Tortola, British Virgin Islands*

Fraud is a very real problem for the insurance industry. It is estimated that fraud costs billions of dollars to the industry worldwide. The session will cover the principles of making out a fraud defence in different jurisdictions and the onus of proof and evidence required. Once the fraud is made out, what happens regarding the premium and with past valid claims under a policy? The panel will also deal with inflated claims.

Multijurisdictional asset tracing will also be dealt with. This issue is relevant not only to fraud, but also to subrogation, recovery and enforcement of judgments and arbitration awards (both domestic and international). Insurers spend a lot of money seeking out and attaching assets, often in pretty difficult jurisdictions.

Speakers

Edward H Davis Jr *Astigarraga Davis, Miami, Florida, USA*

Roberto Durrieu *Estudio Durrieu Abogados, Buenos Aires, Argentina; IBA Liaison Officer, Criminal Law Committee*

Carlos Estebenet *Bullo Tassi Estebenet Lipera Torassa, Buenos Aires, Argentina*

Christoph K Graber *Prager Dreifuss, Zurich, Switzerland; Newsletter Editor, Insurance Committee*

Yves Klein *Monfrini Crettol & Associés, Geneva, Switzerland*

Frank Kunneman *VanEps Kunneman Van Doorne, Curaçao, Netherlands Antilles*

Dror Zamir

THURSDAY 1500 – 1800

Catalinas, 1st Floor

A DINNER will be held for committee members and guests.

See page 127 for details.

THURSDAY 2015

Investment Funds

Chair

Edgar Wallach *Hengeler Mueller, Frankfurt am Main, Germany*

Property-related investments

Joint session with the Real Estate Section.

Session Co-Chairs

Claudio Cocuzza *Antonelli Cocuzza & Associati, Milan, Italy;*

Treasurer, Real Estate Committee

Stephen Etkind *Minter Ellison, Sydney, New South Wales, Australia;*

Senior Vice-Chair, Investment Funds Committee

An analysis of the trends, structures and issues in public investment funds which hold predominantly real property and similar investments, such as global real estate investment trusts (REITS) and infrastructure funds.

Speakers

Kirstene Baillie *Field Fisher Waterhouse LLP, London, England; Vice-Chair, Investment Funds Committee*

Roberto P Bouza *Rattagan Macchiavello Arocena & Peña Robirosa Abogados, Buenos Aires, Argentina*

Christopher Christian *Dechert LLP, Boston, Massachusetts, USA*

Claude Niedner *Arendt & Medernach Avocats à la Cour, Luxembourg*

Eduardo Rodríguez-Rovira *Uría Menéndez, Madrid, Spain*

Pablo Vergara del Carril *Zang Bergel & Viñes, Buenos Aires, Argentina*

TUESDAY 1500 – 1800

Retiro B, 1st Floor

A DINNER will be held for committee members and guests.

See page 125 for details.

TUESDAY 2030

Capital markets transactions in Latin America

Joint session with the Capital Markets Forum. See page 64 for details.

THURSDAY 1000 – 1300

Retiro A, 1st Floor

Private Investment Funds

Chair

Philip Harris *Skadden Arps Slate Meagher & Flom LLP, New York, USA*

Latin American private equity and hedge funds

Joint session with the Latin American Forum. See page 97 for details.

MONDAY 1000 – 1300

Libertador A, 1st Floor

Securities Law

Co-Chairs

Philip Boeckman *Cravath Swaine & Moore LLP, London, England*

René Bösch *HOMBurger AG, Zurich, Switzerland*

Mutual recognition in cross-border securities laws and regulations

Session Co-Chairs

Ashley Alder *Herbert Smith LLP, Hong Kong SAR; Regional Representative for Asia General, Securities Law Committee*

Sebastian Sperber *Cleary Gottlieb Steen & Hamilton LLP, London, England*

This session discusses various aspects of mutual recognition of securities regulation, in such contexts as cross-border securities offerings, broker-dealer activities and exchange activities. The panelists are experienced regulators, academics and practitioners who will address the recent developments in this area and practical issues they raise.

Speakers

Emilio Ferré *Securities and Exchange Commission, Buenos Aires, Argentina*

Andrés Gil *Davis Polk & Wardwell, New York, USA*

Edward F Greene *General Counsel, Citi International Clients Group, New York, USA*

Eric Pan *The Samuel and Ronnie Herman Center on Corporate Governance, Benjamin N Cardozo School of Law, New York, USA*

Lawrence Ritchie *Ontario Securities Commission, Toronto, Ontario, Canada*

Ethiopsis Tafara *Office of International Affairs, US Securities and Exchange Commission, Washington DC, USA*

MONDAY 1500 – 1800

Retiro C, 1st Floor

Structuring takeovers of financial institutions

Joint session with the Banking Law Committee.

Session Chair

Greg Astrachan *Willkie Farr & Gallagher LLP, New York, USA; Chair, Regulation of Market, Participants, Brokers, Banks and Exchanges Subcommittee*

The last few years have witnessed remarkable transformation among financial services businesses globally. Prior to the recent credit crisis there was significant consolidation among banks, brokers, insurance companies and other financial institutions and the current environment suggests further transformation is to come. In this session, the panel will discuss not only the mega deals preceding the credit crisis but also those resulting from the recent turmoil, including the acceleration of strategic investments by sovereign wealth funds and hedge funds. This session will discuss these types of transactions, addressing some of the regulatory, securities and corporate law issues that arise in the course of such transactions. The panelists have a wealth of experience in this area and were involved in some of the largest transactions in recent years.

Speakers

René Bösch

Cristobal Eyzaguirre Baeza *Claro y Cia, Santiago, Chile*

Richard Hall *Cravath Swaine & Moore LLP, New York, USA*

Allard Metzelaar *Stibbe, Amsterdam, the Netherlands*

Roberto E Silva *Marval O'Farrell & Mairal, Buenos Aires, Argentina; Vice-Chair, Innovations in Financing Transactions Subcommittee*

TUESDAY 1500 – 1800

Retiro A, 1st Floor

A LUNCH will be held with the Banking Law Committee for members and guests.

See page 125 for details.

TUESDAY 1300

Acquisition of listed companies in the insolvency zone

Joint session with the Section on Insolvency, Restructuring and Creditors' Rights (SIRC). See page 72 for details.

WEDNESDAY 1000 – 1300

Catalinas, 1st Floor

Capital markets transactions in Latin America

Joint session with the Capital Markets Forum. See page 64 for details.

THURSDAY 1000 – 1300

Retiro A, 1st Floor

Human Resources Section

Council Liaison Officer

Julia Onslow-Cole *PricewaterhouseCoopers Legal LLP, London, England*

Employment and discrimination issues in the workplace affecting foreign workers

Session Co-Chairs

Dirk Jan Rutgers Kennedy Van der Laan, *Amsterdam, the Netherlands; Senior Vice-Chair and Corporate Counsel Liaison, Discrimination Law Committee*

Graeme Kirk Gross & Co, *Bury St Edmunds, England; Council Member, Professional and Public Interest Division*

Robert Mignin Seyfarth Shaw LLP, *Chicago, Illinois, USA; Chair, Employment and Industrial Relations Law Committee*

This programme will discuss what are the rights of executives, as well as employees with special or technical skills seconded or assigned to work in foreign jurisdictions? What are the obligations of employers? Is an employer obligated to respect in its workplace the culture and religion of the seconded employee? If yes, to what extent? Is the seconded employee entitled to equal pay? The session will review laws and regulations pertaining to termination or dismissals or reassignment of employees in foreign jurisdictions and review issues relating to entitlement to separation pay and other benefits provided by the laws of the foreign jurisdiction. How should employers best structure employment contracts with executives assigned and/or seconded to work in foreign jurisdictions?

Also to be addressed will be: What are the laws pertaining to work permits and visas for executives and employees with special or technical skills upon termination, reassignment and/or sale or merger of a business? What is the impact on an employee's status and ability to work in a foreign jurisdiction upon occurrence of any of the above events? What are the rules and regulations pertaining to work permits and visas?

Speakers

Bruno Blanpain Marx Van Ranst Vermeersch & Partners, *Brussels, Belgium*

Juan Bonilla Cuatrecasas Abogados SRL, *Barcelona, Spain; Assistant Newsletter Editor, Employment and Industrial Relations Law Committee*

Keith Corkan Laytons, *London, England*

Oscar de la Vega Basham Ringe y Correa SC, *Mexico City, Mexico; Secretary and Website Officer, Employment and Industrial Relations Law Committee*

Don Dowling White & Case, *New York, USA*

Neena Gupta Kitchener, *Toronto, Ontario, Canada*

Alessandro Alves Jacob Alves Jacob, *Rio de Janeiro, Brazil*

Clara Mager Butzel Long, *Detroit, Michigan, USA*

Gunther Maevers Mütze Korsch, *Cologne, Germany*

Johan Olivier Brink Cohen Le Roux Inc, *Johannesburg, South Africa*

Karl Waheed Cabinet d'Avocats – Karl Waheed, *Paris, France*

Mark Wright Greenberg Australia Pty Ltd, *Sydney, New South Wales, Australia*

THURSDAY 1000 – 1300

Libertador B, 1st Floor

BAKER & MCKENZIE



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Discrimination Law

Chair

Barry Mordsley *Salans, London, England*

Gender equality in bar associations

Joint session with the Bar Issues Commission. See page 104 for details.

TUESDAY 1200 – 1400

Martín Fierro I, 2nd Floor

Committee business meeting

An open meeting of the Discrimination Law Committee and the Employment and Industrial Relations Law Committee will be held to discuss future activities.

TUESDAY 1300 – 1500

La Pampa, 1st Floor

Recent developments in discrimination laws: indigenous peoples' rights and new remedies

Joint session with the Indigenous Peoples Committee.

Session Chair

Ignacio Funes de Rioja *Funes de Rioja e Asociados, Buenos Aires, Argentina; Newsletter Editor, Discrimination Law Committee*

This session will discuss the rights of indigenous peoples in relation to land, employment and other areas, and then discuss the new development in remedies to discrimination cases.

The situation of indigenous people, particularly – but not only – in the southern hemisphere is becoming more and more debated, giving rise to claims and conflicts in relation to some recognised rights that are not enforced, and other rights that are claimed. We will discuss the recent events and the perspective of this particular area of discrimination law. Finally, we will also discuss the latest trends and evolution of laws and judicial decisions regarding remedies in discrimination cases.

Speakers

Enrique Munita *Philippi Yrarrazaval Pulido & Brunner Ltda, Santiago, Chile*

David Paterson *Paterson Law Office, Vancouver, British Columbia, Canada*

Peter Susser *Littler Mendelson PC, Washington DC, USA*

Cristiano Tripiquía *Lemes Mesquita Barros Advogados, São Paulo, Brazil*

TUESDAY 1500 – 1800

Río de la Plata, 2nd Floor

Discrimination, with particular reference to gender and age, in the legal profession – how this affects lawyers

Joint session with the Senior Lawyers' Committee and the Women Lawyers' Interest Group.

Session Co-Chairs

Roxana Kahale *Kahale Abogados, Buenos Aires, Argentina;*

Secretary, Woman Lawyers' Interest Group and Website Officer, Individual Tax and Private Client Committee

Barry Mordsley

Fernando Scornik Gerstein *Fernando Scornik Gerstein Abogados, Madrid, Spain; Co-Chair, Senior Lawyers' Committee*

The session will discuss how discrimination, and in particular age and gender discrimination, affects lawyers in the workplace, and in the development of their skills and careers, either as in-house lawyers, independent professionals, partners or associates in law firms, or in the judiciary.

Speakers, from different jurisdictions will analyse the evolution of discrimination and anti-discrimination measures in the legal profession as well as anti-discriminatory policies, the current situation and the discernible trends for the future.

Speakers

William Grignon *Kirkland & Ellis LLP, Los Angeles, California, USA*

Anthony Hyams-Parish *Rawlinson Butler LLP, Crawley, England*

Juan Patricio O'Farrell *Buenos Aires, Argentina*

Carmen Pombo *Centro de Investigación Príncipe Felipe, Valencia, Spain; Chair, Young Lawyers' Committee*

Michael Prior *Moon Beever, London, England*

Suruchi Suri *Suri & Company, New Delhi, India*

John Weir *John K Weir Law Offices LLC, New York, USA*

WEDNESDAY 1000 – 1300

Ombú II, 2nd Floor

Employment and discrimination law aspects of global recruitment, interviewing, evaluating and hiring employees and issues which must be considered when terminating employees or reducing the workforce due to declining business

Joint session with the Employment and Industrial Relations Law Committee. See page 70 for details.

WEDNESDAY 1500 – 1800

La Pampa, 1st Floor

A DINNER will be held with the Employment and Industrial Relations Law Committee for members and guests

See page 127 for details.

THURSDAY 1930

Employment and Industrial Relations Law

Chair

Robert Mignin *Seyfarth Shaw LLP, Chicago, Illinois, USA*

Labour and employment law standards for global businesses with operations in the Americas

Session Co-Chairs

Johan Lubbe *Jackson Lewis LLP, White Plains, New York, USA;*
Development Officer, Employment and Industrial Relations Law Committee

Gerlind Wisskirchen *CMS Hasche Sigle, Cologne, Germany;* Vice-Chair, Employment and Industrial Relations Law Committee

The first part of the session will focus on the best practices for development and implementation of HR policies and procedures, codes of conduct and ethical standards to best accommodate human rights, diversity and cross-cultural issues in the Americas.

Speakers

C Gustavo Ferrante *Brons & Salas, Buenos Aires, Argentina*
Roberto F Nitoli *Akzo Nobel Coatings SA, Buenos Aires, Argentina*
Juan Carlos Pro-Risquez *Macleod Dixon, Caracas, Venezuela*
Enrique Radmilovich *Hughes & Hughes, Montevideo, Uruguay*
Gilles Touchette *Ogilvy Renault, Montreal, Quebec, Canada*

The second part of the session will address: What are the best practices for investigation of allegations of company policy and ethical code of conduct violations? What are the legal and practical considerations?

Speakers

Jorge Acedo *Hoet Pelaez Castillo & Duque, Caracas, Venezuela*
Jan Duffy *Management Practices, San Francisco, California, USA*
Fabio Floh *Parmalat, São Paulo, Brazil*
Robert A Macpherson *McCarthy Tetrault, Toronto, Ontario, Canada*
Clare Murray *Fox Williams, London, England*
Paul Zimmerman *The Nature Conservancy, Arlington, Virginia, USA*

Unions in the Americas in the era of globalisation: what strategies have the US and Latin American unions adopted in the context of globalisation?

Session Co-Chairs

Oscar de la Vega *Basham Ringe y Correa SC, Mexico City, Mexico;*
Secretary and Website Officer, Employment and Industrial Relations Law Committee

Pascale Lagesse *Bredin Prat, Paris, France;* Senior Vice-Chair, Employment and Industrial Relations Law Committee

The first part of the session will look at how the US and Latin American unions are responding to multinational policies and the role they play in the development of labour standards.

Speakers

Brian Burkett *Heenan Blaikie LLP, Toronto, Ontario, Canada*
Carlos Escobar *Volkswagen de Mexico, Puebla, Mexico*
Daniel Funes de Rioja *Funes de Rioja & Asociados, Buenos Aires, Argentina*
Edward Potter *Coca-Cola, Atlanta, Georgia, USA*
Carlos Tomada *Argentine Labor Secretary, Buenos Aires, Argentina*

The second half of the session will look at international framework agreements: could they be an alternative for unions in the Americas? In what context should these agreements be negotiated and concluded? What are the labour and employment issues that should be addressed?

The panellists will share their experiences in this area and provide practical insight in to the types of considerations that should be given when negotiating an international framework agreement with the US and Latin American unions.

Speakers

Ronald Bloom *United Steelworkers of America, Pittsburgh, Pennsylvania, USA*

Pieter DeKoster *Allen & Overy LLP, Brussels, Belgium*

Gerardo Martinez *CCSCS, General Secretary, Buenos Aires, Argentina*

Jean-Yves Tollet/Carlos Maria Gomez Nardo *ArcelorMittal, Paris, France and Buenos Aires, Argentina*

Ariel Weindling *Litter Mendelson PC, Los Angeles, California, USA*

MONDAY 1000 – 1800

La Pampa, 1st Floor

The legal advantages and risks of global outsourcing and contracting out and best practices for drafting and implementing cross-border and secondment employment agreements

Session Co-Chairs

Els de Wind *Van Doorne, Amsterdam, the Netherlands;* Vice-Chair, Employment and Industrial Relations Law Committee

Mariann Norrbom *Norrbom Vinding, Copenhagen, Denmark*

The first half of this session will look at case studies of major issues arising out of restructuring, outsourcing and subcontracting and discuss whether one should choose outsourcing or subcontracting. The session will also discuss what the legal issues are which need to be considered when a company is restructuring and has to decide how, and how these considerations vary between jurisdictions.

Speakers

Fred Headon *Air Canada, Montreal, Quebec, Canada*
Roy Heenan *Heenan Blaikie LLP, Montreal, Quebec, Canada*
Karen Mitchell *Credit Suisse Securities, New York, USA*
Camille Olson *Seyfarth Shaw LLP, Chicago, Illinois, USA*
Ricardo Tisi *Cariola Diez Perez-Cotapos & Cia Ltda, Santiago, Chile*

The second part of the session will look at case studies on outsourcing and subcontracting situations and what the legal and practical issues are which need to be considered when a company has decided for outsourcing or subcontracting. The panellists will also discuss what are the practical implications of cross-border outsourcing or subcontracting issues?

Speakers

Alexandre Castello de Costa *Accenture, Rio de Janeiro, Brazil*
Sarah Gorman *GE Commercial Finance, Norwalk, Connecticut, USA*
Klaus-Stefan Hohenstatt *Freshfields Bruckhaus Deringer, Hamburg, Germany*

Mike Reed *Bury St Edmunds, England*

Eduardo Juan Viñales Funes *de Rioja & Asociados, Buenos Aires, Argentina*

TUESDAY 1000 – 1300

La Pampa, 1st Floor

Committee business meeting

An open meeting of the Employment and Industrial Relations Law Committee and the Discrimination Law Committee will be held to discuss future activities.

TUESDAY 1300 – 1500

La Pampa, 1st Floor

Compliance with rules and regulations pertaining to cross-border transfer of personnel and business data and best global practices to protect valuable and confidential business relationships

Session Co-Chairs

Manishi Pathak *Kochhar & Co, New Delhi, India; Communications Officer, Employment and Industrial Relations Law Committee*
Chris Van Olmen *Van Olmen & Wynant, Brussels, Belgium; Corporate Counsel Forum Liaison Officer, Employment and Industrial Relations Law Committee and Secretary, Law Firm Management Committee*

Compliance with rules and regulations pertaining to cross-border transfer of personnel and business data. How can companies best protect business, customer, client and employee relationships, records and data? How can companies best protect confidential personnel and business information? What are the best practices for drafting and implementing global 'transfer of data' policies?

The session will also address how companies can best protect business, customer and client relationships from competitors and departing employees and best practices for drafting and implementing cross border non-competition, confidentiality and trade secret covenants and enforcement of the same.

Speakers

Philip M Berkowitz *Nixon Peabody LLP, New York, USA*
Patty Chan *Vivien Chan & Co, Beijing, China*
Faan Coetzee *Hofmeyr Herbstein & Gihwala, Sandton, Johannesburg, South Africa*
Erika Collins *Paul Hastings Janofsky & Walker LLP, New York, USA*
Michael Delikat *Orrick Herrington Sutcliffe LLP, New York, USA*
Lorenzo Grecco *Mitrani Caballeio Ojam, Buenos Aires, Argentina*
Tim Johnson *Kilpatrick Stockton, London, England*
Alfredo O'Farrell *Marval O'Farrell & Mairal, Buenos Aires, Argentina*
Anders Etgen Reitz *Bech-Brunn, Copenhagen, Denmark*
Peter Talibart *Norton Rose LLP, London, England*
Philippe Thomas *Lovells LLP, Paris, France*
Franco Toffoletto *Toffoletto e Soci, Milan, Italy*

TUESDAY 1500 – 1800

La Pampa, 1st Floor

Employment and discrimination law aspects of global recruitment, interviewing, evaluating and hiring employees and issues which must be considered when terminating employees or reducing the workforce due to declining business

Joint session with the Discrimination Law Committee.

Session Co-Chairs

Salvador del Rey *Cuatrecasas Abogados SRL, Barcelona, Spain*
Robert Mignin
Dirk Jan Rutgers *Kennedy Van der Laan, Amsterdam, the Netherlands; Senior Vice-Chair and Corporate Counsel Forum Liaison Officer, Discrimination Law Committee*

This session will discuss employment and discrimination law issues in the context of recruiting, interviewing, evaluating, and hiring employees. What are the employment and discrimination law issues a business must consider when restructuring or downsizing and implementing lay-offs or reductions in force due to declining business? What are the best practices for developing and implementing global termination and reductions in force policies?

Speakers

Adela Abal *ING Origenes, Buenos Aires, Argentina*
Shalini Agarwal *ALMT Legal, London, England*
Enrique Betemps *Perez Alati, Buenos Aires, Argentina*

Brian Burkett *Heenan Blaikie, Toronto, Ontario, Canada*
Guy Castegnaro *Castegnaro Cabinet d'Avocats, Luxembourg*
James Davies *Lewis Silkin, London, England*
Rosalind Gordon *Pitney Bowes, Stamford, Connecticut, USA*
Joel Grange *Flichy Grangé Avocats, Paris, France*
John McMullen *Watson Burton LLP, Leeds, England*
George Ribeiro *Vivian Chan & Co, Hong Kong SAR; Publications Officer, Corporate and M&A Law Committee; Chair, Complex Acquisitions Subcommittee*
Martin Reufels *Heuking Kühn Lüer Wojtek, Cologne, Germany*
Carmo Sousa Machado *Abreu Advogados, Lisbon, Portugal*

WEDNESDAY 1500 – 1800

La Pampa, 1st Floor

A DINNER will be held with the Discrimination Law Committee for members and guests.

See page 127 for details.

THURSDAY 1930

Understanding how Asian employment law applies to and affects foreign expatriates seconded to work in MNC's Asian operations

Joint session with the Asia Pacific Forum. See page 94 for details.

FRIDAY 1000 – 1300

La Pampa, 1st Floor

Immigration and Nationality Law

Co-Chairs

Gabrielle Buckley *Vedder Price, Chicago, Illinois, USA*
Sergio R Karas *Karas & Associates, Toronto, Ontario, Canada*

Global business immigration update

Session Chair

Sergio R Karas

This programme will cover the latest developments in immigration law around the world, with special emphasis on workforce mobility, new regulations and policies. The speakers will represent a cross-section of different jurisdictions around the world.

Speakers

Shalini Agarwal *ALMT Legal, Mumbai, India*
David Garson *Guberman Garson Bush, Toronto, Ontario, Canada*
Jelle Kroes *Everaert Advocaten Immigration Lawyers, Amsterdam, the Netherlands*
Edward Lehman *Lehman Lee & Xu, Beijing, China*
Julia Onslow-Cole *PricewaterhouseCoopers Legal LLP, London, England; Council Member, Legal Practice Division*
David Ryken *Ryken and Associates, Auckland, New Zealand; Vice-Chair, Immigration and Nationality Law Committee*
Gregory Sisskind *Sisskind Susser PC, Memphis, Tennessee, USA; Website Officer, Immigration and Nationality Law Committee*
Michael Thornton *Thornton Immigration Law, Dandenong, Victoria, Australia*

MONDAY 1000 – 1300

Tirso De Molina C, Meliá Buenos Aires Hotel

Family relationships and immigration: traditional concepts at the crossroads

Joint session with the Family Law Committee.

Session Chair

Gabrielle Buckley

The programme will explore how new relationships such as common law spouses, conjugal partners and cross-border adoptions impact traditional immigration concepts and have forced nations to realign immigration policies.

Speakers

Jacqueline Bart *Bart & Associates Citizenship & immigration Law Firm, Toronto, Ontario, Canada*

Laura Devine *Laura Devine Solicitors, London, England*

Anne-Marie Hutchinson *Dawson Cornwell, London, England; Chair, Family Law Committee*

Jacqueline Leong *Hong Kong Bar Association, Hong Kong SAR; Council Member, Public and Professional Interest Division*

Christopher Mills *Clyde & Co, Dubai, United Arab Emirates*

Jessica Sandberg *Alwa Advokatbyrå AB, Stockholm, Sweden*

Maria Luisa Soter *Veirano Advogados, Rio de Janeiro, Brazil*

Caroline Willbourne *London, England*

Ellen Yost *Fragomen Del Rey Bernsen & Loewy LLP, New York, USA*

TUESDAY 1000 – 1300

Golden Horn, 1st Floor

Work permit and visa options in Latin America

Session Chair

Pablo Kaufer-Barbe *Kaufer-Barbe & Vinent, Buenos Aires, Argentina; Vice-Chair, Senior Lawyers Committee*

The programme will discuss the different visa and work permit options in Latin American countries, including free trade agreements such as Mercosur, and agreements with other countries such as the United States, Canada, and the European Union, with special emphasis on worker mobility and a discussion of the various national policies, future trends and other relevant topics.

Speakers

Enrique J Arellano *Enrique Arellano Rincón Abogados SC, Mexico City, Mexico*

Carolina Garutti *EMDOC MRS Servicios Especializados, São Paulo, Brazil*

Ariel Orrego-Villacorta *Barrios Fuentes Gallo Abogados, Lima, Peru*

Nayra Prado Marrero *Fernando Scornik Gerstein Abogados, Madrid, Spain*

WEDNESDAY 1000 – 1300

La Pampa, 1st Floor

Employment and discrimination issues in the workplace affecting foreign workers

For further details please see the Human Resources Section on page 67.

THURSDAY 1000 – 1300

Libertador B, 1st Floor

A DINNER will be held for committee members and guests.

See page 127 for details.

THURSDAY 2000

Insolvency, Restructuring and Creditors' Rights Section (SIRC)

Council Liaison Officer

Selinda A Melnik *Edwards Angell Palmer & Dodge LLP, Wilmington, Delaware, New York, USA*

Co-Chairs

Christopher Besant *Cassels Brock & Blackwell, Toronto, Ontario, Canada; Vice-Chair, North American Regional Forum*

Alexander Klausner *Brauneis Klausner Prändl, Vienna, Austria*

Programme Coordinator

Leonard Gilbert *Holland & Knight LLP, Tampa, Florida, USA; Senior Vice-Chair, Insolvency, Restructuring and Creditors' Rights Section (SIRC)*

When the crunch comes: the battle for survival for businesses in the subprime jungle

Joint session with the Litigation Committee.

Session Co-Chairs

Michael Hales *Nabarro, London, England; Membership Officer, Litigation Committee*

Brigitte Umbach-Spahn *Wenger Plattner, Kuesnacht, Switzerland; Chair, Insolvency Legislation and Reform Harmonization Subcommittee*

The subprime crisis in the banking industry is well-known, but what are the challenges for other businesses with investments in the subprime market?

Panellists will discuss a case study involving an international corporate group struggling with the impact of investments in subprime derivatives.

The aim of the session will be to discuss the wider effects of the subprime crisis such as:

- priority issues on security interests;
- how to realise investments in subprime derivatives and against whom;
- the techniques available to avoid insolvency of group members;
- implications of the available insolvency regimes on the group as a whole;
- transactions at undervalues, preferences and other antecedent transactions;
- variations in the standard of proof for fraud; and
- challenging transactions between group companies.

Speakers

Tomás Araya *M&M Bomchil, Buenos Aires, Argentina*

Andreas F Bauer *GSK Stockmann & Kollegen, Munich, Germany*

Charles Hewetson *Reed Smith, London, England*

Nancy A Mitchell *Greenberg Traurig LLP, New York, USA*

Teppei Mogi *Oh-Ebashi LPC & Partners, Osaka, Japan*

Carolina Monteiro de Carvalho *Noronha Advogados, Rio de Janeiro, Brazil*

MONDAY 1000 – 1300

Retiro C, 1st Floor

Soccer: players' transfers and clubs' takeovers

– business operations and disputes around the sport of soccer

Joint session with the European Forum. See page 96 for details.

MONDAY 1500 – 1800

Martín Fierro II, 2nd Floor

The intersection of the credit markets and insolvency

Joint session with the North American Forum.

Session Chair

Judith Elkin *Haynes and Boone LLP, New York, USA; Co-Chair, Enforcement of Creditors Rights Subcommittee; Membership Officer, Insolvency, Restructuring and Creditors' Rights Section (SIRC)*

The 'credit markets' are an enigma. Followed religiously, but never fully understood, by political and business entities around the world, they serve to lift up economies and consumers alike, but they can be fickle. Over the last several years, the credit markets have both given and taken away. From 2004 until the summer of 2007, the combination of strong economic outlook, depressed stock prices, and cheap debt fueled huge profits for investors and executives, lifting economies around the world. But in the middle of 2007, all of this imploded. By January 2008, it became apparent that the fallout from the US subprime crisis would not be limited in scope to either the US or the consumer housing markets. On the company side, as the credit markets tightened, M&A deals were cancelled, companies far removed from the subprime industries who had been courted with easy money for years could no longer get fund managers to return their telephone calls and companies already in insolvency proceedings could not get the funds they needed to exit. On the other side of the table, lenders, who in order to compete in the hot liquidity markets, had offered 'covenant-light' financing terms discovered that these reduced financial triggers for debt repayment made it more difficult for creditors to tip borrowers into insolvency proceedings and the battle to be the holder of the fulcrum security shifted from bondholders to second lien debt holders. To make matters worse, US\$100 oil battered even the most frugal and well-run companies.

The panel of lawyers, investment bankers, accountants and turnaround professionals from various jurisdictions will discuss and examine both the positive and negative impact of the credit markets on insolvencies in South and Central America, the United States, Europe, Africa and Asia. The panel will discuss how strong credit markets can aid troubled companies and how the spiraling credit crunch of late 2007 impacted various business sectors and insolvency proceedings during 2008. The panel will also explore how they see the events of 2008 impacting the prospects for 2009.

Speakers

Luis de Lucio Alvarez & Marsal, São Paulo, Brazil

Anja Droege Marccus Partners, Paris, France

Nick Hood Begbies Global Network, London, England

Carmen Lonstein Baker & McKenzie, Chicago, Illinois, USA

Armando Javier Lorente Naveira Truffat Martínez Di Paolo Lorente & López, Buenos Aires, Argentina

James Sprayregen Goldman Sachs, New York, USA

Mahesh Uttamchandani World Bank, Washington DC, USA

David Walker PriceWaterhouseCoopers, Grand Cayman

TUESDAY 1000 – 1300

Retiro A, 1st Floor

Acquisition of companies in the insolvency zone

Joint session with the Securities Law Committee and the Capital Markets Forum.

