

# 2018 Academy of American and International Law

**COMPARATIVE LAW** 



# 55th Annual Academy of American and International Law

May 27 – June 29, 2018 The Center for American and International Law Plano, Texas USA

### Visit cailaw.org/iicl for more information!



SWIICL is an Institute of THE CENTER FOR AMERICAN AND INTERNATIONAL LAW

## Highlights

- A hands-on introduction to the U.S. legal system and international business law.
- Learn practical lessons from top legal scholars and practitioners.
- Remarkable multi-cultural environment Interact with participants from over 20 countries.
- Form international alliances that last a lifetime.
- Sharpen English-language skills through immersion.
- Return better able to represent the interests of clients.

## About the ACADEMY OF AMERICAN AND INTERNATIONAL LAW

### **OVERVIEW OF COURSES**

Bankruptcy

**Business Organizations** 

Intellectual Property Law

International Business Transactions

International Commercial Arbitration

International Compliance Law

International Litigation in U.S. Courts

Intersection between Human Rights Law and International Business

Introduction to the U.S. Legal System

Legal Writing in Plain English

Mergers and Acquisitions

Mock Trial – Conducting a Civil Trial in U.S. Courts

Negotiations

Professional Responsibility and Legal Ethics

Securities Regulation

Symposium on Global Markets

Taxation of International Transactions



The Academy is a **five-week** business-oriented course of study that addresses a wide range of law-related commercial topics. It gives lawyers and judges from outside the United States an opportunity to study American law and international business transactions.

The program is particularly valuable for those who work for multinational corporations or law firms that represent either U.S. clients or multi-national clients with U.S. interests.

The interactive curriculum includes lectures, small group discussions, a mock trial, writing exercises, a mock law firm problem, and much more.

Since **1964**, more than **3,100** participants from **121** countries have taken part in the Academy.

Past attendees have advanced to positions such as Prime Minister of Peru, President of the General Assembly of the United Nations and Chief Justice of the Philippines. Many have played prominent roles in the international legal commuity.

### Learn more at cailaw.org/iicl.



The Academy has welcomed participants from 121 countries.

SUNDAY MAY 27	4:00 - 7:00 PM - ORIENTATION AND RECEPTION An introduction to the Academy and the 2017 participants				
	— Mark Smith, Dean of the Academy				
MONDAY MAY 28	9:00 AM - 4:15 PM - INTRODUCTION TO AMERICAN LEGAL PROCESS This course examines the pillars of the U.S. legal system with a special focus on the Constitution, the role of and the relationship between the federal courts and state courts, federalism, and the common law. Common law and civil law traditions are compared and contrasted. Consideration is also given to legal reasoning and the manner in which U.S. courts apply legal precedent.				
	- Susan Karamanian, Chair of the Advisory Board, Southwestern Institute for International and Comparative Law				
TUESDAY	9:00 AM - 12:30 PM - INTRODUCTION TO AMERICAN LEGAL PROCESS (continued)				
MAY 29	— Professor Karamanian				
	1:30 - 4:15 PM - JUDICIAL ROUNDTABLE The American justice system from the perspective of a panel of state and federal judges. A facilitated conversation moderated by Prof. Karamanian				
	<ul> <li>Judge David Evans, Texas 5th Circuit Court of Appeals</li> </ul>				
	<ul> <li>Judge Stacey J Jernigan, U.S. Bankruptcy Court, Northern District of Texas</li> </ul>				
	— Chief Judge Barbara M.G. Lynn, United States District Court, Northern District of Texas				
	7:00 - 8:30 PM - RECEPTION - MEET YOUR LOCAL HOSTS AT HYATT HOUSE				
	All Academy participants have hosts in the Dallas community who will help introduce them to the people and culture of Texas.				
WEDNESDAY MAY 30	9:00 - 10:30 AM - INTRODUCTION OF THE LAW FIRM PROBLEM The class will be divided into 7-member law firms. Each firm is assigned an international compliance problem, and is asked to develop a written and oral response to the problem. The oral responses are presented to the class on June 16.				
	— Daniel Pickelner, Wood Mackenzie				
	10:45 AM – 12:00 PM – TO BE ANNOUNCED				
	1:00 – 5:00 PM – COURTROOM VISIT AND THEN A TOUR OF DALLAS The class will observe proceedings in the court of a Texas State Trial Judge. Afterward the judge meets with the class to discuss what they have seen.				
	6:00 - 7:30 PM - RECEPTION AT THE SOUTHERN METHODIST UNIVERSITY DEDMAN SCHOOL OF LAW Hosted by SMU and the Dallas Bar Association Section of International Law, this reception gives participants an opportunity to visit the SMU campus and to meet members of the law school community and the local bar.				
THURSDAY	9:00 AM - 5:15 PM - INTERNATIONAL BUSINESS NEGOTIATIONS				
MAY 31	Using exercises and simulations, this course examines successful strategies available to a negotiator. It focuses on two-party and multi-lateral negotiations, and on special characteristics of negotiation that arise in an international setting, including the roles of culture and power.				
	— Professor Robert Wilkinson, Lecturer in Public Policy and Leadership, Harvard Kennedy School				
	11:30 AM – 1:30 PM – THE ACADEMY IN PRACTICE A luncheon conversation with ExxonMobil General Counsel <b>Randall Ebner</b> about the practical applications of the Academy.				
FRIDAY	9:00 AM - 4:15 PM - INTERNATIONAL NEGOTIATIONS (continued)				

