

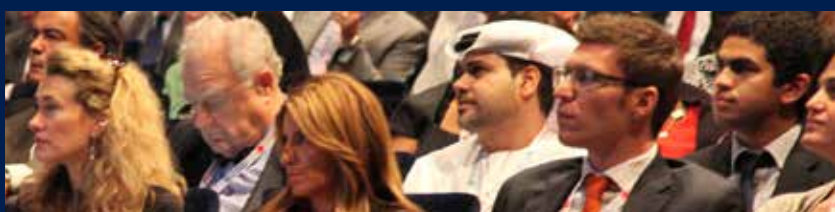


# ANNUAL CONFERENCE OF THE INTERNATIONAL BAR ASSOCIATION



the global voice of  
the legal profession

## Preliminary Programme



### Keynote Speakers include:



**Madeleine K Albright**  
*Former US Secretary of State*  
*Opening Ceremony Keynote Speaker*

**Justice Stephen Breyer**  
*Associate Justice, US Supreme Court*

**Paul Volcker**  
*American Economist and former Chairman  
of the Federal Reserve*

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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.

*Executive Director*

**Mark Ellis**

*Deputy Executive Director*

**Tim Hughes**

*Head of Legal Practice Division*

**Ronnie Hart**

*Head of Divisions Administration*

**Jenny Bowman**

*Head of Legal Projects*

**Gonzalo Guzman**

*Head of Conferences*

**Julie Elliott**

*Executive Assistant*

**Mandy Lee**

*Director of Content*

**James Lewis**

*Creative Director*

**Tim Licence**

*Head of Bar Issues Commission and Assistant to President*

**Elaine Owen**

*Head of Marketing and Membership*

**Neil Smith**

*Press Office*

**Romana St Matthew-Daniel**

*Human Rights Institute Director*

**Phillip Tahmindjis**

*Head of Advertising and Sponsorship*

**Andrew Webster-Dunn**

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# Introduction by The President of the International Bar Association



**A**s President of the IBA I am delighted to invite you to the International Bar Association's 2013 Annual Conference in Boston. This is a truly beautiful city in which to spend time. It is a city made for strolling, and for absorbing much of America's history going back to the arrival of the Puritans and the crucial era of the 'Boston Tea Party', which sparked the American Revolution. It is also known for many of its museums and art galleries and I am very much looking forward to the Opening Party at the Museum of Fine Arts. However we cannot be in Boston without acknowledging Harvard Law School, one of the pre-eminent law schools in the world, which will be co-hosting the BIC Showcase Session on the future of the legal profession.

The IBA Annual Conference continues to be the premier opportunity for lawyers from around the world to meet and hear first hand about legal developments in various jurisdictions.

In Dublin Mary Robinson spoke very directly about the challenge of climate change and the need for the legal profession to play an active role in the protection of the less privileged members of the community who are adversely affected and injured by climate change phenomena. Governments and the international community are working towards a new climate agreement in 2015 and the IBA will play its part by bringing together a Task Force of experts in the field of the human rights aspects of climate change. Their first findings will be showcased at the Boston Conference.

I have also promised that the issue of human trafficking will be a key focus for my Presidency and in Boston, at another major IBA Showcase, you will have the opportunity to hear about how the legal profession can better protect those affected by trafficking and what changes might be made in areas such as immigration and access to justice to support the UN Recommended Principles and Guidelines on Human Rights and Human Trafficking, which in 2013 reaches its tenth anniversary.

Additionally the LPD Showcase on social media brings together the current legal challenges posed by the increasing dissemination of images, gossip and news as viewed by anyone who chooses to post details on Facebook, comment on a news story on Twitter or, as highlighted by the Leveson Inquiry in the UK, take the invasion of privacy to a new level by gaining access to someone's private messages on their mobile phone.

For any lawyer involved in international work, regardless of specialisation, the IBA Annual Conference provides unsurpassed opportunities to meet new contacts, learn what is happening in your legal sector and to add to your wider experience of the profession. As a member of the IBA, you are part of the 'big picture' of law around the world, and I look forward to catching up with many of you in Boston, and to making many more new acquaintances that share my passion for the law and all it can do to serve the world's community.

A handwritten signature in black ink, appearing to read 'M J Reynolds', with a stylized flourish at the end.

Michael J Reynolds  
IBA President

# The IBA Annual Conference

**T**he International Bar Association's Annual Conference is the premier opportunity for legal professionals the world over to meet, share experience, develop business and learn from one another.

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*'The best forum for enjoyable networking I've ever come across.'*

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The conference has been bringing together practitioners of every level, from virtually every jurisdiction in the world for over 50 years. Last year's conference in Dublin saw thousands of private practitioners, in-house counsel, human rights advocates, judges, bar leaders, business leaders and government representatives gather for the Association's unique blend of professional development, international networking and life-long relationship building.

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*'I don't know any other gathering where you have the opportunity to expose yourself to so much information about so many issues.'*

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## The programme

Open to both members and non-members of the IBA, this year's event will feature – as always – a wide array of substantive sessions, workshops and panels, addressing issues ranging from arbitration to M&A law, from human rights to the ethics of the legal profession. You can find further insight into the 180-plus conference sessions from the viewpoint of the leadership of the Legal Practice and Public and Professional Interest Divisions on pages 8–12 of this brochure, with full preliminary details of the programme on pages 27–79.

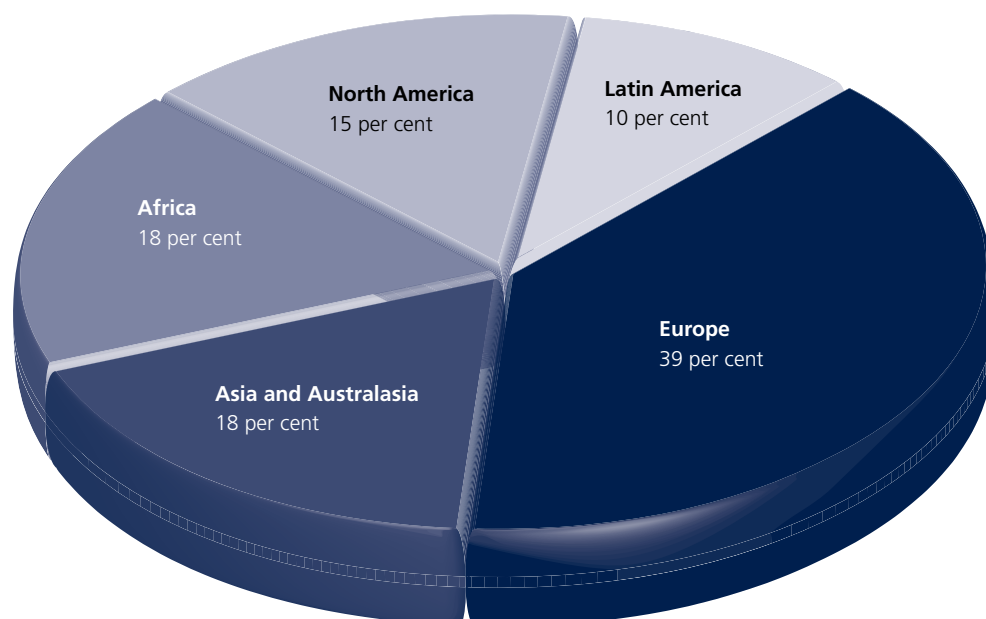
Up to 25 CPD/CLE hours are available for those attending the whole week of the conference, with certificates of attendance available from the registration desk and the IBA Membership Booth.

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*'The IBA is the definitive networking opportunity for any business law firm that is or aspires to be a global player.'*

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# Average Regional Attendance IBA Annual Conference 2007–2012



## Networking and business development

Not only an excellent opportunity for professional and personal development, IBA conferences offer unparalleled international networking and business development opportunities. **Last year's event was attended by more than 5,000 delegates and guests from over 3,000 law firms, organisations, businesses and legal service providers representing over 115 different international jurisdictions.**

*'An opportunity for lawyers from across the globe to interface, share ideas and perspectives and explore vast opportunities for partnering and expanding the frontiers of their practice.'*

## The social programme

In addition to the substantive programme, Boston 2013 promises all attendees and their guests an unforgettable opportunity to take in the sights, sounds, diversity and tradition of one of the USA's oldest cities.

Beginning with the traditional Opening Ceremony at the Hynes Convention Center and Welcome Party at the Boston Museum of Fine Arts, and ending with the spectacular Closing Party at the Boston Public Library, the week of the conference will see up to 100 dinners, receptions and gatherings take place in venues all across Boston and beyond. Preliminary social programme details can be found on pages 81–83 of this brochure, with full committee function details being released later in 2013 to all members and delegates.

Further information on recommended accommodation, tours and excursions in the area during the week of the conference can be found in the Accommodation and Tours Brochure at [www.ibanet.org/conferences/Boston2013](http://www.ibanet.org/conferences/Boston2013)

Sponsorship opportunities are available at this conference, email: [andrew.webster-dunn@int-bar.org](mailto:andrew.webster-dunn@int-bar.org)





# Message from the Chair of the Legal Practice Division



## About the Legal Practice Division (LPD):

The LPD comprises more than 50 committees and fora, listed on pages 17–23 of this programme, which cover all specialist areas of substantive legal practice as well as focusing on regional matters and the interests of corporate counsel. LPD Committees are grouped into 16 sections with common interests.

To make heard the global voice of the legal profession, committees of the LPD regularly submit comments on pending legislation and regulation schemes and reforms all over the world, affecting many different practice areas. Working groups monitor activity by key regulators and identify opportunities for comment, particularly where there is potential international or cross-border impact, or where a new scheme is being piloted. They also work together with various intergovernmental world organisations to contribute the legal profession's viewpoint.

Committees also work together on projects to benefit their practitioners: guidelines for best practice, model rules and checklists, training proposals, and databases to collate and share information. Many sections and committees hold specialist conferences throughout the year, and produce publications for their members.

More information on the Legal Practice Division is available at [www.ibanet.org/Committees/Divisions/Legal\\_Practice/home.aspx](http://www.ibanet.org/Committees/Divisions/Legal_Practice/home.aspx)

I am delighted to invite you to Boston for the IBA's 2013 Annual Conference. Once again, the Legal Practice Division (LPD) will be offering the opportunity to participate in an excellent programme of over 140 sessions, with a wide variety of interesting and challenging topics. In addition to covering 'hot topics' in virtually all specific areas of practice, our Regional Fora and Committees will be covering the broad spectrum of issues raised by developments in investment and trading activities among emerging economies as well as with developed markets; regional and bilateral agreements; mobility of the global workforce, and what they mean for the clients we advise.