Session Co-Chairs

Blair Cowper-Smith OMERS Administration Corporation, Toronto, Ontario, Canada; Co-Chair, Capital Markets Forum

Miguel de Avillez Pereira Abreu Advogados, Lisbon, Portugal; Chair, Workouts & Reorganisations Subcommittee

Pere Kirchner Cuatrecasas, Madrid, Spain; Senior Vice-Chair, Securities Law Committee

Josef Krüger Borden Ladner Gervais LLP, Calgary, Alberta, Canada; Vice-Chair, Workouts & Reorganisations Subcommittee

The emergence of hedge funds, private equity funds and sovereign wealth funds, with their appetite for higher risk investments and distressed asset transactions, have resulted in an active market with aggressive bidders looking to buy insolvent or near insolvent businesses. In some cases, these companies may have taken advantage of Chapter 11 or similar reorganisation laws to permit an organised sales process to occur in the best interests of stakeholders. In other cases, the reorganisation will occur less formally before the imposition of court imposed 'stays' of proceedings.

The acquisition of companies which are insolvent or verging on insolvency presents complex and interesting challenges to purchasers, lenders, customers and others. The session will address problematic issues such as:

- due diligence considerations;
- the timely use of available reorganisation laws to permit an organised sale;
- negotiating haircuts outside of reorganisation laws;
- structuring of investments as part of reorganisation efforts, including recapitalisation, debt-equity swap, new lending facilities, extension of maturity of loans;
- cooperation between investors, existing shareholders, employees, creditors;
- stock exchange requirements and disclosures/exemptions from securities authorities;
- sale of assets/voidable preferences;
- consensual/hostile acquisition of the loans;
- the interplay between securities and bankruptcy laws;
- director fiduciary duties to owners and creditors and board governance issues and risks; and
- purchasing distressed debt to reduce costs of acquisitions

Every country has its own laws impacting on distress acquisitions.

The situation is compounded where one deals with an international group of insolvent companies. Businessman, lawyers, restructuring experts and the courts are required to show dexterity in meeting the challenges presented by such acquisitions.

Speakers

Luiz Vasco Elias Deloitte Touche Tohmatsu, São Paulo, Brazil

Diego Garzón CGC - Compañía General de Combustibles, Buenos Aires, Argentina

Jeff Hoberman Southern Financial Partners, Buenos Aires, Argentina

David Kurtz Lazard, New York, USA

Gernot Lohr Apollo Global Management LLP, London, England

Anthony Macaulay Herbert Smith LLP, London, England

Cecilia M Mairal Marvel O'Farrell & Mairal, Buenos Aires, Argentina

Luis Fernando Martinot Oliart Muñoz Ramírez Pérez-Taiman & Luna-Victoria, Lima, Peru

Simon Morgan Morgan Stanley, New York, USA

Steven J Reisman Curtis Mallet-Prevost Colt & Mosle LLP, New York, USA

David Rockwell Sullivan & Cromwell LLP, London, England

WEDNESDAY 1000 – 1300

Catalinas, 1st Floor

Section business meeting

An open meeting of the Insolvency, Restructuring and Creditors' Rights Section (SIRC) will be held to discuss future activities.

WEDNESDAY 1300 – 1400

Catalinas, 1st Floor

A RECEPTION and DINNER will be held for section members and guests.

See page 127 for details

WEDNESDAY 2000

Securitisation in the Americas: legal problems and opportunities

Joint session with the Latin American Forum. See page 98 for details.

THURSDAY 1500 – 1800

Retiro A, 1st Floor

Intellectual Property, Communications and Technology Section

Council Liaison Officers

Almudena Arpón de Mendivil Gómez-Acebo & Pombo, Madrid, Spain

Clive Elliott Shortland Chambers, Auckland, New Zealand

Up to speed dating - informal table talks on hot topics for the Intellectual Property, Communications and Technology Law Section

Session Co-Chairs

Peter Leonard Gilbert + Tobin, Sydney, New South Wales, Australia

Ronald Zink Microsoft EMEA, Paris, France; Corporate Counsel

Forum Liaison Officer, Technology Law Committee

Join those who live and breathe the IP, Communications and Technology areas for a lively informal discussion on hot topics. This interactive networking session builds on the successful 'speed dating' session held at previous conferences. Participants will move around moderated tables discussing areas of current interest. The session will provide you with a convenient opportunity to meet many other lawyers with similar interests and to discuss a number of topics with them. Officers of the Section's committees will also be soliciting your views about your areas of interest and other suggestions, to enable the Section to programme activities accordingly.

A varied fare of topics covering aspects of business and law of interest to the Section's committees will be discussed, including the following:

Having fun at your own risk: contractual releases for adventures in space

Privacy and the old and new media

Which dictionary to use? Applying common law concepts in civil code technology contracts

Are you social? MySpace, YouTube, Facebook, etc: evolving issues of social and collaborative networks

Geo-location and search engines: can the law keep up?

Digitisation and transformative works

IP in a user generated content world

MONDAY 1000 – 1300

San Telmo, Ground Floor

Art, Cultural Institutions and Heritage Law

Co-Chairs

José María Beneyto Gómez-Acebo & Pombo, Madrid, Spain

Adrian Parkhouse Farrer & Co LLP, London, England

Buying art – the worldwide market

Session Chair

José María Beneyto

This session continues the committee's project which seeks to identify the key issues that arise in the sale and purchase of art, the variety of approaches adopted by various jurisdictions and the possibility of creating and promulgating a standard protocol or form of contract for use in private sales and purchases.

The session will be of interest to any lawyers handling cross-jurisdiction transactions of any kind and private client lawyers, as well as those representing clients in the art business.

Speakers

Peter Ariëns Kappers Boekel De Nerée NV, Amsterdam, the Netherlands

Jean-Francois Canat UGEC & Associés, Paris, France

Teresa Giovannini Lalive, Geneva, Switzerland

Cristina Manasse Roberts Global Capital Law Group PC, Milan, Italy

Edgar H Paltzer Niederer Kraft & Frey AG, Zurich, Switzerland

Marsha S Shaines Smithsonian Institution, Washington DC, USA

Massimo Sterpi Studio Legale Jacobacci & Associati, Rome, Italy

Jonathan Wood Clyde & Co, London, England

MONDAY 1500 – 1800

Río de la Plata, 2nd Floor

A DINNER will be held for committee members and guests.

See page 125 for details

MONDAY 2030

Mediating disputes in the art and heritage sector: why and how to spread the word

Joint session with the Mediation Committee.

Session Co-Chairs

Stefan Bocker *Mannheimer Swartling Advokatbyrå ab, Gothenburg, Sweden*

Adrian Parkhouse

The character of many of the disputes which arise in the art and heritage sector, and the nature of many of the parties, cry out for resolution by way of mediation. The blunt application of legal remedies and the litigation process itself is not well-suited to resolving issues of ownership which stray into the ethics of the acquisition of possession or even disagreements over such straightforward matters as authenticity or preservation. Mediation has the added potential advantage of being cross-jurisdictional.

This session will consider the nature of the disputes in this area and the experience of those engaged in mediation, and will discuss the possibilities for these committees to use the unique position and membership of the IBA to promulgate, encourage and train mediators and advocates worldwide in this sector.

Speakers

Jane Anderson *Research Fellow, John Hopkins Franklin Humanities Institute, Duke University and Consultant to the World Intellectual Property Organisation (WIPO), North Carolina, USA*

Barbara Hoffman *The Hoffman Law Firm, New York, USA*

John King *Ivor Fitzpatrick & Company, Dublin, Ireland*

Miguel Neto *Miguel Neto Advogados Associados, São Paulo, Brazil*

Sriram Panchu *Chennai, Tamil Nadu, India*

Shane Simpson *Simpsons, Sydney, New South Wales, Australia*

Mark Stephens *Finers Stephens Innocent LLP, London, England; Chair, Media Law Committee*

Jean-Marie Vulliemin *Froriep Renggli, Geneva, Switzerland; Vice-Chair, Art, Cultural Institutions and Heritage Law Committee*

THURSDAY 1000 – 1300

Tirso De Molina A, Meliá Buenos Aires Hotel

BARRETTO FERREIRA,
KUJAWSKI,
BRANCHER E
GONÇALVES
SOCIEDADE DE ADVOGADOS

Legal counseling in Brazil, to Brazilian and foreign companies, as well as government entities, in the areas of investment in Brazil and abroad, foreign trade, general corporate transactions, including company acquisitions and divestitures, restructuring, M&A, due diligence and joint ventures; international loans and financing; international contracts in general; intellectual property, technology transfer, IPR licensing; information technology, telecommunications, internet, e-commerce; energy, oil; real estate; regulatory agencies; administrative law; government procurement; off-sets; privatization; construction law, corporate; tax; labor; aeronautical; environmental; competition; consumer relations and sanitary surveillance laws; agro business; sports law; bioethics and biotechnology laws; Mercosur; World Trade Organization (WTO); arbitration; civil and commercial litigation. Corresponding law firms all over Brazil and abroad. Languages: English, French, Italian, Spanish and Portuguese.

B K B G

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Communications Law

Chair

Malcolm Webb *MGF Webb, Auckland, New Zealand*

Gazing into the future: what will the regulation of tomorrow look like?

Session Co-Chairs

Paul Hitchings *Cuatrecasas, Madrid, Spain*

Alexandre Verheyden *Jones Day, Brussels, Belgium; Vice-Chair, Communications Law Committee*

Ofcom, the UK telecommunications and media regulator, recently said it was in a state of 'informed bewilderment' when it came to regulation in this era of exciting technological advances impacting on the telecommunications and media industries. This session will address this challenge head on. It will examine whether traditional regulatory instruments, born in the PSTN era, are appropriate for this new era and will consider the leading candidates for the new strategic bottlenecks that will attract the attention of regulators in the years to come. Examples that will be considered are ducts, sports rights, control of digital rights management and search tools.

Speakers

Rodrigo d'Ávila Mariano *Pinheiro Neto Advogados, São Paulo, Brazil*
Kristin Leece *Mallesons Stephens Jacques, Sydney, New South Wales, Australia*

Colin Long *Olswang, London, England*

Eduardo Martin *Carey y Cía, Santiago, Chile*

Lorne Salzman *McCarthy Tétrault LLP, Toronto, Ontario, Canada*

Simone Scholze *Anatel, Brasília, Brazil*

TUESDAY 1000 – 1300
Catalinas, 1st Floor

The emergence of the Third Screen: insights into the legal, regulatory and business issues around mobile television

Joint session with the Media Law Committee.

Session Co-Chairs

Camilla Borba Lefèvre *Machado Meyer Sendacz e Opice Advogados, São Paulo, Brazil*

Dirk Stolz *Heuking Kühn Lüer Wojtek, Cologne, Germany; Vice-Chair, Communications Law Committee*

Many industry experts believe that the future of mobile telecommunications is, along with the internet, mobile television. Mobile operators are facing saturated markets for core voice services and are looking to mobile television as an important source of future growth. This also offers an enticing opportunity for providers of digital audio-visual content to reach new markets. New licences are being granted to provide mobile television in a number of countries around the world. This session will examine the legal and regulatory issues that arise with mobile television, from intellectual property to licensing issues, and the new deals that are emerging between operators, media companies, device manufacturers and other market players.

Speakers

Clara Luz Alvarez *Bufete Quijano, Mexico City, Mexico*

Camilla Borba

Alejandro Cantú Jiménez *América Móvil SAB de CV, Mexico City, Mexico*

Eduardo Oscar Griffa *Ericsson, Buenos Aires, Argentina*

Anna Kuzmik *NBC Universal Inc, New York, USA*

Victor Roldan *Turner Internacionales Argentina SA, Buenos Aires, Argentina*

TUESDAY 1500 – 1800
Catalinas, 1st Floor

A DINNER will be held with the Space Law Committee for members and guests.

See page 125 for details.

TUESDAY 2030

Gulping from the fire hydrant: strategies for roll-out of new fibre networks, including analysis of deals and regulatory issues

Joint session with the Media Law Committee.

Session Co-Chairs

Rob Bratby *Olswang, London, England*

Stephen Polster *Dorda Brugger Jordis Rechtsanwälte, Vienna, Austria; Membership Officer, Communications Law Committee*

2008 has been notable for the sharpened focus on new fibre investment in many countries around the world as commercial and political pressure builds for the creation of state-of-the-art broadband networks. The investment required to roll out nationwide fibre networks is enormous and various alternatives are being considered for investment in different countries, including investment from central and local government, the involvement of private equity and joint ownership arrangements between competing telcos. The session will analyse the drivers for this investment (including the importance of new forms of digital media content), different financing structures and the relevance of functional separation. The considerable regulatory issues that arise, including competitive wholesale access to these new networks, will be examined.

Speakers

Conrad Albert *ProSiebenSat.1 Media AG, Munich, Germany*

Jorge Carey *VTR GlobalCom, Santiago, Chile*

Renae Lattey *Mallesons Stephens Jacques, Melbourne, Victoria, Australia*

Peter Leonard *Gilbert + Tobin, Sydney, New South Wales, Australia*

Joost Linnemann *Kennedy Van der Laan, Amsterdam, the Netherlands*

Diane Mullenex *Ichay & Mullenex Associés, Paris, France*

THURSDAY 1000 – 1800
Martín Fierro I, 2nd Floor

Intellectual Property and Entertainment Law

Co-Chairs

Bob Krupka *Kirkland & Ellis LLP, Los Angeles, California, USA*

Bob H Sotiriadis *Leger Robic Richard LLP, Montreal, Quebec, Canada*

Thinking outside the box – creative defences to intellectual property infringement actions

Session Co-Chairs

Patricia Hoet-Limbourg *Hoet Peláez Castillo & Duque, Caracas, Venezuela; Chair, Trademark Law Subcommittee*

Andreas von Falck *Lovells LLP, Dusseldorf, Germany; Vice-Chair, Patent Law Committee*

Rosemary M Wallis *Baldwins, Auckland, New Zealand; Vice-Chair, Intellectual Property and Entertainment Law Committee*

Infringement actions can have a stifling effect on the defendant's business. This session will examine strategies for dealing with infringement outside the standard defences before and after infringement proceedings are issued. Tactics for discussion include parallel litigation in another country to get a faster decision to impress the local judge, cross-border declaratory judgment actions in Europe, opposition actions and the granting of stays, initiating revocation or invalidity actions as a pre-emptive strike, and complaining to competition authorities about the plaintiff's behaviour. The session will also cover compulsory licensing, exhaustion of rights and persuading a judge not to grant an injunction.

Speakers

Julian Miles *QC Shortland Chambers, Auckland, New Zealand*

Adolfo Ocejo *Pepsico Inc, Mexico City, Mexico*

James Wallace *Wiley Rein LLP, Washington DC, USA*

TUESDAY 1500 – 1800
Libertador C, 1st Floor

Information protection: access, protection and use in litigation/ADR; privilege; privacy law; cross-border restrictions and damages for misuse

Joint session with the Technology Law Committee.

Session Chair

Peter Brownlow *Bird & Bird, London, England; Senior Vice-Chair, Intellectual Property and Entertainment Law Committee*

William B Bunker *Knobbe Martens Olsen & Bear LLP, Irvine, California, USA; Chair, Licensing Intellectual Property and International Treaties Subcommittee*

This session will look at the approach of differing national courts to confidential and privileged information disclosed in the course of litigation and the various methods employed to compel parties to maintain confidentiality. The panel will look at the approach of US courts to the granting of stipulated protective orders as well as comparable procedures in other jurisdictions. It will discuss sanctions for breach and examine scenarios where different jurisdictions give conflicting decisions as to disclosure and secrecy of the same information. There will also be an examination of the extent of attorney-client privilege where advice is circulated cross-border. Specific attention will also be given to the impact of privacy law, eg, in identifying cyber-counterfeiters with or without the help of judicial or criminal authorities.

Speakers

Rachel Atkins *Schillings, London, England; Programme Officer, Intellectual Property and Entertainment Law Committee*

John Eastwood *Wenfei Attorneys at Law, Taipei, Taiwan*

Gianluca Gilardi *Studio Legale Sutti, Milan, Italy*

Juan Carlos Ojam *Mitrani Caballero Ojam Abogados, Buenos Aires, Argentina*

Mariano Porzio *Porzio Rios & Asociados, Santiago, Chile*

Kelli Sager *Davis Wright Tremaine LLP, Los Angeles, California, USA*

Joan Vidal De Llobatera *Jausas, Barcelona, Spain*

WEDNESDAY 1000 – 1800
El Aguila, 24th Floor

A DINNER will be held for committee members and guests.

See page 127 for details.

WEDNESDAY 2030

Intellectual property law meets competition law: latest developments with a Latin flavour

Session Co-Chairs

Gustavo A Alcocer Olivares & Cia, Mexico City, Mexico; *Secretary, Intellectual Property and Entertainment Law Committee*
Alexander Birnstiel Nörr Stiefenhofer Lutz, Munich, Germany; *Vice-Chair, Intellectual Property and Entertainment Law Committee*

More and more, antitrust issues are being raised and have to be dealt with in the context of transactional intellectual property law and litigation. In this session, the panel will focus on the protection and distribution of knowledge, with the aim of examining and understanding the extent to which the goals and principles of these two fields of law can be reconciled. The panel will include a group of specialists in these fields but will also invite interactive participation from the attendees in order to ensure diversity of experience and commentary from different players in different industries. Various specific issues will be addressed including problems arising from vertical foreclosure, tying and bundling involving IP rights, abusive licensing practices and so on. The goal will be to attempt to determine whether the current legal framework allows the intellectual property protection system to play its role as an incentive for innovation without abuse and to help determine the appropriate level of protection for past innovations without setting unfair and unreasonable obstacles for future developments. The focus of the session will not only be on recent EU and US case law (eg the famous *Microsoft* case), but also on developments in this field in Latin America.

Speakers

Christina Ackermann *Sandoz International, Holzkirchen, Germany*
Federico Aulmann *Obligado & Cia, Buenos Aires, Argentina*
Guillermo Carey *Carey y Cia, Santiago, Chile*
Susan Hutton *Stikeman Elliott, Ottawa, Ontario, Canada*
Cecilio Madero *DG Competition, European Commission, Brussels, Belgium*
Carel Maske *Microsoft, Brussels, Belgium*
Roxana Penagos Reséndiz *Coca-Cola Latin America, Mexico City, Mexico*
Marc Powell *White & Case LLP, Brussels, Belgium*
Roberto Ribeiro *Sanofi Aventis, São Paulo, Brazil*
Gerard van der Wal *Houthoff Buruma, Brussels, Belgium*

THURSDAY 1000 – 1300

Libertador A, 1st Floor

Media Law

Chair

Mark Stephens *Finers Stephens Innocent, London, England*

Press freedoms in the Americas and beyond: current issues in newsgathering and publishing liabilities

Joint session with the Human Rights Law Committee.

Session Chair

David Schulz *Levine Sullivan Koch & Schulz LLP, New York, USA;*
Secretary, Media Law Committee

This session will discuss the fallout from the Reyes case and the current status of rights of access to information, restrictions on newsgathering and limitations on the dissemination of information in South America. Particular highlights will include recent lawsuits or initiatives to defend and/or expand those rights. Panelists from Latin America, the United States, Europe and Australia will introduce key cases and initiative developments in their geographic area and will offer meaningful comparisons where appropriate.

Keynote Speaker

Carlos Ayala *President, Andean Commission, Caracas, Venezuela*

Speakers

Peter Bartlett *Minter Ellison, Melbourne, Victoria, Australia; Council Member, Legal Practice Division*
Helen Darbishire *Access Info Europe, Madrid, Spain*
David E McCraw *New York Times Company, New York, USA*
Juan Pablo Olmedó *Colombara Olmedó Abogados, Santiago, Chile*
Michael E Smyth *Clifford Chance, London, England; Secretary, Corporate Social Responsibility Committee*

MONDAY 1000 – 1300

Martín Fierro I, 2nd Floor

Digital media and the internet: South America is home to a variety of unique content

Session Chair

Thomas R Burke *Davis Wright Tremaine LLP, San Francisco, California, USA*

Whether you are interested in soccer, racing, or televised novellas, a substantial amount of original programming is produced here. Content that was traditionally available only on television or purchased through licensing arrangements is increasingly turning up on the internet. This is a significant problem for every content provider in South America and throughout the world. Working with an experienced moderator, this panel will feature three seasoned (and interesting!) in-house attorneys working in the region who are currently dealing with this important issue for their companies. Live internet illustrations of the problems, the potential remedies available to stop infringers (and this discussion will move beyond merely talking about copyright infringement issues), as well as the financial and expanded distribution opportunities that are and may in the future be used to fully exploit the internet as a digital media vehicle will be thoroughly explored through this interactive presentation.

Speakers

Pedro Less Andrade *Google Inc, Buenos Aires, Argentina*
Simone Lahorgue Nuñez *Lahorgue Advogados Asociados, Rio de Janeiro, Brazil*
Ronald Zink *Microsoft EMEA, Paris, France; Corporate Counsel Forum Liaison Officer, Technology Law Committee*

MONDAY 1500 – 1800

Poncho, 2nd Floor

We know where you are: geopositioning and the law

Joint session with the Technology Law Committee. See page 78 for details.

TUESDAY 1000 – 1300

Ombú II, 2nd Floor

Show me the money: representing athletes and sports franchises

Joint session with the Leisure Industries Section. See page 83 for details.

TUESDAY 1000 – 1300

El Aguila, 24th Floor

The emergence of the Third Screen: Insights into the legal, regulatory and business issues around mobile television

Joint session with the Communications Law Committee. See page 74 for details.

TUESDAY 1500 – 1800

Catalinas, 1st Floor

A TOUR and DINNER will be held with the Leisure Industries Section, Latin American Regional Forum and Young Lawyers' Committee for members and guests.

See page 125 for details.

TUESDAY 1830

Gulping from the fire hydrant: strategies for roll-out of new fibre networks, including analysis of deals and regulatory issues

Joint session with the Communications Law Committee. See page 75 for details.

THURSDAY 1000 – 1800

Martín Fierro I, 2nd Floor

Space Law

Chair

Eckart Brödermann *Brödermann & Jahn, Hamburg, Germany*

Space law as a tool to human rights enforcement

Joint session with the Human Rights Institute.

Session Co-Chairs

Eckart Brödermann

Ambassador Emilio J Cárdenas *Former Ambassador of Argentina to the United Nations, Buenos Aires, Argentina; Co-Chair, Human Rights Institute and Former IBA President*

James Oury *Oury Clark, London, England; Chair, Human Rights Law Committee*

Based on the results of a successful Singapore session on the diverse interests related to the use of satellite technology in the interests of human rights enforcement, this session will further develop our discussion on the interaction of human rights and of satellite and general public international law. In particular, the session will concentrate on access by the United Nations, other international institutions and by NGOs to pictures made by private and public (state) operators of satellites.

Speakers

Robert Amsterdam *Amsterdam & Peroff, London, England*

Omar Beretta *Beretta Godoy, Buenos Aires, Argentina*

Denis Rice *Howard Rice Nemerovski Canady & Rabkin, San Francisco, California, USA*

Kenneth Roth *Human Rights Watch, New York, USA*

Rupinder Singh Suri *Suri & Company, New Delhi, India; Newsletter Editor, Space Law Committee*

David Wilson *Holme Roberts & Owen LLP, Denver, Colorado, USA*

Christopher Wolf *Proskauer Rose LLP, Washington DC, USA*

MONDAY 1500 – 1800

Ombú II, 2nd Floor

We know where you are: geopositioning and the law

Joint session with the Technology Law Committee. See page 78 for details.

TUESDAY 1000 – 1300

Ombú II, 2nd Floor

A DINNER will be held with the Communications law Committee for members and guests.

See page 125 for details

TUESDAY 2030

Have fun at your own risk: drafting and enforcing liability/damages releases

Joint session with the Negligence and Damages Committee. See page 58 for details.

THURSDAY 1000 – 1300

Casona A, Meliá Buenos Aires Hotel

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Technology Law

Co-Chairs

Trevor Nagel *Alston & Bird LLP, Washington DC, USA*

Stefan Schuppert *Lovells LLP, Munich, Germany*

Technology private equity transactions

Session Chair

Harry Rubin *Ropes & Gray LLP, New York, USA; Chair, Emerging Technologies Subcommittee*

The dramatic proliferation of private equity (PE) firm acquisitions of technology companies has fundamentally transformed the global business and legal landscape. These transactions range from small and mid-size to unprecedented, history-making deals in the \$ tens of billions. As such, they pose major process management and substantive challenges and offer correspondingly novel practice opportunities for lawyers. This half-day session will assess current trends and developments in PE technology deals and explore their key technology and intellectual property aspects both from the perspective of the technology target and the PE firm. The speakers will assess the perspectives and strategic legal and business positioning of PE firms and their potential technology clients, explore comparative techniques for managing the unique processes and rhythm of such deals, and offer practical guidance for due diligence and negotiating the salient technology/IP provisions in the purchase agreement.

Speakers

Alejandro D Fiuza *Marval O'Farrell & Mairal, Buenos Aires, Argentina*

Clara-Ann Gordon *Pestalozzi Lachenal Patry, Zurich, Switzerland; Vice-Chair, User Generated Content Subcommittee*

Niels Heering *Gorissen Federspiel Kierkegaard, Copenhagen, Denmark*

Thomas Heymann *Heymann & Partner, Frankfurt am Main, Germany; Chair, Outsourcing and Shared Services Subcommittee*

Christopher Rees

Stefan Schuppert

Carolina Strobel *Intel Latin America, São Paulo, Brazil*

Marco Dalla Vedova *Dalla Vedova Studio Legale, Rome, Italy*

Gerhard Wegen

Ronald Zink *Microsoft EMEA, Paris, France; Corporate Counsel*

Forum Liaison Officer, Technology Law Committee

MONDAY 1500 - 1800

El Aguila, 24th Floor

We know where you are: ge positioning and the law

Joint session with the Media Law Committee and the Space Law Committee.

Session Chair

Rolf Auf der Maur *Vischer, Zurich, Switzerland; Secretary-Treasurer, Technology Law Committee*

Web-based geolocation services (such as Google Earth) and the increasing use of ge positioning devices (GPS) are creating a plethora of legal issues. Who creates and owns spatial information? Who has access to it? Can the concept of privacy survive the new technological developments? Can this technology be regulated? Should it be? What are the unique business opportunities that have been spawned by this technology and how are lawyers handling the legal issues that have followed?

This session will be split into three minipanel addressing the following main topics:

- Ownership and access (collection of geodata, access to geodata

by private enterprises, legal protection of geoinformation systems, EU Directive on Spatial Information and its implementation)

- Privacy (applicability of data protection legislation to geodata, combination of geodata with other data, contextual advertising: privacy lost with permission, ge positioning systems and privacy)
- Law enforcement (access to geodata and search information for civil, criminal and administrative proceedings, intellectual property issues, jurisdiction issues, need for an international convention?)

Panel Moderators

Peter Bartlett *Minter Ellison, Melbourne, Victoria, Australia; Council Member, Legal Practice Division*

Stefan Karl Eisermann *European Space Agency, Paris, France; Vice-Chair, Space Law Committee*

Stefan Weidert *Gleiss Lutz, Berlin, Germany; Vice-Chair, Emerging Technologies Subcommittee*

Panellists

Peter Fleischer *Google Global Privacy Counsel, Paris, France*

Christopher Rees

Ronald Zink

TUESDAY 1000 – 1300

Ombú II, 2nd Floor

Information protection: access, protection and use in litigation/ADR; privilege; cross-border restrictions and damages for misuse

Joint session with the Intellectual Property and Entertainment Law Committee. See page 75 for details.

WEDNESDAY 1000 – 1800

El Aguila, 24th Floor

Tractors, sensors, satellites and genes

Session Co-Chairs

Fred Chilton *Allens Arthur Robinson, Sydney, New South Wales, Australia*

Timothy Nielander *Gavi Alliance, Geneva, Switzerland*

Argentina is a major producer of agricultural products, from wine to beef. Technological advances are transforming production of agricultural products in Argentina and around the world. Genetically modified crops which are disease-resistant and have increased nutritional value could be part of the answer to famine and starvation. Nanotech sensors are being used to minimise water use as farmers confront global warming. Satellite imagery and geospatial technology are being used to increase productive efficiency.

This programme will explore the impact of these new technologies and the many legal problems that they raise.

Speakers

Fraser Mann *Miller Thomson LLP, Toronto, Ontario, Canada; Vice-Chair, Corporate Information Governance Subcommittee*

Alexandra Neri *Herbert Smith, Paris, France; Vice-Chair, Licensing Intellectual Property and International Treaties Subcommittee*

Andres Sylvestre Begnis *Aapresid, Buenos Aires, Argentina*

Clive Thorne *Arnold & Porter (UK) LLP, London, England; Chair, Disputes and Rights Subcommittee*

Bart Van Reeken *De Brauw Blackstone Westbroek, Amsterdam, the Netherlands*

THURSDAY 1500 – 1800

Libertador A, 1st Floor

A DINNER will be held for committee members and guests.

See page 127 for details.

THURSDAY 2030

International Sales, Franchising and Product Law Section

Council Liaison Officers

Oswaldo Marzorati *Allende & Brea, Buenos Aires, Argentina*

International consignment sales and parallel imports

Session Co-Chairs

Eytan Epstein *Epstein Chomsky Osnat & Co Law Offices, Tel Aviv, Israel; Co-Chair, International Sales Committee*

Marco Hero *TIGGES Rechtsanwälte, Düsseldorf, Germany; Newsletter Editor, International Franchising Committee*

The panel will discuss the possibilities and difficulties encountered by a manufacturer wishing to: (a) sell goods into several jurisdictions by way of consignment; and (b) protecting its domestic reseller from parallel imports. In the first part, the panel will discuss the different legal venues available for protection of consigned goods against creditors. The second part of the session will be devoted to available means of securing domestic exclusivity of an elected reseller.

Speakers

Rocío Belda *Garrigues, Madrid, Spain*

Gabriela Bindi *Zang Bergel & Viñes, Buenos Aires, Argentina*

Fabio Bortolotti *Buffa Bortolotti & Mathis, Torino, Italy*

Jürgen Brandstätter *BMA Brandstätter Rechtsanwälte GmbH, Vienna, Austria; Chair, Product Law and Advertising Committee*

Claudia Cruz *Barrocas Sarmento Neves, Lisbon, Portugal*

Andrew Wiseman *Allens Arthur Robinson, Sydney, New South Wales, Australia*

MONDAY 1000 – 1300
Retiro A, 1st Floor

A DINNER will be held for section members and guests.

See page 127 for details

WEDNESDAY 2100



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International Franchising

Chair

W Andrew Scott *Paul Hastings Janofsky & Walker LLP, Atlanta, Georgia, USA*

Franchising in Central and South America

Session Co-Chairs

Luiz Henrique O do Amaral *Dannemann Siemsen Advogados, Rio de Janeiro, Brazil*

Oswaldo Marzorati *Allende & Brea Abogados, Buenos Aires, Argentina; Council Member, Legal Practice Division*

This programme will cover franchise issues prevalent in those South American countries with the greatest levels of franchising and franchise activity, including franchise regulation and legislation.

