

NEW YORK STATE BAR ASSOCIATION



NYSBA

International Section

Seasonal Meeting 2011

*Pre-Meeting with the
Costa Rica Chapter*

September 19, 2011
San José, Costa Rica

*Latin America as an Engine for
Economic Recovery and Growth*

September 20-24, 2011
Panama City, Panama



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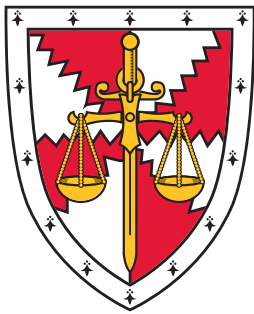


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International Law**
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Hernan Pacheco
Pacheco Coto, San José



INTRODUCTION



Section Chair

Andre R. Jaglom, *Tannenbaum Helpen Syracuse & Hirschtritt LLP, New York City*

Program Co-Chairs:

Alvaro Aguilar Alfu, *Program Co-Chair, Lombardi Aguilar Group, Panama City, Panama*

Alyssa A. Grikscheit, *Program Co-Chair, Sidley Austin LLP, New York City*

Juan F. Pardini, *Program Co-Chair, Pardini & Asociados, Panama City, Panama*

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The New York State MCLE Board requirement for Attorneys in practice beyond the first two years after admission to the Bar is 24 credit hours per biennial registration cycle, with four hours of these credit hours earned in the area of ethics and professionalism. *This program will satisfy up to 18 MCLE credit hours including 2 hours in ethics and/or up to 16 hours in professional practice.* The ethics portion of this program will qualify for MCLE credit for newly admitted attorneys; however, the balance of the program will not qualify since it is not a basic practical skills program.

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SCHEDULE OF EVENTS

Monday, September 19 - Costa Rica Chapter Meeting Intercontinental Hotel, San José

- 12:30 p.m. **Lunch with members of the Costa Rican Bar Association** – Presidents Hall of the Costa Rican Bar Association, Zapote, San José
- 6:00 - 8:00 p.m. **Program: Choice of New York Law and Forum in International Agreements** – Intercontinental Hotel, San José
Michael W. Galligan, *Phillips Nizer LLP, New York City*
Stephen P. Younger, *Patterson Belknap Webb & Tyler LLP, New York City*
- 8:00 - 9:00 p.m. **Cocktail Reception** – Intercontinental Hotel, San José
Attendance at this meeting will provide two credits in professional practice.

Tuesday, September 20 - Seasonal Meeting Marriott Hotel, Panama City

- 7:00 p.m. **Dinner** – Executive Committee – City Club Panama
Credicorp Bank Building, 50th Street, Panama

Wednesday, September 21

- 9:30–6:00 p.m. **Registration**
- 10:00–2:00 p.m. **Chapter Chair Luncheon Meeting** – Salon Atlantico
- 3:00–5:00 p.m. **Executive Committee Meeting** – Salon Gran Canal III
- 5:45 p.m. **Bus Transfer** – from the Marriott Hotel to the dock
- 6:00 - 7:30 p.m. **Cocktail Cruise** – aboard the *Pacific Queen*
- 7:30 p.m. **Bus Transfer** – from the dock to the Union Club
- 8:00 p.m. **Reception and Dinner** – the Union Club
- 10:30 p.m. **Bus Transfer** – to the Marriott Hotel

Thursday, September 22

- 7:30–8:30 a.m. **Breakfast Buffet** – Marriott Hotel
- 8:30–9:00 a.m. **Welcoming Remarks** – Salon Campo Alegre BC
Vincent E. Doyle III, *President, New York State Bar Association, Connors & Vilardo, LLP, Buffalo*
Andre R. Jaglom, *Section Chair, Tannenbaum Helpen Syracuse & Hirschtritt, New York City*
Alvaro Aguilar Alfu, *Program Co-Chair, Lombardi Aguilar Group, Panama City*
Alyssa A. Grikscheit, *Program Co-Chair, Sidley Austin LLP, New York City*
Juan F. Pardini, *Program Co-Chair, Pardini & Asociados, Panama City*
- 9:00-10:15 a.m. **Plenary Session One** – Salon Campo Alegre BC
Anti-Corruption Laws and Their Impact on Latin America
Co-Chairs
M. Scott Peeler, *Chadbourne & Parke LLP, New York City*
Isabel C. Franco, *KLA - Koury Lopes Advogados, São Paulo*
Richard R. Fogarty, *Capstone Advisory Group, LLC, New York City*
Maria A. Barton, *Latham & Watkins LLP, New York City*