# ACADEMY SCHEDULE

MONDAY	9:00 AM - 4:15 PM - LEGAL WRITING IN PLAIN ENGLISH				
JUNE 4	This class focuses on editorial and writing skills. It targets students who are already competent writers, and covers the subjects of issue-framing, readability, and writing efficiently.				
	— Bryan A. Garner, Editor in Chief, Black's Law Dictionary				
	6:00 - 8:30 PM - DINNER AT THE HOME OF PROFESSOR GARNER				
TUESDAY	9:00 AM - 4:15 PM - LEGAL WRITING IN PLAIN ENGLISH (continued)				
JUNE 5	— Professor Garner				
WEDNESDAY	9:00 AM - 4:15 PM - INTERNATIONAL BUSINESS TRANSACTIONS				
JUNE 6	This course provides an examination of the principal forms of transacting international business, including international sales contracts, distributorships and representation agreements, technology transfers, direct foreign investments, and joint ventures. The course considers the international, national, and contractual legal aspects of such transactions. Consideration will be given to relevant treaties, applicable national laws and regulations, international payment methods, currency clauses, dispute settlement, sovereign immunity, and options for structuring the transactions themselves.				
	— Timothy Meyer, Professor of Law and Enterprise Scholar, Vanderbilt University School of Law				
THURSDAY	9:00 AM - 4:15 PM - INTERNATIONAL BUSINESS TRANSACTIONS (continued)				
JUNE 7	— Professor Meyer				
FRIDAY	9:00 AM - 4:15 PM - INTERNATIONAL BUSINESS TRANSACTIONS (continued)				
JUNE 8	- Professor Meyer				
	4:00 - 4:45 PM - INTERNATIONAL BUSINESS TRANSACTIONS EXAM (optional)				
	Optional exam for participants wishing to become an Academy Fellow.				
SATURDAY	FORT WORTH DAY				
JUNE 9	A day trip to Fort Worth, Texas including:				
	<ul> <li>Tour of Fort Worth</li> <li>Visit to the Texas A&amp;M University Law School (and a substantive lecture from A&amp;Mfaculty)</li> <li>Visit to Fort Worth Museums</li> <li>Tour of the Stock Yards</li> <li>Attendance at a Rodeo (optional)</li> <li>Country dancing at Billy Bob's, the world's largest Honky Tonk(optional)</li> </ul>				
SUNDAY	7:00 PM - INTERNATIONAL FOOD FESTIVAL				
JUNE 10	Academy participants are housed in a suites hotel and each participant has access to a kitchen. For the Food Festival, participants are invited to prepare a dish from their home countries. All of the dishes are set on buffet tables and everyone eats too much!				