Speakers

Gerardo Caffera *Posadas, Posadas & Vecino, Montevideo, Uruguay*

Carlos Dominguez *Hoet Peláez Castillo & Duque, Caracas, Venezuela*

Leonara Granades *Arias & Muñoz, San José, Costa Rica*

Marissa Lasso de la Vega *Alfaro Ferrer & Ramírez, Panama City, Panama*

Oswaldo Marzorati

Jorge Mondragon *Dominguez Gonzalez Calvillo SC, Mexico City, Mexico; Publications Officer, International Franchising Committee*

Carmen Paz Alvarez *Sargent & Khnan, Santiago, Chile*

Carlos Umaña *Brigard & Urrutia, Bogotá, Colombia; Co-Chair, Power Law Committee*

María Eugenia Yabar *Estudio Olaechea, San Isidro, Peru*

TUESDAY 1500 – 1800
Ombú I, 2nd Floor

International Sales

Co-Chairs

Eytan Epstein *Epstein Chomsky Osnat & Co, Tel Aviv, Israel*

Joel Simon *Serko Simon Gluck & Kane LLP, New York, USA*

CISG on the beach

Session Chair

Barton S Selden *Gartenberg Gelfand Wasson & Selden LLP, San Francisco, California, USA*

A full 20 years have passed since the Convention on Contracts for the International Sale of Goods first became effective. Our panel will discuss the role and function of the CISG today, in light of the changes in business climate, technology, currency stability, and the proliferation of regional economic organisations during the intervening years. Join us as we stretch out and remove a few layers to look at the fundamental structure of the Convention in the light of 20 years' experience, and the latest developments, for an answer to the question of how well the CISG works today.

Speakers

Luiz Henrique O do Amaral *Dannemann Siemsen Advogados, Rio de Janeiro, Brazil*

Michael Hajdasinski *Van Traa Advocaten, Rotterdam, the Netherlands; Chair, Land Transport Subcommittee*

Daniel Rodríguez Cardoso *Rodríguez Rueda SC, Mexico City, Mexico*

Hans-Josef Vogel *Avocado Rechtsanwälte, Cologne, Germany*

Sebastian Yunge Eyzaguirre *Guerrero Olivos Novoa y Errázuriz, Santiago, Chile*

MONDAY 1500 – 1800
Catalinas, 1st Floor

Sales, sales, customs and pirates: a case study in international sales in the new millennium.

Joint session with the Trade and Customs Law Committee. See page 46 for details.

TUESDAY 1500 – 1800

Golden Horn, 1st Floor

Distribution and licensing in Latin America and Asia

Joint session with the Asia Pacific Forum. See page 93 for details.

TUESDAY 1500 – 1800

Atalaya, 24th Floor

How to structure an international sales contract

Session Chair

Karen Larsen Kyed & Jybaek, Copenhagen, Denmark; *Senior Vice-Chair, International Sales Committee*

Bruce C Thelen Dickinson Wright PLLC, Detroit, Michigan, USA; *Vice-Chair, International Sales Committee*

This session will conduct a review of the standard international sales contract with a discussion of the various essential clauses required of all such agreements. The speakers will address both common law and code issues from the perspective of the buyer and the seller to ensure that both parties are adequately protected.

Speakers

Florian Amereller Amereller Legal Consultants, Dubai, United Arab Emirates

Monika Essers Avocado Rechtsanwälte, Cologne, Germany

Dominic Hui Vivien Chan & Co, Shanghai, China

Mariela Ines Melhem Mitrani Cabellero Ojam, Buenos Aires, Argentina

Mark Willis-Jones Armstrong World Industries Ltd, Barcelona, Spain

WEDNESDAY 1000 – 1300

San Telmo, Ground Floor

E-commerce and internet sales

Session Co-Chairs

Victoria Zöldi Basílico Santurio & Andrada, Buenos Aires, Argentina

Fabio Bortolotti Buffa Bortolotti & Mathis, Turin, Italy

This session will discuss the impact of the internet on business-to-business international sales and distribution contracts and the effect of e-commerce on exclusivity and franchise agreements.

Speakers

Robert Bernstein McCarter & English, LLP New York, USA

Fabio Bortolotti

Luiz Henrique O do Amaral

Wolfgang Hahnkamper Neudorfer Rechtsanwälte GmbH, Vienna, Austria; *Secretary, International Sales Committee*

Marco Hero TIGGES Rechtsanwälte, Düsseldorf, Germany; *Newsletter Editor, International Franchising Committee*

Paulo Larrain Noguera, Larrain & Dulanto, Santiago, Chile

Christoph Radtke Lamy & Associés, Lyon, France; *Vice-Chair, International Sales Committee*

Steven Richman Duane Morris LLP, Princeton, New Jersey, USA; *Publications Officer, International Sales Committee and Communications Officer, Professional Ethics Committee*

Kumkum Sen Rajinder Narain & Co Solicitors & Advocates, New Delhi, India

Nicole van Cronbrugghe Lafili Van Crombrugghe & Partners, Brussels, Belgium

THURSDAY 1500 – 1800

Retiro B, 1st Floor

Product Law and Advertising

Chair

Jürgen Brandstätter BMA Brandstätter Rechtsanwälte GmbH, Vienna, Austria

When is advertising truly green?

Joint session with Environment, Health and Safety Law Committee

Session Chair

Jürgen Brandstätter

In these days when everyone is concerned about their carbon footprint, product advertising is becoming increasingly focused on messages extolling the environmentally safe and friendly properties of the product. This session will explore new developments in the area of environmental/green advertising and its regulatory framework. When are you permitted to use the word 'green'? When can you advertise that your product is made using renewable resources?

Speakers

Rafael Dillon General Motors de Argentina SRL, Buenos Aires, Argentina

Brian W Gray Ogilvy Renault LLP, Toronto, Ontario, Canada

Sheila A Millar Keller & Heckman, Washington DC, USA

Michael Molitoris Nörr Stiefenhofer Lutz, Munich, Germany

WEDNESDAY 1500 – 1800

Casona B, Meliá Buenos Aires Hotel

Global product liability trends

Session Chair

Colin B Loveday Clayton Utz, Sydney, New South Wales, Australia;

Vice-Chair, Product Law and Advertising Committee

This session will report and explore global product liability trends based on surveys conducted in Latin America, the United States and the Asia-Pacific Region. It is anticipated that the combined survey results will enable the identification of product liability trends, the impact of product law reforms, the influence of international legal developments in product liability and comparative baseline assessments designed to assist manufacturers in managing product liability risk.

Speakers

Judge María Cristina O'Reilly Buenos Aires, Argentina

Barbara Maria Arrieta Richards Cardinal Tutzer Zabala & Zaefferer, Buenos Aires, Argentina

THURSDAY 1000 – 1300

Casona B, Meliá Buenos Aires Hotel

Lessons learned from children's toys

Session Chair

Mary Martha McNamara *McNamara & L'Heureux PC, Alexandria, Virginia, USA; Secretary, Product Law and Advertising Committee*

In the aftermath of the recent global recalls involving children's toys, there have been major revisions to the regulation governing product safety, risk and crisis management practices. There is new regulation in the United States as well as in the European Union on product safety. Other countries are likely to follow. We are yet to see what impact the recall will have on liability, including the resolution of claims by consumers. This session will seek to explore the lessons that have been learned and can be applied by other product manufacturers.

Speakers

Josep M Balcells *Baker & McKenzie, Barcelona, Spain*

Lisandro Frene Richards *Cardinal Tutzer Zabala & Zaefferer SC, Buenos Aires, Argentina*

Greg Fowler *Shook Hardy & Bacon LLP, Kansas City, Missouri, USA*

THURSDAY 1500 – 1800

Casona A, Meliá Buenos Aires Hotel

Law and Individual Rights Section

Council Liaison Officer

Michael Greene *A & L Goodbody, Dublin, Ireland; Assistant Treasurer, Legal Practice Division*

Child protection – children's rights and their protection

Session Chair

Anne-Marie Hutchinson *OBE Dawson Cornwell, London, England; Chair, Family Law Committee*

This programme will focus on international instruments for the protection of child welfare; child protection issues for the South American continent; and forced marriages, child brides and children of indigenous peoples.

Speakers

William Duncan *Hague Secretariat, The Hague, the Netherlands*

Clarice Jacobs *Wallaceburg, Ontario, USA*

Paulo Lins-e-Silva *Rio de Janeiro, Brazil*

Justice Adel Omar Sherif *Deputy Chief Justice, The Supreme Constitutional Court of Egypt, Cairo, Egypt*

Justice Zulema D Wilde *Buenos Aires, Argentina*

MONDAY 1000 – 1300

Casona A, Meliá Buenos Aires Hotel

Family Law

Chair

Anne-Marie Hutchinson *OBE Dawson Cornwell, London, England*

A breakfast meeting will be held to discuss matters of concern and interest to family law practitioners

TUESDAY 0830 – 1000

Florida Rooms, The Marriott Plaza Hotel

Big money divorces: prenuptial and postnuptial agreements and trust – how are they treated in divorce in different jurisdictions

Joint session with the Individual Tax and Private Client Committee

Session Co-Chairs

Helen Darling *MacFarlanes LLP, London, England; Secretary, Individual Tax and Private Client Committee*

Jaqueline Julyan *SC Advocate J A Julyan SC, Durban, South Africa*

This session will address the following:

- Protection of assets through prenuptial agreements – how do jurisdictions treat prenuptial agreements and post-nuptial agreements on divorce?
- Protection of assets through trusts – how safe are trusts? What are the powers of the various jurisdictions to attack trusts on divorce?

Speakers

Russell Bywater *Dawson Cornwell, London, England*

Sara Collins *Maitland, Grand Cayman, Cayman Islands*

Joshua Rubenstein *Katten Muchin Rosenman LLP, New York, USA*

Daniel Thulare *Family Law Courts, Johannesburg, South Africa*

Tina Wüstemann *Baer & Karrer AG, Zurich, Switzerland*

WEDNESDAY 1500 – 1800

Casona A, Meliá Buenos Aires Hotel

The international movement of children

Session Chair

Anne-Marie Hutchinson *OBE*

This session will explore the following issues:

- the relocation jurisdiction – how to enforce International Contact Orders following leave to remove/relocate and the availability of international instruments to assist;
- a practical interactive session on running a Hague Convention case for a pursuing parent;
- defending a Hague Convention case;
- the use of law enforcement and other agencies, including NGOs with special reference to intra-American abductions; and
- for non-Hague abduction cases, practical tips and a diplomatic overview.

Speakers

Veronique Chauveau *Avocat à la Cour, Paris, France*

William Duncan *Hague Secretariat, The Hague, the Netherlands*

Ignacio Goicoechea *Hague Conference on Private International Law, Buenos Aires, Argentina*

David O'Brien *National Center for Missing & Exploited Children, Alexandria, Virginia, USA*

Martha Pacheco *Unit Chief, Abductions Unit, Office of Children's Issues, US Department of State, Washington DC, USA*

Henry Setright *QC Queen's Counsel England and Wales, London, England*

THURSDAY 1500 – 1800

El Aguila, 24th Floor

Mediation in international child abduction cases

Session Chair

Anne-Marie Hutchinson OBE

International child abduction cases are inherently high conflict and fast-moving. The accepted wisdom was that they are not amenable to mediation. The position is now under review, including at The Hague Secretariat.

This session will look at the existing schemes from around the world and the Americas and the ability to mediate in such cases without undermining the fundamental basis of Hague.

A panel of esteemed experts in both child abduction and mediation will explore these complex issues from a practitioner and judicial perspective.

Speakers

Denise Carter *Reunite International Child Abduction Centre, Leicester, England*

Kharin Cox *Gee Street Family Hearing Centre, London, England*

Marilyn Freeman *London Metropolitan University, London, England*

Silvia Gimenez-Salinas *Barcelona Bar Association, Mallorca, Spain*

Ignacio Goicoechea

Martha Pacheco *Unit Chief, Abductions Unit, Office of Childrens Issues, US Department of State, Washington DC, USA*

FRIDAY 1000 – 1300

Martín Fierro II, 2nd Floor

Human Rights Law

Chair

James Oury *Oury Clark Solicitors, London, England*

History and justice: achieving justice through the legal mechanisms necessary to bring those guilty of crimes during dictatorships and military rule to justice

Joint session with the Criminal Law Committee. See page 51 for details.

MONDAY 1000 – 1300

Gómez Losada, 2nd Floor

Press freedoms in the Americas and beyond: current issues in newsgathering and publishing liabilities

Joint session with the Media Law Committee. See page 76 for details.

MONDAY 1000 – 1300

Martín Fierro I, 2nd Floor

Open business meeting

An open meeting of the Human Rights Law Committee will be held to discuss future activities

MONDAY 1300 – 1400

Martín Fierro I, 2nd Floor

Indigenous Peoples

Chair

Russell Raikes *Cohen Highley LLP, London, Ontario, Canada*

Recent developments in discrimination laws: indigenous peoples' rights and new remedies

Joint session with the Discrimination Law Committee. See page 68 for details.

TUESDAY 1500 – 1800

Río de la Plata, 2nd Floor

Implementing the UN Declaration on the Rights of Indigenous Peoples

Joint session with the Public Law Section. See page 87 for details.

WEDNESDAY 1000 – 1300

Tirso De Molina A, Meliá Buenos Aires Hotel

Sentencing: innovative initiatives

Joint session with the Criminal Law Committee. See page 52 for details.

THURSDAY 1500 – 1800

Tirso De Molina C, Meliá Buenos Aires Hotel

Leisure Industries Section

(Formerly the Sports and Gaming Law Committee and the Travel, Tourism and Hospitality Law Committee)

Council Liaison Officers

Bruno Cova *Paul Hastings Janofsky & Walker LLP, Milan, Italy*

Maira Huggard-Caine *Tozzini Freire Advogados, Sao Paulo, Brazil*

Chair

Carolina Avelleda *McCarter & English, Boston, Massachusetts, USA*

Hot for hotels

Joint session with the Real Estate Section.

Session Co-Chairs

Martin Holler *Giese & Partner, Prague, Czech Republic; Secretary, Real Estate Section*

John Vernon *The Vernon Law Group PLLC, Dallas, Texas, USA; Vice-Chair, Leisure Industries Section*

This is an interactive networking session derived from the 'speed dating' concept. Participants will move around moderated tables discussing areas of current interest, thus having a convenient opportunity to meet other like-minded lawyers and to discuss a number of issues with them. Each table will be moderated by a prominent person in the field.

The 'Hot for Hotels' session will focus on the ever-growing tourism and hotel industry in Latin America. Topics to be discussed by the different tables include:

- What is private equity money chasing?
- What does acquisition of a property in Buenos Aires entail for due diligence?
- What happens to existing hotel contracts?
- Application of the fractional model to hotels in Latin America;
- Liability of hotel owners under Argentina's new consumer protection act, including its impact on franchising and fractionals;
- The potential for casino gambling in hotels in Latin America; and
- What about privacy issues?

Speakers

Robin Bynoe *Charles Russell LLP, London, England*

Alejandro Frenkel *FEN Hotels, Buenos Aires, Argentina*

Rodrigo Herrera Bravo *Ejecutivo del Ente de Turismo de Buenos Aires, Buenos Aires, Argentina*

Oswaldo Jorge Marzorati *Allende & Brea Abogados, Buenos Aires, Argentina; Council Member, Legal Practice Division*

Fabian Monslave-Agraz *Baker & McKenzie Abogados SC, Guadalajara, Mexico*

Marcelo Santurio *Basilico Santurio & Andrada, Buenos Aires, Argentina*

Daniel Vergara de Carril *Zang Bergel & Viñes, Buenos Aires, Argentina*

MONDAY 1000 – 1300

Tirso De Molina A, Meliá Buenos Aires Hotel

Show me the money: representing athletes and sports franchises

Joint session with the Media Law Committee and the Latin American Forum.

Session Co-Chairs

Laura Christa *Christa & Jackson, Los Angeles, California, USA; Vice-Chair, North American Regional Forum*

Daniel Del Rio *Basham Ringe y Correa SC, Mexico City, Mexico; Co-Chair, Latin American Regional Forum*

Mark Stephens *Finers Stephens Innocent LLP, London, England; Chair, Media Law Committee*

The days of pure amateur sports are gone; today sport is big business. In this session we will follow an athlete from their first deal through the myriad of wealth generating relationships in their careers. The session will also analyse the representation of sport franchises and the conflicting interests that must often be balanced in this context, including those of the club, the athlete and the fan. The session will be driven by a case study and actual athlete and management examples. The legal issues that we will discuss will include:

- amateur/early athlete agreements;
- signing of players (including a look at a player's first professional contract);
- agents and their regulatory framework (with a focus on FIFA regulations);
- image rights, with a look at endorsement contracts, media, sponsorship, merchandising and licensing issues; and
- Sports Teams – naming rights and profitability issues. Does the fan always have to pay more for the team to be profitable?

The session will aim to create an interactive environment with significant audience participation.

Speakers

Rachel Anderson *R A Management, London, England*

Riccardo G Cajola *Cajola & Associati, Milan, Italy*

Ramon I Moyano *Estudio Becca Varela, Buenos Aires, Argentina*

Phillips V Nicholls *Cottle Catford & Co, St Michael, Barbados*

Orlando Salvestrini *Buenos Aires, Argentina*

William Shearer Powell Goldstein LLP, Atlanta, Georgia, USA

Howard Sobelman *Snell & Wilmer LLP, Phoenix, Arizona, USA*

Jörg von Appen *SPORTFIVE GmbH & Co KG, Hamburg, Germany*

TUESDAY 1000 – 1300

El Aguila, 24th Floor

Open business meeting

An open meeting of the Leisure Industries Section will be held to determine future plans of the section and to discuss ways to become even more responsive to members.

TUESDAY 1300 – 1400

El Aguila, 24th Floor

Special purpose tours – can I please have a nose job with my resort?

Session Chair

Hans-Josef Vogel *Busse & Miessen, Bonn, Germany*

The run-of-the-mill tour, consisting of transport, accommodation and food, is rapidly becoming less attractive and less prevalent in today's tourism market.

Travellers look for a special or unique experience, or want to multitask during vacation, combining formerly distinct components.

Getting surgery while on vacation, enjoying better prices and taking a few days off after the medical procedure, is a common trend, as is a combination of vacation with learning trips, development work, or other educational experiences. This rapidly changes the offerings of tour operators, but also poses new challenges to operators, suppliers and customers.

The legal issues are manifold, and will put the tour operator ever more at the centre stage of action. The operator will not only have to ascertain quality and standards of the purely touristic offerings, but will have to apply the same standards to the bundled components. How these standards differ throughout the world, how compliance can be monitored and how to straddle the legal hurdles of such tours will be discussed at this session, as well as looking at the suppliers' role in such tours.

The session will provide an overview of trends in this area, and give legal guidance to operators, suppliers, customers and those representing them.

Speakers

Catherine Berlin *Altreuter Berlin, Buffalo, New York, USA*

Claudia Brözel *Verband Internet Reisevertrieb, Munich, Germany*

Carlos R Malzoni *Cirugia Plástica y Reparadora, Buenos Aires, Argentina*

Maria Agustina Vitolo *Vitolo Abogados, Buenos Aires, Argentina*

TUESDAY 1500 – 1800

Auditorium, Ground Floor

A TOUR and DINNER will be held with the Latin American Regional Forum, Media Law Committee and Young Lawyers' Committee for members and guests.

See page 125 for details

TUESDAY 1830

Travel law hot topics around the world

Session Chair

Rory Gogarty *Holman Fenwick Willan, London, England; Vice-Chair, Leisure Industries Section*

The Leisure Industries Section will host a roundtable discussion on "travel law hotspots around the world" for all who are interested on topical travel law issues. This session will be informal and aimed at generating significant audience participation. The session will be based on a factual scenario involving a group of business executives travelling to a conference where, inter alia, their flights are cancelled/delayed, the accommodation and food is not as promised, some of the executives get kidnapped and the cruise excursion ends in disaster! Legal issues arising from this will be addressed and questions and solutions will be encouraged from the floor. We would hope to be able to canvass views and developments from around the world on topics as diverse as:

- latest developments in regulating the dynamic packaging and package tour industries;
- flight cancellations and compensation;
- update on the cruise sector (especially fire hazard/emissions/waste control);
- corporate manslaughter liability of tour operators; and
- war and travel risk.

Speakers

Geert Aalbers *Control Risks, São Paulo, Brazil*

Daniel Del Rio *Basham Ringe y Correa SC, Mexico City, Mexico; Co-Chair, Latin American Regional Forum*

David Grant *Legal Services Unit, Northumbria University, Newcastle upon Tyne, England*

Ramón I Moyano *Estudio Beccar Varela, Buenos Aires, Argentina*

Michael Pepper *Travel Industry Council of Ontario, Mississauga, Ontario, Canada*

Sameer Tapia *ALMT Legal, Mumbai, India*

WEDNESDAY 1000 – 1300

Martín Fierro II, 2nd Floor

The greening of tourism: an oxymoron?

Joint session with the Environment, Health and Safety Law Committee.

Session Co-Chairs

Bernat Mullerat *Cuatrecasas, Barcelona, Spain; Vice-Chair, Environment, Health and Safety Law Committee*

Brenda L Pritchard *Gowlings, Toronto, Ontario, Canada; Secretary, Leisure Industries Section*

There is little doubt that a powerful trend exists in consumers becoming more concerned about the impact they exert on the environment. In an effort to respond to such concerns, many in the tourism industry have begun implementing initiatives aimed at providing consumers with environmentally responsible travel options. For example, certain airlines and hotels have started using water, waste and energy-saving measures aimed at lightening the environmental impact of their businesses. That said, however, the tourism industry is undoubtedly in the embryonic stages of 'greening' itself, and sceptics continue to question whether it will ever be possible to effectively balance the needs of corporations and consumers with those of the environment.

During this interactive panel discussion, industry leaders and experts will examine the growing movement for tourism-related corporations, as well as individuals, to become more responsible in the impact they exert on the environment. In particular, topics to be discussed will include:

- the impact of tourism on the environment;
- the impact of global warming and the energy crisis on the tourism industry;
- the growing trend towards ecotourism and 'green hotels'; and
- how to properly communicate and market carbon credits and other 'greening' initiatives to counterbalance the impact of tourism on the environment.

Speakers

Roberto C Cordero *ENLACE, San José, Costa Rica*

Harold Goodwin *International Centre for Responsible Tourism, Leeds Metropolitan University, Leeds, England*

Shivendra Kundra *Kundra & Bansal, New Delhi, India; Newsletter Editor, Leisure Industries Section*

FRIDAY 1000 – 1300

Ombú I, 2nd Floor

Maritime and Aviation Law Section

Council Liaison Officer

Dorothy Ufot *Dorothy Ufot & Co, Lagos, Nigeria*

Aviation Law

Chair

Ravi Nath *Rajinder Narain & Co, New Delhi, India*

Aircraft liens including non-consensual liens

Session Chair

Berend Crans *De Brauw Blackstone Westbroek NV, Amsterdam, the Netherlands*

In this session experts from various jurisdictions will discuss the type of aircraft liens available, the rights and remedies attaching thereto and their recognition and enforcement in other jurisdictions. In addition, the threat of non-consensual liens, in particular the rights of institutions like Euro control (including the infamous fleet liens), will be discussed, and the rights of lessors and mortgagees will be discussed. Of course, the impact of the Cape Town Convention and the Aircraft Equipment Protocol will also be dealt with in this session.

Speakers

Patrick Farrell *Norton Rose LLP, London, England; Vice-Chair, Aviation Law Committee*

Tomás Fernández-Quirós *Uría Menéndez Abogados, Barcelona, Spain*

Henrik Lind *Gorrissen Federspiel Kierkegaard, Copenhagen, Denmark*

Rogelio Maciel *Maciel Norman & Asociados, Buenos Aires, Argentina*

Robert McNitt *International Lease Finance Corporation, Los Angeles, California, USA*

MONDAY 1000 – 1300

Poncho, 2nd Floor

Slots as a commodity and how they are treated around the world

Session Chair

Patrick Farrell

In this session experts from various jurisdictions will discuss how slots are treated in their respective jurisdictions.

In some parts of the world slots can be bought and sold, swapped or transferred. However, this is not the position everywhere.

From an airline's and airport's point of view they are clearly valuable 'assets' yet their legal status can be problematical and certainly their treatment is not consistent around the world.

Speakers

Ian Clark *Clark Ricketts LLP, London, England*

Jackie Donaldson *M&M Bomchil, Buenos Aires, Argentina*

WEDNESDAY 1000 – 1300

Río de la Plata, 2nd Floor

Are passengers being treated as self-loading cargo by some airlines – what are passengers' rights and issues?

Session Chair

Mia Wouters *Lafili Van Crombrugghe & Partners, Brussels, Belgium;*

Newsletter Editor and Website Officer, Aviation Law Committee

How low cost can an airline go before flying becomes a passenger's nightmare? Is the balance between airline revenue and the service to the passenger?

We are seeing that charges and taxes are becoming more expensive than the ticket itself. But who gets what?

This session will also discuss the pitfalls of hidden charges and deceptive advertising.

Speakers

Lorne Clark *Clyde & Co, London, England*

Paul Stephen Dempsey *Institute of Air & Space Law, McGill*

University, Montreal, Quebec, Canada

Elizabeth Mireya Freidenberg *Freidenberg Freidenberg & Lifsic,*

Buenos Aires, Argentina

António Moura *ABBC, Lisbon, Portugal*

Sameer Tapia *ALMT Legal, Mumbai, India*

WEDNESDAY 1500 – 1800

Ombú I, 2nd Floor

A DINNER will be held for committee members and guests.

See page 127 for details

WEDNESDAY 2030

Reorganisation and reconstruction of airlines

Session Chair

Maria Regina Lynch *Xavier Bernardes Braganca, São Paulo, Brazil;*

Senior Vice-Chair, Aviation Law Committee

This session will discuss recent airline bankruptcies and reorganisations in the world, such as Varig, Avianca, Swiss and Air India, with special emphasis on the lessons to be learned from such experiences from the creditors', lessors' and the airlines' points of view.

Speakers

Thomas Benes Felsberg *Felsberg Pedretti Mannrich e Aidar*

Advogados, São Paulo, Brazil

Ravi Nath

Donald Reichenbach *Spahni Stein Attorneys at Law, Zurich,*

Switzerland

David A Rosenzweig *Fulbright & Jaworski LLP, New York, USA*

Carlos Urrutia-Valenzuela *Brigard & Urrutia, Bogota, Colombia*

THURSDAY 1000 – 1300

Auditorium, Ground Floor

Financing and assignment of operating leases

Session Chair

James D Tussing *Fulbright & Jaworski LLP, New York, USA;*

Secretary, Aviation Law Committee

This session will discuss financing and assigning operating leases of aircraft from the perspective of the financing parties, operating lessors, lessees and purchasers of aircraft subject to operating leases. Speakers will represent the positions of the different parties.

In addition we will discuss issues raised by securitisations and structured financings.

Speakers

Jan Derneham *Mannheimer Swartling Advokatbyrå AB, Stockholm,*

Sweden

Peter Plunkett *Aircastle Advisor International Limited, Dublin,*

Ireland

Carlos Rueda Gomez-Calcerada *Gomez-Acebo & Pombo*

Abogados, Madrid, Spain

Carlos Sierra *Abogados Sierra y Vazquez SC, Mexico City, Mexico*

THURSDAY 1500 – 1800

Ombú II, 2nd Floor

Aviation roundtable

Session Chair

Ravi Nath

This is one of the Aviation Committee's star programmes, in which important developments from around the world are presented and discussed. This is a free-flowing and unstructured session intentionally designed to provide maximum wider opportunity for presentations and interaction. Everyone is encouraged to participate.

FRIDAY 1000 – 1300

Poncho, 2nd Floor

Maritime and Transport Law

Chair

Joseph Hurley *HWL Ebsworth, Sydney, New South Wales, Australia*

Founding of jurisdiction and anti-suit Injunctions

Session Co-Chairs

Gregory Poulos *Cox Wooton Griffin Hansen & Poulos LLP, San Francisco, California, USA; Vice-Chair, Maritime and Transport Law Committee*

Lawrence Teh *Rodyk & Davidson LLP, Singapore; Vice-Chair, Maritime and Transport Law Committee*

The validity of court proceedings is contingent on the jurisdiction and willingness of the court to adjudicate the type of claim in question. If a court exercises its jurisdiction, it may, on occasion, go further and issue an anti-suit injunction to restrain one of the parties from commencing/continuing proceedings in another court or forum. This may occur when the court feels that the foreign proceedings are unconscionable, they are an attempt to re-litigate issues already decided, they infringe upon some legal right not to be sued in that foreign court, or 'whenever justice so requires'. This gives rise to controversy and issues of whether one sovereign court is attempting to curtail the jurisdiction of another sovereign court.

Yet the usefulness to international maritime disputes of avoiding a multiplicity of proceedings or inconsistent judgments from different courts cannot be denied.

This session seeks to examine and test the extent to which anti-suit injunctions are issued and recognised by courts around the world and their usefulness in managing international maritime disputes.

Speakers

Richard Briggs *Hadef Legal Consultants & Advocates, Dubai, United Arab Emirates*

Charles S Donovan *Sheppard Mullin Richter & Hampton LLP, San Francisco, California, USA*

Jeremy Harwood *Blank Rome LLP, New York, USA*

David Joseph QC *Essex Court Chambers, London, England*

Henri Najjar *Richemont Nicolas & Associés, Paris, France*

Haco van der Houven van Oordt *AKD Prinsen Van Wijmen, Rotterdam, the Netherlands*

MONDAY 1000 – 1300

Ombú I, 2nd Floor

A LUNCH excursion will be held with the Insurance Committee for members and guests.

See page 125 for details.

TUESDAY 1100

Specialised charter parties, including contracts of affreightment

Session Chair

Peter Appel *Gorrissen Federspiel Kierkegaard, Copenhagen, Denmark; Senior Vice-Chair, Maritime and Transport Law Committee*

With world economies booming in recent years the volume of cargoes transported have increased to record heights, and freight rates have reached soaring levels. A result hereof seen in the market is that owners and charterers agree on tailor-made transportation contracts. The object of the session is to examine such specialised contracts, in particular contracts of affreightment and time charters for special trades. Such agreements are normally tailor-made for transportation of specific cargoes which may involve transportation of substantial quantities for long periods of time. These sorts

of agreements give rise to a number of legal questions and considerations which will be discussed in the session. The terms of the contracts regulate for instance the excessive quantities of cargo to be transported, mechanisms for calculation of freight, including freight escalation, mechanisms for extending the contractual period, early termination provisions and in some cases that a vessel is being built or rebuilt for the specific trade. The session will also include a review of how tailor-made transportation contracts are applied in respect of different sorts of cargoes and different trades.

A particular focus will be a review of contracts for transportation of large quantities of commodities out of South America. Another South American angle will be review of transportation contracts entered into in the offshore industry in Brazil. This will be compared with similar contracts in Nigeria. A close examination of the general application of Supplytime will be made.