The LPD will also contribute to two IBA Showcases, the first of which forms part of the two year programme of the IBA Task Force on Climate Justice and the second is the IBA Showcase on Human Trafficking.

In addition our LPD Showcase, led by our Media Law Committee, will examine how new technologies and social media are fuelling an explosion of privacy issues in a session titled 'What happens in Vegas, stays on the internet'. The session will cover current events that highlight the tension between privacy and free expression rights, and how technology and social media exacerbate those tensions – from unmanned (and unregulated) flying drones, which can peep into 12th floor hotel windows and overfly private property, to the instant dissemination of intimate images and private information on Facebook, Twitter and other social media sites.

Alongside these hardworking days, I hope that you will also spend some time enjoying our very special programme of social events, which will feature the cultural best Boston has to offer, including the spectacular opening and closing parties.

The IBA Annual Conference is a unique opportunity each year for international practitioners in every field to bring together their expertise for the benefit of all, and I hope you will take full advantage of the many invaluable benefits available to you at this year's Annual Conference. There is no better occasion for lawyers to gain substantive knowledge on such a broad scope of topics, while at the same time enjoying the pleasure of seeing old friends and making new ones in a wonderful city. I look forward to seeing you in Boston.

**Michael Greene**  
*Chair, Legal Practice Division*



# Messages from the Public and Professional Interest Division

**T**he Public and Professional Interest Division (PPID) consists of the Bar Issues Commission, the IBA Human Rights Institute and the Section on Public and Professional Interest, providing a wide array of projects, activities, committees and other entities focusing on issues and professional interests that make the practice of law a profession and not only an occupation.

The Division once again promises to give you access to the latest expertise and debate on issues integral to the legal profession and also on broader issues affecting society at large. The PPID entities have prepared excellent sessions focusing on topics such as human rights, professional ethics, regulation, judicial appointment, law firm management, bar issues and pro bono work, among many others.

Please see overleaf for the messages from the Chairs of each PPID Entity.

## About the Public and Professional Interest Division (PPID):

The PPID consists of three entities; the Bar Issues Commission (BIC), the Human Rights Institute (IBAHRI) and the Section on Public and Professional Interest (SPPI).

Between them they provide a wide range of member bodies with resources and activities focused on professional and public interest work.

The PPID's objectives are to promote an interchange of information and views among Member Organisations of the Association and the individual members of the BIC, IBAHRI and SPPI about the public and professional interests of the legal profession throughout the world; to support and promote those activities, the rule of law and the defence of human rights.

Areas in which the PPID Entities have been particularly active in recent times include anti-money laundering, bar issues, human rights, professional ethics and law firm management.

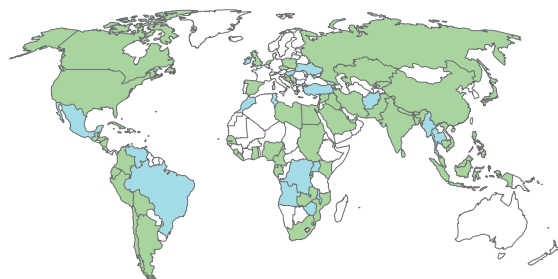
More information on the Public and Professional Interest Division is available at [www.ibanet.org/Committees/Divisions/Public\\_Professional\\_Interest\\_Div/home.aspx](http://www.ibanet.org/Committees/Divisions/Public_Professional_Interest_Div/home.aspx)



## INTERNATIONAL BAR ASSOCIATION'S HUMAN RIGHTS INSTITUTE (IBAHRI)



The International Bar Association's Human Rights Institute (IBAHRI), established in 1995, has become a leading global force in human rights, working to promote and protect the independence of the judiciary and the ability of lawyers to practice freely and without interference under a just rule of law. The IBAHRI runs training programmes and workshops, capacity building projects with bar associations, fact-finding missions, trial observations; issues regular reports and press releases disseminated widely to UN bodies, international governmental and non-governmental organisations and other stakeholders; and undertakes many other projects working towards its objectives.



### Our work around the world

Work carried in 2012 Work carried out prior to 2012

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[www.ibanet.org/IBAHRI.aspx](http://www.ibanet.org/IBAHRI.aspx)



<http://twitter.com/IBAHRI>



<http://facebook.com/IBAHumanrights>

# Message from the Chair of the Bar Issues Commission



## About the Bar Issues Commission (BIC)

The Bar Issues Commission (BIC), established in 2004, is the forum for the IBA's Member Organisations, which each appoint members such as their President to take part in BIC activities. Individual members can also join the BIC and take part in its activities, which comprise the Annual Bar Leaders Conference in May each year, sessions at the Annual Conference and, through a policy committee, the undertaking of projects that concern bar associations and law societies such as complaints procedures, regulation, codes of conduct and other guidelines that provide a benchmark for international standards worldwide. The BIC also has a working committee on International Trade in Legal Services following regulatory changes as pursued by the World Trade Organization, which provides useful information and training sessions for bar associations on how the General Agreement on Trade in Legal Services affects their jurisdiction.

More information on the Bar Issues Commission can be found at [www.ibanet.org/barassociations/bar\\_associations\\_home.aspx](http://www.ibanet.org/barassociations/bar_associations_home.aspx)

**D**ear IBA Friends, I am honoured to welcome you to our Annual Conference in Boston and to invite you to the BIC sessions.

As a member of the Bar Issues Commission since it started many years ago, I am particularly proud to have the opportunity to chair it for the next two years at a time when it has reached its maturity, is ready to expand its geographical outreach and to play an even more important role within the Association.

The BIC is the entity within the IBA in which Bar Leaders and Bar Representatives gather and exchange ideas, experiences and proposals for the legal profession. Special issues are addressed by the BIC Policy Committee, a real 'thinktank' serving the IBA on matters to be submitted to the Council.

The BIC also includes the International Trade in Legal Services (ITILS) Committee that focuses on cross-border legal practice and the BIC Regulation Working Group, in which Bars will have the opportunity to exchange ideas on regulatory issues all over the world.

International 'bar issues' also concern individual lawyers and law firms who have an interest in regulation, cross-border rules and ethical topics in the world's many different jurisdictions. In Boston our ITILS Committee, in conjunction with the Immigration and Nationality Law Committee and Regulation of Lawyers' Compliance Committee will focus on 'Practical problems for lawyers and law firms in cross-border activities in other countries', looking at fly-in, fly-out issues and the work of foreign law firms. In cooperation with the Pro Bono Committee, the BIC will present a session on the 'Role and responsibility of Bar Associations in the promotion and regulation of pro bono', and with the Professional Ethics Committee we will look at 'Whatever it takes to get the job done – Is the future of the legal profession ethically sound?'

And most excitingly in Boston we will proudly present the BIC Showcase at Harvard, in close collaboration with their law school on the subject 'Preparing for the future – changes in structures, technology and regulation'.

Margery Nicoll, Claudio Visco, Pèter Köves, Søren Jenstrup and Deborah Enix-Ross, my fellow BIC Officers and I hope to meet you in Boston and to hear your ideas, suggestions, concerns and observations, which will always be welcome in the BIC.

Best regards

A handwritten signature in black ink, reading "H Bernardes-Neto". The signature is fluid and cursive, with a large, stylized 'H' and a long, sweeping tail.

Horacio Bernardes-Neto  
Chair, Bar Issues Commission

# Message from the Co-Chairs of the International Bar Association's Human Rights Institute



## The International Bar Association's Human Rights Institute (IBAHRI)

Established in 1995, the IBAHRI works to promote, enforce and protect human rights under a just rule of law. The IBAHRI believes that the independence of the judiciary is one of the cornerstones of the rule of law and works to protect the right of judges and lawyers to be able to practise freely and without undue interference.

The IBAHRI undertakes a variety of projects to build capacity, lobby for change and highlight issues of international concern to the public, the media and the legal community. The IBAHRI also leads the way in human rights training for judges, prosecutors, public defenders and lawyers. For more information visit: [www.ibanet.org/IBAHRI.aspx](http://www.ibanet.org/IBAHRI.aspx).

The IBAHRI's work is conducted thanks to grants and donations, and relies largely on individuals who become members by contributing just £40 a year. To find out more about becoming a member or supporting a project, visit: [www.ibanet.org/IBAHRI.aspx](http://www.ibanet.org/IBAHRI.aspx), or email [hri@int-bar.org](mailto:hri@int-bar.org).

The International Bar Association's Human Rights Institute (IBAHRI) welcomes all members to what promises to be a successful and exciting week in Boston. The IBAHRI will be holding a range of sessions on current and controversial human rights issues related to the legal profession – including the legality of drones, tax abuse and human rights, and laws criminalising consensual adult same-sex practices.

2013 marks the 65th anniversary of the Universal Declaration of Human Rights and, accordingly, the IBAHRI Showcase Session will ask whether, at this significant milestone, human rights are hale and hearty or in need of resurrection? The expert panel will also consider emerging challenges to the nature and application of human rights on a global scale.

In Boston, we also look forward to the launch of the inaugural report of the IBAHRI Task Force on Illicit Financial Flows, Poverty and Human Rights. The report draws together the findings, conclusions and recommendations of the expert Task Force's analysis, based on widespread consultation and research, of how illicit financial flows, and specifically the proceeds of corporate tax evasion, impact on poverty and as such are a human rights concern. The launch will be marked by a keynote IBAHRI Session debating these issues.

In addition, IBAHRI Sessions will look at the use of drones, discussing whether their use in counterterrorism measures is contrary to human rights, and the IBAHRI is pleased to partner once again with the IBA's Lesbian, Gay, Bisexual and Transgender Issues Subcommittee, on an important session addressing the repeal of laws criminalising consensual adult same-sex practices.

We look forward to joining you in Boston!

Baroness Helena Kennedy QC and Sternford Moyo  
Co-Chairs, International Bar Association's Human Rights Institute



# Message from the Chair of the Section on Public and Professional Interest



## About the Section on Public and Professional Interest (SPPI):

The Section on Public and Professional Interest (SPPI) constitutes a wide array of projects, activities, committees and other entities which focus on public and professional interest issues.

The objectives of the SPPI are: to promote an interchange of information and views among its members about the public and professional interest activities of the legal profession throughout the world; to support and promote those activities; and to facilitate communication among its members; and to be active in the Section through its committees and other entities.

Areas in which the SPPI Committees and Entities have been particularly active in recent times include professional ethics, academic and professional development, women lawyers' interests, law firm management, *pro bono* work and young lawyer initiatives.