SCHEDULE OF EVENTS

10:15–10:35 a.m. **Coffee Break**

Thursday Program Tracks

10:35–11:50 a.m. **Track One – Corporate**

Panel 1

Private Equity in Latin America

Co-Chairs:

Alyssa A. Grikscheit

Sidley Austin LLP, New York City

Gisela A. de Porras

Arias & Muñoz, Panama City

Panelists:

Liliana Espinosa Reboa

Estudio Echeopar, Lima

Carlos Fradique-Mendez

Brigard & Urrutia, Bogotá

Bryan Hunter

Applebys, Cayman Islands

Carlos Mauricio S. Mirandola

FreitasLeite, São Paulo

Track Two – Litigation/Arbitration

Panel 2

Current Arbitration Trends in Latin America

Co-Chairs:

Zita Horváth

Leal Isla & Horvath S.C., Monterrey, Mexico

Raul Herrera

Arnold & Porter, Washington, DC

Panelists:

Ambassador Eloy Alfaro

Tapia, Linares & Alfaro, Panama City

Luis Martinez

Vice President of the AAA, New York City

Luis Enrique Graham

Chadbourne & Parke LLP
New York City/Mexico City

Track Three – General

Panel 3

Trade Issues Affecting Multinationals and Counsel

Co-Chairs:

Robert J. Leo

Meeks, Sheppard, Leo & Pillsbury
New York City

Carlos E. González

Morgan & Morgan
Panama City

Panelists:

Pasha L. Hsieh

Singapore Management University,
Singapore

Catin Vazquez

GE Global Operations, Panama

12:00–1:15 p.m.

Panel 4

Private Mergers and Acquisitions – Local Implementations of International Practices

Co-Chairs:

Carl-Olof Bouveng

Advokatfirman Lindahl KB, Stockholm

Juan F. Pardini

Pardini & Asociados, Panama City

Panelists:

William D. Gray

McMillan LLP, Toronto

Abhijit Joshi

AZB & Partners, Mumbai

James Cole, Jr.

Wachtell, Lipton, Rosen & Katz
New York City

Ronaldo C. Veirano

Veirano Advogados, São Paulo

Panel 5

Insolvency Laws in Latin America and Beyond

Co-Chairs:

William H. Schrag

Duane Morris LLP, New York City

Fernando Aued

ARIFA, Panama

Panelists:

Mark Bloom

Greenberg Traurig, Miami

Frank Conrad

Former Bankruptcy Judge,
New York City
Bederson & Company, New York City

Carlos Felipe Davalos

Bufete Davalos y Asociados, Mexico

Panel 6

Achieving Diversity in the Global Law Firm

Co-Chairs:

Kenneth G. Standard

Epstein Becker & Green, P.C.
New York City

Mercedes Grimaldo

Morgan & Morgan, Panama

Panelists:

The Honorable Graciela Dixon

Chief Justice of the Supreme Court
of Panama

Kay Hodge

Stoneman, Chandler & Miller LLP, Boston

José Carlos Meirelles

Pinheiro Neto Advogados, São Paulo

Mohamed Zaanouni

Zaanouni Law Firm, Tunis

1:15–3:00 p.m.

Lunch – Salon Gran Canal III

Francisco J. Miguez, Executive Vice President, Department of Administration and Finances,
Panama Canal Authority

3:00–4:15 p.m.

Panel 7

Best Practices in International Distribution Contract Drafting

Co-Chairs:

Andre R. Jaglom

Tannenbaum Helpert Syracuse
& Hirschtritt LLP, New York City

David M. Mizrachi

Mizrachi, Davarro & Urriola
Panama City

Panelists:

Salvo Arena

Chiomenti Studio Legale, L.L.C.
New York City

Hernan Pacheco

Pacheco Coto Attorneys at Law
Costa Rica

Panel 8

Emerging Reforms in Latin American Civil Justice Systems

Co-Chairs:

Natalie Reyes

Centro de Estudios de Justicia
de las Americas, Santiago

Panelist:

Carolina Villadiego

Centro de Estudios de Justicia de las
Americas, San Jose, Costa Rica

Panel 9

Commercial Debt Collection in Latin America

Co-Chairs:

David R. Franklin

Franklin & Franklin, Montréal

Ivan Rogelio Robles

Robles and Robles, Panama City

Howard Weber

The Law Office of Howard B. Weber
New York City

Panelists:

Octavio Aronis

Aronis Advogados, Sao Paulo

Romelio Hernandez

HMH Legal, Tijuana, Mexico

Daniel Zaibert

Zaibert & Asociados, Caracas

SCHEDULE OF EVENTS

Thursday, September 22 (con't)

- 4:25–5:40 p.m.** **Panel 10**
Project Bonds: A Viable Alternative for Construction Financing?
Co-Chairs:
Marc M. Rossell
Chadbourne & Parke LLP
New York City
Ricardo M. Arango
Arias Fábrega & Fábrega, Panama City
Panelist:
Raul Ardito Barletta
HSBC Bank, Panama
Mauro Penteado
Partner
Machado Meyer Sendacz Opice
- Panel 11**
Cross-Border Litigation in the Americas
Co-Chairs:
Jon-David Giacomelli
Cambridge LLP, Toronto
Esteban Aguero
Aguilar Castillo Love, Costa Rica
Panelists:
C. Ignacio Suarez Anzorena
Chadbourne & Parke LLP
Washington, DC
Sandra González
Ferrere, Montevideo
- Panel 12**
Immigration Law
Co-Chairs:
Kenneth A. Schultz
Satterlee Stephens Burke & Burke LLP
New York City
Panelists:
Vice Consul Gretchen Franke
U.S. Embassy, Panama
Rainelda Mata-Kelly
Panama
Allen E. Kaye
Office of Allen E. Kaye, P.C.
New York City
- 6:00 p.m.** **Bus Transfer** – Marriott Hotel to the residence of Ambassador Phyllis Powers
- 6:30–8:00 p.m.** **Reception** – Residence of Ambassador Powers
- 8:00 p.m.** **Bus Transfer** – to the Trump Hotel
- 8:30 p.m.** **Dinner** – Trump Hotel
José Pacheco Teixeira, Vice Minister of Commerce and Industry, Panama
- 10:30 p.m.** **Bus Transfer** – to the Marriott Hotel

Friday, September 23

- 7:15–8:00 a.m.** **Continental Breakfast** – Marriott Hotel
- 8:00–9:40 a.m.** **Plenary Session Two** – Salon Campo Alegre BC
Treaty Shopping, Investment Laws and Consent to Jurisdiction
Professor Alejandro Garro, *Columbia University Law School, New York City*
Luca Castellani, *UNCITRAL Secretariat, Vienna*
Dr. Claudia Frutos-Peterson, *Curtis, Mallet-Prevost, Colt & Mosle LLP, Washington, DC*
Esteban López, *Katz & López, Panama City*
- 9:40–9:55 a.m.** **Coffee Break**

Friday Program Tracks

- 9:55–11:10 a.m.** **Track One – Corporate**
Panel 13
Ship Finance
Co-Chairs:
Lawrence E. Shoenthal
Lawrence Shoenthal, New York City
Roy C. Durling
Arias, Fábrega & Fábrega
Panama City
Panelists:
Greg Chase
Watson, Farley & Williams
(New York) LLP, New York City
Francisco Carreira
Carreira Pitti P.C. Abogados,
Panama City
- Track Two – Litigation/Arbitration**
Panel 14
Managing the Multinational Workforce in the Age of the Whistleblower
Co-Chairs:
Aaron J. Schindel
Proskauer Rose LLP, New York City
Ricardo Lachman
Morgan & Morgan, Panama
Panelists:
Rodrigo Solá Torino
Marval, O'Farrell & Mairal
Buenos Aires
Miriam R. Schindel
Hinman, Howard & Kattell, White Plains
- Track Three – General**
Panel 15
Competition Law
Co-Chairs:
L. Donald Prutzman
Tannenbaum Helpert Syracuse & Hirschrift LLP, New York City
Jorge Jaeckel
Posse Herrera & Ruiz, Bogotá
Panelists:
Mitzila Rodriguez
ACODECO, Panama
José Antonio Batista de Moura Ziebarth
São Paulo