Speakers

Tomás Fernandez-Quiros *Uriá Menéndez Abogados, Barcelona, Spain*

Frøde Grotmol *Nordisk Skibsrederforening, Oslo, Norway*

Graham Harris *Thomas Cooper, London, England*

L Chidi Ilogu *Foundation Chambers, Lagos, Nigeria*

Ricardo Rozas *Baeza Larrain & Rozas Abogados, Santiago, Chile; Website Officer, Maritime and Transport Law Committee*

Godofredo Mendes Vianna *Mendes Vianna Advogados, Rio de Janeiro, Brazil*

MONDAY 1500 – 1800

Ombú I, 2nd Floor

Liability of freight forwarders

Session Chair

Michael Hajdasinski *Van Traa Advocaten, Rotterdam, the Netherlands; Chair, Land Transport Subcommittee*

The nature of world and regional trade is such that freight forwarders and global logistic companies are forced to enter into and agree more complex contracts of carriages and to some degree, to offer attractive propositions to global clients to carry goods 'door-to-door'. This session, which, in part, includes a case scenario, endeavours to examine the legal obligation, rights and remedies of the forwarder in such cases, particularly in relation to transporting goods by sea.

Speakers

Shelley Chapelski *Bromley Chapelski, Vancouver, British Columbia, Canada*

Charles Donovan *Sheppard Mullin, San Francisco, California, USA*

Luis Carlos Escorel *Maersk Brazil (Brasmar) Ltda, São Paulo, Brazil*

Philip Graff *MAQS Law Firm, Copenhagen, Denmark*

Manuel Ignacio Herrero de Egaña Muñoz-Cobo *Dikeos Abogado, Madrid, Spain*

Chris Mills *Clyde & Co LLP, Dubai, United Arab Emirates*

Chris Van der Schueren *Huyghe Ballet Stas & Van der Schueren, Antwerp, Belgium*

WEDNESDAY 1000 – 1300

Ombú I, 2nd Floor

Recent developments in maritime law

Session Chair

Joseph Hurley

This regular and popular session endeavours to pick and choose topics of current interest to practitioners, incorporating various recent developments in maritime law around the world. In addition to giving their papers, the internationally-renowned panel will also participate in a roundtable panel discussion with participation from the audience giving their views when appropriate to do so on a wide range of subjects, including arrest and damages.

Speakers

Isabelle Corbier *Avocat au Barreau de Paris, Paris, France*

Luis de San Simón *San Simón Duch & Co, Madrid, Spain*

Eduardo L Ferder *Ferder & Toporovsky, Buenos Aires, Argentina*

Vincent J Foley *Holland & Knight LLP, New York, USA*

David Joseph QC *Essex Court Chambers, London, England*

Freeke Kunst *VanEps Kunneman VanDoorne, Curaçao, Netherlands Antilles*

Antonis Lagadianos *Ince & Co, Piraeus, Greece*

THURSDAY 1500 – 1800

Auditorium, Ground Floor

A DINNER will be held for committee members and guests.

See page 127 for details

THURSDAY 2030

Public Law Section

Council Liaison Officer

Dirk Kolvenbach *Heuking Kühn Lüer Wojtek, Düsseldorf, Germany*

Chair

Liam O'Daly *Office of the Attorney General, Dublin, Ireland*

Implementing the UN Declaration on the Rights of Indigenous Peoples

Joint session with the Indigenous Peoples Committee.

Session Co-Chairs

Liam O'Daly

Russell Raikes *Cohen Highley LLP, London, Ontario, Canada; Chair, Indigenous Peoples Committee*

This programme will examine the public law aspects of implementation of the UN Declaration on the Rights of Indigenous Peoples, which was passed in 2007. What are the challenges in implementing the rights contained in this Declaration? What are the implications for indigenous peoples of this Declaration? To what extent can the Declaration influence domestic law? This programme will examine these issues and others on this very important subject.

Speakers

Dean Jacobs *Former Chief of a First Nation, Director of the Heritage Centre at Walpole Island First Nation, Wallaceburg, Ontario, Canada*

John Kettle *Mason Hayes & Curran, Dublin, Ireland; Vice-Chair, Public Law Section*

Russell Raikes

Alexandra Xanthaki *Centre for International and Public Law, Brunel University, Middlesex, England*

WEDNESDAY 1000 – 1300

Tirso De Molina A, Meliá Buenos Aires Hotel

The Lisbon Reform Treaty – a European Constitution in all but name?

Session Co-Chairs

John Kettle

Liam O'Daly

The EU Lisbon Reform Treaty was signed on 13 December 2007 and, if ratified by the 27 Member States of the European Union, the new Treaty will bring an end to nearly 15 years of debate since the Treaty of Maastricht on political Europe and reform of the institutions of the European Union. Following the failed referenda on the draft EU Constitutional Treaty in France and the Netherlands in 2005, a 'period of reflection' on the future of Europe was launched 'to reconnect the citizens with the European project' and to decide the fate of the Constitution. At the EU Summit of June 2007, EU leaders managed to overcome their differences and agree on the outlines of a new EU Treaty to replace the EU Constitution. Thereafter the text of the new Treaty was agreed at an Intergovernmental Conference in October 2007, culminating in its signing in Lisbon. The session will discuss the various elements of the new Treaty, including its provisions on justice, foreign affairs and security policy and strengthening of the role of national parliaments. The questions will be asked first, whether, despite the period of reflection, Europe has agreed a European Constitution in all but name when it signed the Lisbon Treaty, and secondly, if so, should this be regarded as a successful and progressive outcome?

Speakers

Scott Megregian *McDermott Will & Emery, London, England*

Liam O'Daly

Ian Rose *Salans, London, England; Chair, Environment, Health and Safety Law Committee*

Gerard van der Wal *Houthoff Buruma, Brussels, Belgium*

WEDNESDAY 1500 – 1800

Poncho, 2nd Floor

Real Estate Section

Council Liaison Officer

John Heaps *Eversheds, London, England*

Chair

Luis Moreno *Haynes & Boone, Mexico City, Mexico*

Hot for hotels

Joint session with the Leisure Industries Section. See page 82 for details.

MONDAY 1000 – 1300

Tirso De Molina A, Meliá Buenos Aires Hotel

Property-related investments

Joint session with the Investment Funds Committee. See page 66 for details.

TUESDAY 1500 – 1800

Retiro B, 1st Floor

Real estate financing in Latin America

Session Co-Chairs

Luis Moreno

Carolina Zang *Estudio Zang, Bergel & Viñes, Buenos Aires, Argentina; Vice-Chair, Real Estate Section*

In this session, the panel will give participants an overview of some of the most important issues on how real estate financing in Latin America works and how it differs from that in other market jurisdictions. Experienced lawyers and industry players will debate the risks and impediments that foreign and local capital face when investing into real estate, and how these may be overcome, with special focus on which types of financing structures are available and which are being used for different types of real estate products, including time share, fractional, and others. The morning panel will also focus on how to make mortgage backed securities attractive to international and local investors, in what sectors are international and domestic funds investing, and what are the opportunities for joint ventures between international and domestic entrepreneurs. The panel will also discuss other hot topics in the field, ending with an interesting discussion on how the Latin American real estate business culture is evolving, including selected recent developments and trends.

Speakers

Carlos T Albarracín *Chadbourne & Parke LLP, New York, USA*

Jorge Cruces *IRSA Inversiones y Representaciones SA, Buenos Aires, Argentina*

Lisa Dale Al Tamimi & Company, Dubai, United Arab Emirates

Didier de Vlieghe *NautaDutilh, Brussels, Belgium; Council Member, European Forum*

Clarisa Estol *Banco Hipotecario SA, Buenos Aires, Argentina*

Pii Ketvel *Clyde & Co LLP, London, England; Co-Chair, European Forum*

Bernat Mullerat *Cuatrecasas, Barcelona, Spain*

Jorge Wahl *Allesandri & Compañía, Santiago, Chile*

WEDNESDAY 1000 – 1300

Tirso De Molina B, Meliá Buenos Aires Hotel

Buenos Aires real estate tour

The goal of the tour is to get a closer 'on-site' approach to recent developments that have taken place in the real estate arena in the city of Buenos Aires, Argentina's main urban conglomerate. We will discuss the main trends prevailing in the industry, while observing the pipeline of past and future projects of the major real estate players.

Starting with the Puerto Madero area, we will discuss the most significant trends that have given shape to this part of Buenos Aires, converting it into an upscale residential community. We will then turn to what is going on in the premium office rental market, ending up with a visit to the main residential and shopping mall areas.

The tour will take about 2½ hours and will be hosted by Esteban Grinberg, Irsa Inversiones y Representaciones Sociedad Anónima, Carolina Zang and Pablo Vergara del Carril, Investor Relations Officer at Zang, Bergel & Viñes, who will note the legal aspects involving such developments.

To register for the tour please visit the Speakers Desk on Registration, where you can add your name to the list.

WEDNESDAY 1430 – 1730

Taxation Section

Council Liaison Officers

Jaime Carey *Carey y Cia, Santiago, Chile*

Sylvia Khatcherian *Morgan Stanley, New York, USA; IBA Treasurer*

Rationalising Latin American ownership structures

Session Co-Chairs

Ricardo Luiz Becker *Pinheiro Neto Advogados, São Paulo, Brazil*

Matias Olivero *Vila Bruchou Fernández Madero & Lombardi, Buenos Aires, Argentina*

In recent years, foreign direct investments in Latin American countries have become increasingly significant, moved not only by multinational groups' strategic decisions but also by acquisitions made by private equity funds. Also, cross-border investments between Latin American countries are boosting a pan-regional approach, resulting in a centralisation of decisions and resources (services, finance and intangibles) in actual headquarters and service-orientated entities.

Against this background, the session will focus on the structuring of investments in Latin America from a tax perspective, especially looking from the ownership standpoint (holding participations and financing acquisitions) but without forgetting other important aspects such as opportunities derived from managing common intangibles and sharing services.

Speaker

Fernando Barros *Barros & Errázuriz, Santiago, Chile*

Francisco Castillo *Hoet Pelaez Castillo & Duque, Caracas, Venezuela*

Gonzalo Rodés *Rodés y Sala Abogados SL, Barcelona, Spain*

Ricardo León Santacruz *Sánchez-DeVanny Eseverri, SC, Monterrey, Mexico*

Juan Pablo Triana *Triana Uribe & Michelsen, Bogota, Colombia*

Gordon Warnke *Dewey & Leboeuf LLP, New York, USA*

MONDAY 1000 – 1300

Martín Fierro II, 2nd Floor

A DINNER will be held for section members and guests.

See page 125 for details.

TUESDAY 2100

Individual Tax and Private Client

Chair

Christopher Potter *Jones Day, Paris, France*

I know we'll use a foreign trust – recognition and acceptance of foreign trusts

Session Co-Chairs

Roxana Kahale Kahale *Abogados, Buenos Aires, Argentina;*
Secretary, Women Lawyers' Interest Group; Website Officer,
Individual Tax and Private Client Committee

Christopher Potter

This panel will explore the use of foreign trusts by residents of jurisdictions some of which may not have a domestic trust or comparable domestic institution. The panellists will discuss current practice in a number of jurisdictions, including in particular Latin American jurisdictions, and the legal pitfalls and uncertainties that this practice may create.

Speakers

Alexandre Andrade *C Cruz Advogados e Associados, Lisbon, Portugal*
 Stan Barg *Duane Morris LLP, Philadelphia, Pennsylvania, USA*
 Urs Feller *Prager Dreifuss, Zurich, Switzerland*
 Nicolas Procopio *Rosso Alba Francia & Ruiz Moreno, Buenos Aires, Argentina*
 Jutta Schneider *Clifford Chance, Frankfurt am Main, Germany*

WEDNESDAY 1000 – 1300

Retiro A, 1st Floor

Big money divorces: prenuptial and post nuptial agreements and trusts – how are they treated in divorce and in different jurisdictions

Joint session with the Family Law Committee. See page 81 for details.

WEDNESDAY 1500 – 1800

Casona A, Meliá Buenos Aires Hotel

Anti-avoidance provisions – another great planning technique bites the dust

Session Co-Chairs

Leigh-Alexandra Basha *Holland & Knight LLP, McLean, Virginia*
 Gerd Kostrzewa *Heuking Kühn Lüer Wojtek, Dusseldorf, Germany;*
Newsletter Editor, Individual Tax and Private Client Committee

This panel will look at the different anti-avoidance legislation applicable to individuals structuring their wealth or affairs. In particular, it will include discussion of rules against deferral techniques (including rules against foreign holding companies and grantor trusts), rules regarding hidden transfers of wealth between generations, and specific local taxes and rules (like the French three per cent tax which strikes tax haven entities which own French property, and which is aimed at preventing hidden ownership by individuals of French properties).

Speakers

Alberto Collado *Garrigues, Barcelona, Spain*
 Michel Collet *CMA Bureau Francis Lefebvre, Neuilly sur Seine, France*
 Ricardo Escobar Calderon *Chilean Tax Authority, Santiago, Chile*
 Scott Newman *Kirkpatrick & Lockhart LLP, New York, USA*
 Leandro Passarella *Estudio Garrido Abogados, Buenos Aires, Argentina; Vice-Chair, Taxes Committee*
 Jose Carlos Silva *Chevez Law Firm, Mexico City, Mexico*
 Guido Vinci *Campos Mello Pontes Vinci & Schiller Advogados, Rio de Janeiro, Brazil*

THURSDAY 1500 – 1800

Poncho, 2nd Floor

Taxes

Co-Chairs

Jack Bernstein *Aird & Berlis LLP, Toronto, Ontario, Canada*
 Jörg Lüttge *Flick Gocke Schaumburg, Bonn, Germany*

Securitisation as an alternate for raising financing and to deleverage for the multinational

Session Co-Chairs

Elinore Richardson *Borden Ladner Gervais LLP, Toronto, Ontario, Canada*
 Peter Maher *A & L Goodbody, Dublin, Ireland*

A securitised financing is a form of structured financing which relies on a predictable stream of revenues from assets which will form the basis for the financing over the period for which the arrangement is put in place. While credit problems arising in respect of mortgage securitisations have attracted press over the past 18 months, securitisations still may be attractive in many jurisdictions as an alternate form of financing for a multinational. Traditionally, securitisations are best known in respect of financings based on such assets as credit card receivables and other fungibles such as accounts receivable. More recently however, securitisation transactions or transactions based on the securitisation model have been implemented to raise funding, relying on assets such as infrastructure project assets, agribusiness assets and emission and clean energy credits. Each new type of assets integrated into a securitisation type structure brings with it its own particular business and tax issues. The session will address several actual market transactions implemented over recent months in the jurisdictions represented on the panel and will focus on both the vehicles used and the particular financial, commercial and income tax and VAT considerations which come to the fore in such transactions when funds are raised by a multinational and/or one or more of its subsidiaries both in domestic and international markets.

Speakers

Celso de Paula Ferreira da Costa *Machado Meyer Sendacz e Opice Advogados, São Paulo, Brazil*
 Andrea Fiorelli *Di Tanno e Associati, Milan, Italy*
 Eric Fort *Arendt & Medernach, Luxembourg*
 Asmus Mihm *Allen & Overy LLP, Frankfurt am Main, Germany*
 David C Miller *Sidley Austin LLP, New York, USA*
 Eric N Roose *White & Case LLP, Tokyo, Japan*
 Julian Tucker *Shearman & Sterling LLP, London, England*

MONDAY 1500 – 1800

Libertador C, 1st Floor

Global trends in direct taxation: part I

Session Co-Chairs

Nikolaj Bjørnholm *Bech-Bruun, Copenhagen, Denmark*

Rebecca Rosenberg *Caplin & Drysdale, Washington DC, USA*

During this half-day session the following two topics will be addressed in the light of recent changes in tax law throughout a number of jurisdictions:

- structuring distribution operations and agency arrangements; and
- global trends in taxation with special focus on thin capitalisation rules and other limitations in the tax deductibility of interest.

Speakers

Ana Alfaro *Mayora Mayora SC, Guatemala City, Guatemala*

Paul Doralt *Dorda Brugger Jordis Rechtsanwälte, Vienna, Austria*

Alex Fischer *Carey y Cía Abogados, Santiago, Chile*

Christina Roman Gaitan *Lewn & Wills, Bogotá, Colombia*

Jon Elvar Gudmundsson *Logos Legal Services, Reykjavik, Iceland*

Ossi Haapaniemi *Hannes Snellman Attorneys at Law Ltd, Helsinki, Finland*

Vince F Imerti *Gowling Lafleur Henderson LLP, Toronto, Ontario, Canada; Website Officer, North American Regional Forum*

Rutger Kriek *Consulco, Nicosia, Cyprus*

Benoît Malvaux *NautaDutilh, Brussels, Belgium*

Paul Moloney *Dillon Eustace, Dublin, Ireland*

Leor Nouman *S Horowitz & Co, Tel Aviv, Israel*

Tonia Pediaditaki *Stavropoulos and Partners, Athens, Greece*

Thomas Pikamäe *Ots & Co, Tallinn, Estonia*

Giancarlo Piva *Facio & Cañas, San José, Costa Rica*

Shreya Rao *Nishith Desai Associates, Mumbai, India*

Nathalie Senechault *Jones Day, Paris, France*

Jakob Skaadstrup Andersen *Gorissen Federspiel Kierkegaard, Copenhagen, Denmark*

Lawrence Sussman *O'Melveny & Myers LLP, Beijing, China*

Fernando Tonanni *Machado Meyer Sendacz e Opice, São Paulo, Brazil*

Fernando M Vaquero *Marval O'Farrell & Marial, Buenos Aires, Argentina*

Dinko Petkov Yordanov *Yordanova Rizova & Partners, Sofia, Bulgaria*

Jiří Zoubek *Vorlíčková & Leitner, Prague, Czech Republic*

TUESDAY 1000 – 1300

Atalaya, 24th Floor

How to allocate benefits derived from mining activities among all stakeholders

Joint session with the Mining Law Committee. See page 60 for details.

TUESDAY 1000 – 1300

Casona A, Meliá Buenos Aires Hotel

Cross-border relocation of companies

Session Co-Chairs

Alex Escoda *Cuatrecasas, Barcelona, Spain*

Riccardo Michelutti *Maisto & Associati, Milan, Italy*

In an increasingly globalised economy, companies are becoming more and more 'mobile' as regards not only the localisation of their business operations but also of their legal (and tax) domiciles. This session will analyse how domestic and international tax rules react to cross-border relocations of companies. We will discuss, among other topics:

- cross-border relocation of the whole company or of a permanent establishment;
- relocation in connection with cross-border mergers;
- recent developments to ease company 'mobility' between EU Member States; and
- cross-border transfer of business functions.

Each issue will be illustrated from the inbound and outbound perspective. The panel will highlight strategies and techniques for minimising the tax burden.

Speakers

Stef Oostvogels *Oostvogels Pfister Feyten, Luxembourg*

Stephan Neidhardt *Walder Wyss & Partners, Zurich, Switzerland*

Harmen van Dam *Loyens & Loeff NV, Rotterdam, the Netherlands*

Cathryn Vanderspar *Berwin Leighton Paisner LLP, London, England*

Carlos Yañez Ortiz Sainz Erreguerena *Mexico City, Mexico*

TUESDAY 1500 – 1800

Tirso De Molina C, Meliá Buenos Aires Hotel

Preservation of tax attributes and basis stepup in M&A transactions

Session Co-Chairs

Jochen Bahns *Flick Gocke Schaumburg, Bonn, Germany*

William Thompson *Minter Ellison, Brisbane, Queensland, Australia*

In an M&A deal, the target company often possesses certain tax attributes that potentially represent future tax savings for an acquirer. These would typically include losses, deductions and credits that are unused but also may include, for example, eligibility for a particular tax regime. Losses or deductions may have been previously realised (triggered) or may be latent (built-in). Various jurisdictions impose limitations on the ability of a buyer to enjoy the benefit of such attributes under certain circumstances. An alternative strategy to enhance the value of an acquisition is to create additional tax basis (recoverable cost) in the target company's assets through a step-up technique. The panel will discuss elective and non-elective approaches to obtaining additional depreciation/amortisation or cost recovery allowances in various jurisdictions in connection with an acquisition.

Speakers

Ding Fa Liu *Jun He Law Offices, Shanghai, China*

Dean Kraus *Stikeman Elliott LLP, Toronto, Ontario, Canada*

Lennart Larsson *Advokatfirman Vinge KB, Gothenberg, Sweden*

Xenia Legendre *Hogan Hartson MNP, Paris, France*

Jeffrey Rubinger *Holland & Knight, Fort Lauderdale, Florida, USA*

WEDNESDAY 1000 – 1300

Libertador A, 1st Floor

Issues arising from transfer pricing adjustments

Session Co-Chairs

Sam Kaywood *Alston & Bird LLP, Atlanta, Georgia, USA*

Gurbachan Singh Khattar Wong, *Singapore; Treasurer, Taxes Committee*

A taxpayer facing a transfer pricing adjustment on audit needs to evaluate a multitude of side effects before agreeing to the adjustment: foreign tax credits and potential double taxation; constructive dividends; deemed distributions and withholding taxes; repatriation or repayment of the adjustment amount; VAT and customs impacts and adjustments; and financial accounting (FIN 48). The panel then will consider techniques and strategies for the taxpayer to address these issues, including competent authority relief, correlative adjustments as well as other planning opportunities.

Speakers

Axel Bödefeld *Oppenhoff & Partners, Cologne, Germany*

Sean Foley *KPMG LLP, Washington DC, USA*

Bruno Gibert *CMS Bureau Francis Lefebvre, Paris, France*

Manuel Sainz Orantes *Chevez Ruiz Zamarripa y Cia SC, Mexico City, Mexico*

WEDNESDAY 1500 – 1800

Atalaya, 24th Floor

In search for, in combat of ... tax arbitrage

Session Co-Chairs

Stephen Shay *Ropes & Gray LLP, Boston, Massachusetts, USA*

Paul Sleurink *De Brauw Blackstone Westbroek, Amsterdam, the Netherlands*

Tax arbitrage – the perceived ability of taxpayers to exploit conflicts in the treatment of the same transaction among different tax regimes – has become an increasingly favoured target of fiscal authorities. This panel, including government and industry representatives, will explore current hotspots in this war, including: unilateral anti-abuse measures (eg, the UK anti-arbitrage rules; reversal of burden of proof; US attacks on supercharging foreign tax credits); the OECD Report on Transparent Entities; and multijurisdictional exchange of information initiatives.

Speakers

Thomas B Akin *McCarthy Tétrault LLP, Toronto, Ontario, Canada*

William Baker *Canada Revenue Agency, Toronto, Ontario, Canada*

Alejandro Fiuza *Marval O'Farrell & Mairal, Buenos Aires, Argentina*

Marco Rossi *Marco Q Rossi & Associati, Genoa, Italy*

THURSDAY 1000 – 1300

Atalaya, 24th Floor

Global trends in direct taxation: part II

Session Co-Chairs

Juan Garanton *Torres Plaz & Araujo, Caracas, Venezuela*

Paulo Nuncio *Garrigues Portugal SL, Lisbon, Portugal*

During this half-day session two topics will be addressed in the light of recent changes in tax law throughout a number of jurisdictions:

- global trends in GAAR and disclosure rules on domestic and cross-border transactions; and
- sky-rocketing oil prices – ups and downs of oil production and consumption taxes and oil prices as means of governmental take and income taxes.

Speakers

Victor M Barajas Barrera *Basham Ringe y Correa SC, Mexico City, Mexico*

Joachim M Bjerke *Bugge Arentz-Hansen & Rasmussen, Oslo, Norway*

Olga Boltenko *Dewey & LeBoeuf LLP, Moscow, Russia*

Leonardo Costa *Edificio Del Fundador, Montevideo, Uruguay*

Tim Desmond *Garlicke & Bousfield Inc, Umhlanga, South Africa*

Jordi Domínguez *Garrigues, Barcelona, Spain*

Christian Ellul *Frances J Vassallo & Associates Limited, Valletta, Malta*

Reto Heuberger *HOmburger, Zurich, Switzerland*

Stuart Hutchinson *Simpson Grierson, Auckland, New Zealand*

Marie Junius Allen & Overy LLP, Luxembourg

Mats Lilja *Advokatfirman Delphi, Stockholm, Sweden*

Andrew Loan *Macfarlanes LLP, London, England*

Adam Mariański *Brzezińska Narolski Mariański Adwokaci, Łódź, Poland*

José Juan Márquez *Fabrega Molino & Mulino, Panama City, Panama*

Lim Pek Bur *Allen & Gledhill, Singapore*

Barbara Pizzoni *Bonelli Erede Pappalardo, Milan, Italy*

David Shapiro *Dechert LLP, Philadelphia, Pennsylvania, United States*

Jeroen Smits *Stibbe NV, Amsterdam, the Netherlands*

Raúl Stolk *Nevett Hoet Peláez Castillo & Duque, Caracas, Venezuela*

Miguel Teixeira de Abreu *Abreu Advogados, Lisbon, Portugal*

Muhammad Uteem *Port Louis, Mauritius*

THURSDAY 1500 – 1800

Atalaya, 24th Floor

Legal Practice Division Fora

African Regional Forum

Council Liaison Officer

Dorothy Ufot *Dorothy Ufot & Co, Lagos, Nigeria*

Chair

Moses Adriko *Masembe Makubuya Adriko Karugaba & Ssekatawa (MMAKS) Advocates, Kampala, Uganda*

A breakfast meeting will be held to discuss matters of concern and interest in the African region.

TUESDAY 0830 – 1000

Dorado Room, The Marriott Plaza Hotel

Can Africa compete? The role of Public Private Partnerships, venture capital, sovereign wealth funds, multilateral and bilateral institutions for accelerated economic growth

Session Co-Chairs

Sam Okudzeto *Sam Okudzeto & Associates, Accra, North Ghana; Council Member, Human Rights Institute; Advisory Board Member, African Regional Forum*

Segun Onakoya *Segun & Segun Legal Practitioners, Lagos, Nigeria; Advisory Board Member, African Regional Forum*

The World Economic Forum's Africa Competitiveness Report for 2007 states that, following years of stagnation, Africa is experiencing an economic resurgence. The report argues that African economies can become far more competitive if African governments and their partners improve access to finance, rebuild infrastructure and strengthen institutions. This session will provide a forum for the discussion and exchange of ideas on the role of Public Private Partnerships, venture capital and private equity, sovereign wealth funds, and the traditional role played by multilateral and bilateral institutions. Speakers will discuss the options and opportunities available.

Speakers

Adesegun Akin-Olugbade *African Finance Corporation, Lagos, Nigeria*

Clare Barclay *Hofmeyr Herbstein & Gihwala Inc, Johannesburg, South Africa*

Wim Dejonghe *Allen & Overy LLP, London, England*

Ayuli Jemide *Detail Commercial Solicitors, Lagos, Nigeria*

Jacob Saah *Saah and Company, Accra, Ghana; Secretary, African Regional Forum*

Francois Serres *Cabinet Francois Serres & Associates, Paris, France*

TUESDAY 1000 – 1300

Tirso De Molina C, Meliá Buenos Aires Hotel

Promoting rule of law in Africa: the role of regional institutions

Session Co-Chairs

Moses Adriko

Justice Richard J Goldstone *Past Justice of the Constitutional Court of South Africa and former Prosecutor for the ICTR and ICTY, Sandton, South Africa; Co-Chair, Human Rights Institute*

The objective of this session is to assess the contribution that regional institutions have made or can make in promoting the rule of law in Africa. Panellists will discuss inter alia the role and record of the African Court on Human and People's Rights and African

Commission on Human and People's Rights. Panellists will also discuss the experience from other regions with a view to identifying the lessons to be learned. Finally, the session will provide a platform for the forum to define its role in building the rule of law across Africa.

Speakers

Fassy Adetokunboh Yusuf *Justice of the Peace, Lagos, Nigeria*

Donald Deya *East Africa Law Society, Arusha, Tanzania*

Deborah Enix-Ross *Debevoise & Plimpton LLP, New York, USA*

Lord Goldsmith QC *Debevoise & Plimpton LLP, Former UK Attorney General, London, England*

Bahame Tom Nyanduga *African Commission on Human and Peoples' Rights, Banjul, Gambia*

TUESDAY 1500 – 1800

Casona B, Meliá Buenos Aires Hotel

The host countries' perspective towards mining investments

Joint session with the Mining Law Committee. See page 61 for details.

TUESDAY 1500 – 1800

Casona A, Meliá Buenos Aires Hotel

A LUNCH will be held for conference delegates.

Speaker

Kalidou Gaido *General Counsel and Director, Legal Services*

Department, African Development Bank, Tunis Belvedere, Tunisia

See page 123 for details.

THURSDAY 1300 – 1500

Florida Rooms, The Marriott Plaza Hotel

Women in development: focus deficiency or cultural barriers, a legal and judicial perspective

Joint session with the Women Lawyers' Interest Group

Session Co-Chairs

Angela Itzikowitz *Edward Nathan Sonnenberg, Sandton, South Africa; Corporate Counsel Forum Liaison Officer, African Regional Forum*

Stella Ugboma *Stella Ugboma & Associates, Lagos, Nigeria; Vice-Chair, Women Lawyers' Interest Group*

This session will provide a unique forum for women judges, lawyers and academics from Africa to discuss their role in development. Panellists will consider whether women have overcome the cultural barriers that appear to exist within the legal profession to contribute to development. The session will also consider whether the 'inability' to make significant contributions to development has arisen from a deficiency in the focus of women. The session will highlight the experience from other regions and consider whether there are any lessons to be learned.

Speakers

Toyin Bashorun *Church-Fields Solicitors, Lagos, Nigeria; Newsletter Editor, African Regional Forum*

Pixie Kasonde-Yangailo *Human Rights Commission, Lusaka, Zambia*

Justice Patricia Mahmoud *High Court of Kano State, Kano, Nigeria*

THURSDAY 1500 – 1800

Tirso De Molina A, Meliá Buenos Aires Hotel

Open business meeting

An open meeting of the African Regional Forum will be held to determine future plans of the forum and to discuss ways to become even more responsive to members.

THURSDAY 1800 – 1900

Tirso De Molina A, Meliá Buenos Aires Hotel

Arab Regional Forum

Council Liaison Officer

Sylvia Khatcherian *Morgan Stanley, New York, USA; IBA Treasurer*

Chair

Hassan Arab *Al Tamimi & Company, Dubai, UAE*

A LUNCH will be held for conference delegates.

Speaker

Sir Anthony Evans *The Honourable Chief Justice of the DIFC Courts, Dubai, United Arab Emirates*

See page 121 for details.

MONDAY 1300 – 1500

Dorado Room, The Marriott Plaza Hotel

Open business meeting

An open meeting of the Arab Regional Forum will be held to determine future plans of the forum and to discuss ways to become even more responsive to members.