# Week 3

MONDAY JUNE 11	9:00 AM - 4:15 PM - ANATOMY OF A LAWSUIT - INTERNATIONAL LITIGATION IN U.S. COURTS				
	This course provides an introduction to conflict of laws principles (private international law) followed by U.S. courts. Topics discussed include: jurisdiction to prescribe applicable law; jurisdiction to adjudicate over the subject matter and the parties; <i>forum non conveniens</i> and the Act of State Doctrine; application of the <i>Foreign Sovereign Immunities Act</i> ; recognition of foreign judgments; and the application in the United States of international conventions on service of process and the taking of evidence abroad.				
	— Donald Earl Childress III, J.D., LL.M., Professor of Law, Pepperdine University School of Law				
	12:30 PM - ACADEMY/SCHOOL OF POLICE SUPERVISION LUNCH				
TUESDAY JUNE 12	9:00 AM - 3:30 PM - ANATOMY OF A LAWSUIT – INTERNATIONAL LITIGATION IN U.S. COURTS (continued)				
	- Professor Childress				
	3:30 - 4:15 PM - INTERNATIONAL LITIGATION IN U.S. COURTS EXAM (optional) Optional exam for participants wishing to become an Academy Fellow.				

# ACADEMY SCHEDULE

WEDNESDAY	9:00 AM - 4:15 PM - BUSINESS ORGANIZATIONS				
JUNE 13	This course explores major forms of business organizations, including multinational enterprises. It discusses their advantages and disadvantages, tax implications, general procedures for formation, financing, control, operation, and dissolution; and provides an overview of state, federal and international laws regulating business enterprises. The course also discusses securities regulation, stock markets, trading, and mergers and acquisitions.				
	— Stanley Siegel, Professor Emeritus, New York University School of Law				
	4:15 - CLASS ELECTIONS				
THURSDAY JUNE 14	9:00 AM - 4:15 PM - BUSINESS ORGANIZATIONS (continued)				
	- Professor Siegel				
FRIDAY JUNE	9:00 AM - 3:00 PM - BUSINESS ORGANIZATIONS AND MERGERS AND ACQUISITIONS				
15	- Professor Siegel				
	3:30 - 4:15 PM - BUSINESS ORGANIZATIONS EXAM (optional)				
	Optional exam for participants wishing to become an Academy Fellow.				

# Week 4

MONDAY JUNE 18	9:00 AM - 5:15 PM - SYMPOSIUM ON INTERNATIONAL LAW AND GLOBAL MARKETS			
	Topics include:			
	<ul> <li>Licensing and Technology Transfer: Current Issues</li> <li>Cybersecurity Law in an Era of Penetrable Barriers</li> <li>Technology Transfer and Investment in the US and Abroad Under the Trump Administration</li> <li>Competition Law across Borders</li> <li>Ethics and Compliance</li> </ul>			
	The Symposium also includes a hosted luncheon.			
TUESDAY JUNE 19	9:00 AM - 2:00 PM - SYMPOSIUM ON INTERNATIONAL LAW AND GLOBAL MARKETS (continued)			
WEDNESDAY	9:00 - 11:00 AM – HUMAN RIGHTS AND INTERNATIONAL BUSINESS			
JUNE 20	A discussion about the relationship between adherence to human rights and successful international business.			
	11:15 AM - 3:15 PM - INTRODUCTION TO TRANSNATIONAL ARBITRATION (INCLUDING LUNCH)			
	In-house counsel and outside firms that counsel multinational enterprises cannot afford to overlook the risks presented by disputes which can be costly, time consuming, and can divert management from the company's core activities. In the international realm, arbitration is the preferred method of dispute resolution. A properly crafted arbitration clause can keep businesses out of foreign courts, can ensure that expert decision-makers will be entrusted with any disputes that arise, and can produce results that are globally enforceable.			
	This course highlights principal doctrines, sources of law, procedural features, and drafting techniques that promote successful international arbitrations. It also provides an introduction to the Arbitration Workshop that follows the next day.			
	— Jack J. Coe Jr., Ph.D., Professor of Law, Pepperdine University School of Law			
	3:30 - 6:30 PM - DALLAS ROUND TABLE PRESENTED BY THE ITA YOUNG ARBITRATOR'S INITIATIVE COMMITTEE			
THURSDAY JUNE 21	9:00 AM - 5:15 PM - TRANSNATIONAL ARBITRATION WORKSHOP: CHALLENGES TO THE LEGITIMACY OF INTERNATIONAL ARBITRATION			