More information on the Section on Public and Professional Interest is available at [www.ibanet.org/PPID/Section\\_on\\_Public\\_and\\_Professional\\_Interest.aspx](http://www.ibanet.org/PPID/Section_on_Public_and_Professional_Interest.aspx)

**O**n behalf of the Section on Public and Professional Interest (SPPI), I am delighted to welcome you to Boston for the 2013 IBA Annual Conference. As a result of our recent IBA restructuring, the SPPI is a newly-created group in the Public and Professional Interest Division (PPID), although most of our components and work remains the same. The SPPI contains 15 committees and other entities which focus on important topics for the legal profession, including the rule of law, human rights, professional ethics, *pro bono* work and law firm management among others.

The SPPI also contains so-called 'status' entities, such as the Women Lawyers' Interest Group, the Young Lawyers' Committee, the Senior Lawyers' Committee, the Academic and Professional Development Committee, the Judges' Forum, the Forum for Barristers and Advocates and the Students Committee. We encourage you to join and be active in whichever one fits you.

The SPPI's entities will be holding sessions here in Boston, and I would encourage you to attend as many of these as you can. These sessions are usually very inspiring and informative and give you access to a diverse group of key thinkers and debates on the subjects at hand. We trust that we will be presenting a programme that every lawyer will be able to relate to and learn from, regardless of his/her area of practice.

In addition, this year in Boston the SPPI will be holding two Showcase Sessions. The first is on 'Globalisation of the market for legal services – a blessing or a curse?' and the second is an IBA Showcase, which the SPPI is co-chairing with the LPD Family Law Committee. This will be on the critical subject of Human Trafficking. We will, of course, discuss the scope of the problem, which is *de facto* slavery. However, we will also highlight recent developments to help mitigate it. Finally, this session will announce the creation of a new Presidential Task Force, which is designed to develop a concrete project that the IBA will carry out on the subject of human trafficking. There is much we can do as lawyers to help ease the problem of human trafficking, and we are looking forward to working with all parts of the Association on this subject, including any of you who have input to give us. I encourage you to attend both of these Showcase Sessions, which will have diverse high level speakers from all over the world discussing these subjects.

The SPPI will hold its Annual Luncheon following the SPPI Showcase on 'Globalisation of the Legal Profession' on Thursday. We urge you to attend this as well, as it provides an excellent opportunity to network with your IBA colleagues and friends.

Another highlight of the Conference Week for the SPPI is the annual day-long programme on Friday of the Rule of Law Action Group. In the morning, the focus will be on 'Corruption and the rule of law' and in the afternoon, issues arising from the 'Magna Carta and the rule of law' will be presented jointly by the IBA and the ABA, in advance of the 800th Anniversary of the Magna Carta.

As well as working hard at the Conference, I hope that you will find time to enjoy our special programme of social events. We hope you can participate in these as well and also to have the opportunity to enjoy Boston, one of the loveliest and historically important cities in the United States.

I look forward to meeting as many of you as possible during the conference week. Should you have any questions concerning the SPPI, what it does, and what committee(s) you may want to join, please speak to me. I am available at any time to provide information and assistance on the SPPI and how you can participate, as are the other members of the SPPI Council.

Enjoy your week in Boston!

Gabrielle H Williamson, JD  
Chair, Section on Public and Professional Interest

# Opening Ceremony Keynote Speaker

## – Madeleine K Albright



Portrait by Timothy Greenfield-Sanders

**M**adeleine K Albright is chair of Albright Stonebridge Group, a global strategy firm, and chair of Albright Capital Management LLC, an investment advisory firm focused on emerging markets.

Albright was the 64th Secretary of State of the United States. In 1997, she was named the first female Secretary of State and became, at that time, the highest ranking woman in the history of the US government. As Secretary of State, Albright reinforced America's alliances, advocated democracy and human rights and promoted American trade and business, labour and environmental standards abroad.

From 1993 to 1997, Albright served as the US Permanent Representative to the United Nations and as a member of the President's Cabinet. She is a professor in the Practice of Diplomacy at the Georgetown University School of Foreign Service. She chairs both the National Democratic Institute for International Affairs, the Pew Global Attitudes Project and serves as president of the Truman Scholarship Foundation. Albright serves on the US Department of Defense's Defense Policy Board, a group tasked with providing the Secretary of Defense with independent, informed advice and opinion concerning matters of defence policy. She also serves on the Board of Directors of the Council on Foreign Relations and the Board of Trustees for the Aspen Institute. In 2009, Albright was asked by NATO Secretary General Anders Fogh Rasmussen to chair a group of experts focused on developing NATO's New Strategic Concept.

On 29 May 2012, President Obama awarded the US Medal of Freedom to Dr Albright – the nation's highest civilian honour – citing the inspiration her life is to all and that her scholarship and insight continue to make the world a better, more peaceful place.

## Conference Host Committee

### Chair

Richard Johnston  
*WilmerHale*

Carolina Avellaneda  
*McCarter & English*

Joseph Basile  
*Weil, Gotshal & Manges*

Steven Browne  
*Bingham McCutchen*

Aidan Browne  
*Sullivan & Worcester*

Jim Carroll  
*Skadden, Arps, Slate, Meager & Flom*

Christopher Christian  
*Dechert*

Ken Ehrlich  
*Nutter McClennen & Fish*

Michael Greco  
*K & L Gates*

Gerald P Hendrick  
*Edwards Wildman Palmer*

Barbara Jones  
*Greenberg Traurig*

Byron Kaolgerou  
*McDermott Will & Emery*

Rich Kelly  
*Mintz, Levin, Cohn, Ferris, Glovsky and Popeo*

Andrew Lowenstein  
*Foley Hoag*

Margaret Marshall  
*Choate Hall & Stewart*

Anthony Martin  
*Duane Morris*

John Monaghan  
*Holland & Knight*

Robin A Painter  
*Proskauer*

Rick Pedone  
*Nixon Peabody*

Alice Richmond  
*Former Treasurer of ABA*

Ettore Santucci  
*Goodwin Procter*

Rom Watson  
*Ropes & Gray*

# About the IBA

**T**he International Bar Association (IBA), established in 1947, is the world's leading organisation of international legal practitioners, bar associations and law societies. The IBA influences the development of international law reform and shapes the future of the legal profession throughout the world. It has a membership of over 50,000 individual legal professionals and 205 bar associations and law societies spanning all continents. Grouped into two divisions – the Legal Practice Division and the Public and Professional Interest Division – the IBA covers all practice areas and professional interests. It provides members with professional development and networking opportunities, as well as access to leading experts and up-to-date legal information.

## Bar Issues Commission

The IBA's Bar Issues Commission provides an invaluable forum for IBA Member Organisations to discuss all matters relating to law at an international level.

## Human Rights Institute

The International Bar Association's Human Rights Institute (IBAHRI) works across the Association to promote, protect and enforce human rights under a just rule of law, and to preserve the independence of the judiciary and the legal profession worldwide.

## IBA ICC Programme

Based at the Peace Palace in The Hague, the IBA International Criminal Court (ICC) Programme monitors fair trial issues at the ICC and encourages the legal community to engage with the work of the Court.

## Other IBA institutions

Other institutions established with the assistance of the IBA include the Southern Africa Litigation Centre and the International Legal Assistance Consortium.

## Our members

IBA members include law firms, bar associations, law societies and individual legal professionals. We cover all continents, with members based in over 185 countries, from every major firm in each jurisdiction. In addition, we have over 1,000 corporate counsel members representing hundreds of multinational corporations, including Coca-Cola, IBM, Exxon Mobil and AT&T.

## Reasons to join the IBA

- Enjoy access to a network of the world's top lawyers, judges and corporate counsel, including partners from the world's leading firms and counsel from virtually all leading corporations.
- Generate new business and discover the best firms and lawyers to do business with from around the world.
- Discuss hot issues and keep up to date with the latest developments by attending our wide range of conferences – earn your quota of CPD/CLE points.
- Learn about key developments, new legislation and real-world issues lawyers encounter on a daily basis through our series of magazines and journals and websites.
- Have your voice heard – be part of the debate on international law reform and make your own contribution to the advancement of cross-border law reform.
- Show your support for the rule of law and human rights around the world.
- Develop your knowledge and skills, interact with different cultures and make friendships that will last a lifetime.

## IBA membership benefits

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Join the IBA now and you will receive a substantial discount on Boston registration fees, by registering at our member rate.

To become a member and register for the conference online simply go to [www.ibanet.org](http://www.ibanet.org)

Alternatively, fill out the enclosed conference registration form and print out the membership application form from the website, then send them together with payment to the IBA.

If you are unable to attend the conference this time, and are not a member at present we hope you will still take up the invitation to join the IBA.

*'The IBA is, quite simply, a gathering of the best lawyers in the world engaged in international law. Why wouldn't a lawyer working in this field want to be among them?'*

**Phillip F Zeidman, DLA Piper**



# About Boston



**T**he energetic and prosperous city of Boston is renowned for its cultural facilities, world-class educational establishments, and its place at the forefront of American history. As New England's social and commercial hub, home to a number of major national and international businesses, and one of the oldest operational sea ports in the Western Hemisphere, Boston is a fitting and inspiring setting for the International Bar Association's 2013 Annual Conference.

## Accommodation and Tours

You can find full and further information regarding accommodation, tours and excursions in and around the Boston area during the week of the Annual Conference in the Accommodation and Tours Brochure.

## The Hynes Convention Center



Right in the heart of Boston's historic Back Bay neighbourhood, surrounded by world-class shopping, dining, attractions, public transportation and other amenities, and only seven miles from Boston Logan International Airport,

the Hynes Convention Center gives you the ultimate in flexibility and convenience. The Hynes delivers the most advanced technology services of any convention facilities in the world including state-of-the-art networking, free Wi-Fi, building-wide mobile phone coverage, teleconferencing and videoconferencing.

## Getting around Boston

Boston is a friendly walkable city with a great public transportation system, known as the T (MBTA). All of Boston's downtown areas and neighbourhoods are accessible by train, bus, trolley or water transportation. Boston also has an extensive and well-regulated city wide taxi service.

## Weather (6–11 October 2013)

Boston's coastal climate offers residents and visitors four distinct seasons with spectacular storms and hot summer days. Boston has a climate that is continental in nature but with maritime influences owing to its coastal location, a phenomenon common to coastal southern New England. The average high in October is 61.9 degrees F (16.6 degrees C) and the average low in October 46.6 degrees F (8.1 degrees C).

## Culture

The culture of Boston, Massachusetts, shares many roots with greater New England, including a dialect of the Eastern New England accent popularly known as Boston English. The city has its own unique slang, which has existed for many years. Boston was, and is still, a major destination of Irish immigrants. Irish Americans are a major influence on Boston's politics and religious institutions and consequently on the rest of Massachusetts. The city has a number of ornate theatres, including the Cutler Majestic Theatre, Boston Opera House, Citi Performing Arts Center, the Colonial Theatre, and the Orpheum Theatre.



