

Message from the Immediate Past Section Chair

By William H. Schrag

Dear Friends:

After an amazing year, it's time to recap some of the highlights and to offer thanks to those who "made it happen."

I. Events

In June 2018, we held our signature Global Law Week program in New York, together with an International Law Bridging the Gap program. Many thanks to all of the presenters and to our fantastic organizer, Neil Quartaro.

Our Seasonal Meeting (now known as our Global Conference) was held in late October in Montreal, Canada. Mark Rosenberg and his tireless Steering Committee dazzled us with many outstanding programs, speakers, dinners and events—but no one dazzled us like Sofia, the Robot!

In January 2019, we held our Annual Meeting and honored Justice Charles E. Ramos, Ruby Asturias and the late Lauren Rachlin. Our well-attended lunch meeting was preceded by a wonderful dinner at Remi the night before. Our educational program included cutting edge presentations on (i) general data protection regulation and (ii) discrimination, diversity and inclusion. Kudos to Jay Himes for chairing this wonderful event, and many thanks to each of the panelists for their enlightening presentations.

In February, our Florida Chapter sponsored an event called "Try Your Case, Not Your Judge's Patience." It featured law clerks of federal and state court judges in Florida and New York, offering inside tips to litigators on best practices. We were fortunate to have been hosted by Greenberg Traurig at its Miami office, and we are grateful to Constantine Economides for his superb work in organizing this event.

In late April/early May, our China Chapter Vice Chair, Mike He, led a delegation of 25 senior Chinese lawyers to the offices of Watson Farley for a meeting with many of our Executive Committee members. The following morning, Neil Quartaro, Sharon Stern Gerstman and Jay Safer accompanied the delegation to the U.S. District Court for the Southern District of New York. Much goodwill was created and much enthusiasm was generated

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Message from the New Section Chair

By Diane O'Connell

Welcome to the *International Law Practicum and Chapter News*! We encourage all of our chapters to provide news of the latest legal developments in your home jurisdictions, whether they are cases, new legislation, programs or practice tips. Please feel free to make your submissions directly to our editor, Torsten Kracht, at tkracht@hunton.com.

In 2019, the Section is holding its Global Conference in Tokyo, Japan. Many thanks to the Conference Co-Chairs Edward Lenci of Hinshaw & Culbertson LLP and Tsugumichi Watanabe of Morgan, Lewis & Bockius LLP for putting together an impressive line-up of speakers and an exciting array of social activities for this highly anticipated week-long conference. Also, special thanks are extended to the NYSBA staff for their hard work and dedication in facilitating the planning of the event, specifically Tiffany Bardwell, Dana Alamia, Stephanie Bugos, and Gina Bartosiewicz.

Additional events include:

- **Inaugural meeting of the Texas Chapter** (September 26, 2019) in the Houston office of Locke Lord under the able leadership of Texas Chapter Chair David Harrell. David lined up a fascinating program on the latest NAFTA agreement.
- **NYSBA Annual Meeting** (January 27, 2020) the meeting will include an outstanding CLE program chaired by Gonzalo S. Zaballos of Baker Hostetler LLP, as well as a pre-meeting dinner on Sunday, January 26, 2019 for members of the EC. In addition, the winner of this year's Albert S. Pergram International Law Writing Competition will be announced.
- **Regional Meeting in Madrid, Spain** (April 27-28, 2020) being organized by Conference Co-Chairs Clifford J. Hendel of Hendel IDR and Nabil G. Foster of Hinshaw & Culbertson LLP.

Other initiatives of note are the Rapid Response Committee, The Latin American Council, and Asian Bar Council. If you are interested in participating in any of these or wish to start a new initiative, please contact me. The success of the Section, and its impact in the international

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Message from the Outgoing Chair

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in advance of our Global Conference in Tokyo this November. Our hope is that many members of this Chinese delegation will attend our Tokyo meeting and help form the Asian analogue to our Latin American Council.

Our European Regional Meeting in Stockholm was held in May under the outstanding leadership of Carl-Olof Bouveng, Peter Utterström and Gonzalo Zeballos. We were treated to a highly innovative program on a wide range of issues faced by start-up companies. We spent an entire day at SUP 46, a leading Swedish incubator, which added to the genuineness of the experience. That evening, we were treated to a private tour and delicious dinner at the recently renovated National Museum.