MONDAY 1700 – 1800

Martín Fierro II, 1st Floor

Asia Pacific Forum

Council Liaison Officers

Masahiro Shimojo *Nishimura & Asahi, Tokyo, Japan*

Zhang Hongjiu *Jingtian & Gongcheng, Beijing, China*

Chair

Vivien Chan *Vivien Chan & Co, Beijing, China*

Key developments in corporate governance and other laws in Greater China and Asia Pacific countries affecting private equity investors

Joint session with the Private Equity Subcommittee.

Session Co-Chairs

Vivien Chan

David Patrick Eich *Kirkland & Ellis International LLP, Hong Kong SAR*

This session will explore the regulatory impact on:

- control, liquidity and other expectations of cornerstone investors;
- onshore versus offshore investment structures;
- minority shareholder rights;
- management incentivisation;
- use of leverage, hybrid securities and other sophisticated capital structures;
- diligence regarding valuation and other commercial issues; and
- security and remedies in downside scenarios, including insolvency.

Leading private equity lawyers in the Asia Pacific Region will discuss recent trends and legal developments affecting the growth of

private equity investments and some peculiar but customary market norms in respective jurisdictions, as well as case studies illuminating practical issues and 'best practices' for addressing them.

Speakers

Victor Chang *LCS & Partners, Taipei, Taiwan*

Wai King Ng *Wong Partnership, Singapore*

Kenju Watanabe *Skadden Arps Slate Meagher & Flom LLP, Tokyo, Japan*

Jonathan Zhou *Fangda Partners, Shanghai, China*

MONDAY 1500 – 1800

Tirso De Molina A, Meliá Buenos Aires Hotel

A LUNCH will be held for conference delegates.

See page 121 for details.

TUESDAY 1300 – 1500

Florida Rooms, The Marriott Plaza Hotel

Distribution and licensing in Latin America and Asia

Joint session with the International Sales Committee and the Latin American Forum.

Session Co-Chairs

Lisandro A Allende Brons & Salas SC, Buenos Aires, Argentina;

Young Lawyers Liaison Officer, Latin American Regional Forum

Bennet Silverman Katz Wittenberg Levine & Silverman, New York, USA; *Senior Vice-Chair, International Sales Committee*

Kimitoshi Yabuki *Yabuki Law Offices, Tokyo, Japan; Senior Vice-Chair, Asia Pacific Forum; Website Officer, Antitrust Committee*

This session will examine the latest comparative models on conducting distribution and sales of consumer products in Latin America and Asia, with emphasis on regulatory compliance, tax-saving mechanisms, common pitfalls and protective safeguards against distributors and local business partners.

Practical examples will be raised by the speakers with creative ideas to overcome seemingly incurable obstacles in doing business legitimately and profitably.

Speakers

Miguel Jauregui *Jauregui Navarrete y Nader SC, Mexico City, Mexico*

Jay K Lee *Yoon Yang Kim Shin & Yu, Seoul, South Korea*

Alberto Lasheras-Shine *Estudio Beccar Varela, Buenos Aires, Argentina; Vice-Chair, Corporate and M&A Law Committee*

Luiz Fernando Sant'Anna *Demarest e Almeida Advogados, São Paulo, Brazil*

Amir Singh Pasrich *International Law Affiliates, New Delhi, India; Vice-Chair, Asia Pacific Forum*

John Young *Warner Norcross & Judd LLP, Southfield, Michigan, USA*

TUESDAY 1500 – 1800

Atalaya, 24th Floor

Acquiring regulated investments in Asia and the Pacific – overcoming the regulatory hurdles and controlling your JV partners

Joint session with the Corporate and M&A Law Committee.

Session Co-Chairs

Felix Ehrat *Baer & Karrer AG, Zurich, Switzerland; Co-Chair, Corporate and M&A Law Committee*

George Ribeiro *Vivien Chan & Co, Hong Kong SAR; Publications Officer Corporate and M&A Law Committee and Chair, Complex Acquisitions Subcommittee*

The session will examine regulatory prohibitions against foreign control in once sacred industries in Asia/Pacific countries, common and new modes of investment structures adopted by foreign investors to secure control, including over voting power, business scope and diversification, application of funds and income

distribution. The speakers will also address the usual pitfalls and how new laws and practice increase exposure or may be interpreted to overcome the same.

Speakers

Manuel Adroque *Estudio Beccar Varela, Buenos Aires, Argentina*

Brendon Carr Hwang Mok Park PC, Seoul, South Korea

Clare Grayston Nabarro LLP, London, England

Saroj Kumar Jha *Fox Mandal Little, New Delhi, India*

Timothy Massad *Cravath Swaine & Moore LLP, New York, USA*

Takashi Toichi *Anderson Mori & Tomotsune, Tokyo, Japan*

WEDNESDAY 1500 – 1800
Catalinas, 1st Floor

Understanding how Asian employment law applies to and affects foreign expatriates seconded to work in MNCs' Asian operations

Joint session with the Employment and Industrial Relations Law Committee.

Session Co-Chairs

Dominic Hui *Vivien Chan & Co, Shanghai, China*

Johan Lubbe *Jackson Lewis LLP, White Plains, New York, USA;*

Development Officer, Employment and Industrial Relations Law Committee

Leading practitioners from North America, Europe and major Asian countries will lead an interactive session on how employers may best structure employment relationships with staff seconded to work in Asia. The legal and practical do's and don'ts and best practices pertaining to foreign employment in Asia and ramifications of tax and benefit issues and incentive, profit sharing and stock option programmes will also be reviewed.

Also to be discussed will be how global employers can best protect confidential company business information when operating businesses in Asia and/or assigning managers to work in Asia, review of enforceability of restrictive covenants, dual employment contracts, and jurisdiction of home country or local courts for resolving disputes.

Speakers

Darren Gardner *Seyfarth Shaw LLP, San Francisco, California, USA*

Manishi Pathak *Kochhar & Co, New Delhi, India; Communications*

Officer, Employment and Industrial Relations Law Committee

Vikram Shroff *Nishith Desai Associates, Mumbai, India*

Henry S Shyn *Yoon Yang Kim Shin & Yu, Seoul, South Korea; Vice-Chair, Asia Pacific Forum*

Hideki Thurgood Kano *Anderson Mori & Tomotsune, Tokyo, Japan*

Daniel Vitolo *Vitolo Abogados, Buenos Aires, Argentina*

Jason Wu *Justus Law Offices, Taipei, Taiwan*

Leonard Yeoh *Tay & Partners, Kuala Lumpur, Malaysia*

FRIDAY 1000 – 1300
La Pampa, 1st Floor

Corporate Counsel Forum

Council Liaison Officers

Jan Eijbouts *Consultant Business Law and Mediation, Amsterdam, the Netherlands; Co-Chair, Corporate Social Responsibility Committee*

Sylvia Khatcherian *Morgan Stanley, New York, USA; IBA Treasurer Senior Co-Chair*

James Brumm *Mitsubishi International Corporation, New York, USA Co-Chair*

Henry Horbaczewski *Reed Elsevier Inc, New York, USA*

Ethics in-house: responsibilities, duties and privilege(s) for in-house counsel

Session Co-Chairs

James Brumm

Henry Horbaczewski

The Corporate Counsel Forum has been considering and discussing the pros and cons of an international code of conduct for in-house lawyers for some time. At the CCF Frankfurt conference an outline for such a code, in the form of a specific in-house counsel chapter to the IBA Code of Ethics, has been presented and reviewed. On the basis of the discussions a first draft for the chapter will be presented and discussed at this session as part of a general discussion of ethics in-house. In this context attention will also be given to the issue of in-house counsel privilege. The decision of the Court in the *Akzo Nobel* case denying privilege for in-house lawyers raises serious issues for companies to get valuable legal advice from their legal departments and inevitably shapes the way that companies operate and manage legal risks. A panel of distinguished speakers will discuss the consequences of this decision and other related areas of concern on privilege issues and its erosion as well as the impact 'whistleblowing' has on in-house counsel.

Speakers

Jan Eijbouts

Kristina Nordlander *Sidley Austin LLP, Brussels, Belgium*

Mysore Prasanna *Aditya Birla Group, Mumbai, India*

Christof Swaak *Stibbe, Amsterdam, the Netherlands*

MONDAY 1000 – 1300
Atalaya, 24th Floor

Open forum – identification of issues common to corporate counsel

This open forum will provide delegates with the opportunity to participate in a facilitated session with officers of the Corporate Counsel Forum to identify issues common to in-house counsel across jurisdictions and to discuss them.

MONDAY 1300 – 1400
Atalaya, 24th Floor

Ethics in arbitration for counsel and arbitrators

Joint session with the Arbitration Committee. See page 52 for details.

MONDAY 1500 – 1800
Libertador B, 1st Floor

CSR, a matter of principle(s), law(s) or both? CSR with a special focus on human rights, in legal perspective

Joint session with the Corporate Social Responsibility Committee.
See page 105 for details.

TUESDAY 1000 – 1800

Gómez Losada, 2nd Floor

What Latin American general counsel expect from European lawyers

Joint session with the European Forum. See page 97 for details.

WEDNESDAY 1000 – 1300

Atalaya, 24th Floor

Risking it all: how should a company respond to allegations that senior management have been involved in bribery and corruption?

Session Chair

Duncan Wiggetts PricewaterhouseCoopers, The Hague, the Netherlands; Vice-Chair, Corporate Counsel Forum

An exclusive screening of a movie drama produced by PricewaterhouseCoopers showing how an Audit Committee, senior management, legal advisors and auditors of a fictitious company react to bribery allegations, showing what could go wrong if poor decisions are made by the key stakeholders, or the wrong advice is given by the key advisors, at critical moments. The film (30 minutes) breaks into three parts and forms the basis for an interactive workshop exploring what should have been done differently, by whom and in what way? Issues raised by the film will also be the subject of valuable contributions from a panel of speakers who have expertise and experience in dealing with similar crises at companies and who will provide different and interesting perspectives on what is required to be done to put a company in the best possible position at the end of the crisis. Among the issues for discussion will be the independence of the external investigation team from the perspective of regulators and auditors, what impact the General Counsel of companies can have on companies achieving the best possible outcome and a focus on the increasing personal risks (regulatory/criminal) for all of the actors in such crises in addition to the company itself.

Speakers

Jan Eijssbouts

Lord Goldsmith QC Debevoise & Plimpton LLP, Former UK Attorney General, London, England

Beat Hess General Counsel of Royal Dutch Shell, London, England

Lawrence Keeshan Heller Ehrman LLP, Former Global General Counsel of PricewaterhouseCoopers, San Francisco, California, USA

Colleen Mahoney Skadden Arps Slate Meagher & Flom LLP, Former SEC Deputy Director of Enforcement, Washington DC, USA

John Weinkopf Assistant General Counsel, Vale, Rio de Janeiro, Brazil

Wednesday 1500 – 1800

Martín Fierro I, 2nd Floor

Conflict management and dispute resolution

Joint session with the Litigation Committee. See page 56 for details.

THURSDAY 1530 – 1800

Libertador B, 1st Floor

Electronic discovery and cross-border issues related to corporations

Session Chair

James Brumm

Electronic discovery poses significant IT and management cost burdens on corporations that can distort the approach normally taken in evaluating how to proceed with a litigation and whether to litigate or settle due to the expense involved. It also can require production of electronic documents in other jurisdictions where the corporation, its parent, subsidiaries and affiliates operate and result in surprise and conflict with the evidentiary rules of those jurisdictions. A distinguished panel will discuss this growing problem and propose ways to prepare for and handle electronic discovery and related issues.

Speakers

Courtney Barton Crowell & Moring, Washington DC, USA

David Castro Hess Oil, Houston, Texas, USA

Janet Lambert Barlow Lyde & Gilbert, London, England

Charles Morgan FTI Consulting, Atlanta, Georgia, USA

Ira Nishisato Borden Ladner Gervais LLP, Toronto, Ontario, Canada

Kwama Vanderpuye SDD Global, New York, USA and New Delhi, India

THURSDAY 1000 – 1300

Poncho, 2nd Floor

A LUNCH will be held for conference delegates.

See page 123 for details.

THURSDAY 1300 – 1500

Fiestas Room, The Marriott Plaza Hotel



Welcomes all IBA delegates to
the IBA Annual Conference 2008

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IBA 2008

European Forum

Council Liaison Officers

Hendrik Haag *Hengeler Mueller, Frankfurt am Main, Germany; Vice-Chair, Legal Practice Division*

Tomasz Wardyński *Wardynski & Partners, Warsaw, Poland*

Co-Chairs

Pii Ketvel *Clyde & Co LLP, London, England*

Dariusz Wasylkowski *Wardynski & Partners, Warsaw, Poland*

Human rights – should they go beyond traditional areas of protection?

Joint session with the Human Rights Institute and Latin American Forum

Session Co-Chairs

Ambassador Emilio J Cárdenas *Former Ambassador of Argentina to the United Nations, Buenos Aires, Argentina; Co-Chair, Human Rights Institute and former IBA President*

The Right Honourable Lord Slynn of Hadley *House of Lords, London, England*

This session is a continuation of the IBA effort to contribute to the development of the scope of human rights protection.

It is our objective to claim that the right to carry on legitimate commercial activity free from abuse by governmental and administrative powers and from abuse by business competitors is a fundamental right which should be embraced by both the European and American Conventions on Human Rights and therefore be given protection by such Conventions.

The abuse of power by governmental institutions is often manifested in the area of commercial rights. Extending the regulatory framework motivates administrative officials to interfere with commercial and industrial activities of investors.

We shall try to examine and define to what extent both Conventions can go beyond traditional areas of protection offered. Can they deal with corporate governance issues, protection of shareholders and minority shareholders? Can they also deal with disputes between foreign investors and administration hosting states? Can they be a venue for such disputes if there are no appropriate bilateral investment treaties?

We shall try to discuss all these issues, which are becoming of ever and increasing importance in a globalised economy.

Speakers

Ramiro Guevara *Guevara & Gutiérrez SC La Paz, Bolivia*

Marcin Radwan-Rohrenschef *Wardynski & Partners, Warsaw, Poland*

Francisco Orrego Vicuña *Francisco Orrego Vicuña y Compania, Santiago, Chile*

Jonathan Wood *Clyde & Co LLP Guildford, England*

MONDAY 1000 – 1300

Ombú II, 2nd Floor

A LUNCH will be held for conference delegates.

See page 121 for details.

MONDAY 1300 – 1500

Fiestas Room, The Marriott Plaza Hotel

Soccer: players' transfers and clubs' takeovers – business operations and disputes around the sport of soccer

Joint session with the Section on Insolvency, Restructuring and Creditors' Rights (SIRC) and the Latin American Forum.

Session Co-Chairs

Michele Bernasconi *Baer & Karrer AG, Zurich, Switzerland*

Marcelo Bombau *M&M Bomchil, Buenos Aires, Argentina*

Eugenio Hurtado *Capin Calderón Ramírez y Gutiérrez-Azpe SC, Mexico City, Mexico; Newsletter Editor, Latin American Regional Forum*

Daniel Roque Vitolo *Vitolo Abogados, Buenos Aires, Argentina*

International transfers of football (soccer) players from a club to a new club raise several very delicate issues in the highly international and competitive football world market: the drafting of the transfer contracts, the receipt of all the necessary permits, the negotiation of the new agreements with the players, etc. Very often all of this leads to complicated and hard-fought disputes between clubs as well as between clubs and players.

Besides the investment in players, a fairly recent development is the increasing interest shown by investors, keen to invest either in the best players or in taking over clubs.

The session will handle both these aspects and a panel of international experts will look at the legal aspects and address the special role for lawyers in this kind of transaction. Finally, a famous player, winner of the World Cup with the national team of Argentina, will provide the audience with a unique report on the inside aspects and on his personal experience.

Speakers

Oswaldo Ardiles *Former Argentinean National Player, Winner of the 1978 FIFA World Cup, London, England*

Fernando Ramos Lopez *Board of the Deportivo Toluca Fútbol Club, Mexico*

Claudio Marangoni *Former Argentinean National Player, Founder of the Escuela Modelo de Fútbol y Deportes, Buenos Aires, Argentina*

Marcos Motta *Attorney at law, Rio de Janeiro, Brazil*

Omar Ongaro *Head of the Player Status Committee of FIFA, Zurich, Switzerland*

Daniel Posse *Posse Herrera & Ruiz, Bogotá, Colombia*

Pablo Vergara del Carril *Zang Bergel & Viñes, Buenos Aires, Argentina*

MONDAY 1500 – 1800

Martín Fierro II, 2nd Floor

Cross-border M&A transactions: state's interests versus European rules

Joint session with the Corporate and M&A Law Committee.

Session Co-Chairs

Mario Siragusa *Cleary Gottlieb Steen & Hamilton LLP, Rome, Italy*

Jacques Buhart *Herbert Smith LLP, Paris, France*

An increasing number of cross-border M&A transactions is challenged by national governments – and not only in the name of 'the state's interests'. Examining recent cases, the panel will explore the pros and cons of the 'state's interests' argument in the light of the EU regulations.

Speakers

Carles Esteve Mosso *Head of Unit C5 – Mergers, European Commission, Brussels, Belgium*

Eduarne Navarro Varona *Uría Menéndez, Brussels, Belgium*

TUESDAY 1500 – 1800

Martín Fierro II, 2nd Floor

What Latin American general counsel expect from European lawyers

Joint session with the Corporate Counsel Forum.

Session Chair

Pedro Freitas *Rio de Janeiro, Brazil*

Over the last few years, the large Latin American companies have become very significant players in the European and global markets and important clients for a number of European law firms. In this session, the senior counsel of large Latin American companies with extensive international operations will be sharing their views on how the European lawyers should best target and service the larger Latin American companies. It is hoped that the session will provide a good platform for European lawyers to understand the needs of this important market.

Speakers

Carlos Cesar Borromeu de Andrade *Petrobras Petroleo Brasileiro, Rio de Janeiro, Brazil*

Alexandre D'Ambrosio *Grupo Votorantim, São Paulo, Brazil*

Adriano Juca Construtora Norberto Odebrecht SA, São Paulo, Brazil

Arturo Pera *Total Argentina, Buenos Aires, Argentina*

WEDNESDAY 1000 – 1300

Atalaya, 24th Floor



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the IBA Annual Conference 2008

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IBA 2008

Latin American Regional Forum

Council Liaison Officer

Maira Huggard-Caine *TozziniFreire Advogados, São Paulo, Brazil*

Co-Chairs

Daniel Del Rio *Basham Ringe y Correa SC, Mexico City, Mexico*

Guido Tawil *M & M Bomchil, Buenos Aires, Argentina*

Latin American private equity and hedge funds

Joint session with the Private Equity Subcommittee and the Private Investment Funds Subcommittee.

Session Co-Chairs

Marcelo Barbosa *Vieira Rezende Barbosa e Guerreiro, Rio de Janeiro, Brazil; Vice-Chair, Latin American Regional Forum*

Nicolás Piaggio *Guyer & Regules, Montevideo, Uruguay;*

Conference Coordinator, Corporate and M&A Law Committee

After a hiatus of several years, Latin American private equity, real estate and hedge funds marketed to international investors are experiencing a resurgence. Billions of dollars are being raised by both local and international sponsors for a wide variety of alternative investment strategies that often mirror developments in other parts of the world (such as infrastructure and agri-business).

The competition amongst private equity firms to identify and close deals with companies with higher potential, added to the increasing familiarity of local entrepreneurs with the PE investment structures has contributed to a growing degree of sophistication of the deals.

This panel takes a fresh, comprehensive and practical look at 'Latin America 2.0', examining the recent trends for alternative investment funds in the region plus an update on traditional issues (as a result of changes in law and in the environment generally).

Speakers

Jonathan Bisgaier *Skadden Arps Slate Meagher & Flom LLP, New York, USA*

Jean Paul Farah *Ritch Mueller SC, Mexico City, Mexico*

Carlos J Garcia *DLJ South American Partners, Buenos Aires, Argentina*

Michael A Gerstenzang *Cleary Gottlieb Steen & Hamilton LLP, New York, USA*

Christian Hoedl *Uriá Menendez, Madrid, Spain; Secretary, Private Equity Subcommittee*

Marco Masotti *Paul Weiss Rifkind Wharton & Garrison LLP, New York, USA*

Christopher D Meyn *Gávea Investimentos, Rio de Janeiro, Brazil*

MONDAY 1000 – 1300

Libertador A, 1st Floor

Human rights – should they go beyond traditional areas of protection?

Joint session with the European Forum. See page 96 for details.

MONDAY 1000 – 1300

Ombú II, 2nd Floor

Soccer: players' transfers and clubs' takeovers – business operations and disputes around the sport of soccer

Joint session with the European Forum. See page 96 for details.

MONDAY 1500 – 1800

Martín Fierro II, 2nd Floor

Court support for arbitration in the Americas and the role of public law

Joint session with the Arbitration Committee. See page 53 for details.

TUESDAY 1000 – 1300

Libertador B, 1st Floor

Show me the money: representing the athlete and sport franchise

Joint session with the Leisure Industries Section. See page 83 for details.

TUESDAY 1000 – 1300

El Aguila, 24th Floor

A LUNCH will be held for conference delegates.

See page 121 for details.

TUESDAY 1300 – 1500

Fiestas Room, The Marriott Plaza Hotel

Distribution and licensing in Latin America and Asia

Joint session with the Asia Pacific Forum. See page 93 for details.

TUESDAY 1500 – 1800

Atalaya, 24th Floor

The host countries' perspective towards mining investments

Joint session with the Mining Law Committee. See page 61 for details.

TUESDAY 1500 – 1800

Casona A, Meliá Buenos Aires Hotel

A TOUR and DINNER will be held with the Leisure Industries Section, Media Law Committee and Young Lawyers' Committee for members and guests.

See page 125 for details.

TUESDAY 1830

PPPs in Latin America: what is working and what is not

Joint session with the International Constructions Projects Committee. See page 60 for details.

WEDNESDAY 1000 – 1300

Martín Fierro I, 2nd Floor

Open business meeting

An open meeting of the Latin American Regional Forum will be held to determine future plans of the forum and to discuss ways to become even more responsive to members.

WEDNESDAY 1500 – 1700

San Telmo, Ground Floor

Competition issues on regulated industries: access to essential facilities in emerging markets

Joint session with the Antitrust and Trade Law Section Committee. See page 45 for details.

THURSDAY 1500 – 1800

La Pampa, 1st Floor

Securitisation in the Americas: legal problems and opportunities

Joint session with the Section on Insolvency, Restructuring and Creditors' Rights (SIRC).

Session Co-Chairs

Ben Floyd Munsch Hardt Kopf & Harr PC, Houston, Texas, USA

Francisco J Illanes Cariola Díez Pérez-Cotapos & Cia Ltda, Santiago, Chile

This session will describe the main securitisation products (from a business and legal perspective) and the problems that have taken place in the financial markets, including possible legal remedies and future solutions. We will consider how to raise money with these products, while protecting all the parties involved (originators, advisors, investors, creditors etc), in a practical and interactive session.

Speakers

Don De Amicis Ropes & Gray LLP, Boston, Massachusetts, USA

Emil Arca Dewey & LeBoeuf LLP, New York, USA

J William Boone Alston & Bird LLP, Atlanta, Georgia, USA

Penelope L Christophorou Cleary Gottlieb Steen & Hamilton LLP, New York, USA

Jeremy Feigelson Debevoise & Plimpton LLP, New York, USA

Michael Feldman Torys LLP, Toronto, Ontario, Canada

Stuart Fleischmann Shearman & Sterling LLP, New York, USA

Eduardo Mayora Mayora & Mayora SC, Guatemala City, Guatemala

Alfredo Rovira Brons & Salas, Buenos Aires, Argentina

THURSDAY 1500 – 1800

Retiro A, 1st Floor

Schemes for dealing with the energy crisis in the Americas

Joint session with the Power Law Committee and the Project Finance Subcommittee.

Session Co-Chairs

Carlos Umaña Brigard & Urrutia Abogados SA, Bogota, Colombia;

Co-Chair, Power Law Committee; Council Member, Section on Energy, Environment, Natural Resources and Infrastructure (SEERIL)

Claudio Undurraga Prieto y Cia, Santiago, Chile; Vice-Chair, Latin American Regional Forum

Various countries in America, and especially in South America, are suffering an important energy crisis, whose origin can be found in the exhaustion of reserves, the lack of investments, insufficient infrastructure and/or unexpected rapid economy growth. At the same time the price of fuels has escalated and this has motivated producing countries to renegotiate their exploitation agreements of hydrocarbons. Rising costs have pushed generators to renegotiate or litigate agreements for the supply of electricity. The panel will analyse the strategies followed by governments and companies to deal with this crisis, whether from its favourable or adverse side.

Speakers

Gilberto Giusti Pinheiro Neto Advogados, São Paulo, Brazil

Héctor Huici M & M Bomchil, Buenos Aires, Argentina

María Teresa Quiñones Rodrigo Elias & Medrano Abogados, Lima, Peru; Website Officer, Latin American Regional Forum

Gabriela Rachadell Macleod Dixon SC, Caracas, Venezuela

Hugh Rudnick Systep Ingeniería y Diseños, Santiago, Chile

Gerardo Varela Cariola Díez Pérez-Cotapos & Cia Ltda, Santiago, Chile

William D Wood Fulbright & Jaworski LLP, Houston, Texas, USA

FRIDAY 1000 – 1300

Retiro A, 1st Floor

North American Regional Forum

Council Liaison Officer

David W Rivkin Debevoise & Plimpton LLP, New York, USA; Chair,
Legal Practice Division

Co-Chairs

Jon Grouf Duane Morris LLP, New York, USA

Henri Alvarez Fasken Martineau DuMoulin LLP, Vancouver, British
Columbia, Canada

A LUNCH will be held for conference delegates.

Speaker

Former President Luis Alberto Lacalle of Uruguay

See page 121 for details.

MONDAY 1300 – 1500

Florida Rooms, The Marriott Plaza Hotel

Court support for arbitration in the Americas and the role of public law

Joint session with the Arbitration Committee. See page 53 for details.

TUESDAY 1000 – 1300

Libertador B, 1st Floor

The intersection of the credit markets and insolvency

Joint session with the Section on Insolvency, Restructuring and Creditors' Rights (SIRC). See page 72 for details.

TUESDAY 1000 – 1300

Retiro A, 1st Floor

PPPs in Latin America: what is working and what is not

Joint session with the International Construction Projects Committee. See page 60 for details.

WEDNESDAY 1000 – 1300

Martín Fierro I, 2nd Floor

Lessons from the school of hard knocks: extraterritorial reach of North American laws on multinational corporations (for litigators and business lawyers)

Session Co-Chairs

Jon Grouf

James M Klotz Miller Thomson LLP, Toronto, Ontario, Canada;
Council Member, Public and Professional Interest Division and Vice-Chair, Bar Issues Commission

This session will be of interest to business lawyers and litigators and will address the following:

- Trading with the Enemy Act and OFAC;
- Patriot Act;
- Foreign Corrupt Practices Act;
- Export controls (Export Administration Act and International Emergency Economic Powers Enhancement Act);
- FINSA (Foreign Investment and National Security Act of 2007);
- US judicial system (punitive damages; class action; contingent fee arrangements; discovery; jury system; piercing the veil);
- ATCA (Alien Tort Claims Act);
- Special Economics Powers Act;
- FEMA (Foreign Extraterritorial Measures Act);
- Investment Canada Act; and
- Blocking legislation.

Speakers

Pedro Aguilar de Freitas Companhia Vale de Rio Doce, Rio de Janeiro, Brazil; *Vice-Chair and Advisory Board Member, Corporate Counsel Forum Advisory Board and Corporate Counsel Forum Liaison Officer, Latin American Regional Forum*

James R Bell Talisman Energy Inc, Calgary, Alberta, Canada; *Vice-Chair and Corporate Counsel Forum Liaison Officer, North American Regional Forum*

Martin I Kaminsky Pollack & Kaminsky, New York, USA

Paul M Lalonde Heenan Blaikie LLP, Toronto, Ontario, Canada

Joel Simon Simon Gluck & Kane LLP, New York, USA; Co-Chair,
International Sales Committee

THURSDAY 1500 – 1800

Retiro C, 1st Floor

"Every international investment bank in Asia is worried about retail investors gambling with structured finance"

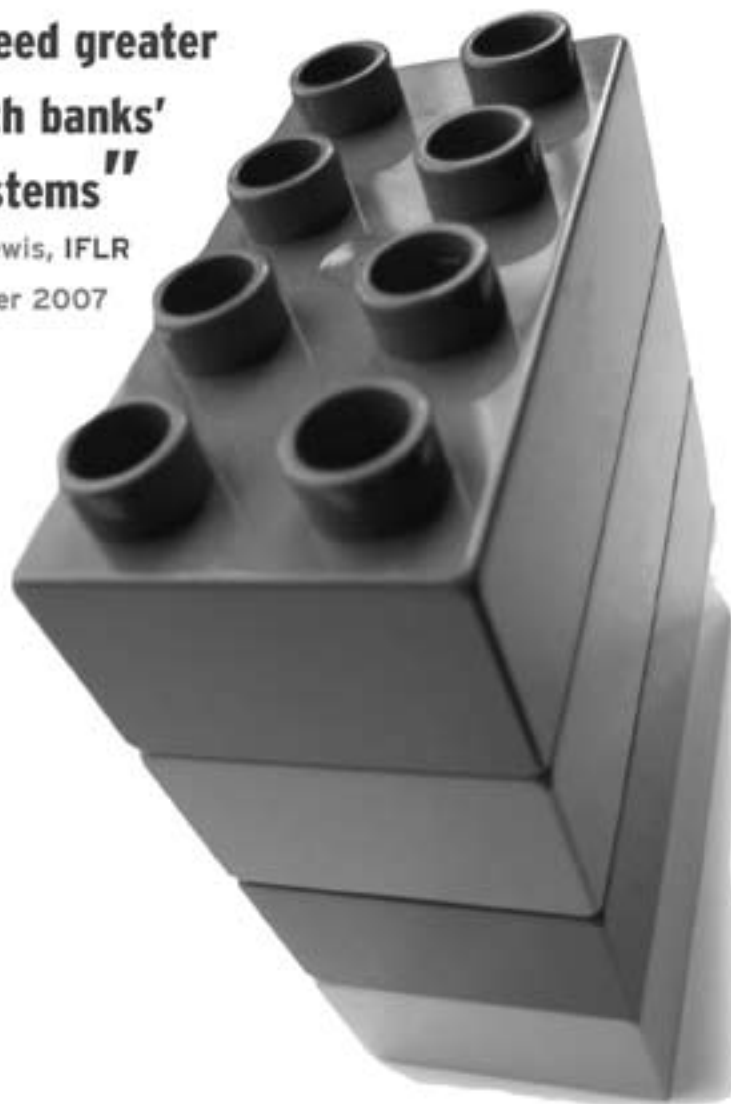
Read IFLR Asia editor Tom Young, IFLR November 2007

"Ratings agencies do not need greater regulation. The fault lies with banks' internal risk assessment systems"

Read Robert Falkner of Morgan Lewis, IFLR
November 2007

"Structured finance will only survive if sellers go beyond their legal obligations in educating investors"

Read IFLR reporter Daniel
Andrews, IFLR September 2007



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Working Sessions

Public and Professional Interest Division

Academic and Professional Development Committee

Council Liaison Officer

Neil Gold *University of Windsor, Windsor, Ontario, Canada*

Co-Chairs

Richard Eitel Carter *ALI-ABA, Philadelphia, Pennsylvania, USA*

Geoff Monahan *Faculty of Law, University of Technology, Sydney, New South Wales, Australia*

Ensuring the future success of your firm: choosing and training your partners

Session Chair

Richard Eitel Carter

Partners in modern law firms need to be experts in their chosen field of practice AND to be effective business managers. Therefore, choosing the associates with the right skills to become partners, preparing them for partnership, and then, after promotion, continuing to train them to manage the business effectively are all essential steps for ensuring the firm's future success.