Sports are a major part of the city's culture (as well as the culture of the Greater Boston area, and the entire New England region). Boston teams include the Red Sox in Major League baseball, the New England Patriots (who play in suburban Foxboro) in the National Football League, the Boston Celtics in the National Basketball Association, and the Bruins in the National Hockey League.

## Food



Boston dining is increasingly a destination all of its own. The restaurant scene is delicious and dynamic. Select from Boston's four-star restaurants to neighbourhood bistros, from contemporary cuisine to traditional New England.

Cuisine in Boston is similar to the rest of New England cuisine, in that it has a large emphasis on seafood and dairy products. Its best-known dishes are New England clam chowder, fish and chips, baked beans, lobsters, steamed clams and fried clams.

# LL.M in International Legal Practice

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International intellectual property practice  
International commercial legal practice  
International public companies practice  
International capital markets and loans practice  
International mergers and acquisitions practice  
International antitrust practice  
International business organisations  
International arbitration practice  
International joint ventures

#### First available start date

July 2013  
July 2013  
July 2013  
July 2013  
July 2013  
July 2013  
July 2013  
July 2013  
July 2013  
July 2013

For further information, and to register please email: [llm@lawcol.co.uk](mailto:llm@lawcol.co.uk)

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# Section and Committee information

## Legal Practice Division

### Antitrust and Trade Law Section 28

*Council Liaison Officer*

**Neil Campbell** *McMillan, Toronto, Ontario, Canada*

The Antitrust and Trade Law Section is among the larger sections in the Legal Practice Division with over 1,400 members.

#### Antitrust 28

*Co-Chairs*

**Cani Fernández** *Cuatrecasas Gonçalves Pereira, Madrid, Spain*

**Jose Augusto Regazzini** *TozziniFreire Advogados, São Paulo, Brazil*

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

#### Global Forum for Competition and Trade Policy

The Global Forum for Competition and Trade Policy consists of a group of experts representing the key interests of economists, lawyers, academics, practitioners and national and international policy-makers who are committed to expanding the global discussion of the ramifications of competition policy for global trade and investment.

#### Trade and Customs Law 28

*Chair*

**Mauro Berenholc** *Pinheiro Neto Advogados, São Paulo, Brazil*

The Trade and Customs Law Committee is a forum for international practitioners, corporate counsel, academics and government officials to convene, exchange ideas and promote discussion of issues across the spectrum of international trade and customs law.

### Corporate Law Section 28–29

*Council Liaison Officers*

**Jon Grouf** *Duane Morris, New York, USA*

**John Williamson-Noble** *Gilbert & Tobin, Sydney, New South Wales, Australia*

The Corporate Law Section has over 3,000 members from around the world.

#### Closely Held and Growing Business Enterprises 28–29

*Chair*

**Stephanie Denkowicz** *Manatt Phelps & Phillips, New York, USA*

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

#### Corporate and M&A Law 29

*Co-Chairs*

**Samuel Nolen** *Richards Layton & Finger, Wilmington, Delaware, USA*  
**Oliver Triebold** *Schellenberg Wittmer, Zurich, Switzerland*

The Corporate and M&A Law Committee is the principal committee within the IBA that covers 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.

#### Corporate Social Responsibility 29

*Co-Chairs*

**Birgit Spiesshofer** *Salans, Berlin, Germany*

**Peter Stern** *Morrison & Foerster, San Francisco, California, USA*

Corporate social responsibility (CSR) is variously defined but is generally accepted to denote responsibly grounded business decision-making that considers its impact on people, communities and the environment. The increasing emphasis on CSR has particular importance for lawyers both as advisers to their clients and, in the case of law firms, as enterprises in their own right. The committee's remit therefore includes both an examination of the many CSR-related issues on which business clients may seek legal advice from an in-house counsel or external lawyer and the issues that confront lawyers and law firms in relation to their key stakeholders; partners, staff, clients, their professional regulator and the community in which they practise. The CSR Committee has over 600 members from around the world.

### Criminal Law Section 29–30

*Council Liaison Officer*

**Luz Nagle** *Stetson University, College of Law, St Petersburg, Florida, USA*

The Criminal Law Section has over 1,000 members from around the world.

#### Anti-Corruption 29

*Co-Chairs*

**Nick Benwell** *Simmons & Simmons, London, England*

**Timothy Dickinson** *Paul Hastings, Washington DC, USA*

The Anti-Corruption Committee focuses on the effect of new anti-corruption laws around the world and comprises over 700 members. 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.

#### Business Crime 30

*Co-Chairs*

**Mark Rochon** *Miller & Chevalier Chartered, Washington DC, USA*

**Brian Spiro** *BCL Burton Copeland, London, England*

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****30***Co-Chairs*

**Nayra Prado Marrero** *Fernando Scornik Gerstein, Madrid, Spain*  
**Meg Strickler** *Conaway & Strickler PC, Atlanta, Georgia, USA*

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****30–31***Council Liaison Officer*

**Guido Santiago Tawil** *M & M Bomchil, Buenos Aires, Argentina*

The Dispute Resolution Section has nearly 4,000 members from around the world.

**Arbitration****30***Co-Chairs*

**Alexis Mourre** *Castaldi Mourre & Partners, Paris, France*  
**Eduardo Zuleta** *Gómez-Pinzón Zuleta Abogados, Bogotá, Colombia*

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****31***Chair*

**Tara A Archer** *Higgs & Johnson, Nassau, Bahamas*

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

**Litigation****31***Co-Chairs*

**Michael Hales** *Minter Ellison Lawyers, Perth, Western Australia, Australia*  
**Florian Kremslehner** *Dorda Brugger Jordis Rechtsanwälte, Vienna, Austria*

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

**Mediation****31***Chair*

**Mauro Rubino-Sammartano** *LawFed, Milan, Italy*

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

**Negligence and Damages****31***Chair*

**Paul Emerson** *Lamb Chambers, London, England*

The Negligence and Damages Committee has the objective of providing practical information from a range of jurisdictions to personal injury and other litigation lawyers worldwide.

**Energy, Environment, Natural Resources and Infrastructure Law Section (SEERIL) 31–32***Council Liaison Officers*

**Pablo Alliani** *Alliani & Bruzzon, Buenos Aires, Argentina*  
**Peter Leon** *Webber Wentzel, Johannesburg, South Africa*

The Section on Energy, Environment, Natural Resources and Infrastructure Law (SEERIL) has a membership of over 2,300 lawyers in private practice, oil and mining companies, international organisations, government and academia. The section coordinates the activities of six committees that aim to advance the development and understanding of the law affecting oil and gas, mining, power, water, international construction projects and environment, health and safety law.

**Environment, Health and Safety Law 31–32***Chair*

**David Estrin** *Gowling Lafleur Henderson, Toronto, Ontario, Canada*

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 32***Co-Chairs*

**Thomas Wilson** *Kilpatrick Townsend & Stockton, Dubai, United Arab Emirates*  
**John Wright** *Goodman Derrick, London, England*

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

**Mining Law 32***Chair*

**Ignacio J Randle** *Estudio Randle, Buenos Aires, Argentina*

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 32***Chair*

**Brian Bradshaw** *Morgan Lewis and Bockius, Houston, Texas, USA*

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***Chair***Vivek Bakshi** *Fraser Milner Casgrain, Toronto, Ontario, Canada*

The mission of the Power Law Committee is to provide a forum where energy lawyers with different legal backgrounds from around the world can interact and learn from one another in a setting encouraging collegiality and the friendly exchange of ideas. The committee explores various topics to provide its membership with practical and useful advice to better serve clients, and to offer the opportunity for collaboration, networking and friendships among its members.

**Water Law***Chair***Shane Frietag** *Borden Ladner Gervais, Toronto, Ontario, Canada*

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; alternate dispute resolution mechanisms; and institutional issues in water resources development and distribution.

**Financial Services Section 33***Council Liaison Officer***Rene Bösch** *Homburger, Zurich, Switzerland*

The Financial Services Section is one of the largest sections in the Legal Practice Division, comprising nearly 3,400 members.

**Banking Law***Co-Chairs***Stephen Powell** *Slaughter and May, London, England***Thomas Schirmer** *Binder Grösswang Rechtsanwälte GmbH, Vienna, Austria*

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***Co-Chairs***Rachel Eng** *Wong Partnership, Singapore***Pere Kircher** *Cuatrecasas, Gonçalves Pereira, Madrid, Spain*

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***Chair***Peter Mann** *Clayton Utz, Sydney, New South Wales, Australia*

Insurance is present in every facet of commercial, industrial and private life. The committee aims to provide information about developments in insurance and reinsurance law and markets throughout the world, as well as specialist knowledge to assist in the efficient solution of practical insurance problems. New insurance products are also brought to the attention of members.

**32****Investment Funds***Chair***Rory Gallaher** *Deacons, Hong Kong SAR*

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***Co-Chairs***David Rockwell** *Sullivan & Cromwell, London, England***Niels Walther Rasmussen** *Mazanti-Andersen Korso Jensen & Partnere, Copenhagen, Denmark*

The main goal of the Securities Law Committee is to bring together securities lawyers from a broad range of countries to follow, discuss and shape public policy in a world of rapidly globalising capital markets. The focus of the committee is the intersection of national capital markets with each other in a world of cross-border transactions. Key areas of focus are developments in underwriting and distribution of all types of capital markets products, the securities laws as they impact cross-border mergers and acquisitions, the regulation of market players such as investment banks, brokers and exchanges, securities laws as they impact public companies, and a close watch on cross-border and international regulatory developments.

**33****33****Human Resources Section 34***Council Liaison Officer***Jamie Herrera** *Posse Herrera Ruiz, Bogotá, Colombia*

The Human Resources Section has nearly 1,000 members from around the world.

**Discrimination and Equality Law***Co-Chairs***Anders Etgen-Reitz** *IUNO, Copenhagen, Denmark***Ignacio Funes de Rioja** *Funes de Rioja, Buenos Aires, Argentina*

The committee is concerned with discrimination and gender equality issues that arise in the profession and under the general law. The committee members are made up of private practitioners, academics and in-house counsel who assist in the promotion of discrimination and gender equality issues.

**34****Employment and Industrial Relations Law***Co-Chairs***Els de Wind** *Van Doorne, Amsterdam, the Netherlands***Gerlind Wisskirchen** *CMS Hasche Sigle, Cologne, Germany*

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

**34****IBA Global Employment Institute***Chair***Salvador del Ray** *Cuatrecasas Gonçalves Pereira SLP, Barcelona, Spain*

The purpose of the committee is to assist multinationals and worldwide institutions in developing a global and strategic approach to the main legal issues in the human resources and human capital fields. It will provide a unique employment, discrimination and immigration law contribution on a diverse range of global issues. Their work is designed to enhance the management, performance and productivity of those organisations and to achieve best practice in their human capital and management functions in a strategic perspective.