# ACADEMY SCHEDULE

## Week 4, cont.

FRIDAY JUNE 22	<ul> <li>9:00 AM - 4:15 PM - INTERNATIONAL TAX</li> <li>The profits from transactions involving international trade and investment are almost always subject to potential income taxation by at least two countries. While everyone does not have the time and inclination to become a tax specialist, all lawyers involved in the negotiation, structuring or implementation of international transactions should be aware of the principal considerations that affect the taxation of those transactions.</li> <li>This course provides an introduction to the methods used by the United States and other governments to tax the income of international transactions (trade, investment and labor), consider the economic and political implications of different approaches to international taxation, and explore some of the techniques that have been developed to mitigate tax burdens on income derived from such transactions.</li> <li>— Charles H. Gustafson, Professor of Law, Georgetown University Law Center</li> </ul>
	Week 5
MONDAY JUNE 25	9:00 AM – 12:00 PM - INTERNATIONAL COMPLIANCE A discussion about the importance of compliance issues in international transactions with a focus on what is ethics and what is compliance. We will also discuss the U.S. Sentencing Guidelines and elements of an effective Compliance Program.
	— Dana Nahlen, Legal Executive, FIS Corporation
	1:15 – 4:15 PM - LEGAL ETHICS
	This course explores the different roles played by lawyers—advisor, negotiator, mediator, and advocate. Particular attention is given to the U.S. adversarial legal system and differences between that system and the legal traditions of other countries. The class considers duties to clients, the courts, the government, adverse parties, and opposing lawyers. Participants are asked to apply their own countries' ethical codes and values to real-life situations.
	— Charles Doleac, Boynton, Waldron, Doleac, Woodman & Scott
TUESDAY	9:00 AM - 12:00 PM - PRESENTATION OF LAW FIRM SOLUTIONS
JUNE 26	Class members will present their solutions to the law firm problem to a panel of experienced international lawyers from the U.S.
	1:15 - 4:15 PM - ELECTRONIC DISCOVERY AND CYBER SECURITY
	The United States' discovery process is unique and lawyers from outside of the United States are often surprised at the breadth and extent of discovery in litigation and government investigations. Discovery can be very costly and disruptive to businesses, particularly those businesses with limited experience with United States' litigation and investigations. Discovery also raises potentially significant privacy and security concerns for global businesses. This session provides non-US attorneys with US discovery overview so that they may be better positioned to deal with US discovery issues.
	— Mark Michels, Managing Director, Deloitte Financial Advisory Services LLP
WEDNESDAY	9:00 AM - 4:30 PM - MOCK TRIAL – A CIVIL FRAUD CASE
JUNE 27	With Texas Appellate Judge David Evans presiding and experienced Dallas lawyers representing the parties, Academy participants will take part in a mock civil trial. All Academy participants will serve either as witnesses or jurors in the trial. The proceedings will include jury selection, opening and closing statements, the examination and cross-examination of witnesses, and jury deliberations.
THURSDAY	9:00 AM - 5:00 PM - INTERNATIONAL BANKRUPTCY WORKSHOP
JUNE 28	Using a case study and facilitated small groups, this session will provide an overview of Bankruptcy Chapter 15 (a U.S. Statute covering international bankruptcies), jurisdiction and venue for Chapter 15 cases, and foreign main versus foreign non-main proceedings. The workshop is designed for the Academy and is facilitated by U.S. federal bankruptcy judges and lawyers.
	7:00 - 11:30 PM - FAREWELL DINNER AND PARTY
FRIDAY JUNE 29	9:30 - 11:00 AM - ACADEMY REVIEW SESSION

12:00 - 2:30 PM - FAREWELL LUNCHEON AND PRESENTATION OF CERTIFICATES

# AMONG THE ACADEMY FACULTY



#### JACK J. COE, JR.

(International Commercial Arbitration) is a professor at Pepperdine University School of Law. He has chaired the Academic Council of the Institute for Transnational Arbitration. Professor Coe is a reporter for the Restatement of the U.S. Law of International Commercial Arbitration. He authored International Commercial Arbitration: American Principles and Practice in a Global Context, and has co-authored and co-edited two other books.