The existing partners need to plan ahead with these objectives in mind. The current associates need to understand what is expected of them so they can position themselves to maximise their chances of promotion.

In this session, we will look at:

- the path to partnership – selecting partners (identifying criteria, choosing candidates and determining decision-making processes) and preparing candidates for promotion (looking at training programmes, mentoring structures and leadership development); and
- training for partners – creating management development training curricula for partners at different stages in their careers, integrating laterally-hired partners and training newly-appointed partners in client management.

Speakers

Maximo Bomchil *M & M Bomchil, Buenos Aires, Argentina;*

Communications Officer, Law Firm Management Committee

Ann Dalsin *Gilliss Valla & Dalsin LLP, Lafayette, California, USA*

Thomas Weimann *Clifford Chance, Düsseldorf, Germany*

MONDAY 1000 – 1300

Tirso De Molina B, Meliá Buenos Aires Hotel

Cost-effective ways to train and develop your lawyers

Session Chair

Ida Abbott *Ida Abbott Consulting, Oakland, California, USA; Vice-Chair, Academic and Professional Development Committee*

This programme will examine how small law firms can ensure that their junior lawyers are receiving the training, development opportunities and guidance they need to become effective, responsible and profitable legal practitioners. Two topics will be featured:

- cost-effective training techniques for small firms: creating training programmes on a shoestring budget; organising professional development consortia among local firms; finding low-cost CLE providers; on-the-job training, mentoring, and coaching; and
- turning business development training into revenue: IBA participation will be used as a case study. Establishing yourself and your firm as capable, dependable, and trustworthy; developing ongoing relationships with potential referral sources; becoming

a preferred provider to whom larger/foreign firms regularly send business; learning the customs and norms that affect lawyer-client communications and relationships across borders and cultures.

Speakers

Shelley Dunstone *Legal Circles, Adelaide, South Australia, Australia*

Sebastian Iribarne *Marval O'Farrell & Mairal, Buenos Aires, Argentina*

TUESDAY 1000 – 1300

Poncho, 2nd Floor

Greenrush or goldrush? What is the role of lawyers in achieving 'success' in environmental law matters?

Joint session with the Environment, Health and Safety Law Committee.

Session Co-Chairs

David McQuoid-Mason *Commonwealth Legal Education Association, Durban, South Africa; Vice-Chair, Academic and Professional Development Committee*

Ian Rose Salans *London, England; Chair, Environment, Health & Safety Law Committee*

South America, in particular the Amazon in Brazil, is the largest repository of oxygen-producing vegetation on the planet. Yet this precious resource is being depleted through illegal and legal activities that destroy the forests, such as illegal logging, agriculture and other developments. Legal activities that contribute to the degradation of the environment are facilitated by lawyers who assist clients in negotiations, contractual arrangements and litigation.

In cases where the ensuing environmental degradation is likely to threaten humankind's very existence should the duties of lawyers go beyond the mere interests of their clients?

What is the role of lawyers in achieving 'success' in environmental law matters? How do we 'win' environmental disputes? Do we only 'win' for our clients or do we also try to 'win' for society? What are the civic obligations of lawyers in environmental issues? Do lawyers have a civic duty outside of their duty to their clients? If so, what is it? What are the most appropriate dispute management strategies in environmental matters? Is it always possible to resolve environmental disputes on a win-win basis? Do we need to advise clients about dispute mechanisms beyond the traditional alternative/ appropriate dispute resolution models?

The session will explore the role of lawyers when representing clients in situations that can cause environmental degradation using a mixture of formal presentations and interactive small group discussions of some of the ethical and legal issues involved.

Speakers

Frank Astill *University of Sydney, Sydney, New South Wales, Australia; Secretary, Academic and Professional Development Committee*

David Estrin *Gowling Lafleur Henderson LLP, Toronto, Ontario, Canada*

Steve Pete *Faculty of Law, University of KwaZulu-Natal, Durban, South Africa*

WEDNESDAY 1000 – 1300

Poncho, 2nd Floor

Plagiarism: a threat to global law firm integrity

Joint session with the Professional Ethics Committee. See page 111 for details.

WEDNESDAY 1700 – 1800

San Telmo, Ground Floor

A BREAKFAST meeting will be held to discuss matters of concern and interest in the academic and professional development field.

THURSDAY 0830 – 1000

Florida Rooms, The Marriott Plaza Hotel

Part-time law – implications for legal practice and education

Session Chair

Frank Astill

This session examines the phenomenon of part-time law and the implications of part-time practice, study and teaching. Law students typically combine work and study. Acting judges and part-time tribunal members have increased dramatically. Academic lawyers often have several professional roles. Retired practitioners and judges are retained as consultants, special investigators and dispute resolvers. Many senior lawyers curtail their working week. Others, including those with children and in similar firms, explore alternatives. What does this pervasive part-time culture mean for the practice and study of law?

Areas and issues to be addressed will include disjunctions between law school programming and student profiles and work practices; discrimination and reduced hours' practice; psychological well-being and balance between work and leisure; alternatives to traditional study and career paths; maintaining quality and collegiality in a casual workplace; and the representation of the legal profession within the law school curriculum.

Speakers

Ida Abbott

Marilyn Freeman *London Metropolitan University, London, England*

Kay Maxwell *University of Wollongong, Wollongong, New South Wales, Australia*

THURSDAY 1000 – 1300

Río de la Plata, 2nd Floor

Anti-Corruption Committee

Council Liaison Officer

Bob Stein *University of Minnesota, Minneapolis, Minnesota, USA; Vice-Chair, Public and Professional Interest Division*

Chair

Homer E Moyer *Miller & Chevalier, Washington DC, USA*

Global update on anti-corruption enforcement

Session Chair

Homer E Moyer

Members of the Anti-Corruption Committee from different regions of the world will give updates on developments in anti-corruption enforcement that have occurred in the last year in their respective regions. Reports may include major enforcement actions, ongoing investigations, new legislation, treaty implementation, national initiatives, recovery of looted assets, and exposés of high level corruption by the media and NGOs. Objectives of the session are information-gathering and information-sharing, so the format will be an open forum, with opportunity for contributions and discussion from the floor.

Speakers

Ethan S Burger *Georgetown University Law Center, Chevy Chase, Maryland, USA*

Dr Kai Hart-Hönig *Dr Kai Hart-Hönig Rechtsanwalt, Wiesbaden, Germany*

William Jacobson *Washington DC, USA*

Sam Porteous *Navigant Consulting INC, Shanghai, China; Vice-Chair, Anti-Corruption Committee*

François Serres *François Serres & Associates, Paris, France; Vice-Chair, Anti-Corruption Committee*

TUESDAY 1500 – 1800

Ombú II, 2nd Floor

A DINNER will be held for committee members and guests.

See page 125 for details

TUESDAY 2030

Recovery of looted assets

Session Chair

Edward Davis *Astigagarra Davis, Miami, Florida, USA; Vice-Chair, Anti-Corruption Committee*

This panel will focus on issues surrounding efforts to recover assets stolen through official corruption and return them to the countries from which they were stolen. Private practitioners and public officials experienced in asset recovery will discuss the challenges of asset recovery and why governments have difficulty recovering looted assets. Panellists will also address the practical, procedural, and legal obstacles of recovering looted assets and how the process could be facilitated. The panel will also discuss the Stolen Asset Recovery (StAR) initiative of the World Bank.

Speakers

Yves Klein *Monfrini Crettol & Associés, Geneva, Switzerland*

Siegbert Lampert *Lampert & Schächle, Vaduz, Liechtenstein*

WEDNESDAY 1500 – 1800

Río de la Plata, 2nd Floor

OAS Inter-American Anti-Corruption Convention developments

Session Chair

Homer E Moyer

Buenos Aires provides the perfect setting for assessing the effectiveness of the OAS Inter-American Anti-Corruption Convention. The Convention was adopted by OAS member countries in 1996, with the goals of promoting the development of laws and regulations to prevent and eradicate corruption and facilitating cooperation among member countries. Enforcement officials and private practitioners from the region will provide an overview of Convention developments since its adoption and will discuss major accomplishments, challenges, and failures of the Convention. The panel will assess whether the Convention, which was the first international legal instrument to address corruption, has reduced corruption in the region and discuss significant cases and investigations.

Speakers

Isabel Galvao Bueno C Franco *Demarest & Almeida, São Paulo, Brazil*

Jorge Garcia-Gonzalez *Organization of American States, Washington DC, USA*

THURSDAY 1500 – 1630

Ombú I, 2nd Floor

Open committee business meeting

An open meeting of the Anti-Corruption Committee will be held to discuss future activities.

THURSDAY 1630 – 1800

Ombú I, 2nd Floor

UN Oil for Food: investigation, prosecution and civil recovery

Session Chair

Monty Raphael *Peters & Peters, London, England*

This session will review this unique initiative by the UN in investigating alleged abuses of its policy to ameliorate the effect of sanctions on the economy of Iraq and its ability to provide the necessities of life and medical services for its population. Naming and shaming in the Volcker Report was followed by a variety of reactions in member states, varying from robust prosecution to conspicuous inaction. Enquiries and cases are ongoing in many countries and the Iraqi Government has now commenced civil proceedings to recover what is alleged to be, 'the largest financial fraud in human history.'

Speakers

Timothy Dickinson *Paul Hastings Janofsky & Walker LLP, Washington DC, USA; Vice-Chair, Anti-Corruption Committee; HRI Council Member*

Paul Gully-Hart *Schellenberg Wittmer, Geneva, Switzerland*

Professor Mark Pieth *University of Basle, Basle, Switzerland*

James Tillen *Miller & Chevalier, Washington DC, USA; Secretary, Anti-Corruption Committee*

FRIDAY 1000 – 1300

Martín Fierro I, 2nd Floor

Bar Issues Commission

Chair

Alejandro Ogarrio *Ogarrio Daguerre SC, Mexico City, Mexico*

BIC welcome meeting

The Bar Issues Commission (BIC) Officers invite new and existing BIC members to join them at a welcome meeting to enable bar leaders to meet with each other at the beginning of the conference week and look at the programme sessions and social events aimed at bar leaders, sharing insight on how to make the most of the conference week.

MONDAY 0845 – 0945

Martín Fierro I, 2nd Floor

Tour of the Bar Association and Law Courts

The local Bar Association, the Colegio de Abogados de la Ciudad de Buenos Aires, has organised a tour of their offices and the Courts in Buenos Aires, providing an insight into their day-to-day operations. Places will be limited and participation will be by ticket, obtainable from the IBA Speaker's Desk on Registration.

MONDAY 1400 – 1700

The International Criminal Court: the role of bar associations and individual practitioners

Joint session with the Human Rights Institute.

Session Chair

Justice Richard J Goldstone *Past Justice of the South African Constitutional Court and former Prosecutor for the ICTR and ICTY, Sandton, South Africa*

2008 marks the tenth anniversary of the Rome Statute, which created the first permanent international court to end impunity for the most serious crimes of international concern. While constituting a giant step in the field of international criminal justice, this institution poses a number of new challenges to the legal profession. For instance, 227 counsels from 110 different nationalities have so far been admitted to the list of counsel eligible to practise before the Court and more will be needed in the future.

In light of the ICC Resolution passed by the IBA Council in October 2007, there is scope for the legal profession to reflect on its involvement in this process. This session intends to provide a fresh assessment of the legal profession's interests as related to the Court and, drawing from experiences in different countries, discuss the role that can be played by bar associations and individual practitioners.

Speakers

Liliana De Marco *International Bar Association, The Hague, the Netherlands*

Fabrizio Guariglia *International Criminal Court, The Hague, the Netherlands*

Michael P Scharf *Case Western Reserve University, Cleveland, Ohio USA*

MONDAY 1500 – 1700

Martín Fierro I, 2nd Floor

The importance of bar associations having Young Lawyers' Committees

Joint session with the Young Lawyers' Committee and AIJA. See page 114 for details.

TUESDAY 1000 – 1130

Martín Fierro I, 2nd Floor

Gender equality in bar associations

Joint session with the Discrimination Law Committee and the Women Lawyers' Interest Group.

Session Co-Chairs

David Lowe *Rudy Exelrod & Zieff LLP, San Francisco, California, USA; Vice-Chair, Discrimination Law Committee*

Mikiko Otani *Otani Law Office, Tokyo, Japan; Young Membership Officer, Family Law Committee*

While many countries have seen progress in the status of women in the legal profession, there still exist many countries where the ratio of women in the whole population of lawyers or partners of law firms remains low. The session will share ideas and good practices based on experiences in different jurisdictions with focus on the two issues:

- roles of bar associations in helping to promote gender equality in the legal profession; and
- advancing gender equality in bar associations, ie, integrating gender point of view into the structure, activities and policy making of bar associations.

Speakers

Guy Joubert *Canadian Bar Association, Ottawa, Canada*

Oscar Kihika *Uganda Law Society, Kampala, Uganda*

Margaret Malcolm *Auckland District Law Society, Auckland, New Zealand*

Paul Marsh *Law Society of England and Wales, London, England*

Karen J Mathis *Executive Director, Central European and Eurasian Legal Initiative (CEELI) and Past President, American Bar Association, Prague, Czech Republic*

Yoshitada Utsunomiya *Japan Federation of Bar Associations, Tokyo, Japan*

TUESDAY 1200 – 1400

Martín Fierro I, 2nd Floor

Privilege versus professional responsibility

Session Chair

Michael Kutschera *Binder Grösswang Rechtsanwälte, Vienna, Austria; Vice-Chair, Bar Issues Commission*

The legal privilege concept in common law jurisdictions has the same fundamental goal as the professional secrecy approach of civil law jurisdictions. But these legal concepts have a different basis and work in varying ways. This session will examine case studies where a conflict has arisen between these two concepts in transborder situations involving lawyers and court or government authorities of various jurisdictions. How can we help lawyers gain a clear view on how to deal with these two concepts to fulfil their duties towards their clients?

Speakers

Richard Fleck *Herbert Smith LLP, London, England*

Hans-Michael Giesen *Görg Partnerschaft von Rechtsanwälten, Berlin, Germany*

Akira Kawamura *Anderson Mori & Tomotsune, Tokyo, Japan; IBA Secretary-General*

Steven Krane *Proskauer Rose LLP, New York, USA*

Roberto Martínez-Guerrero *Martínez Algaba de Haro Curiel y Galván-Duque, Mexico City, Mexico*

Claudio Visco *Macchi di Cellere Gangemi, Rome, Italy*

TUESDAY 1500 – 1800

Martín Fierro I, 2nd Floor

Traditional versus modern ways of practising law

Joint session with the Law Firm Management Committee.

Session Co-Chairs

Maximo Bomchil *M & M Bomchil, Buenos Aires, Argentina;*

Communications Officer, Law Firm Management Committee

Alejandro Ogarrio

The panel will discuss in the format of a roundtable the role in today's world of the global law firms in responding to the needs of the multinational enterprises and what is the role still played by small domestic law firms, which take care of the needs of the smaller and domestic clients. Is the model of the global firm to be followed in the future by all legal practitioners? Is size a factor that must be contemplated in today's practice of law? Is the trend toward big law firms unavoidable in order to provide comprehensive legal services? What can small law firms do to answer to the needs of their clients?

Speakers

Oluseun Abimbola *Prime Solicitors, Ibadan, Nigeria*

Horacio Bernardes Neto *Xavier Bernardes Bragança Sociedade de Advogados, São Paulo, Brazil; Council Member, Public and Professional Interest Division*

John Corcoran *Russell Kennedy Pty Ltd, Melbourne, Victoria, Australia; Vice-Chair, Client Protection Subcommittee*

Stephen Denyer *Allen & Overy LLP, Frankfurt am Main, Germany; Vice-Chair, Law Firm Management Committee*

Sergio Galvis *Sullivan & Cromwell LLP, New York, USA*

Michael Kutschera

Ravi Nath *Rajinder Narain & Co, New Delhi, India; Chair, Aviation Law Committee*

Michael Schmittman *Heuking Kühn Lüer Wojtek, Düsseldorf, Germany*

WEDNESDAY 1000 – 1130

Tirso De Molina C, Meliá Buenos Aires Hotel

Working in partnership with government to promote the business of your bar association's members

Session Chair

Paul Marsh

Globalisation is bringing with it many new opportunities for smaller law firms to expand their work internationally and to serve their clients' growing interests in other countries.

This session will look at how bar associations can promote the economic interests of their members. It will deal in particular with the ways in which government departments dealing with trade promotion and inward investment, as well as overseas embassies, can help bar associations provide new opportunities for their members.

Speakers

Alison Hook *Law Society of England and Wales, London, England*

Ross Ray *QC Law Council of Australia, Melbourne, Victoria, Australia*

Rodrigo Santos *Ministry of External Relations, Brasília, Brazil*

WEDNESDAY 1200 – 1400

Tirso De Molina C, Meliá Buenos Aires Hotel

BIC open forum and open Policy Committee meeting

This session is open to all IBA member organisations and will provide an update on current policy committee projects, an opportunity to discuss issues of current concern, future projects and sessions for the BIC to tackle and matters before the IBA Council Meeting, which will start at 1400.

THURSDAY 0900 – 1200

Ombú I, 2nd Floor

Corporate Social Responsibility Committee

Council Liaison Officers

Charles Lawton *Rio Tinto Plc, London, England*

Peter Rees *Debevoise & Plimpton LLP, London, England*

Co-Chairs

Jan Eijssbouts *Consultant Business Law and Mediation and Legal*

Advisor to Akzo Nobel NV, Amsterdam, the Netherlands;

Council Member, Legal Practice Division

Richard Taylor *Solicitors Regulation Authority, London, England*

CSR, a matter of principle(s), law(s) or both? CSR, with a special focus on human rights, in legal perspective.

Joint session with the Corporate Counsel Forum.

Session Co-Chairs

James Brumm *Mitsubishi International Corporation, New York,*

USA; Co-Chair, Corporate Counsel Forum

Jan Eijssbouts

John Sherman *John F Kennedy School of Law, Harvard University, Cambridge, Massachusetts, USA; Vice-Chair, Corporate Social Responsibility Committee*

In a normative sense, like Corporate Governance, CSR is a 'container concept'. As such CSR and Corporate Governance are of a mixed nature encompassing hard law as well as soft law elements (including individual and collective self-regulation) and, through the increasing extension of the corporate duty of care of boards and management from a pure shareholder orientation to a stakeholder orientation, also increasingly overlapping and even integrating.

Globalisation has resulted in an increasing need to address the so-called governance gap in international law to regulate transnational corporations. How can this gap be filled? Through formal (supra)national regulation and/or by self-regulation? This is particularly of interest regarding human rights.

The panel will consist of four parts:

- The first part will consider CSR and the Corporation in the Transnational Risk Society: from dealing with uncertainty to innovative strategies to enhance multi-stakeholder perspectives. The normative aspects of CSR and human rights in an (international) legal context and the relation with The Rule of Law will be addressed.
- The second part will consider the Recommendations by the Special Representative of the UN Secretary General's report 'Protect, respect and remedy' and in particular the recommendations to address the governance gap for transnational corporations, including proposals for grievance mechanisms. The views of the government and of the NGO will be offered.
- The third part will review CSR and corporate governance in company law models (both in shareholder and stakeholder approaches) and their embedding in the strategy, policy and practical operations of multinationals.
- The fourth part will deal with the roles of the legal adviser, both in-house and outside, and the conflict management adviser in advising the client regarding CSR.

Speakers

Guillermo Carey *Carey & Allende, Santiago, Chile*

Hans Corell *Former UN Head of Legal Affairs, Mannheim*

Swartling, Stockholm, Sweden; Officer, Rule of Law Action Group

Dennis Grabherr *British Telecom Latin America, São Paulo, Brazil*

Beat Hess *General Counsel, Royal Dutch Shell Plc, The Hague, the Netherlands*

Professor Martin van Olfen *Radboud University, De Brauw Blackstone Westbroek, Amsterdam, the Netherlands*

Peter Phillips *Business Conflict Management LLC, Montclair, New Jersey, USA*

Caroline Rees *Harvard University, Cambridge, Massachusetts, USA*

Birgit Spiesshofer *Hengeler Mueller, Berlin, Germany*

Daniel Taillant *Center for Human Rights and Environment, Cordoba, Argentina*

Professor Peer Zumbansen *York University, Toronto, Ontario, Canada*

TUESDAY 1000 – 1800

Gómez Losada, 2nd Floor

CSR and our planet

Session Chair

Richard Taylor

This session will examine a corporation's social responsibility towards the environment and the legal consequences that may result from any harm that its activities engender both to the physical environment and also to the quality of life of those living there. This topic is of increasing practical importance in South America. Getting it wrong can lead to massive claims and the risk of class actions. Our speakers will examine and draw lessons from case studies from different countries, both in the region and elsewhere.

Speakers

Jose Alberto da Costa Araujo *VALE, Rio de Janeiro, Brazil*

Patricia Nuñez Nuñez Muñoz y Cia Ltda *Santiago, Chile; Chair, Mining Law Committee*

Alejandro Rossi *Autoridad de Cuenca Matanza Riacheduelo (ACuMar), Buenos Aires, Argentina*

John Southalan *Centre for Energy Petroleum & Mineral Law and Policy, University of Dundee, Dundee, Scotland*

WEDNESDAY 1500 – 1800

Ombú II, 2nd Floor



Welcomes all IBA delegates to
the IBA Annual Conference 2008

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IBA 2008

Forum for Barristers and Advocates

Council Liaison Officers

Jacqueline Leong QC *Hong Kong Bar Association, Hong Kong SAR*
Hugh Stubbs *London, England*

Co-Chairs

Noelle McGreenera QC *Bar Council of Northern Ireland, Belfast, Northern Ireland*

Jeremy Gauntlett QC *General Council of the Bar of South Africa, Cape Town, South Africa*

The role of the Attorney General/Law Officer in a democratic society

Joint session with the Litigation Committee.

Session Chair

Noelle McGreenera QC

In this session eminent speakers from various jurisdictions will discuss their perceptions on the Role of the Attorney General/Law Officer. The role is certainly a complex one which has evolved over centuries and comprises a broad and varied range of functions, which are fundamental in upholding the rule of law. However, a post with such a broad sweep of powers raises very serious questions:

- Does the breadth of the role have potential to create tension when the Attorney General/Law Officer is a member of government but also a guardian of the public interest and someone who makes decisions relating to sensitive prosecutions?
- Should the role of chief legal advisor to the government be separated from that of a political government minister? If so, who should exercise that role?
- Should legal advice to the government be published?
- Should the legal basis for key legal decisions be made publicly available?

Change is afoot in England and Wales. Will other jurisdictions follow suit? What are the key differences in the role around the world?

This session will appeal not only to barristers and advocates but anyone who has an interest in politics and government. Do come and join in the debate!

Keynote Speaker

Paul Gallagher SC *Attorney General of Ireland, Dublin, Ireland*

Speakers

Michael Brindle QC *Bar Council of England & Wales, London, England*

Julio C Durand Cassagne *Abogados, Buenos Aires, Argentina*

J Pretorius *The National Prosecuting Authority of South Africa, Pretoria, South Africa*

MONDAY 1500 – 1710

Casona B, Meliá Buenos Aires Hotel

The DIFC Courts and the role of the advocate in conducting international litigation

A presentation by

Sir Anthony Evans *The Honourable Chief Justice of the DIFC Courts, Dubai, United Arab Emirates*

MONDAY 1715 – 1800

Casona B, Meliá Buenos Aires Hotel

The role of the judge and of the advocate in promoting mediation

Joint session with the Mediation Committee. See page 57 for details.

WEDNESDAY 1500 – 1800

Libertador A, 1st Floor

Human Rights Institute

Co-Chairs

Ambassador Emilio J Cárdenas *Former Permanent Representative to the United Nations for Argentina; Former IBA President; Buenos Aires, Argentina*

Justice Richard J Goldstone *Past Justice of the South African Constitutional Court and former Prosecutor for the ICTR and ICTY, Sandton, South Africa*

Human rights – should they go beyond traditional areas of protection?

Joint session with the European Forum. See page 96 for details.

MONDAY 1000 – 1300

Ombú II, 2nd Floor

The International Criminal Court: the role of bar associations and individual practitioners

Joint session with the Bar Issues Commission. See page 103 for details.

MONDAY 1500 – 1700

Martín Fierro I, 2nd Floor

Space law as a tool to human rights enforcement

Joint session with the Space Law Committee. See page 77 for details.

MONDAY 1500 – 1800

Ombú II, 2nd Floor

The independence of the legal profession

Session Chair

Ambassador Emilio J Cárdenas

The battle for the independence of the judiciary and the legal profession is an ongoing struggle. Business and human rights suffer alike in an environment where unreliable judiciaries and lack of regulation of the legal profession are the norm. Such factors deter investors concerned at the lack of security for their investments which, in turn, frustrates development and becomes an obstacle to achieving a thriving economy and a society respectful of human rights. A politicised and corrupt legal profession thwarts access to justice for the vast majority of citizens, thus fostering an environment which provides impunity for grave human rights violations.

This session will provide a forum to discuss the disparity between the norms which exist de jure in relation to the independence of the legal profession and their de facto implementation. Panellists will highlight key obstacles to constructing an impartial justice system and how these may be overcome.

Speakers

Leandro Despouy *UN Special Rapporteur on the Independence of Judges and Lawyers, United Nations, Buenos Aires, Argentina*

Sternford Moyo *Southern African Development Community Lawyers Association (SADC), Harare, Zimbabwe; Advisory Board Member, African Regional Forum; HRI Council Member*

Phillip Tahmindjis *International Bar Association, London, England*

TUESDAY 1500 – 1800

Tirso De Molina A, Meliá Buenos Aires Hotel

SHOWCASE SESSION: Rendition, disappearances and indefinite detention: debates around torture

See page 35 for details.

WEDNESDAY 1500 – 1800

Auditorium, Ground Floor

Reconciliation: the challenges of combating impunity

Session Chair

Ambassador Emilio J Cárdenas

This session will focus on issues relating to reconciliation and the controversial role of truth commissions in combating impunity. The session will address the complex legal and moral arguments raised by the concept of amnesty. Panellists will also examine the ways in which local justice systems have worked to combat impunity and circumvent the negative impact of amnesties in order to comply with international human rights obligations, and will use key jurisprudence from the region as a focus for discussion.

Speakers

Priscilla Hayner *International Centre for Transnational Justice, Geneva, Switzerland*

Julissa Mantilla *Pontificia Universidad Católica del Perú, Lima, Peru*

Justice Albie Sachs *Constitutional Court of South Africa, Braamfontein, South Africa*

Michael Scharf *Case Western Reserve University, Cleveland, Ohio, USA*

THURSDAY 1000 – 1300

Ombú II, 2nd Floor

Towards a system of international criminal justice: from the ad hoc tribunals to the International Criminal Court

Session Chair

Justice Richard J Goldstone

This session will explore the evolution of international criminal law and the system of accountability created by international and hybrid tribunals and the ICC. To frame the discussion the keynote speaker will discuss the place of the ICC in the broader landscape of international justice as well as its perspectives and challenges. Drawing from lessons learnt from other courts and tribunals, the speakers will refer to the practice and cases before international ad hoc tribunals and their impact on the interpretation of the Rome Statute establishing the ICC. Key issues for consideration include relevant key features of the ICC such as the modalities of victims' participation to the ICC proceedings, the rapid development of jurisprudence on gender-based offences, such as systematic mass rape, and the issue of states' cooperation.

Keynote Speaker

Luis Moreno-Ocampo *Chief Prosecutor, International Criminal Court, The Hague, the Netherlands*

Speakers

Carla Del Ponte *HS Ambassador of Switzerland to Argentina, Buenos Aires, Argentina*

Kimberly Prost *International Criminal Tribunal for the Former Yugoslavia, The Hague, the Netherlands*

Michael P Scharf *Case Western Reserve University, Cleveland, Ohio, USA*

THURSDAY 1500 – 1800

Río de la Plata, 2nd Floor

Judges' Forum

Council Liaison Officer

John Morrison *Kirkland & Ellis LLP (retired), Evanston, Illinois, USA*

Chair

Hon Sheila Murphy *Rothschild Barry & Myers, Chicago, Illinois, USA*

Security and safety for judges and sexual abuse of children

Joint session with the Criminal Law Committee.

Session Co-Chairs

Hon Sheila Murphy

Justice Anderson Zikonda *High Court of Zambia, Lusaka, Zambia; Vice-Chair, Judges' Forum*

Judge Lefkow has recently written a law review article entitled 'Judicial Independence, Judicial Responsibility: a Judge's Perspective' in which she states 'To lawyers, judicial independence...is the notion that, in order for judges to exercise their office without fear or favor, they have to be protected from adverse consequences for making an unpopular decision'. Judge Lefkow is uniquely but unfortunately qualified to discuss security and safety for judges. In 2005 a disgruntled pro se litigant broke into her home and murdered her elderly mother and husband. Delegates and members of the Judges' Forum will have the opportunity to discuss their own issues of judicial independence and security.

In the second half of the session, judges will present reports on the issue of sexual abuse of children from their own jurisdictions, following on the discussion begun in Singapore.

Speakers

John Buckley *Former Judge of the Circuit Court and Member of the Residential Institutions Redress Committee, Dublin, Ireland*

Marie Dyhrberg *Auckland, New Zealand; Chair, Criminal Law Committee*

Hon Joan Humphrey Lefkow *US District Court, Chicago, Illinois, USA*

MONDAY 1500 – 1800

Casona A, Meliá Buenos Aires Hotel

The role of the judge and of the advocate in promoting mediation

Joint session with the Mediation Committee. See page 57 for details.

WEDNESDAY 1500 – 1800

Libertador A, 1st Floor

Law Firm Management Committee

Council Liaison Officer

Stephen MacIver *Bell Gully, Auckland, New Zealand*

Chair

Robert Vineberg *Davies Ward Phillips & Vineberg LLP, Montreal, Quebec, Canada*

Knowledge management in the smaller law firm: profitability tool or expensive fad?