**34**

**Immigration and Nationality Law****34***Chair***Shalini Agarwal** *Clasis Law, New Delhi, India*

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 Section 36–37***Council Liaison Officer***Carsten Ceutz** *Bech-Bruun, Copenhagen, Denmark**Co-Chairs***Pekka Jaatinen** *Castrén & Snellman Attorneys Ltd, Helsinki, Finland***Josef Krüger** *Borden Ladner Gervais, Calgary, Alberta, Canada*

The Insolvency Section has over 800 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 Section 37–38***Council Liaison Officers***Peter Bartlett** *Minter Ellison, Melbourne, Victoria, Australia***Vagn Thorup** *Kromann Reumert, Copenhagen, Denmark*

With nearly 1,700 members, the Intellectual Property, Communications and Technology Section is one of the larger sections in the Legal Practice Division.

**Art, Cultural Institutions and Heritage Law 37***Chair***Pieter Ariëns Kappers** *Boekel De Nerée, Amsterdam, the Netherlands*

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 37***Co-Chairs***Fabrizio Cugia di Sant'Orsola** *Cugia Cuomo & Associati, Rome, Italy***Diane Mullenex** *Ichay & Mullenex Associés, Paris, France*

The Communications Law Committee is a leading global forum for legal practitioners with specialist expertise or interest in the communications sector. The committee offers members access to a worldwide network of leading practitioners, in-house counsel and regulators active in telecommunications and media markets. The scope of the committee's work covers network, service and content-related developments across all delivery platforms. This provides members with access to practical global perspectives on the array of technological, commercial and policy issues that confront communications lawyers, their companies and clients.

**Intellectual Property and Entertainment Law 37***Co-Chairs***Gustavo A Alcocer** *Olivares & Cia, Mexico City, Mexico***Matthias Nordmann** *SKW Schwarz Rechtsanwälte, Munich, Germany*

This committee focuses on intellectual property and entertainment law. The term 'intellectual property', as it is commonly referred to today, includes a diverse range of areas of law. The main areas are patents, trademarks, copyright, trade secrets and unfair competition. Allied to these are a number of related areas including data protection, database protection, privacy, design rights and domain names. In the entertainment law area, the key focus is on the creation, provision and delivery of content in relation to print, films, broadcasts, cable programmes, musical works and sound recordings. There is also involvement with media law including defamation and privacy and authors' rights in a more general sense.

**Media Law 37–38***Chair***David Schulz** *Levine Sullivan Koch & Schulz, New York, USA*

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

**Space Law 38***Chair***Rachel Yates** *Holland & Hart, Greenwood Village, Colorado, USA*

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 38***Co-Chairs***Clara-Ann Gordon** *Pestalozzi, Zurich, Switzerland***Erik Valgaeren** *Stibbe, Brussels, Belgium*

The Technology Law Committee brings together lawyers practising aspects of the law particularly relevant to modern technologies. They have in common that they deal with developing bodies of law coming to grips with the new questions posed by new technologies. The mandate of this committee is broad and includes virtually any kind of technology.

**International Sales, Franchising and Product Law Section 38–39***Council Liaison Officer***Lynda J Zadra-Symes** *Knobbe Martens Olson & Bear, Irvine, California, USA*

The International Sales, Franchising and Product Law Section has over 1,200 members from around the world.

**International Franchising 38***Chair***Andrew Loewinger** *Nixon Peabody, Washington DC, USA*

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****38–39***Co-Chairs***Steven Richman** *Duane Morris, Cherry Hill, New Jersey, USA***Nicole Van Crombrughe** *LVP Law, Brussels, Belgium*

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****39***Chair***Juan Pablo M Cardinal** *Richards Cardinal Tutzer Zabala & Zaefferer, Buenos Aires, Argentina*

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****39***Council Liaison Officer***Klaus Reichert** *Bar Council of Ireland, Dublin, Ireland*

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

**Family Law****39***Chair***Gillian Rivers** *Collyer Bristow, London, England*

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.

**Healthcare and Life Sciences Law****39***Co-Chairs***Beth Jacob** *Kelley Drye & Warren, New York, USA***Neil Kirby** *Werksmans Attorneys, Johannesburg, South Africa*

The Healthcare and Life Sciences Law Committee is concerned with all aspects of healthcare law on a worldwide basis.

**Indigenous Peoples****39***Chair***Steven Cooper** *Ahlstrom Wright Oliver & Cooper, Sherwood Park, Alberta, Canada*

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.

**Leisure Industries Section****40***Council Liaison Officer***Klaus Reichert** *Bar Council of Ireland, Dublin, Ireland**Chair***Brenda L Pritchard** *Gowling Lafleur Henderson, Toronto, Ontario, Canada*

The Leisure Industries Section comprises approximately 200 international lawyers practising in the fields of travel, tourism, hospitality, sports and gaming law. The section started as the Travel Law Section and addressed the needs of travel law practitioners serving

the travel industries. It grew to merge with the Tourism and Sports and Gaming Sections, expanding in its scope to provide a specialist network of professionals in the leisure industries. The section recognises that lawyers who work in the leisure industries often practise in one of the more traditional legal fields, and provides a focused forum on issues that emerge due to the greater amount of leisure time available and the increased internationalisation of sports and gaming.

**Maritime and Aviation Law Section****40***Council Liaison Officer***Neil Campbell** *McMillan, Toronto, Ontario, Canada*

The Maritime and Aviation Law Section has over 900 members.

**Aviation Law****40***Chair***Mia Wouters** *LVP Law, Brussels, Belgium*

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****40***Chair***Jan Dreyer** *Dabelstein & Passehl, Hamburg, Germany*

The committee has a tradition of being the platform where leading maritime law professionals meet, create connections and discuss the most current legal issues in the field of maritime and transport law. The committee works for and supports the unification of maritime and transport law on a worldwide basis, and enables members to: increase knowledge of maritime and transport issues throughout the world; improve client advice; meet fellow practitioners face-to-face; and become well known to other competent specialists.

**Public Law Section****40***Council Liaison Officers***Jon Grouf** *Duane Morris, New York, USA; IBA Assistant Treasurer;**LPD Assistant Treasurer***Sylvia Khatcherian** *Morgan Stanley, New York, USA**Chair***Bernard Bekink** *University of Pretoria, Pretoria, South Africa*

The Public Law Section has over 300 members and provides a worldwide forum where all topics of public law are discussed and ideas are exchanged and developed. Its members are active worldwide in furthering the debate relating to governmental policy and the implementation and regulation of administrative action. In doing this, the committee makes a respected contribution to issues in the fields of judicial review and constitutional law. The committee strives to examine future trends in this area, anticipate new issues and examine new relationships between governments and the private sector. An ongoing theme is how the civil law and common law systems compare when dealing with these issues. By its very nature, the committee draws on lawyers who may come from different areas of practice, but whose work involves administrative law issues, whether in a litigation context or not.

## Real Estate Section 40–41

*Council Liaison Officer*

**Luis Moreno** *Haynes and Boone, Mexico City, Mexico*

*Chair*

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

The Real Estate Section is the only truly international forum for lawyers interested in real estate law and comprises nearly 700 members. The recent globalisation of the real estate industry has fundamentally changed the committee's focus. While real estate assets are traditionally governed by national rules, real estate transactions have long ceased to be a purely national matter. Today, the ownership of properties is traded among investors around the globe. Increasing internationalisation of all aspects of real estate law has also changed the types of lawyers involved. In this evolving context, the committee provides a unique and valuable forum for lawyers from different countries and different legal backgrounds to address all sorts of practical and legal issues, exchange views and meet during conferences.

## Taxation Section 41

*Council Liaison Officers*

**Jaime Carey** *Carey y Cia, Santiago, Chile; IBA Treasurer; LPD Secretary-Treasurer*

**Carola van den Bruinhorst** *Loyens & Loeff, Hong Kong SAR*

The Taxation Section has nearly 1,300 members around the world.

### Individual Tax and Private Client 41

*Chair*

**Helen Darling** *MacFarlanes, London, England*

This 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 41

*Co-Chairs*

**Stuart Chessman** *Vivendi, New York, USA*

**Sonia Velasco** *Cuatrecasas, Gonçalves Pereira, Barcelona, Spain*

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 35–36

### African Regional Forum 35

*Council Liaison Officer*

**Jacob Saah** *Saah & Company, Accra, Ghana*

*Co-Chairs*

**Olufunmi Oluyede** *TRLP Law, Lagos, Nigeria*

**Barnabas Tumusingize** *Sebalu & Lule Advocates, Kampala, Uganda*

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

### Arab Regional Forum 35

*Council Liaison Officers*

**Hassan Arab** *Al Tamimi & Company, Abu Dhabi, United Arab Emirates*

**Jeffrey Blount** *Fulbright & Jaworski, Hong Kong SAR*

*Chair*

**Sadiq Jafar** *Hadeef & Partners, Dubai, United Arab Emirates*

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.

### Asia Pacific Regional Forum 35

*Council Liaison Officers*

**Peter Bartlett** *Minter Ellison, Melbourne, Victoria, Australia*

**Jeffrey Blount** *Fulbright & Jaworski, Hong Kong SAR*

*Co-Chairs*

**Henry Shyn** *GE Energy, Seongnam-si, South Korea*

**Lawrence Teh** *Rodyk & Davidson, Singapore*

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 35

*Council Liaison Officer*

**Sylvia Khatcherian** *Morgan Stanley, New York, USA*

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 Regional Forum 35–36

*Council Liaison Officers*

**Gianmatteo Nunziante** *Nunziante Magrone, Rome, Italy*

**Vassily Rudomino** *ALRUD Law Firm, Moscow, Russian Federation*

*Co-Chairs*

**Dovile Burgiene** *LAWIN, Vilnius, Lithuania*

**Freek Jonkhart** *Loyens & Loeff, Rotterdam, the Netherlands*

The forum develops and strengthens the existence of the IBA within the whole of Europe by promoting the goals of the IBA to members, non-members and others, disseminating professional know-how, and assisting the committees and other constituencies of the IBA to increase their presence in the different sub-regions of Europe, including parts of North Africa and the Middle East.

The goals of the forum include addressing current and long-term needs of professional organisations and individual members within the geographical reach of the forum, as well as increasing membership and participation in the IBA and integrating them within the organisation. The forum will also facilitate cross-border activity between lawyers and bars in different European countries. The forum has a particular focus on cross-disciplinary activities.