II. Chapters, Committees and Publications

We have Chapters all over the world, and we have Committees for every major practice area. Through our international network, we have become a family. We not only provide assistance and referrals to one another but we also support one another in times of political turmoil and natural disasters. Many thanks to Jonathan Armstrong and our Rapid Response Committee. Our Publications Committee, headed up by Torsten Kracht and supported by Peggy McGuinness, Jennifer Ismat, Dunniela Kaufman and Beatriz Marque, reach thousands of people around the globe.

III. Special Projects

Our Latin American Council (LAC), chaired by Mary Fernandez, continues to serve as a model Super Regional Committee. LAC continues to promote its Best Practices Guidelines, which have been approved by the entire New York State Bar Association. Another important initiative of LAC has been its Training Program for Young Latin American Lawyers. This past January, we launched the program by placing junior Latin American lawyers with New York-based firms, or firms with a New York office, for three months at no cost to the host firm. The inaugural host firms were Duane Morris, Hogan Lovells and Thompson Hine. These firms were paired with attorneys from BLP in Costa Rica, Ferrere in Paraguay and Sanchez Devanny in Mexico City. Based upon the success of this program, which has helped develop relationships between the sponsoring and host firms, a second group of Latin American trainees will be sent to U.S. firms later this year. The trainee program is in addition to our two internship programs that we continue to run for law school students (i) attending Singapore Management University, who are placed in New York City firms over the Summer for 4-8 weeks and (ii) attending New York State law schools, who are placed at leading law

firms in Europe, Central America and South America for 4-8 week internships. These three programs are among my proudest accomplishments, which I could not have done without the able assistance and steady support of Ross Kartez.

IV. A Final Note of Thanks

Throughout my tenure as an officer of the International Section, I've had mentors and fellow officers who have guided and supported me every step of the way. I've also had the good fortune of working with NYSBA Presidents, Presidents Elect and Section Liaisons (at both the lay and professional levels), who were absolutely incredible. When I joined the International Section some 10 years ago, I never imagined that one day I would become its Chair but this past year has been the professional experience of a lifetime. I am deeply grateful to all of my friends who have made this such a positive and memorable experience.

The International Section is in a very good place, well-poised for continued growth and development. I wish Diane O'Connell and her talented officers continued success in the year ahead. I'll not only be rooting for you but will be there to help in whatever way I can. May we go from strength to strength!

With best regards,
William H. Schrag



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Message from the Editor

By Torsten Kracht

Dear Friends and Readers:

It is an honor and privilege to welcome you to Vol. 32, No.1, of the *International Law Practicum*. The central topic for this issue is trade secrets and how the law in this area has developed in different jurisdictions around the world. Thank you to Benoît Holvoete in France for suggesting the theme!

We also have a number of other articles that we hope you will find of interest in this edition, including one by our Section's outgoing president, William H. Schrag, about an important Second Circuit ruling in the Bernie Madoff



matter, allowing the trustee of the Madoff bankruptcy estate to pursue transfers made between foreign entities.

Many hours of hard work have gone into producing this exciting new issue. In addition to our contributing authors, I would like to thank Pamela Chrysler at NYSBA for her tireless efforts to bring this edition to print, and our executive editor, Andria Adigwe, for assembling and leading our team of talented student editors.

I hope this issue provokes further thought and discussion. Feedback and suggestions about this edition or the *Practicum* in general are highly encouraged and I hope that together, as a community, we can continue to develop our publication as a practical forum for the exchange of useful information for our members.

Best,

Torsten M. Kracht
tkracht@hunton.com

Message from the Incoming Chair

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legal community is founded on its members participation and innovation.

In addition, volunteers are always needed to help review and edit submissions for both the *Practicum* and *Chapter News*. If you are interested, please don't hesitate to contact Torsten. Many thanks to Dunniela Kaufman, Beatriz Marques, Peggy McGuinness and Jennifer Ismat for their continuing assistance with *Chapter News*, NYILR and the *Practicum*.

To close, we encourage you to make the most of your membership by participating in Section events, activities and meetings, which aim to help you keep abreast of the latest developments in your field as well as provide invaluable opportunities to network, develop and grow your business.

Feel free to contact our Section Liaison and Meetings Coordinator, Tiffany Bardwell, at tbardwell@nysba.org or me at diane.oconnell@ocolegal.com if you have any questions about the Section.

As always, thank you for your membership in our wonderful Section. We look forward to seeing you at our upcoming events!

With best regards,
Diane E. O'Connell

**INTERNATIONAL SECTION
SAVE THE DATES**

**Madrid Regional Meeting
April 27-28, 2020**

**The Westin Palace
Madrid, Spain**

www.nysba.org/madrid2020

**London Global Conference
October 14-16, 2020**

London, England

www.nysba.org/london2020