Session Chair

Norman Clark *Walker Clark LLC, Fort Myers, Florida, USA; Senior Vice-Chair, Law Firm Management Committee*

What does 'knowledge management' mean for small and midsize law firms? Can knowledge management really make a difference for a smaller law firm's financial performance? Or is it merely the latest management techno-fad, consuming significant amounts of time, energy, and resources, but producing very little value?

Our panel will discuss their experiences with knowledge management, their successes and their disappointments. They will share practical strategies to ensure that a smaller firm's investment in knowledge management produces worthwhile dividends in terms of client and lawyer satisfaction and firm profitability.

Speakers

Bryan Elwood *Curtis Mallet-Prevost Colt & Mosle LLP, Washington DC, USA*

Lawrence Fubara *ÁLEX, Lagos, Nigeria*

Nicolás Herrera *Guyer & Regules, Montevideo, Uruguay*

Antony Hyams-Parish *Rawlinson Butler LLP, Crawley, England*

Nigel McBride *Minter Ellison, Adelaide, South Australia, Australia*

Claudia Sosa *APG Consulting, Buenos Aires, Argentina*

Harry Wiggin *Webster Dyrud Mitchell, Anguilla, British West Indies*

MONDAY 1500 – 1800

Auditorium, Ground Floor

Managing a modern law firm – is a corporate approach compatible with the core principles of the legal profession?

Session Chair

Stephen Denyer *Allen & Overy LLP, Frankfurt am Main, Germany; Vice-Chair, Law Firm Management Committee*

Competitive forces, demanding clients and the war for talent all encourage modern law firms to become more and more businesslike in their approach. What are the advantages and disadvantages of this trend? Are we losing sight of some of the fundamental values of the legal profession? Are law firms becoming just another professional service supplier?

In this session a panel of practising lawyers, commentators and consultants will debate the good things and the bad things deriving from this trend and will explore whether our profession is getting the balance right.

Speakers

Tim Bellis *University of Cambridge, Cambridge, England*

John Kelly *Bridge Consulting International, Weybridge, England*

Hector Mairal *Marval O'Farrell & Mairal, Buenos Aires, Argentina*

Peter Mendell *Davies Ward Phillips & Vineberg LLP, Montréal, Quebec, Canada*

Fernando Peláez-Pier *Hoet Peláez Castillo & Duque, Caracas, Venezuela; IBA Vice-President*

Michael Simmons *Finers Stephens Innocent LLP, London, England*

TUESDAY 1500 – 1800

El Aguila, 24th Floor

Traditional versus modern ways of practicing law

Joint session with the Bar Issues Commission. See page 104 for details.

WEDNESDAY 1000 – 1130

Tirso De Molina, Meliá Buenos Aires Hotel

Leadership and the law firm life cycle – the panel

Session Chair

Robert Vineberg

Our panellists will examine the issues that face law firm leadership as a firm transitions generations, moves from a family to an institutional firm, or merges with another firm. Among the subjects which they will consider is how best to manage a firm which is growing out of its original 'family' character into one which is no longer dominated by its founders, the unique skills that are needed to manage the smaller firm and to develop and implement a strategy for growth and what smaller firms can and are doing to train their lawyers in leadership skills. Our panellists will also deal with the unique leadership challenges in a law firm merger.

Speakers

Michael Evans *Webber Wentzel Bowens, Cape Town, South Africa*

Vasily Rudomino *ALRUD Law Firm, Moscow, Russian Federation; Vice-Chair, European Forum*

Lawrence Teh *Rodyk & Davidson LLP, Singapore; Vice-Chair, Maritime & Transport Law Committee*

Lisa Walker Johnson *Walker Clark LLC, Fort Myers, Florida, USA*

Saúl Zang *Zang Bergel & Viñes Abogados, Buenos Aires, Argentina*

WEDNESDAY 1000 – 1300

Retiro B, 1st Floor

Leadership and the law firm life cycle – the workshop

Joint session with the Closely Held and Growing Business Enterprises Committee.

Session Chair

Norman Clark

Christopher Owen *Manches LLP, London, England; Vice-Chair, Closely Held and Growing Business Enterprises Committee*

This session will take the form of an interactive workshop focusing on the changing role of leadership in the evolution of small and medium-sized law firms. Participants will be encouraged through a series of case studies to draw on experiences in their own firms looking at potential solutions to the leadership issues which face these law firms.

Issues to be discussed include the evolution of a law firm and how its leadership must adapt to change, both internal and external, how law firm leadership can best reconcile the requirements of retaining their practice with those of management and how to develop and implement effective succession planning. The objective of the session is to give participants greater insights into their own leadership strengths and opportunities for improvement as well as an understanding of the evolutionary dynamics of law firms.

Speakers

Khalid Alnowaiser *Law Firm of Dr Khalid Alnowaiser, Jeddah, Saudi Arabia*

Cecilia Barrero *Aguilar Castillo Love, Guatemala City, Guatemala*

Udochi Iheanacho *Udochi Iheanacho Partnership, Lagos, Nigeria*

Valerie Ong *Rodyk & Davidson LLP, Singapore; Conference Coordinator, Closely Held and Growing Business Enterprises Committee*

Vasily Rudomino

Amir Singh *Pasrich International Law Affiliates, New Delhi, India; Vice-Chair, Asia Pacific Forum*

Palmavon Webster *Webster Dyrud Mitchell, Anguilla, British West Indies*

WEDNESDAY 1500 – 1800

Retiro B, 1st Floor

Managing Partners Breakfast

A survival guide for the managing partner – the good, the bad and the ‘we don’t want to talk about it’.

If you are a Managing Partner or have some other leadership or management role in your firm, or if you are simply interested in the management of law firms, this breakfast will give you the opportunity to exchange views and share experiences in an informal atmosphere. You will meet fellow practitioners performing similar roles, get to know the officers of the Law Firm Management Committee and learn about the work of the Committee.

Speakers

Ronaldo Camargo Veirano *Veirano Advogados, Rio de Janeiro, Brazil; Vice-Chair, Law Firm Management Committee*

Charles Corwin Coward *Uría Menéndez, Barcelona, Spain*

THURSDAY 0830 – 1000

Fiestas Room, The Marriott Plaza Hotel

Law firm visits

Officers of the IBA Law Firm Management Committee will lead a group of IBA delegates to visit a number of Buenos Aires law firms for briefings on strategy, practice management, organisational issues, marketing and office systems.

Places will be strictly limited and allocated on a first come, first served basis at the conference. Tickets (which are complimentary) must be obtained from the IBA registration desk.

THURSDAY 1000 – 1300

Legal Profession and World Organisations Committee

Council Liaison Officer

Graeme Kirk *Gross & Co, Bury St Edmunds, England*

Chair

Tore Wiwen-Nilsson *Mannheimer Swartling, Malmö, Sweden*

Open committee business meeting

An open meeting of the Legal Profession and World Organisations Committee will be held to discuss future activities.

THURSDAY 1100 – 1230

Golden Horn, 1st Floor

Multidisciplinary Practices Committee

Council Liaison Officer

Arturo Alessandri *Alessandri & Compañia, Santiago, Chile*

Chair

Michael Schuette *Howrey LLP, Brussels, Belgium*

Multidisciplinary practices – arisen from the post-Enron death?

Session Chair

Michael Schuette

Multidisciplinary practices, in particular partnerships between lawyers and accountants, were dissolved almost all over the world, as a consequence of the Enron scandals. The session will look at the most recent developments in different jurisdictions, to see to what extent lawyers, accountants and possibly other professions, have ‘reunited’ and formed multidisciplinary practices, and what the rules are to which these MDPs are currently subjected. Time permitting, participants will also discuss the future scope of work of the MDP Committee.

Speakers

Steven Krane *Proskauer Rose LLP, New York, USA*

Daniel Rybnik *EnterPricing, Buenos Aires, Argentina*

Jasmeet Singh *Jasmeet Singh & Co, New Delhi, India*

Peter Smith *Addleshaw Goddard LLP, London, England*

Pieter Tubbergen *Schaap & Partners, Rotterdam, the Netherlands*

WEDNESDAY 1500 – 1800

Gómez Losada, 2nd Floor

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Pro Bono and Access to Justice Committee

Council Liaison Officer

Peter Maynard *Peter D Maynard & Co, Nassau, Bahamas;
Secretary-Treasurer, Public and Professional Interest Division*

Chair

Haji Sulaiman Bin Abdullah *Bar Association of Malaysia, Kuala Lumpur, Malaysia*

The Pro Bono Declaration for the Americas: an initiative to commend and support throughout the American Continents

Session Co-Chairs

Haji Sulaiman Bin Abdullah

Patricia Blair *Mediation Consultants LLC, Norwalk, Connecticut, USA; Vice-Chair, Pro bono and Access to Justice Committee*

Juan Cambiaso *Marval O'Farrell & Mairal, Buenos Aires, Argentina*

Every lawyer knows what pro bono work implies. Nevertheless, with the exception of the United States, Canada and a few other countries, it is not a widespread legal practice across the continent.

For that reason, in 2003 the Vance Center for International Justice Initiatives asked several jurists, all of them experienced legal practitioners in their own jurisdictions, to start the hard but rewarding task of drafting a declaration aimed at promoting pro bono work throughout the Americas, from Canada to Argentina.

The Declaration was approved in 2007 and was later communicated and supported by all the Bars in the continent. In this session we will share the experiences of those who diligently worked on the Declaration; we will examine the goals they pursued; and most importantly, how they perceive the development of pro bono work in the Americas. If you believe that lawyers have a social role to fulfill in their own jurisdictions, do not miss this session. Many people waiting for pro bono assistance will appreciate it.

Speakers

Todd Crider *Simpson Thacher & Bartlett LLP, New York, USA*

Marcos Roberto Fuchs *Instituto Pro Bono, São Paulo, Brazil*

Antonio Correa Meyer Machado Meyer Sendacz e Opice *Advogados, São Paulo, Brazil*

Joaquín García-Romanillos Valverde *Gómez-Acebo & Pombo, Madrid, Spain*

Guillermo Morales Errázuriz *Morales & Besa Abogados, Santiago, Chile*

Inés Sanguinetti *Project Desarrollo Sostenible, Buenos Aires, Argentina*

Gustavo Javier Torassa *Bulló Tassi Estebenet Lipera & Torassa, Buenos Aires, Argentina*

Robin Wright Westbrook *American University Washington College of Law, Washington DC, USA*

WEDNESDAY 1000 – 1300

Gómez Losada, 2nd Floor

Class actions: are they an effective access to justice tool?

Session Co-Chairs

Naldo Dasso *Cárdenas Di Cío Romero Tarsitano & Lucero, Buenos Aires, Argentina; Assistant-Secretary, Pro bono and Access to Justice Committee*

Robin Sully *Canadian Bar Association, Ottawa, Ontario, Canada; Communications Officer, Pro bono and Access to Justice Committee*

Class actions are popular in many countries. However, their availability and regulation vary from jurisdiction to jurisdiction. When can class actions be effectively used to facilitate access to justice?

What are the challenges? What have been some successes?

This session will share experiences of distinguished lawyers fresh from the class action trenches.

Speakers

Fernando Dantas Neustein Mattos Muriel Kestener Advogados, *São Paulo, Brazil*

Gonzalo Fernández Carey y Cía, *Santiago, Chile*

Fernando González Hammonds, *Madrid, Spain*

Péter Köves President, Council of Bars and Law Societies of Europe (CCBE), *Brussels, Belgium*

Alberto Molinaro Marval O'Farrell & Mairal, *Buenos Aires, Argentina*

David Paterson Paterson Law Office, *Vancouver, British Columbia, Canada*

Phoebe Wilkinson Chadbourne & Parke LLP, *New York, USA*

THURSDAY 1000 – 1300

Tirso De Molina B, Meliá Buenos Aires Hotel

Which law firms and organisations are doing the best international pro bono work? What models are being developed? How can they be adapted?

Session Chair

Philip Zeidman *DLA Piper US LLP, Washington DC, USA; Chair, IBA Foundation*

The third annual presentation of this programme will showcase some of the most innovative and promising international pro bono initiatives, provide an opportunity to meet to discuss them with those instrumental in their creation, and facilitate the establishment of relationships across borders, based on common interest in the challenge of pro bono work. It will also feature an update on IBA international pro bono projects including www.internationalprobono.com, the IBA website on international and cross-border pro bono activities established to compile resources and encourage dialogue amongst practitioners around the globe.

Whether you are a lawyer seeking to contribute to a pro bono programme, a law firm looking for a way to channel the interest in pro bono being expressed by your lawyers, or a bar association seeking assistance with projects in your own country, this is a very special opportunity. Join the dialogue, and learn how it will continue after this conference.

Speakers

Damian Beccar Varela *Estudio Beccar Varela, Buenos Aires, Argentina*

Martín Böhmer *Universidad de San Andrés, Buenos Aires, Argentina*

Elise Colomer *Cyrus R Vance Center for International Justice, New York, USA*

Maru Cortazar *Mexico Appleseed, Mexico City, Mexico*

Daniel Del Rio *Basham Ringe y Correa SC, Mexico City, Mexico*

Marcos Roberto Fuchs

Chloe Holderness *Lex Mundi Pro Bono Foundation, Washington DC, USA*

Katie Hutt *Advocates for International Development (A4ID), London, England*

Sheldon Krantz *New Perimeter, Washington DC, USA*

Pablo Guerrero *Fundación Pro Bono, Santiago, Chile*

Martin Zapiola *Guerrico Colegio de Abogados de la Ciudad de Buenos Aires, Buenos Aires, Argentina*

THURSDAY 1500 – 1800

Tirso De Molina B, Meliá Buenos Aires Hotel

Professional Ethics Committee

Council Liaison Officers

Daniel Ferrere *Ferrere Attorneys at Law, Montevideo, Uruguay*

John Moorhouse *Attorneys Fidelity Fund, Cape Town, South Africa*

Co-Chairs

Adrian Evans *Monash University, Melbourne, Victoria, Australia*

Victoria Rees *Nova Scotia Barristers Society, Halifax, Nova Scotia, Canada*

Ethics in times of crisis and upheaval

Session Co-Chairs

Sternford Moyo *Scanlen & Holderness, Harare, Zimbabwe; Advisory Board Member, African Regional Forum and HRI Council Member*

Darrel I Pink *Nova Scotia Barristers Society, Halifax, Nova Scotia, Canada*

Two panel sessions will focus on the impact on lawyers' ethics and conduct when faced with times of crisis, either due to political upheaval and serious threats to the rule of law, or as a result of having to work within a regime of corruption, both political and in relation to clients. Do lawyers' ethical duties and responsibilities change during these chaotic and stressful times? Presenters from countries struggling with such upheaval and/or corruption, and those attempting to offer assistance to such countries, will provide their unique perspectives.

Speakers

Damian Beccar Varela *Estudio Beccar Varela, Buenos Aires, Argentina*

Patrick O'Keefe *Montgomery Barnett Brown Read Hammond and Mintz LLP, New Orleans, Louisiana, USA*

Bruce Morrison *The National Prosecuting Authority of South Africa, Cape Town, South Africa*

Steven Richman *Duane Morris LLP, Princeton, New Jersey, USA; Communications Officer, Professional Ethics Committee; Publications Officer, International Sales Committee*

Joel K Simon *Simon Gluck & Kane LLP, New York, USA; Co-Chair, International Sales Committee; Newsletter Editor, North American Regional Forum*

MONDAY 1500 – 1800

Tirso De Molina B, Meliá Buenos Aires Hotel

Hot topics in legal ethics

Session Co-Chairs

Geraldine Clarke *Gleeson McGrath Baldwin, Dublin, Ireland; Chair, Client Protection Subcommittee*

Daniel Ferrere

A panel of ethicists and practitioners will lead a series of interactive debates on 'hot' and practical ethics problems:

- How to remain civil in a competitive and litigious environment.
- Relationships with the judiciary – when can a golf game lead to conflict?
- Can lawyers ever lie?
- Ethics and billings – calculating and protecting fees.
- What are the unique ethical challenges facing lawyers who act as lobbyists, run for political office, or hold positions in government?

A second part of the session will consider through case studies the increased risks of lawyer misconduct and theft in times of economic downturn from the perspective of professional indemnity and client protection claims.

Speakers

Juan Cambiaso *Marval O'Farrell & Mairal, Buenos Aires, Argentina*

John Corcoran *Russell Kennedy Pty Ltd, Melbourne, Australia; Vice-Chair, Client Protection Subcommittee*

Antonio Correa Meyer *Machado Meyer Sendacz e Opice Advogados, São Paulo, Brazil*

Todd Crider *Simpson Thacher & Bartlett LLP, New York, USA*

Lawrence Fox *Drinker Biddle, Philadelphia, Pennsylvania, USA*

Steven Richman

Bernard Vatier *Vatier & Associés, Paris, France*

Professor Duncan Webb *University of Canterbury School of Law, Christchurch, New Zealand*

TUESDAY 1000 – 1300

Ombú I, 2nd Floor

Plagiarism: a threat to global law firm integrity

Joint session with the Academic and Professional Development Committee.

Session Chair

David McQuoid-Mason *Commonwealth Legal Education Association, Durban, South Africa; Vice-Chair, Academic and Professional Development Committee*

Plagiarism takes many forms but can be summarised as appropriating the written expression of another person's intellect and passing that expression off as your own. It is a form of theft that undermines the integrity of lawyers and law firms who participate in it. This session will explore the challenges presented to global lawyering by plagiarism.

Keynote Speaker

Professor Duncan Webb

WEDNESDAY 1700 – 1800

San Telmo, Ground Floor

Anti-Money Laundering Legislation Implementation Working Group

Chair

Stephen Revell *Freshfields Bruckhaus Deringer, London, England*

Are lawyers laundering money?

Session Chair

Stephen Revell

If lawyers become actively and knowingly involved in money laundering, they probably commit a primary offence in most jurisdictions – no problem. What happens when lawyers become ‘unwittingly’ involved in money laundering? What is the definition of ‘unwittingly’ and what obligations and/or consequences should lawyers be subject to? If lawyers do need to have their ‘wits’ about them to avoid becoming ‘unwittingly’ involved, what is the appropriate ‘customer due diligence’ lawyers need to do and what should they be on the lookout for? How do we improve training to the profession in this area? This session will examine the practical and difficult position that lawyers are faced with in many jurisdictions where anti-money laundering legislation both exists and has been extended, in line with the Financial Action Task Force (FATF) Recommendations, to include lawyers. We will review in particular the FATF guidance on customer due diligence now that a ‘risk based’ approach is encouraged.

We will also discuss the various challenges around the world that have been made to such laws, and in particular their extension to lawyers in light of the fact that it changes, arguably fundamentally, the relationship between a lawyer and his/her client. Are the FATF Recommendations and the laws that have implemented them sufficiently clear in the dividing line between providing bona fide advice that should be the subject of client confidentiality and privilege, and turning a blind eye to the ‘obvious’ intentions of clients to launder money. When does and when should the duty to ‘whistleblow’ arise; if at all?

Speakers

Ramiro Barbosa *Cárdenas Di Cío Romero Tarsitano & Lucero, Buenos Aires, Argentina*

Ethan S Burger *Georgetown University Law Center, Chevy Chase, Maryland, USA*

Anne Birgitte Gammeljord *The Danish Bar & Law Society, Copenhagen, Denmark*

Desmond Hudson *The Law Society of England & Wales, London, England*

Michael W Milani *QC McDougall Gauley LLP, Regina, Saskatchewan, Canada*

TUESDAY 1500 – 1800

Poncho, 2nd Floor

Senior Lawyers’ Committee

Council Liaison Officer

Heinz Weil *Weil & Associés, Paris, France*

Co-Chairs

Fernando Scornik Gerstein *Fernando Scornik Gerstein Abogados, Madrid, Spain*

Albrecht Schulz *CMS Hasche Sigle, Stuttgart, Germany*

A DINNER will be held with the Women Lawyers’ Interest Group for conference delegates and guests

See page 121 for details.

TUESDAY 2000

Discrimination, with particular reference to gender and age, in the legal profession – how this affects lawyers

Joint session with the Discrimination Law Committee. See page 68 for details.

WEDNESDAY 1000 – 1300

Ombú II, 2nd Floor

Women Lawyers’ Interest Group

Council Liaison Officer

Gabrielle H Williamson *JD Heuking Kühn Lüer Wojtek, Brussels, Belgium and Düsseldorf, Germany*

Chair

Gabrielle H Williamson *JD*

Glass ceilings and compensation discrimination facing women lawyers – part II

Session Co-Chairs

Mikiko Otani *Otani Law Office, Tokyo, Japan; Young Membership Officer, Family Law Committee*

Gabrielle H Williamson *JD*

In Singapore, the Women Lawyers’ Interest Group held a highly successful session on this topic, at the end of which the members of the audience asked that we hold another continuing session on this same topic in Buenos Aires. The participants in Singapore confirmed that there was a need to eliminate glass ceilings facing women lawyers in companies, government and law firms and a need to eliminate compensation discrepancies between equally skilled men and women lawyers doing the same jobs.

The continuing session in Buenos Aires will focus, in particular, on strategies for achieving equitable advancement in women’s legal careers (for example, from associate to partner status) on an equal footing with male colleagues. In addition, discussion will focus on how to conduct successful compensation negotiations, whether it be within one’s organisation or outside with clients, and the role of networking in such negotiations.

Speakers

Katherine Conklin Ashdown *Diversity Consultant, London, England*

Rebecca Davies *Freehills, Sydney, New South Wales, Australia*

Shari Figi *Capmark Securities Inc, Denver, Colorado, USA*

Elissa Habbart *The Delaware Counsel Group LLP, Wilmington, Delaware, USA; Vice-Chair, Private Equity Subcommittee*

Amalia Saenz Brons & Salas *Abogados, Buenos Aires, Argentina*

Joel A Stern *Accenture Legal Group, Chicago, Illinois, USA*

MONDAY 1500 – 1800

Atalaya, 24th Floor

Gender equality in bar associations

Joint session with the Bar Issues Commission, See page 104 for details.

TUESDAY 1200 – 1400
Martín Fierro I, 2nd Floor

A LUNCH will be held for conference delegates.

Speaker

Dr Elena I Highton de Nolasco Vice-President, Supreme Court of Justice of Argentina, Buenos Aires, Argentina

See page 121 for details.

TUESDAY 1300 – 1500
Dorado Room, The Marriott Plaza Hotel

A DINNER will be held with the Senior Lawyers' Committee for conference delegates and guests.

See page 121 for details.

TUESDAY 2000

Discrimination, with particular reference to gender and age, in the legal profession – how this affects lawyers

Joint session with the Discrimination Law Committee. See page 68 for details.

WEDNESDAY 1000 – 1300
Ombú II, 2nd Floor

Trafficking in women and children

Session Co-Chairs

Gabrielle H Williamson JD

Stella Ugboma Stella Ugboma Associates, Lagos, Nigeria; Vice-Chair, Women Lawyers' Interest Group

Trafficking in women and children or de facto slavery is increasing across and within international borders. UN estimates indicate that more than four million people are trafficked each year. It is a problem that faces developed as well as developing nations, with many lives ruined and the perpetrators not usually brought to justice. This session continues the Women Lawyers' Interest Group activities to try to raise awareness on the scope of the problem of trafficking in women and children and to reduce its prevalence. The session will have high-level multidisciplinary speakers to provide information on the scope of the problem and what can be done by international lawyers to help alleviate it, individually and through organisations and governments. Particular attention will also be given to recent international initiatives on the problem, such as those of the UN, the Council of Europe, etc.

Speakers

Heli Askola Faculty of Law, Monash University, Clayton, Victoria, Australia

Doris Buddenburg UN.GIFT, Vienna, Austria

Carol Mdaguba National Agency for the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP), Abuja, Nigeria

Mikiko Otani

Robin H Thompson Robin H Thompson & Associates, Tallahassee, Florida, USA

THURSDAY 1000 – 1300
El Aguila, 24th Floor

Women in development: focus deficiency or cultural barriers, a legal and judicial perspective

Joint session with the African Regional Forum. See page 92 for details.

THURSDAY 1500 – 1800
Tirso De Molina A, Meliá Buenos Aires Hotel

Young Lawyers' Committee

Council Liaison Officer

Alberto Perez Cedillo Alberto Perez Cedillo Spanish Lawyers and Solicitors, London, England

Chair

Carmen Pombo Centro de Investigación Príncipe Felipe, Valencia, Spain

Young lawyers' introductory meeting

Session Co-Chairs

Carmen Pombo

Eric Rieger Heuking Kühn Lüer Wojtek, Brussels, Belgium; Newsletter Editor, Young Lawyers' Committee

IBA Annual Conferences can be rather overwhelming – particularly for those who attend a conference for the first time. To that end, the Young Lawyers' Committee is organising an introductory meeting for young lawyers, to which you are warmly invited. Officers of the Young Lawyers' Committee will guide you through the conference programme, will share with you how to get the most out of the conference and inform you of social events particularly targeted at young lawyers. It will also be the place to meet all the national representatives of the committee.

Officers from various IBA committees and constituents will be personally introducing their committees to you.

MONDAY 1000 – 1300
Casona B, Meliá Buenos Aires Hotel

'Top 5' – speed talk tables

Session Chair

Agustín Mayer West Ferrere Abogados, Montevideo, Uruguay; Events Officer, Young Lawyers' Committee

At this session we will provide an overview of some of the most interesting topics for young lawyers, which will later be addressed by other committees during the conference week. The 'Top 5' selection for young lawyers this year includes the following topics:

- Young Litigators Club: who is winning the war on litigation?
- Leisure Industries Section: where is the money? Representing the athlete and sport franchise.
- Corporate Counsel Forum: the preservation of privilege for in-house lawyers.
- International Sales Committee: e-commerce and electronic (internet) sales.
- Discrimination Law Committee: how age and gender affects lawyers.

The session will be divided into two parts. First, the panelists, comprising members of each relevant committee, will briefly introduce each topic to the audience. Then, the audience will be grouped at five discussion tables, each led by one of the panelists. All participants will rotate among the tables where they will have the opportunity to discuss each of the issues in an informal but structured setting. Do not miss this extremely useful session designed to maximise in-depth analysis and interaction.

Speakers

James Brumm Mitsubishi International Corporation, New York, USA; Senior Co-Chair, Corporate Counsel Forum

Niamh Loughran LK Shields Solicitors, Dublin, Ireland; Young Litigators' Club

Barry Mordsley Salans, London, England; Chair, Discrimination Law Committee

William Shearer Powell Goldstein LLP, Atlanta, Georgia, USA

Victoria Zöldi Basilico Santurio & Andrada, Buenos Aires, Argentina

MONDAY 1500 – 1800
Tirso De Molina C, Meliá Buenos Aires Hotel

The importance of bar associations having Young Lawyers' Committees

Joint session with the Bar Issues Commission and AIJA.

Session Co-Chairs

Irina Anghel *AIJA, Cabinet de Avocatură Irina Anghel, Bucharest, Romania*

Alberto Perez Cedillo

Carmen Pombo

Eduardo Sanguinetti *Sanguinetti Fodere Bragard Abogados, Montevideo, Uruguay; Secretary, Latin American Regional Forum*

Over the past three years, the IBA's Young Lawyers' Committee, the ABA's Young Lawyers' division and AIJA, as well as other young lawyers' associations around the world, have been working closely together to set out guidelines for establishing new young lawyers' associations or committees in those countries where young lawyers have not hitherto been acknowledged as a particular constituency. In May 2008, the guidelines for developing, implementing and maintaining a young lawyers' organisation were also approved by the IBA Council. AIJA and the ABA had already given the guidelines their official stamp of approval.

At the beginning of a promising and exciting time for young lawyers, the implementation of the recently approved guidelines will offer legal profession communities, especially those with previously little or no representation for its young lawyers, the chance to review, discuss, change and strengthen what is necessary for the continued development of the legal profession. With a focus on collaboration with local and national bars, the young lawyers' associations will address the needs and desires of today's young lawyers whilst also preparing them for the future in both the short and long-term.

This session will be a workshop on the creation of young lawyers' divisions within bar associations, based around these guidelines, as well as reviewing those already in existence in light of the new standards. With the attendance of the national representatives of the young lawyers' associations from all over the world, this session is an excellent opportunity to get involved with one of the most exciting and important areas for the young lawyer community within the legal profession.

We are delighted to announce Paul Marsh, the President of the Law Society of England and Wales, as our special guest. He will be opening the session with an introductory speech that will address the session's themes and issues.

Keynote Speaker

Paul Marsh *The Law Society of England and Wales, London, England*

TUESDAY 1000 – 1130

Martín Fierro I, 2nd Floor

A TOUR and DINNER will be held with the Latin American Regional Forum, the Media Law Committee and the Leisure Industries Section for members and guests.

See page 125 for details.

TUESDAY 1830

Transborder practice – Yes! Lawyers can work all over the world!

Session Chair

Alberto Perez Cedillo

Is it actually not possible to study law in one country and practice in another? This session's outstanding selection of speakers will prove this myth to be very much untrue. Some lawyers are already making it happen: why not you too?

Ultimately summarised by six simple questions (below) and in keeping with the IBA's policy to promote the development of young lawyers' different professional skills, this session offers you the opportunity to consider and ask questions about one of the legal profession's unclear career paths, with the advice and expertise available of those who have previously crossed such professional boundaries themselves.

- Are you suited to work transborder? What are the necessary characteristics for the transborder lawyer?
- What are the necessary steps in preparation for being a transborder lawyer? Transfer tests and infrastructures.
- In terms of professional responsibility and codes of conduct, what are the differences between the jurisdictions?
- Is it the right time to be considering such a career path?
- What are the incentives for transborder practice?
- What are the speakers' most challenging and rewarding experiences thus far in transborder practice?

Speakers

Khawla Rasheed Al-Abyath *Lawyer and Legal Advisor, Baghdad, Iraq*

Morvan Le Berre *Wardyński & Partners, Brussels, Belgium*

Pablo Falabella *Weil Gotshal & Manges LLP, New York, USA*

Desmond Hudson *The Law Society of England & Wales, London, England*

Rita Jaballah *Al Tamimi & Company, Dubai, United Arab Emirates*

Pii Ketvel *Clyde & Co LLP, London, England; Co-Chair, European Forum*

Mikiko Otani *Otani Law Office, Tokyo, Japan; Young Membership Officer, Family Law Committee*

Marcos Vergara del Carril *Clifford Chance, Madrid, Spain*

WEDNESDAY 1500 – 1800

Martín Fierro II, 2nd Floor

Young Lawyers' reception

See page 123 for details

THURSDAY 1830

Fiestas Room, The Marriott Plaza Hotel

Young Lawyers' night out

A night out is being organised by the Young Lawyers' Committee.