**Latin American Regional Forum****36***Council Liaison Officers***Jaime Herrera** *Posse Herrera Ruiz, Bogotá, Colombia***Guido Santiago Tawil** *M & M Bomchil, Buenos Aires, Argentina**Co-Chairs***Lisandro Allende** *Brons & Salas, Buenos Aires, Argentina***Pablo Iacobelli** *Carey y Cia, Santiago, Chile*

The Latin American Regional 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****36***Council Liaison Officer***Laura K Christa** *Christa & Jackson, Los Angeles, California, USA**Co-Chairs***Paul Lalonde** *Heenan Blaikie, Toronto, Ontario, Canada***Vince F Imerti** *Stikeman Elliott, Toronto, Ontario, Canada*

The North American Regional Forum covers Canada, Mexico, Puerto Rico, the United States and English-speaking areas of the Caribbean. The aim of the North American Regional Forum is two-fold: to spread knowledge about legal practice within North America; and to expand the international perspective of lawyers practising in North America.

# Public and Professional Interest Division

**Academic and Professional Development 42***SPPI Council Liaison Officer***Jacqueline Leong** *Hong Kong Bar Association, Hong Kong SAR**Co-Chairs***Soledad Atienza** *IE University, Segovia, Spain***Sarah Hutchinson** *College of Law, London, England*

The Academic and Professional Development Committee has a membership of over 800 and aims to represent the interests of law teachers (academic and professional) as well as professional developers.

**Bar Issues Commission 42***Chair***Horacio Bernardes Neto** *Motta Fernandes Rocha Advogados, São Paulo, Brazil*

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. Through its Policy Committee, the BIC proposes resolutions and guidelines for approval by the IBA Council that are of relevance to Member Organisations. The BIC holds an Annual Conference in May of each year, presents sessions at the Annual Conference, has resource pages on the IBA website and provides e-bulletins for its members.

**Forum for Barristers and Advocates 42***SPPI Council Liaison Officer***Jacqueline Leong** *Hong Kong Bar Association, Hong Kong SAR**Co-Chairs***Russell Adam Coleman** *Temple Chambers, Hong Kong SAR***Richard Keen** *Faculty of Advocates, Parliament House, Edinburgh, Scotland*

The Forum for Barristers and Advocates has over 1,000 members and represents those bar associations whose members 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.

**International Bar Association's Human Rights Institute (IBAHRI) 42***Co-Chairs***Baroness Helena Kennedy QC** *House of Lords, London, England***Sternford Moyo** *Scanlen & Holderness, Harare, Zimbabwe*

Established in 1995, the IBA's Human Rights Institute (IBAHRI) is a leading voice in the promotion, protection and enforcement of human rights under a just rule of law. The IBAHRI undertakes a variety of projects to build capacity, lobby for change and highlight issues of international concern to the public, the media and the legal community. This includes training and workshops, fact-finding missions and trial observations, targeted media and advocacy campaigns and providing long-term technical assistance to under-resourced bar associations and law societies. The IBAHRI also produces publications highlighting issues of concern to the worldwide media.

**Judges' Forum 42***SPPI Council Liaison Officer***Jacqueline Leong** *Hong Kong Bar Association, Hong Kong SAR**Chair***Henrik Rothe** *The Danish Maritime and Commercial High Court, Copenhagen, Denmark*

The Judges' Forum comprises over 180 members and 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****42–43***SPPI Council Liaison Officers***Stephen Denyer** *Allen & Overy, Frankfurt am Main, Germany***John Heaps** *Eversheds, London, England**Co-Chairs***Máximo Bomchil** *M & M Bomchil, Buenos Aires, Argentina***Ronaldo Veirano** *Veirano Advogados, Rio de Janeiro, Brazil*

In the highly competitive and demanding environment where ever-increasing pressures are being felt in the practice of law, every lawyer – whether a partner or not, whether performing a specific management responsibility or not – must be prepared to meet these challenges. The Law Firm Management Committee provides lawyers with the practical tools that they need in order to enhance their practice, their business development skills and their management capabilities. The committee provides a forum for informative, practical and relevant programmes, seminars, discussion forums and articles on all aspects of practice and law firm management for firms of all sizes.

The Law Firm Management Committee is the largest committee within the PPID and has over 3,300 members.

**Multidisciplinary Practices****43***SPPI Council Liaison Officer***Stephen Macliver** *Sparke Helmore, Sydney, New South Wales, Australia; Secretary-Treasurer, Section on Public and Professional Interest**Chair***Pieter Tubbergen** *Schaap & Partners, Rotterdam, the Netherlands*

This committee was first created to follow the developments of multidisciplinary practices in different jurisdictions. In the aftermath of Enron, many multidisciplinary practices were dissolved, and multidisciplinary practices became even more controversial. In more recent times, multidisciplinary practices seem to be on the rise again, and it is becoming increasingly relevant to see how they are governed in different jurisdictions. The committee has over 400 members and aims to bring together legal professionals and other interested individuals from many and various jurisdictions and backgrounds to monitor, discuss and shape the developments of multidisciplinary practices and the rules to which they are subject around the world.

**Pro Bono****43***SPPI Council Liaison Officer***Tim Soutar** *Clifford Chance, London, England**Chair***Tim Soutar**

This committee's objectives are to foster worldwide recognition of the principle that access to justice is the right of all individuals and to promote access to justice for all, regardless of their financial means, race, age, ethnicity, gender or popularity of cause. The committee has over 350 members and provides a forum for lawyers from diverse backgrounds to exchange views and discuss practical solutions to problems encountered in the provision of legal assistance, including state-funded and non-governmental legal aid, advisory services, the use of public defenders and certificates, clinics, public interest litigation, public legal education, etc. It is also working to ensure that laws reflect the interests of every resident, including the poor and the marginalised, and that judicial, quasi-judicial, administrative and dispute resolution processes are open and accessible to all, administering laws on a fair, transparent and efficient basis.

**Professional Ethics****43***SPPI Council Liaison Officer***Geraldine Clarke** *Gleeson McGrath Baldwin/Law Society of Ireland, Dublin, Ireland**Co-Chairs***Paul Monaghan** *Law Society of New South Wales, Sydney, New South Wales, Australia***Steven Richman** *Duane Morris, Cherry Hill, New Jersey, USA*

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 has over 500 members and 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.

**Regulation of Lawyers' Compliance****43***SPPI Council Liaison Officer***Stephen Macliver** *Sparke Helmore, Sydney, New South Wales, Australia; Secretary-Treasurer, Section on Public and Professional Interest**Chair***Stephen Revell** *Freshfields Bruckhaus Deringer, Singapore*

This new committee has been formed to meet the growing interest of IBA members in the regulation of law firms and lawyers (and the related compliance obligations and the risks of failure to comply). The committee provides a forum where members can discuss, debate and influence legislation impacting the practice of law, particularly in light of the ever expanding multijurisdictional approach to the regulation of law firms and lawyers.

**Rule of Law Action Group****44***SPPI Council Liaison Officer***Stephen Denyer** *Allen & Overy, Frankfurt am Main, Germany***Gabrielle H Williamson** *Luther Rechtsanwalts-gesellschaft mbH, Brussels, Belgium; Chair, Section on Public and Professional Interest**Co-Chairs***Professor Robert Stein** *University of Minnesota/Gray Plant Mooty, Minneapolis, Minnesota, USA***Richard Goldstone** *Past Justice of the South African Constitutional Court and Former Prosecutor for the ICTR and ICTY, Morningside, South Africa*

The Rule of Law Action Group continues to address and guide the Association in its rule of law work.

**Senior Lawyers****44***SPPI Council Liaison Officer***Geraldine Clarke** *Gleeson McGrath Baldwin/Law Society of Ireland, Dublin, Ireland**Chair***David Godfrey** *W-Legal Ltd, London, England*

The Senior Lawyers' Committee is designed, as the name implies, to cater for the needs and interests of senior lawyers and comprises over 400 members. It acts, not only within, but also outside the IBA to advance the interests of senior lawyers, particularly in issues of age discrimination.



## Students

SPPI Council Liaison Officer

**Geraldine M Clarke** *Gleeson McGrath Baldwin/Law Society of Ireland, Dublin, Ireland*

The Student Committee was founded as a platform for students to access the wealth of information and experiences available through the IBA and its committees. At the end of 2012, the Committee had nearly 1,500 individual members, from over 70 countries making it a vibrant and diverse group.

## War Crimes

44

SPPI Council Liaison Officer

**Julia Onslow-Cole** *PWC Legal, London, England*

Chair

**Alex Whiting** *Harvard Law School, Cambridge, Massachusetts, USA*

The IBA's War Crimes Committee is the only IBA committee of its kind focused specifically on international criminal law, a field of law that has seen tremendous growth and development over the past 15 years. The committee endeavours to provide IBA members with comprehensive and reliable information and resources on international criminal law. It also provides lawyers, international agencies and tribunals with an unparalleled and easily accessible network of contacts and, in turn, is directly involved with the IBA's ongoing programme in support of international, ad hoc and domestic war crimes tribunals. The committee works alongside the IBA's Human Rights Institute to promote justice around the world, and uphold the principle of accountability.

## Women Lawyers' Interest Group

44

SPPI Council Liaison Officer

**Gabrielle H Williamson** *Luther Rechtsanwaltsgesellschaft mbH, Brussels, Belgium; Chair, Section on Public and Professional Interest*

Co-Chairs

**Mikiko Otani** *Toranomon Law & Economic Offices, Tokyo, Japan*

**Maria Wolleh** *Mannheimer Swartling Advokatbyrå AB, Berlin, Germany*

The Women Lawyers' Interest Group comprises over 1,500 members and offers a forum for women members from Australia to Zambia to discuss topics of global significance to women practitioners.

## Young Lawyers

44

SPPI Council Liaison Officer

**John Heaps** *Eversheds, London, England*

Co-Chairs

**Rouven Bodenheimer** *LLS Lungerich Lenz Schuhmacher, Cologne, Germany*

**Heather Irvine** *Norton Rose, Sandton, South Africa*

The Young Lawyers' Committee's primary goal is to further the interests and objectives of young lawyers around the world and within the IBA. The committee has nearly 1,000 members and aims to help them establish themselves within the legal profession by promoting their professional skills.

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# Schedule of sessions by committee

**THE CONFERENCE VENUE – JOHN B HYNES VETERANS MEMORIAL CONVENTION CENTER – WILL BE REFERRED TO THROUGHOUT THIS PROGRAMME AS THE HYNES CONVENTION CENTER.**

## Conference headquarters

John B Hynes Veterans Memorial Convention Center  
900 Boylston Street  
Boston, MA, 02115  
Phone: +1 (617) 954 2000  
Fax: +1 (617) 954 2299  
[www.massconvention.com](http://www.massconvention.com)

The working sessions and general (non-ticketed) lunches, unless otherwise stated, will take place at the Conference headquarters. Ticketed lunches will take place in the adjacent Sheraton Boston Hotel.