SCHEDULE OF EVENTS

Friday, September 23 (con't)

11:10–12:00 p.m. **Panel 16**

Investment Protection Under FTAs

Co-Chairs:

Hernan Pacheco

Pacheco Coto Attorneys at Law
Costa Rica

Rajib Pal

Sidley Austin LLP, Washington, DC

Panelist:

Mónica C. Fernández-Fonseca

Costa Rican Foreign Trade Ministry

Raul R. Herrera

Arnold & Porter LLP, Washington, DC

Panel 17

Cross Border Litigation and Arbitration in Connection with Defaulted Sovereign Debt: The Argentine Case and What it Means Today

Co-Chairs:

Sandra González

Ferrere, Montevideo

Eberhard H. Rohm

Duane Morris LLP, New York City

Panelists:

Oliver J. Armas

Chadbourn & Parke LLP
New York City

David E. Harrell, Jr.

Locke Lord Bissell & Liddell LLP
Houston, Texas

Maria C. Rivera-Lupu

Debevoise & Plimpton LLP
New York City

Timothy G. Nelson

Skadden, Arps, Slate,
Meagher & Flom LLP & Affiliates
New York City

Panel 18

Reforestation

Co-Chairs:

Andrew D. Otis

Curtis, Mallet-Prevost, Colt & Mosle LLP
New York City

Aldo de Cresci Neto

Fleury Malheiros, Gaspanni, De Cresci e
Nogueira de Lima Advogados

São Paulo

Panelist:

Álvaro José Rodríguez

Posse, Herrera & Ruiz, Bogotá

12:00–1:15 p.m. **Lunch** – Salon Gran Canal I

The Honorable Phyllis M. Powers

United States Ambassador to the Republic of Panama

1:15–2:30 p.m.

Track One – Corporate

Panel 19

The Convention on the International Sale of Goods (CISG)

Co-Chairs:

Albert L. A. Bloomsbury

Law Office of Albert L. Bloomsbury
New York City

Panelists:

José Barria

Anzola Robles & Asociados
Panama

Luca Castellani

UNCITRAL Secretariat
Vienna

Professor Alejandro Garro

Columbia University Law School
New York City

Track Two – Litigation/Arbitration

Panel 20

Securing Your Claim: Pre-and Post-Judgment Remedies

Co-Chairs:

Neil A. Quartaro

Watson, Farley & Williams LLP
New York City

Fernando A. Aued

Arias, Fábrega & Fábrega
Panama City

Panelists:

Bernardo Bentata

Bentata & Asociados, Caracas

Leslie N. Reizes

Reizes Law Firm, Chartered, Florida

Jay G. Safer

Locke Lord Bissell & Liddell L.L.P.
New York City

Track Three – General

Panel 21

Panama: On Track Toward International Fiscal Transparency

Co-Chairs:

Alfredo Apestegui

Ernst & Young LLP, New York City

Frank De Lima

Vice-Minister of Economy, Panama City

Panelists:

Luis Laguerre

Tax Partner, KPMG, Panama City

Domingo Latorraca

Financial Advisory Partner, Deloitte
Panama City

Luis Ocando

Tax Partner, Ernst & Young, Panama City

SCHEDULE OF EVENTS

Friday, September 23 (con't)

2:40–3:55 p.m.

Panel 22

Developments in Corporate Governance

Co-Chairs:

Evelyn López de Sánchez

Corral-Sanchez Abogados
Quito

David Gutierrez

BLP Abogados, Costa Rica

William Candelaria

Curtis, Mallet-Prevost, Colt & Mosle
LLP, New York City

Panelists:

Juan José Cárdenas

Rebaza, Alcázar & De Las Casas, Peru

Alberto Murray Neto

Paulo Roberto Murray Advogados,
Brazil

Panel 23

Social Networking – Can the Law Keep Up?