Venue – Jet Lounge

Av Rafael Obligado 4801, Costanera, Capital Federal, Buenos Aires

For further information please contact:

Agustin Mayer West *Ferrere Abogados, Montevideo, Uruguay;*

Events Officer, Young Lawyers' Committee amayer@ferrere.com

Naldo Fabian Dasso *Cárdenas Di Cío Romero Tarsitano & Lucero, Buenos Aires, Argentina; Assistant-Secretary, Pro bono and Access to Justice Committee* ndasso@estudiocardenas.com

Pablo Vergara del Carril *Zang Bergel & Viñes, Buenos Aires, Argentina* p.vergara@ezabog.com.ar

THURSDAY 2300

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Dr Christoph Hammer
Senior Vice President & General Counsel – International
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Competition

Germany - contributed by CMS Alliance

Federal Cartel Office Fines Pharmaceutical Market Players
In two separate decisions the Federal Cartel Office has fined nine pharmacy associations, a pharmaceutical association, five pharmaceutical manufacturers and eight pharmacies in the German city of Hildesheim for alleged price maintenance for over-the-counter drugs. The actions of the Federal Cartel Office show that it scrutinizes this market closely and strives to establish price competition.
Authors: Tim Reher, Daniel Kappes
(Read article <http://www.internationallawoffice.com/?i=1027470&l=6H1Q5AH>)


Tim Reher

USA - contributed by Hogan & Hartson LLP

Court Rejects Robinson-Patman Claim by Uninsured Consumer
Courts have long applied the Robinson-Patman Act to require that a customer seeking treble damages for a supplier's alleged price discrimination in favour of another customer allege and prove in part that it competes with that allegedly favoured customer. A federal district court in Alabama recently applied that requirement to dismiss a Robinson-Patman claim by an uninsured consumer.
Author: Philip C Larson
(Read article <http://www.internationallawoffice.com/?i=1027470&l=6H1Q5AH>)


Philip C Larson

Recent Updates

Czech Republic Competition Office Decision in Breach of
Estonia Merger of Boards Gives Competition Board More
Israel The Importance of Legal Opinion and its Shortcomings
Spain Competition Commission Dismisses Abuse Claims
Turkey Public Consultation to Revise Competition Board Communiqué
USA FTC Challenges Merger of Spinal Treatment Competitors

Deals

C\$200 million offering: Ottawa International Airport Authority, CIBC World Markets Inc, RBC Capital Markets Inc (more info)
Legal Advisers: Gowling Lafleur Henderson LLP (Ottawa ON) - Guy David; Gowling Lafleur Henderson LLP (Vancouver BC) ; Gowling Lafleur Henderson LLP (Calgary AB) ; Gowling Lafleur Henderson LLP (Montreal QC) - Pierre Lissais
(Complete list of law firms/lawyers involved <http://www.internationallawoffice.com/?i=1037043&l=6QZ228D>)

\$8.5 billion acquisition: Toronto Dominion Bank, Commerce Bancorp Inc (more info)
Legal Advisers: Sullivan & Cromwell LLP - H Rodgin Cohen
(Complete list of law firms/lawyers involved <http://www.internationallawoffice.com/?i=1037043&l=6QZ228D>)

\$42.7 million placement: Regent Pacific Group Ltd, Morgan Stanley & Co (more info)

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Conference headquarters

Sheraton Buenos Aires
Hotel & Convention Center
San Martín 1225
C1104 AKC Buenos Aires, Argentina
Tel: +54 11 4318 9000
Fax: +54 11 4318 9353

All working sessions will take place at the Sheraton Buenos Aires Hotel & Convention Center and the Meliá Buenos Aires Hotel. All non-ticketed daily delegate lunches will be held at the Sheraton Buenos Aires Hotel & Convention Center. Unless otherwise stated, ticketed lunches will take place at the The Marriott Plaza Hotel.

Cyber Café

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The Cyber Café is located in the foyer of the San Isidro Hall, lower level, Sheraton Buenos Aires Hotel & Convention Center. Access to the internet is free for delegates – limited to 30-minute sessions.

Message Centre

The Message Centre is located in the foyer of the San Telmo Room, lobby level, Sheraton Buenos Aires Hotel & Convention Center. Messages can be left and collected here during the conference hours between Sunday 12 and Friday 17 October. Message monitors are located throughout the Sheraton Buenos Aires Hotel & Convention Center.

Tel: +54 11 4318 9051
Fax 1: +54 11 4318 9052
Fax 2: +54 11 4318 9053

Business Centre

The Business Centre is located in the foyer of the San Telmo room, lobby level, Sheraton Buenos Aires Hotel & Convention Center and is open from Monday-Friday, 0900 – 1800.

Wireless internet access

Wireless internet access is available in the public areas of the Sheraton Buenos Aires Hotel & Convention Center on a pay-per-use basis with payment via a credit card.

Delegate/Accompanying person conference badges

For security reasons, badges must be worn at all times during the conference and at social events. Proof of identity is required for replacement badges.

Security

We would always advise delegates and guests to take basic security precautions in any major capital city for their safety. However security concerns and incidents

in Buenos Aires have recently increased. We would strongly recommend that you take care of your personal possessions, do not display eye-catching jewellery or cameras, or carry large quantities of cash while sightseeing or in busy tourist areas. You should also avoid wandering into quiet side streets, parks or near the railway station at any time of the day and always use a recommended Radio Taxi at night (see recommended companies below). Please take care and report any incidents to IBA staff at the registration desk.

Transport

Taxis are by far the most convenient way to get around Buenos Aires. Fares are inexpensive and taxis plentiful. However due to the recent increase in unofficial taxi companies operating in Buenos Aires we recommend you only use a Radio Taxi (Remise). Only recommended Radio Taxis operate from the Sheraton Buenos Aires Hotel and Convention Center. Please see the recommended companies below.

Premium

Tel: 5238 0000
Tel: 4374 6666
www.taxipremium.com.ar

Su Taxi

Tel: 4635 2500/1

Del Plata

Tel: 4505 1111
www.delplataradiotaxi.com

Universal

Tel: 4105 5555
www.remisesuniversal.com

Transport to IBA and committee social functions

Unless otherwise indicated, transport to IBA conference events and committee social events is NOT provided.

Tours/excursions

Please visit our official tour operator ICS – Congresos Internacionales SA in the registration/exhibition area, San Isidro Hall, lower level, Sheraton Buenos Aires Hotel & Convention Center to collect your excursion/tour tickets, book excursions subject to availability or to amend existing bookings.

All excursions will depart from the Sheraton Buenos Aires Hotel and Convention Center, Alem Avenue entrance. Please ensure you arrive 10 minutes prior to your excursion departure time.

Tel: +54 11 4318 9129

Medical facilities

In the event of medical assistance being required during conference hours please contact IBA staff at the registration desk.

Health and Insurance

The International Bar Association cannot be held responsible for any medical costs incurred by participants.

Banks/Shopping

Banks are open from 1000 – 1500 Monday to Friday.

The general shopping hours are weekdays from 0900 – 2000 and Saturday from 0900 – 1300.

Photographer

There will be an opportunity to purchase photographs from the official Conference Photographer. The Photographer's stand will be located in the exhibition area, Sheraton Buenos Aires Hotel & Convention Center.

Key contacts

If calling from abroad, the following numbers must be prefixed by +54 11

Message Centre

Tel: 4318 9051
Fax 1: 4318 9052
Fax 2: 4318 9053

Local Hospitals

Hospital de Clínicas
Tel: 5950 8000
Hospital Británico
Marcelo T de Alvear 1573
Tel: 4812 0048/49
(Private hospital with English speaking doctors)

Dentist

Dr José Zysmilich
Tel: 4865 2322
(English speaking private dentist)

Tourist Police

Av. Corrientes 436
Tel: 4346 5770

Fire emergencies

Tel: 100

Medical emergencies

Tel: 107

Police emergencies

Tel: 101

Airport Information

Ezeiza Ministro Pistarini
Tel: 4480 9538

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Venue layouts

Meliá Buenos Aires Hotel - meeting rooms

Tirso De Molina A/B/C
Casona A/B

Lobby level
Lower level

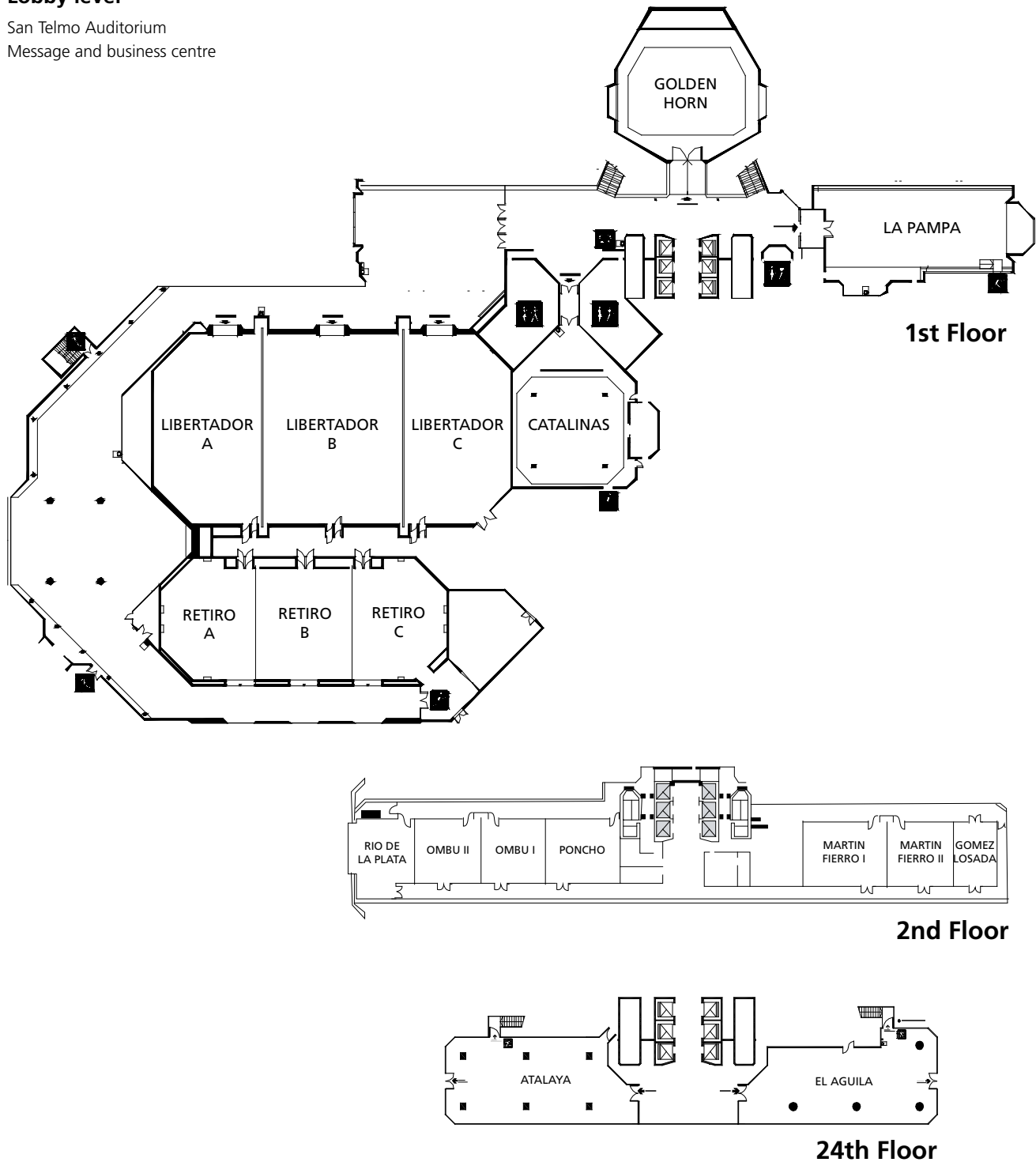
Sheraton Buenos Aires Hotel & Convention Center

Lower level

Registration, legal exhibition and cyber café are located in the San Isidro Hall/Foyer. See page 143.

Lobby level

San Telmo Auditorium
Message and business centre



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Ewoud Sakkers, Cartel Directorate of the European Commission;
Johan Ysewyn, Partner, Linklaters LLP

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Social Programme

Conference events

* Indicates functions open to delegates and registered accompanying persons for which there is no charge. Admission is by conference badge.

Tickets, where relevant, must be purchased for children over 13 years old. Some social functions may not be suitable for young children and, if this is the case, the IBA reserves the right not to admit them. You are welcome to enquire at Registration prior to the event to avoid disappointment.

Social function prices: The IBA does not mark up ticket prices or make a profit from social functions. Dining in a large group will sometimes cost more than dining individually because of additional costs such as room hire, transport, decoration, etc.

The conference dress code is smart casual for working sessions and social events unless otherwise stated.

Sunday

1800 – 1930

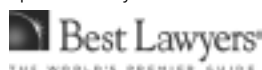
*Opening ceremony La Rural

Transport will depart at **1700** from the Sheraton Buenos Aires Hotel & Convention Center, Alem Avenue entrance.

1930 – 2230

*Welcome party

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La Rural

La Rural was established 130 years ago as the main agricultural and cattle showground in Argentina, and its heritage is still visible today. Located in the heart of Buenos Aires, it is a unique landmark. Tonight is to be a traditional Argentinean affair – a stunning gaucho barbecue, local musicians and entertainers, great wines, artisans demonstrating and selling their wares and then a spectacular horse show – Opera Pampa – depicting Argentina's early history. It is a night not to be missed.

Return transport will be provided.

Monday

The The Marriott Plaza Hotel is a 5-10 minute walk from the Sheraton Buenos Aires Hotel & Convention Center. All non-ticketed daily delegate lunches will be held at the Sheraton Buenos Aires Hotel & Convention Center.

1300 – 1500

European Forum lunch

Fiestas Room, The Marriott Plaza Hotel
Price: £38

1300 – 1500

North American Forum lunch

Florida Rooms, The Marriott Plaza Hotel
Price: £38

1300 – 1500

Arab Regional Forum lunch

Dorado Room, The Marriott Plaza Hotel
Price: £38

1315 – 1500

Public and Professional Interest Division lunch

Versailles Ballroom, Alvear Palace Hotel
Price: £45

Transport will depart at **1300** from the Sheraton Buenos Aires Hotel & Convention Center, Alem Avenue entrance.

1830 – 2130

* Hosted Law Firm reception attersall

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Martínez de Hoz (jr)

Estudio Randle

Rattagan Macchiavello Arocena & Peña

Robirosa

Brons & Salas

Bulló Tassi Estebenet Lipera Torassa

Abogados

Zang Bergel & Viñes

Tuesday

0830 – 1000

ABA welcome breakfast

Fiestas Room, The Marriott Plaza Hotel

1300 – 1500

Asia Pacific Forum lunch

Florida Rooms, The Marriott Plaza Hotel
Price: £38

1300 – 1500

Latin American Regional Forum lunch

Sponsored by:



Fiestas Room, The Marriott Plaza Hotel
Price: £38

1300 – 1500

Women Lawyers' lunch

Sponsored by:



Dorado Room, The Marriott Plaza Hotel
Price: £38

1830

Newcomers' reception

Fiestas Room, The Marriott Plaza Hotel

2000

Joint Senior Lawyers and Women Lawyers Tango dinner

Dock TRES Puerto Madero
Alicia Moreau de Justo 388

Transport will depart at **1945** from the Sheraton Buenos Aires Hotel & Convention Center, Alem Avenue entrance.
Price: £63

Wednesday

1300 – 1500

Legal Practice Division lunch

Fiestas Room, The Marriott Plaza Hotel
Price: £38



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Social Programme

Conference events (continued)

Thursday

IBA golf day

Jockey Club Argentino, San Isidro

Transport: please refer to your confirmation details for transport information.

Price: £115

1300 – 1500

Corporate Counsel lunch

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1300 – 1500

African Regional Forum lunch

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IBA football match

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1830

*Young lawyers' reception

Fiestas Room, The Marriott Plaza Hotel

Friday

1900 – 2200

Closing dinner and tango show

Tango Porteño, Cerrito 570

Sponsored by:



A stunning finale to the week, this event takes place in Tango Porteño. Dinner will precede a spectacular show of tango music and dance – a fitting farewell to this vibrant and multi-faceted city.

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Social Programme

Committee events

Monday

1315

Capital Markets Forum lunch
West Bengal, Loi Suites Hotel,
Arenales 855
Price: £49

1315

Cultural Issues Programme event
Sponsored by:

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El Querandi, Perú 302
Price: £15

2030

Art, Cultural Institutions and Heritage Law Committee dinner
La Cabana, Rodríguez Peña 1967,
Recoleta
Price: £77

Tuesday

0830

African Regional Forum breakfast
Dorado Room, The Marriott Plaza Hotel
Free admission to African Regional Forum members
No pre-registration required.*

0830

Family Law Committee breakfast
Sponsored by:

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Florida Rooms, The Marriott Plaza Hotel
Free admission to Family Law Committee members
No pre-registration required.*

1100

Committees on Insurance and Maritime and Transport Law joint lunch excursion †
Delta tour and lunch at Gato Blanco
Price: £84

1300

Committees on Banking Law and Securities Law joint lunch
Casa Cruz, Uriarte 1658, Palermo
Price: £92

1315

Mediation Committee lunch
West Bengal, Loi Suites Hotel,
855 Arenales
Price: £49

1330

Antitrust Committee lunch
Circulo Militar, Avenida Santa Fe 750
Price: £35

1830

Leisure Industries Section, Latin American Regional Forum, Media Law Committee and Young Lawyers' Committee joint dinner and tour †
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Guided tour of the Boca Juniors Stadium (La Bombonera) and Boca Museum, and private dinner at the Boca Museum.
Price: £112

2030

Anti-Corruption Committee dinner
La Cabana, Rodríguez Peña 1967,
Recoleta
Price: £77

2030

Committees on Communications Law and Space Law joint dinner
Piegari Vittello & Dolce, Posadas 1089,
Recoleta
Price: £53

2030

Corporate and M&A Law Committee dinner
Lola, Roberto M Ortiz y Guido
Price: £47

2030

Investment Funds Committee dinner
Sottovoce, Alicia Moreau de Justo 176
Price: £60

2100

Taxation Section dinner
La Bourgogne at Alvear Palace Hotel
Ballroom, Ayacucho 2071, Recoleta
Price: £71

2130

Section on Energy, Environment, Natural Resources and Infrastructure Law (SEERIL) dinner
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Social Programme

Committee events (continued)

Wednesday

2000

Arbitration Committee reception and dinner †

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Tattersall, Avenida del Libertador 4595, Palermo

Price: £73

2000

Consumer Litigation Committee dinner

La Cabana, Rodríguez Peña 1967, Recoleta

Price: £77

2000

Insolvency, Restructuring and Creditors' Rights Section (SIRC) reception and dinner

Drinks reception sponsored by:



Yacht Club Puerto Madero, Dock IV, Olga Cossettini y Victoria Ocampo, Puerto Madero

Price: £66

2030

Aviation Law Committee dinner

Sponsored by:



Sottovoce, Alicia Moreau de Justo 176

Price: £19

2030

Intellectual Property and Entertainment Law Committee dinner

Casa Cruz, Uriarte 1658, Palermo

Price: £87

2030

Trade and Customs Law Committee dinner †

La Brigada, Estados Unidos 465, San Telmo

Price: £71

2100

International Construction Projects Committee dinner

Cabana Las Lilas, Alicia Moreau de Justo 550

Price: £43

2100

International Sales, Franchising and Product Law Section dinner

Rio Alba, Cerviño 4499

Price: £44

Thursday

0830

Academics and Professional Development Breakfast

Florida Rooms, The Marriott Plaza Hotel

Free admission to Academics

No pre-registration required.*

0830

Managing Partners breakfast

Fiestas Room, The Marriott Plaza Hotel

Free admission to Managing Partners

No pre-registration required.*

1245

Litigation Committee lunch excursion

Regina Australe, Dársena Norte, Cecilia Grierson y Juana Manso, Puerto de Buenos Aires

Price: £63

1930

Committees on Employment and Industrial Relations Law and Discrimination Law joint dinner

Yacht Club Argentino, Viamonte 1 y Costanera Sur

Price: £39

2000

Immigration and Nationality Law Committee dinner

La Cabana, Rodríguez Peña 1967, Recoleta

Price: £77

2015

Insurance Committee dinner

Aberg Cobo House, Las Heras 1722

Price: £68

2030

Criminal Law Section dinner

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La Cabana, Rodríguez Peña 1967, Recoleta

Price: £58

2030

Maritime and Transport Law Committee dinner

Lola, Roberto M Ortiz y Guido

Price: £47

2030

Technology Law Committee dinner

Cabana Las Lilas,

Alicia Moreau de Justo 550

Price: £45

Friday

0900

International Construction Projects excursion †

San Antonio de Areco tour

Price: £81

† Return transport provided

Transport departs from the Sheraton Buenos Aires Hotel & Convention Center, Alem Avenue entrance, please check your ticket for departure time.

* Space is limited for these events therefore availability is on a first-come-first-served basis.

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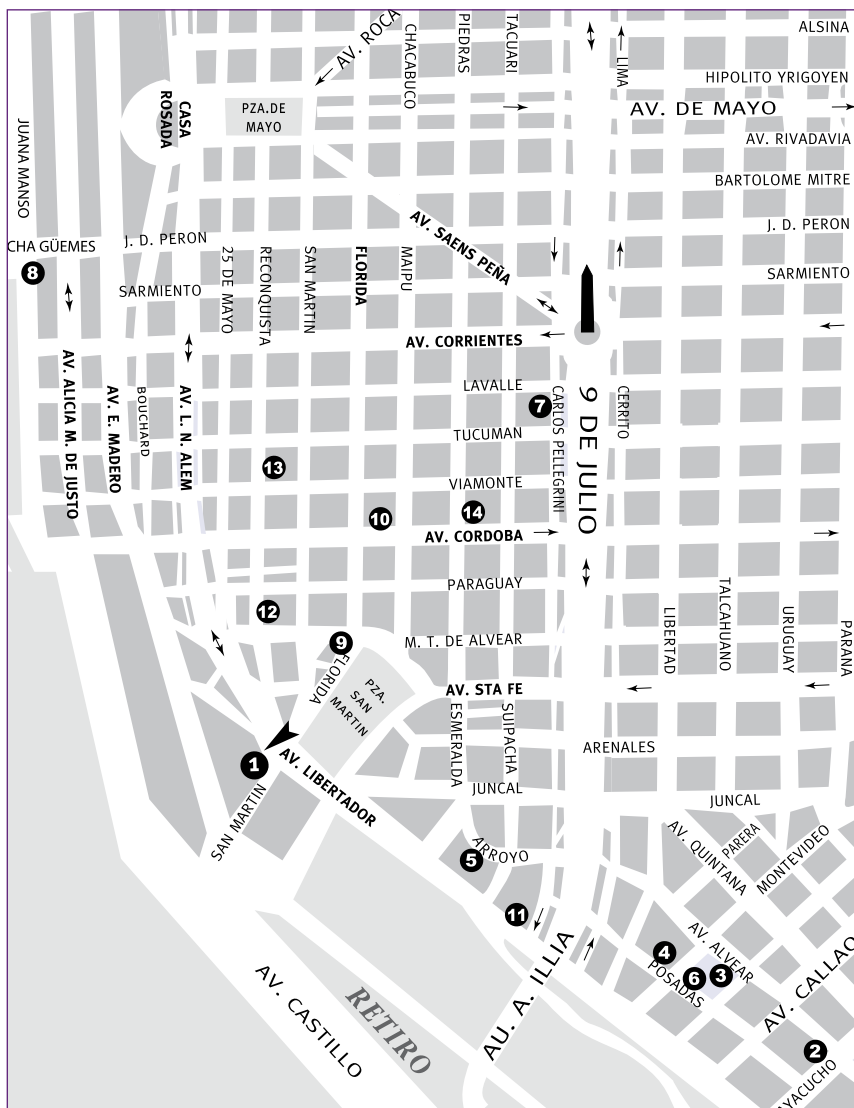
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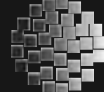
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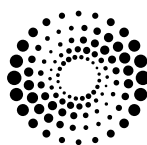


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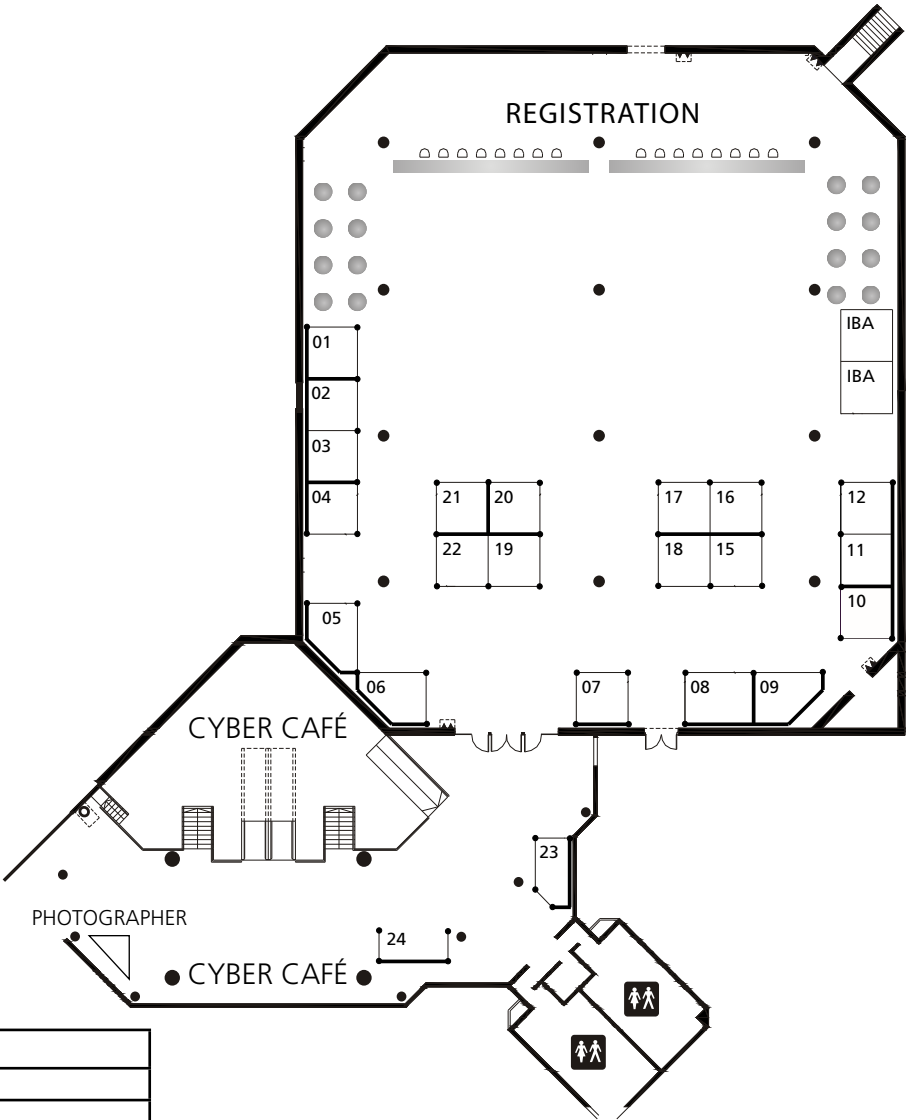
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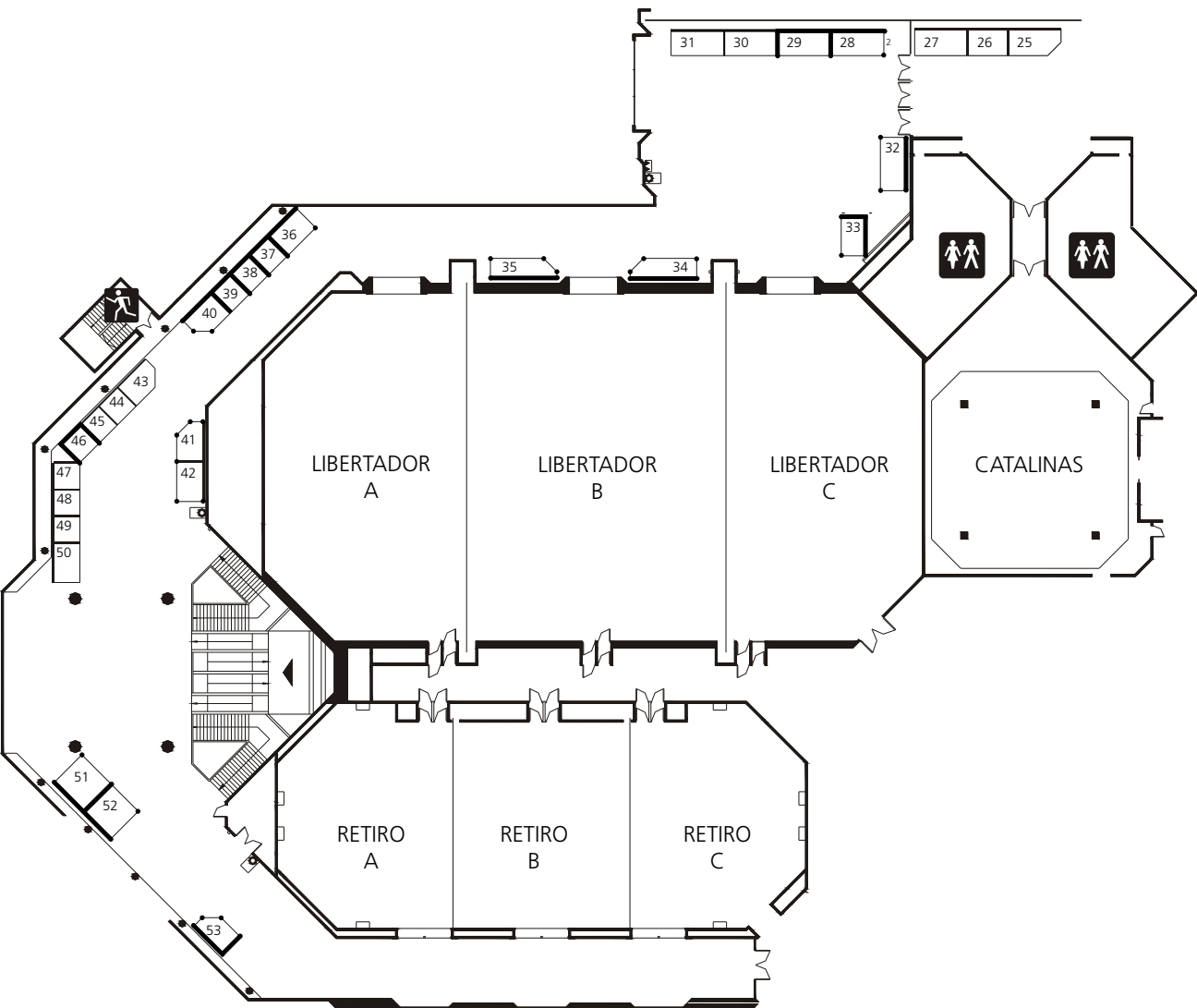
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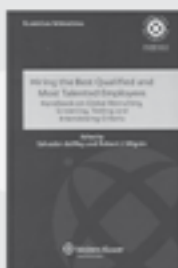
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