The working language of the conference is English. This programme is provisional and subject to change. Sessions may be changed or withdrawn at any time.

Working sessions will take place from 0930 – 1230 and 1430 – 1730 at the Hynes Convention Center.

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

Coffee and tea breaks will be held at 1100 – 1130 and 1600 – 1630.

## Conference social programme

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Sunday	1800 – 1930	Opening ceremony, Veterans Memorial Auditorium, Hynes Convention Center	81
Sunday	2000 – 2230	Welcome party, Museum of Fine Arts <i>Sponsored by</i>   	81
Monday	1830 – 2030	Host Committee reception, Boston Museum of Science	81
Tuesday	1800	Newcomers' reception, Sheraton Boston Hotel	83
Tuesday	0800 – 0930	The IBA Bar breakfast hosted by Bundesrechtsanwaltskammer, Deutscher Anwaltverein, and the Law Society of Scotland, Sheraton Boston Hotel	81
Wednesday	0800 – 0930	The IBA Bar breakfast hosted by the American Bar Association, Sheraton Boston Hotel	83
Thursday	1800	Young Lawyers' reception, Sheraton Boston Hotel	83
Friday	1930 – 2230	Closing party, The Boston Public Library	83

## Showcase sessions

Section/Committee	Co-presented with	Title	Page
<b>BIC Showcase</b>			
Wednesday	1430 – 1730	Harvard Law School	BIC SHOWCASE: Preparing for the future – changes in structures, technology and regulation
<b>IBA Showcases</b>			
Monday	0930 – 1230	Family Law/Section on Public and Professional Interest	IBA SHOWCASE: Human trafficking: modern slavery
Wednesday	0930 – 1230	Environment, Health and Safety Law/ IBAHRI/IBA President's Task Force on Climate Change Justice and Human Rights	IBA SHOWCASE: Climate change justice and human rights – preliminary concepts for legal and institutional reforms
<b>IBAHRI Showcase</b>			
Monday	1430 – 1730		IBAHRI SHOWCASE: Human rights at 65: hale and hearty or in need of resuscitation?
<b>LPD Showcase</b>			
Tuesday	0930 – 1230	Media Law	LPD SHOWCASE: What happens in Vegas, stays on the internet

Section/Committee		Co-presented with	Title	Page
<b>SPPI Showcase</b>				
Thursday	0930 – 1230	Law Firm Management	SPPI SHOWCASE: Globalisation of the market for legal services – a blessing or a curse?	47
<b>General Interest</b>				
Monday	1430 – 1730		Win more work – turn contacts into clients and referrers: Pippa's COPACABANA approach to international networking	51
Tuesday	1300 – 1415		A joint conversation with Ambassador Prince Zeid Ra'ad Zeid al-Hussein of Jordan and Professor Cherif Bassiouni	49
Wednesday	0930 – 1230		Increase your value to current and future clients: Pippa's RAINBOW strategy	51
Wednesday	1300 – 1415		A conversation with Beatrice Mtetwa	49
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<b>LEGAL PRACTICE DIVISION</b>				
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Wednesday	1230 – 1430		Legal Practice Division lunch	83
<b>ANTITRUST AND TRADE LAW SECTION</b>				
Monday	0930 – 1230		Antitrust and trade law implications of national security and national interests	55
<b>Antitrust</b>				
Monday	1430 – 1730	Arbitration	Abuse and use of antitrust issues in arbitration	58
Tuesday	0930 – 1230	Intellectual Property and Entertainment Law	Asserting intellectual property rights without running afoul of antitrust laws	61
Wednesday	0930 – 1230		Avoiding the abyss – how to achieve effective cartels deterrence	68
Wednesday	1430 – 1730		Hot topics in merger enforcement	71
<b>Trade and Customs Law</b>				
Monday	1430 – 1730	Intellectual Property and Entertainment Law	Intellectual property rights concerns upon importation	59
Tuesday	1430 – 1730	Communications Law/Media Law/Space Law	Censorship and communications embargoes: when all you get is static, who is responsible?	65
Wednesday	0930 – 1230	European Regional Forum/International Sales	What's past is prologue: new rights and obligations in transatlantic trade and sales with Europe	70
Thursday	0930 – 1230	Litigation Committee	Resolving international business disputes – using the tools of WTO, BIT and commercial arbitration	75
<b>CORPORATE LAW SECTION</b>				
<b>Closely Held and Growing Business Enterprises</b>				
Monday	0930 – 1230	Litigation	Shareholders' agreements: shareholders' disputes in family owned companies	57
Monday	1430 – 1730		Private company financing: top issues for the entrepreneur's negotiation with a private equity investor	59
Tuesday	1430 – 1730	Individual Tax and Private Client	Protecting the business for and from the next generation	66



Section/Committee		Co-presented with	Title	Page
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<b>Corporate and M&amp;A Law</b>				
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Monday	1430 – 1730	Leisure Industries Section/North American Regional Forum	Private equity – private pastimes	59
Tuesday	0930 – 1230		Negotiated M&A transactions: a case in point	63
Tuesday	1430 – 1730		Public M&A – advanced topics	66
Wednesday	0930 – 1230		Letters of intent, confidentiality agreements and other pre-contractual agreements: contents, nature and enforceability	69
Wednesday	1430 – 1730	Insurance	Insurance of warranties and indemnities – in practice a no-go?	71
Wednesday	1430 – 1730	Capital Markets Forum	Shareholders' Spring 2013: new lessons to be learned	72
Thursday	0930 – 1230		Current legal developments	74
Thursday	0930 – 1230	Employment and Industrial Relations Law/ Immigration and Nationality Law	The growing importance of corporate immigration and international employment law in corporate transactions: getting it right when moving personnel between entities, in-country or across borders	75
Thursday	1430 – 1730		Private equity – new trends	76
Friday	0930 – 1230		Developments in deals since 2007	78
Friday	1430 – 1730		Corporate governance	79
<b>Corporate Social Responsibility</b>				
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Wednesday	1430 – 1730	Family Law/Healthcare and Life Sciences Law	Boldly going: regulating the frontiers of healthcare and the life sciences	70
Thursday	1430 – 1730	Dispute Resolution Section	Litigating CSR: the next generation of claims, courts, and remedies for violations of corporate social responsibility norms	76
<b>CRIMINAL LAW SECTION</b>				
Monday	1430 – 1730	Media Law	Journalism, the media and criminality	59
<b>Anti-Corruption</b>				
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Wednesday	1430 – 1730	International Construction Projects	Preventing cracks in the foundation: fighting corruption in the construction industry	72
Thursday	0930 – 1230	Anti-Money Laundering Legislation Implementation Working Group/Criminal Law	Anti-money laundering laws: outsourcing the policing of corruption	73

Section/Committee	Co-presented with		Title	Page
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Wednesday	1430 – 1730	Young Lawyers	The thin red line – cartels, fraud and corruption	73
Thursday	1430 – 1730	Taxation Section	Tax fraud: causes and cures	77
Criminal Law				
Tuesday	1430 – 1730	IBAHRI/LGBT Issues Subcommittee	Repealing sodomy laws	66
Wednesday	1430 – 1730	Leisure Industries Section/North American Regional Forum/Technology Law	Online gaming or gambling? Blurring the line between social media, entertainment and gambling	72
Thursday	0930 – 1230	Anti-Corruption/Anti-money Laundering Legislation Implementation Working Group	Anti-money laundering laws: outsourcing the policing of corruption	73
Thursday	1430 – 1730	Maritime and Transport Law	Charting new waters: international sanctions regimes in the maritime industry – a look at the practical issues and criminal exposure for ship owners and others in the maritime industry	76
Thursday	1430 – 1730	Technology Law	The impact of cybercrime	77
DISPUTE RESOLUTION SECTION				
Monday	0930 – 1230		The assessment of costs, fee arrangements and third-party funding in arbitration and litigation	57
Wednesday	1430 – 1730	International Sales/Professional Ethics	Chivalry in contracts – ethics in contract negotiations	71
Thursday	1430 – 1730	Corporate Social Responsibility	Litigating CSR: the next generation of claims, courts and remedies for violations of corporate social responsibility norms	76
Arbitration				
Monday	1430 – 1730	Antitrust	Abuse and use of antitrust issues in arbitration	58
Monday	1430 – 1730	Family Law/Mediation	Mediation: finance, family and unheard voices	59
Tuesday	0930 – 1230		Back to the future?	61
Tuesday	1430 – 1730		Hot topics in arbitration	65
Wednesday	0800 – 0930		Open committee business meeting and breakfast	67
Wednesday	0930 – 1230		Pacta sunt servanda in international arbitration	69
Wednesday	1430 – 1730		Investment arbitration	71–72
Thursday	0930 – 1230		Arbitrators’ conflicts and party representation: working on guidelines	73
Thursday	1430 – 1730	International Franchising	Arbitrating international distribution and franchise disputes	76
Friday	0930 – 1230		Recognition and enforcement of awards	78
Friday	0930 – 1230	Young Lawyers	The role of secretaries and other third parties in assisting arbitral tribunals to render awards in international arbitration – a coffeehouse debate	78