Co-Chairs:

Rory J. Radding

Edwards Angell Palmer & Dodge LLP
New York City

Fernando Triana

Inter-American Association of
Intellectual Property
Bogotá, Columbia

Panelists:

Jaime R. Angeles

Angeles & Lugo, Santo Domingo,
Dominican Republic

Alan L. Friel

Wildman Harrold, Los Angeles,
California

Howard O. Hunter

Professor, Singapore Management
University School of Law, Singapore

Panel 24

US and Latin American Estate Planning

Co-Chairs:

Michael W. Galligan

Phillips Nizer LLP, New York City

Mario Vlieg

Aleman, Cordero, Galindo & Lee,
Panama City

Panelists:

Diego Fissore

G. Breuer, Buenos Aires

Glenn G. Fox

Alston & Bird LLC, New York City

Alexandre Lindenbojm

Vinci Partners, São Paulo

Mary Fernandez

Headrick Rizik Alvarez & Fernández
Santo Domingo

Alejandro Antillon

San Jose, Costa Rica

Lucas Moreno

Brigard & Urrutia, Bogotá

4:05–4:55 p.m.

Panel 25

Utilizing Tax Incentives for Infrastructure Ventures in Latin America

Co-Chairs:

James R. Shorter, Jr.

Shorter Law Offices, New York City

José Manuel Jaén

The Assets Trust Group, Panama City

Panelists:

Mariana Eguarte-Morett

Sánchez Devanny Eseverri, Mexico City

Tatiana Falcao

Machado Associados, Rio de Janeiro

Bastiana Locurscio

Rattagan, Macchiavello Arocena
& Peña Robirosa, Buenos Aires

Lucas Moreno

Brigard & Urrutia, Bogotá

Panel 26

Intellectual Property Protection in Latin America

Co-Chairs:

L. Donald Prutzman

Tannenbaum Helpert Syracuse &
Hirschtritt LLP, New York City

Allen Candanedo

Morgan & Morgan, Panama City

Panelist:

Ernesto Cavalier

Posse, Herrera & Ruiz, Bogotá

Panel 27

Trusts and Estates – Regulation of Offshore Accounts and Trusts in the US and Latin America

Co-Chairs:

Glenn G. Fox

Alston & Bird LLP, New York City

Mary Fernandez

Headrick Rizik Alvarez & Fernández
Santo Domingo

Panelists:

Cristina Sánchez

Urtiz, Miranda & Estavillo, S.C.
Lomas Altas, México

Alvaro J. Aguilar

Lombardi Aguilar Group, Panama City

Diego Fissore

G. Breuer, Buenos Aires

Michael W. Galligan

Phillips Nizer LLP, New York City

6:00 p.m.

Bus Transfer – Canal Museum (Old Town)

6:30–10:00 p.m.

Reception and Dinner – Canal Museum (Old Town)

10:00 p.m.

Bus Transfer – to the Marriott Hotel

SCHEDULE OF EVENTS

Saturday, September 24

8:00–9:00 a.m. **Breakfast Buffet** – Marriott Hotel

9:00–9:30 a.m. **Attorneys Bus Transfer** – Marriott Hotel to Gamboa

9:45–11:30 a.m. **Plenary Session Three** – Gamboa Rainforest Hotel

Ethics:

“Cutting Edge Ethics Issues: Representing the Politically Incorrect Client and Ethics Rules in the Cross-Border World”

Panelists:

Stephen P. Younger, *Patterson Belknap Webb & Tyler LLP, New York City and Immediate Past President of New York State Bar Association*

Mark H. Alcott, *Paul, Weiss, Rifkind, Wharton & Garrison LLP, New York City and Past President of New York State Bar Association*

Carlos Barsallo, *Deloitte LATCO, Panamá*

11:30 a.m. **Spouses Bus Transfer** - Marriott Hotel to Gamboa

12:00 p.m. **Lunch** – Gamboa Rainforest Hotel

Free afternoon - Enjoy activities at Gamboa

Located on the banks of the Chagres River and Panama Canal, the Gamboa Rainforest Resort has 340 acres of breathtaking gardens. The resort lies in the heart of Panama's 55,000-acre Soberania National Park. It's surrounded by large tracts of lowland tropical rainforest that nourish thriving plants and harbor enchanting animal populations.

5:30 p.m. **Bus Transfer** – Gamboa to the Marriott Hotel

6:30 p.m. **Bus Transfer** – Marriott Hotel to Miraflores

7:00–11:00 p.m. **Gala Reception and Dinner** – Miraflores Restaurant at the Panama Canal, including a tour of the Canal Museum

11:00 p.m. **Bus Transfer** – Miraflores Restaurant to the Marriott Hotel

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