#### CHARLES B. DOLEAC

(Legal Ethics and Professional Responsibility) is a partner in the Portsmouth, New Hampshire law firm of Boynton, Waldron, Doleac, Woodman & Scott. He has developed and moderated applied ethics programs for lawyers, court-appointed mediators, and law enforcement professionals in the United States and Canada.



#### TREY CHILDRESS

(Anatomy of a Lawsuit – International Litigation in U.S. Courts) is a Professor at Pepperdine University School of Law. He was Editor in Chief of the Duke Law Journal and practiced law in Washington, D.C. with the firm of Jones Day. Professor Childress is the co-author of *Transnational Law and Practice*, and author of *The Role of Ethics in International Law.* 



#### **BRYAN A. GARNER**

(Legal Writing), is the editor-in-chief of Black's Law Dictionary. His books include *Garner's Modern American Usage and Elements of Legal Style*. He has co-authored two books with U.S. Supreme Court Justice Antonin Scalia: *Making Your Case: The Art of Persuading Judges* and *Reading Law: The Interpretation of Legal Texts.* Professor Garner is also a Distinguished Research Professor of Law at Southern Methodist University's Dedman School of Law.



#### CHARLES H. GUSTAFSON

(International Tax Law) is Professor of Law and former Associate Dean for International and Graduate Programs at the Georgetown University Law Center in Washington, D.C.. Professor Gustafson is co-author of several casebooks on federal income taxation, including *Taxation of International Transactions*.

#### SUSAN L. KARAMANIAN

(U.S. Justice System; Common Law vs. Civil Law) has served as the Provost and Chief Academic Officer for American University of Sharjah. She is the Chair of the Advisory Board of the Southwestern Institute for International and Comparative Law. She is the former Associate Dean for International and Comparative Legal Studies and Professional Lecturer in Law at the George Washington University Law School in Washington, D.C.. She is Former Vice President of the American Society of International Law.

#### TIMOTHY MEYER

(International Business Transactions) is a professor of law and enterprise scholar at Vanderbilt Law School. Professor Meyer co-authored a book on international soft law with Andrew Guzman and previously practiced at the Office of the Legal Adviser, U.S. Department of State. While there, he represented the United States in commercial arbitrations and real property transactions all over the world, as well as in negotiations with foreign governments on diplomatic law issues.





#### STANLEY SIEGEL

(Business Organizations, Securities, Regulation, and Legal Accounting) is Professor of Law, Emeritus, at the New York University School of Law. He is one of the first law professors in the U.S. to teach a course in Corporate Finance, and he has authored or coauthored six books, most recently *International Accounting Standards for Non-public Enterprises.* He is considered to be one of the best law school teachers in the U.S..



#### ROBERT WILKINSON

(Negotations), has been a faculty member of the Fletcher School of Law and Diplomacy at Tufts University since 2009. He currently teaches graduate courses on International Negotiation and Global Aid Management. He taught in executive education and leadership programs for Harvard University and The White House.



## WHAT PEOPLE SAY



"Over the years, my firm has sent more than 20 lawyers to the Academy. It is an incredibly valuable introduction to International and American law.

Our lawyers come back with a much better understanding of international legal issues and are much better able to represent the interests of our business clients.

For international businesses and law firms, this is a great program and opportunity."

Francesco Gianni Gianni, Origoni, Grippo, Cappelli & Partners Rome, Italy

"As a global company with operations in over 35 markets, it is imperative that our attorneys continue to develop their international legal skills, knowledge and contacts.



We use the Academy as an employee development tool for our international lawyers.

It's a win-win for Mary Kay – the employee obtains internal recognition and the opportunity to improve professional skills, and the company benefits from an increase in competencies, morale and retention."

Nathan P. Moore President, North America Mary Kay "The Academy was one of the best experiences of my professional and personal life.

The Academy gave me great exposure to the international legal world, including knowledge,



professional contacts and friends. It enhanced my professional reputation and I developed friendships and business contacts that are still strong today. Actually, I met one of my best friends worldwide during the Academy.

