



Southwestern Institute for
**INTERNATIONAL AND
COMPARATIVE LAW**

Symposium on Global Markets

**International Investment, Trade, and Security:
New Legal Tools for New Challenges**



Symposium on Global Markets

**International Investment, Trade, and
Security: New Legal Tools for New
Challenges**

June 13 – 14, 2016

The Center for American and International Law
Plano, Texas USA



SWIICL is an Institute of

**THE CENTER FOR AMERICAN
AND INTERNATIONAL LAW**

Highlights

- Regulating and Protecting Information Across Borders
- Challenges to Financial Compliance
- IP Dilemmas
- Energy in an Era of Free Trade
- Outsourcing the Judiciary - A Critical Look at International Arbitration
- A Roundtable Discussion about Trade and Investment Policy and Practice

Register Now! cailaw.org/iicl

Symposium Co-Chairs

Jack Coe

Faculty Director, Pepperdine University School of Law
Malibu, California

Susan Karamanian

Associate Dean for International & Comparative Legal Studies, George Washington University Law School

Moira Huggard-Caine

TozziniFreire Advogados
Sao Paulo, Brazil

Richard L. Thurston

Former General Counsel,
Taiwan Semiconductor

The constant flow of business, information, money, people, and services across borders requires lawyers to understand domestic and international legal regimes that govern or affect this activity. The legal landscape is as dynamic as the whirlwind of commercial activity underlying it. For example, technological advances mean that what once required months of planning and information gathering and multiple face-to-face meetings can now be accomplished quickly over the computer. Yet, transferring information over the computer may violate the privacy laws of the place where the information is received even if it does not violate the laws of the place from where it was sent. The challenge of securing data against hackers further complicates the situation.

Or, money can be transferred through the click of a button. With money comes power, which can be used to support nefarious activities. Regulating financial flow by way of sanctions and anti-money laundering laws has helped stem the flow of funds to terrorists and drug-dealers but is it enough? Has the system become so unwieldy and complicated that appropriate use of funds is stymied?

While the internet has facilitated commerce, the vast opening of borders through trade and investment agreements that has meant long-term and substantive changes in allocation of resources. Products manufactured cheaply in one country can readily find their way to foreign markets due to the development of road, train, and port infrastructure and enhanced means of entry at the border. The regime of intellectual property (IP) laws is key to facilitating trade, yet recent challenges around the world raise questions about its legitimacy. Are we at the beginning of the demise of IP, or is the system simply undergoing a natural progression of reform?

Resource rich countries are able, if they like, to attract capital, skilled people, and physical tools from nearly anywhere in the world to develop energy and water supplies as well as minerals. Do these agreements merely reaffirm dependence on non-renewables or are there ways to promote the development of alternative sources? Will future agreements be able to fulfill their promises of improving welfare? And as to disputes under these agreements, is it time to rethink the role of arbitration?

In addition to being shaped by a constantly changing business environment, the legal system is complex and imperfect. Domestic laws could conflict; attempts to try to coordinate among principal actors could leave gaps.

The 2016 Symposium examines these and other issues from a practical business perspective.



“A wide range of subjects, interesting and diverse participants.”

- Past participant

9:00 WELCOME AND PROGRAM OVERVIEW

9:15 PANEL 1: REGULATING AND PROTECTING INFORMATION ACROSS BORDERS

- **Adnan Amjad**, Partner, Deloitte Advisory, Houston, Texas
 - **Mark Michels**, Director, Deloitte Financial Advisory Services LLP, San Jose, California
 - **Buck Revell**, Former FBI Deputy Director, President, Revell Group International, Inc., Rowlett, Texas
 - **Richard L. Thurston**, Former General Counsel, Taiwan Semiconductor
-

10:30 BREAK

10:45 PANEL 2: THE SCIENCE AND ART OF EFFECTIVE ANTI-CORRUPTION COMPLIANCE PROGRAMS

Given the potential value of an effective compliance program, and the government's escalating expectations about what compliance programs should achieve, what steps can a company take to make a good, acceptable program truly effective? Specifically:

- What kind of "tone at the top" is credible and changes behavior?
 - What incentives and disincentives can meaningfully enhance a program?
 - What types of training can convincingly embed the compliance message?
 - Of the countless shapes and sizes of "due diligence," which are the most reliable and effective?
 - How do you do a really good assessment of the risks your company faces?
 - What are reliable metrics for whether your company has a "culture of compliance"?
 - In creating a culture of compliance, are there some actions that are worth a thousand words?
 - Is a predisposition to voluntary disclosure an element of an effective compliance program?
- **Kwesi A. Baiden**, Chief Compliance Officer, EnSCO, Houston, Texas
 - **Donna Epps**, Partner, Regulatory, Forensics and Compliance, Deloitte Financial Advisory Services, Dallas, Texas
 - **Homer Moyer**, Miller & Chevalier Chartered, Washington, D.C.
 - **Dana Nahlen**, Legal Executive, FIS, Dallas, Texas
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12:15 LUNCHEON

2:00 PANEL 3: WHITHER IP - THE ROLE OF INTELLECTUAL PROPERTY SAFEGUARDS IN A GLOBAL COMMUNITY

This panel which will look at the protection of innovation globally. The principal focus will be on intellectual property protective measures, most specially trade secret elements now that the US Federal Trade Secret Law is about to become a reality. Additionally, the panel will go beyond traditional IP to look at the intersection of traditional IP and the tools of the digital age, such as cybersecurity. While the focus will be on the US environment, we will also address what is being done to protect innovation in China, the EU, and elsewhere. Simply stated, how can companies best protect their proprietary innovative assets in this digital age?