It was such a great experience that we now routinely send lawyers from our firm to the Academy. Every one of them has found the experience to be personally and professionally rewarding.

I could not recommend the Academy more highly. If you want to be a successful international lawyer, the Academy will be a great boost to your career."

Marcela Hughes Academy Alumnus Montevideo, Uruguay



"I think the Academy is the best opportunity in the world for international lawyers.

I've never seen a comparable program of its kind."

Bryan A. Garner Editor in chief Black's Law Dictionary

# REGISTRATION

### 55th Annual

Academy of American and International Law May 27 – June 29, 2018

The Center for American and International Law • Plano, Texas

Academy tuition includes classroom instruction, lunches each class day, a variety of field trips and extra-curricular activities, and entrance to both the Symposium on Global Markets and the Transnational Arbitration Workshop. Travel, hotel, and other meals are not included.

Members of the Southwestern Institute for International and Comparative Law (SWIICL) receive a substantial discount for Academy tuition:

Current SWIICL Members	Tuition for 1st Participant	For 2nd Participant	Others
Sustaining Member	□\$0	□\$0	□\$2,000
Supporting Member	□\$0	□\$2,000	□\$2,000
Sponsoring Member	□\$1,300	□\$2,500	□\$2,500
Associate Member	□\$2,500	□\$2,500	□\$2,500
Individual Member	□\$2,850		

If you or your organization are not current members of SWIICL, you may become a member and apply these discounts immediately:

Level of SWIICL Membership	Annual Dues	Academy Tuition		Total	
Sustaining Member	\$7,500	plus	\$0	=	\$7,500
Supporting Member	\$5,000	plus	\$0	=	\$5,000
□ Sponsoring Member	\$2,500	plus	\$1,300	=	\$3,800
Associate Member	\$1,000	plus	\$2,500	=	\$3,500
Individual Member	\$650	plus	\$2,850	=	\$3,500

□ If you are not a SWIICL member, Academy tuition is \$8,000.

#### **Participant Contact Information**

Name:	
E-mail:	
Current title:	
Organization:	
	_Mobile phone:
Business address:	-

#### **Billing Contact Information**

Name:		
Organization:		
	Mobile phone:	
Business address:		

Payment Options 1) □ I am enclosing a check in the amount of \$ Please make check payable to: The Center for American and International Law					
2) 🗖 I want to pa	y by credit c	ard:			
🗆 AmEx	🗆 Visa	□ MC	🗆 Dis		
Name on card: Card number Exp date CSC					
Expiration (MM/YYY):					
3) 🗆 I want to pay by wire transfer (we will contact you with instructions).					

### **REGISTER NOW**

- E-mail: iicl@cailaw.org
- Fax: 972.244.3401 Attn: SWIICL
- Mail to: Southwestern Institute for International and Comparative Law (SWIICL) The Center for American and International Law
   5201 Democracy Drive Plano, Texas 75024 USA
- Register online at cailaw.org/iicl

### MEMBER BENEFITS

#### 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 tuitionfree to the annual Symposium

#### Supporting Member – \$5,000 annual dues

- Send one person tuition-free to the Academy
- Name four people to the Advisory Board;
- appoint four deputy Advisory Board membersSend eight people plus Advisory Board
- members tuition-free to the annual Symposium

#### Sponsoring Member – \$2,500 annual dues

- Send one person to the Academy by paying an additional \$1,300 for tuition
- Name two people to the Advisory Board; appoint two deputy Advisory Board members
- Send four people plus Advisory Board
   members tuition-free to the annual Symposium

#### Associate Member – \$1,000 annual dues

- Send one person to the Academy by paying an additional \$2,500 for tuition
- Name one person to the Advisory Board; appoint one deputy Advisory Board member
- Send two people plus the Advisory Board member tuition-free to the annual Symposium

#### Individual Member - \$650 annual dues

- 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



Southwestern Institute for INTERNATIONAL AND COMPARATIVE LAW 55th ANNUAL ACADEMY OF AMERICAN AND INTERNATIONAL LAW

Southwestern Institute for International and Comparative Law The Center for American and International Law 5201 Democracy Drive Plano, TX USA 75024



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