- **Clyde Siebman**, Siebman, Burg, Phillips & Smith, LLP, Sherman, Texas
 - **Allen Lineberry**, Siemens PLM Software, Plano, Texas
 - **Richard L. Thurston**, Former General Counsel, Taiwan Semiconductor
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3:30 BREAK

3:45 PANEL 4: ENERGY

- **Moira Huggard-Caine**, TozziniFreire Advogados, Sao Paulo, Brazil
 - **Franco Gianni**, Gianni, Origoni, Grippo, Cappelli & Partners, Rome, Italy
 - **Harry Sullivan**, International Energy Attorney, Kosmos Energy, Dallas, Texas
-

5:00 ADJOURN

9:00 PANEL 5: OUTSOURCING THE JUDICIARY: ARBITRATION AND MORE

Arbitration remains “first among equals” as a means of settling international business disputes, but a host of forces are affecting the traditional model: Who is paying claimants’ way in bigger cases and how does that affect the process? Will popular misgivings about arbitration’s role in consumer and employment disputes spill-over into the international realm? Will the emerging rules addressing counsel ethics have any impact? These and other influences will be examined by an opinionated panel of experts.

- **Marie Chedid**, Baker & McKenzie, San Francisco, California
- **Jack Coe**, Faculty Director, Pepperdine University School of Law, Malibu, California
- **Jeffery Commission**, Senior Counsel, Vannin Capital, Washington, D.C.
- **Ben Love**, Freshfields Bruckhaus Deringer LLP, New York, New York
- **Kathleen Paisley**, Ambos NBGO Lawfirm, Brussels, Belgium

10:15 BREAK

10:30 PANEL 6: A CONVERSATION ABOUT TRADE AND INVESTMENT

A Round-Table Discussion on Trade Negotiations around the World.

- **Mélida N. Hodgson**, Foley Hoag LLP, New York, New York
- **Mark Kantor**, Independent Arbitrator, Washington, D.C.
- **Matthew Kronby**, Bennett Jones LLP, Toronto, Canada
- **Jennifer Thornton**, Senior Policy Advisor and Counsel, Office of Deputy United States Trade Representative, Washington, D.C.

11:45 A WORD FROM THE ACADEMY - IDEAS FROM AROUND THE WORLD

- **Andreas Lohbeck**, CMS Hasche Sigle, Stuttgart, Germany
- **Javier Robalino**, Ferrerre, Quito, Ecuador

12:15 ADJOURN

ABOUT THE SOUTHWESTERN INSTITUTE FOR INTERNATIONAL AND COMPARATIVE LAW



Southwestern Institute for
**INTERNATIONAL AND
COMPARATIVE LAW**

Established in 1963, the Southwestern Institute for International and Comparative Law (SWIICL), part of The Center for American and International Law, offers stellar annual programming that focuses on international business transactions and private investments worldwide.

SWIICL’s premier annual event is the Academy of American and International Law. Since 1963, this six-week course of study has attracted more than 3,100 participants from 120 countries. Through a rigorous classroom and extracurricular schedule, the Academy offers participants the opportunity to forge international relationships that last a lifetime. For more information, visit cailaw.org/iicl.

ABOUT THE CENTER FOR AMERICAN AND INTERNATIONAL LAW (CAIL)



**THE CENTER FOR AMERICAN
AND INTERNATIONAL LAW**

CAIL is a nonprofit educational institution dedicated to improving the quality of justice through continuing education to lawyers and law enforcement officials in the United States and throughout the world.

Tens of thousands of lawyers and law enforcement officers from all 50 states and 130 countries have participated in CAIL’s high quality, cutting-edge programs. Find out more at cailaw.org.

REGISTRATION

Symposium on Global Markets International Investment, Trade, and Security: New Legal Tools for New Challenges

June 13 - 14, 2016

The Center for American and International Law • Plano, Texas

Registration includes the Conference, course materials and lunch. Payment must accompany registration. Confirmations will be sent to all registrants.

Check applicable box:	By 6/3/16	After 6/3/16
Regular registration fee	<input type="checkbox"/> \$595	<input type="checkbox"/> \$695
SWIICL Member or Representative	<input type="checkbox"/> \$0	<input type="checkbox"/> \$0
ITA Advisory Board Member	<input type="checkbox"/> \$295	<input type="checkbox"/> \$345
Academic Employee	<input type="checkbox"/> \$100	<input type="checkbox"/> \$100

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REGISTER NOW

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Southwestern Institute for International and Comparative Law (SWIICL)
The Center for American and International Law
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- Register online at cailaw.org/iiicl

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Sustaining Member – \$7,500 annual dues

- Send two people tuition-free to the Academy
- Name six people to the Advisory Board; appoint six deputy Advisory Board members
- Send an unlimited number of people tuition-free to the annual Symposium

Supporting Member – \$5,000 annual dues

- Send one person tuition-free to the Academy
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- Send eight people plus Advisory Board members tuition-free to the annual Symposium

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- Send four people plus Advisory Board members tuition-free to the annual Symposium

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- Name one person to the Advisory Board; appoint one deputy Advisory Board member
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- Become a member of the Advisory Board and attend the Symposium tuition-free
- Attend the Academy yourself or send someone by paying an additional \$2,850 for tuition

Academy Alumni Member – \$150 annual dues

- Must be a former Academy participant
- Become a member of the Advisory Board
- Attend the Symposium tuition-free