Section/Committee	Co-presented with		Title	Page
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Thursday	0930 – 1230	International Sales/Product Law and Advertising	Chasing the seller	73
Litigation				
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Tuesday	0930 – 1230		Litigating for and against public authorities	63
Tuesday	1430 – 1730	Latin American Regional Forum	Real time v formal time: why is litigation adversely affected by unnecessary, unrevised formalities?	66
Wednesday	0930 – 1230	Mediation	How to enforce internationally through court proceedings a settlement agreement achieved through mediation	69
Wednesday	1430 – 1730		Early case assessment in litigation	71
Thursday	0930 – 1230	Trade and Customs Law	Resolving international business disputes – using the tools of WTO, BIT and commercial arbitration	73
Thursday	0930 – 1230	Corporate Counsel Forum/European Regional Forum/North American Regional Forum	You can do what? Issues in transatlantic disputes	75
Friday	0930 – 1230	Corporate Counsel Forum	Corporate disasters: what to do when a corporate crisis hits; how to deal with the unexpected	77
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Tuesday	0930 – 1230		Investor state mediation rules	63
Tuesday	1430 – 1730	Employment and Industrial Relations Law	Settlement through mediation of employment disputes	66
Wednesday	0930 – 1230	Litigation	How to enforce internationally through court proceedings a settlement agreement achieved through mediation	69
Thursday	0930 – 1230	Insurance	Settlement through mediation of insured claims	75
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Wednesday	1430 – 1730		Hot topics in respect of damages in construction disputes	71
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Wednesday	1430 – 1730		Environmental protection as a constitutional or human right?	71
<b>International Construction Projects</b>				
Monday	1430 – 1730		Use and abuse of tiered dispute resolution processes	60
Tuesday	0930 – 1230		Extensions of time and the process of administering EoT provisions	62
Tuesday	1430 – 1730		Bid protests and other challenges in public procurement	65
Wednesday	0930 – 1230	Asia Pacific Regional Forum/Young Lawyers	Construction – a wide playing field for lawyers	68
Wednesday	1430 – 1730	Anti-corruption	Preventing cracks in the foundation: fighting corruption in the construction industry	72
Thursday	0930 – 1230		Liability for design defects in a collaborative, integrated digital age	74
Thursday	1430 – 1730		Latest developments in construction law	76
<b>Mining Law</b>				
Monday	1430 – 1730	Capital Markets Forum	Financing mining projects: new trends	58
Wednesday	1430 – 1730	Indigenous Peoples	Indigenous consultation, business partnerships or tribal consent? Differing views from across North America	71
Thursday	0930 – 1230	Maritime and Transport Law	Digging deep and riding the waves: a look at the relationship between the mining and maritime industries	74
Thursday	1430 – 1730		Resolving disputes in the natural resources industry: expert arbitration needed!	76
<b>Oil and Gas Law</b>				
Tuesday	0930 – 1230		Changes in the allocation of liabilities between partners in the hydrocarbons exploration and production sector	61
Wednesday	0930 – 1230	Maritime and Transport Law	Too much gas? The shifting global energy landscape	70
Wednesday	1430 – 1730		Changes in the pricing mechanisms of gas in the hydrocarbons exploration and production sector	70
<b>Power Law</b>				
Monday	0930 – 1230		Cross-border inter-connection: global markets or national champions?	55
Tuesday	1430 – 1730		Deconstructing power purchase agreements: how to build up good indexation, termination and force majeure clauses to avoid litigation or arbitration	65
<b>Water Law</b>				
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Tuesday	0930 – 1230	Securities Law	Enforcement by financial regulators	62
Tuesday	1430 – 1730	Insolvency Section/Insolvent Financial Institutions Subcommittee	A walk on the wild side: managing cross-border resolutions of systemically important financial institutions	64
Wednesday	0930 – 1230	Corporate Counsel Forum	Corporate governance: beyond compliance, principles count – lessons from the financial crisis	68
Thursday	0930 – 1230		Cross-border acquisition finance today	74
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Capital Markets Forum				
Monday	1430 – 1730	Mining Law	Financing mining projects: new trends	58
Wednesday	1430 – 1730	Corporate and M&A Law	Shareholders’ Spring 2013: new lessons to be learned	72
Insurance				
Monday	0930 – 1230	Insurance Regulation Subcommittee	To be (an insurance contract) or not to be... that is the question	57
Monday	1430 – 1730	Maritime and Transport Law	Who shall I say is calling? The role of the insurance broker at placement, following a major claim, and in dispute resolution	60
Wednesday	1430 – 1730	Corporate and M&A Law	Insurance of warranties and indemnities – in practice a no-go?	71
Thursday	0930 – 1230	Mediation	Settlement through mediation of insured claims	75
Thursday	1430 – 1730	Corporate Counsel Forum	What every director should know about insurance cover and company indemnities	77
Insurance Regulation Subcommittee				
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Investment Funds				
Monday	1430 – 1730		Regulatory developments in the retail space	59
Tuesday	1430 – 1730		Regulatory developments in the private fund space	66
Thursday	0930 – 1230	Individual Tax and Private Client	Privates want it different: how to structure an investment fund for private clients	74
Securities Law				
Monday	0930 – 1230		I’ve got a new deal! Now what do I do? – dos and don’ts for the novice (and not-so-novice)	56
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<b>Discrimination and Equality Law Committee</b>				
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Thursday	0930 – 1230	Women Lawyers' Interest Group	Opportunities for women lawyers in emerging markets	74
Thursday	1430 – 1730	Employment and Industrial Relations Law	It's not business – it's personal	76
<b>Disability Rights Working Group</b>				
Wednesday	1430 – 1730		International disability discrimination: a special focus on the challenges facing women and girls	72
<b>Lesbian, Gay, Bisexual and Transgender Issues (LGBT) Subcommittee</b>				
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Tuesday	1430 – 1730	Mediation	Settlement through mediation of employment disputes	66
Wednesday	0930 – 1230		Change management and retention measures from an L&E perspective	68
Thursday	0930 – 1230	Corporate and M&A Law/Immigration and Nationality Law	The growing importance of corporate immigration and international employment law in corporate transactions: getting it right when moving personnel between entities, in-country or across borders	75
Thursday	1430 – 1730	Discrimination and Equality Law	It's not business, it's personal	76
<b>IBA Global Employment Institute</b>				
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<b>Immigration and Nationality Law</b>				
Tuesday	0930 – 1230	BIC International Trade in Legal Services/Regulation of Lawyers' Compliance	Practical problems for lawyers and law firms in cross-border activities in other countries	63
Tuesday	1430 – 1730		Illegal immigration: causes and impact, immigration policies and public opinion across the globe. Is there a realistic solution?	66
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Thursday	0930 – 1230	Corporate and M&A Law/Employment and Industrial Relations Law	The growing importance of corporate immigration and international employment law in corporate transactions: getting it right when moving personnel between entities, in-country or across borders	75

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Asia Pacific Regional Forum				
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Tuesday	1230 – 1430		Lunch	83
Wednesday	0930 – 1230	Banking Law	Corporate governance: beyond compliance, principles count – lessons from the financial crisis	68
Thursday	0930 – 1230	European Regional Forum/Litigation/North American Regional Forum	You can do what? Issues in transatlantic disputes	75
Thursday	1430 – 1730	Insurance	What every director should know about insurance cover and company indemnities	77
Friday	0930 – 1230	Litigation	Corporate disasters: what to do when a corporate crisis hits; how to deal with the unexpected	77
European Regional Forum				
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Tuesday	0930 – 1230		The Nobel for Europe – a prize for peace and reconstruction or a recipe for economic meltdown and disintegration?	64

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Thursday	0930 – 1230	Corporate Counsel Forum/Litigation/North American Regional Forum	You can do what? Issues in transatlantic disputes	75
Thursday	1430 – 1730	Aviation Law/Leisure Industries Section	Revision of EC Regulation 261 on passenger rights	76
<b>Latin American Regional Forum</b>				
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Wednesday	0930 – 1230		All the same, but not the same: investing in Latin America	67
<b>North American Regional Forum</b>				
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Monday	1430 – 1730	Corporate and M&A Law/Leisure Industries Section	Private equity – private pastimes	59
Tuesday	0930 – 1230		Has the Silicon Valley start-up model gone global? New challenges for start-ups and growing enterprises as they seek advantages with international operations	62–63
Tuesday	1430 – 1730	Asia Pacific Regional Forum	Asian investment in North America and North American investment in Asia 2013	64
Wednesday	0930 – 1230	Immigration and Nationality Law	Entrepreneurs and investor immigration schemes	68
Wednesday	1430 – 1730	Criminal Law/Leisure Industries Section/Technology Law	Online gaming or gambling? Blurring the line between social media, entertainment and gambling	72
Thursday	0930 – 1230	Corporate Counsel Forum/European Regional Forum/Litigation	You can do what? Issues in transatlantic disputes	75
<b>INSOLVENCY SECTION</b>				
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Wednesday	1430 – 1730	Creditors' Rights Subcommittee/Law Firm Management	The debtor in the mirror: the insolvency of law firms	72
<b>Insolvent Financial Institutions Subcommittee</b>				
Tuesday	1430 – 1730	Banking Law/Insolvency Section	A walk on the wild side: managing cross-border resolutions of systemically important financial institutions	64
<b>Creditors' Rights Subcommittee</b>				
Wednesday	1430 – 1730	Insolvency Section/Law Firm Management	The debtor in the mirror: the insolvency of law firms	72



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<b>INTELLECTUAL PROPERTY, COMMUNICATIONS AND TECHNOLOGY LAW SECTION</b>				
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<b>Art, Cultural Institutions and Heritage Law</b>				
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Wednesday	0930 – 1230	Media Law	Flash! Don't smile: legal issues related to photography as an art form and beyond	68
<b>Communications Law</b>				
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Tuesday	1430 – 1730	Media Law/Space Law/Trade and Customs Law	Censorship and communications embargoes: when all you get is static, who is responsible?	65
Thursday	0930 – 1230	Technology Law	'How the net was won', or 'don't shoot the messenger'. Internet 2.0: to regulate or not to regulate?	74
<b>Intellectual Property and Entertainment Law</b>				
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Thursday	0930 – 1230		Consortium agreements – IP ownership issues and freedom to operate issues around industry consortia and commercial cooperative organisations; standards setting organisations; regulatory and environmental co operations	73
Thursday	1430 – 1730	International Sales/Technology Law	Sales in the digital age	77
Friday	0930 – 1230		'Gone baby gone': anticipating and managing copyright 'Termageddon'	78
<b>Media Law</b>				
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Tuesday	1430 – 1730	Communications Law/Space Law/Trade and Customs Law	Censorship and communications embargoes: when all you get is static, who is responsible?	65
Wednesday	0930 – 1230	Art, Cultural Institutions and Heritage Law	Flash! Don't smile: legal issues related to photography as an art form and beyond	68
<b>Space Law</b>				
Tuesday	1430 – 1730	Communications Law/Media Law/Trade and Customs Law	Censorship and communications embargoes: when all you get is static, who is responsible?	65
<b>Technology Law</b>				
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Wednesday	0930 – 1230		'As-a-service': how it is going mainstream and what actually gets negotiated in cloud contracts	67
Wednesday	1430 – 1730	Criminal Law/Leisure Industries Section/ North American Regional Forum	Online gaming or gambling? Blurring the line between social media, entertainment and gambling	72
Thursday	0930 – 1230	Communications Law	'How the net was won', or 'don't shoot the messenger'. Internet 2.0: to regulate or not to regulate	74
Thursday	1430 – 1730	Intellectual Property and Entertainment Law/International Sales	Sales in the digital age	77
Thursday	1430 – 1730	Criminal Law	The impact of cybercrime	77
Friday	0930 – 1230		Big data and sharing of data for data analytics	77
<b>INTERNATIONAL SALES, FRANCHISING AND PRODUCT LAW SECTION</b>				
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<b>International Franchising</b>				
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			Attorney-client privilege for in-house counsel and outside counsel (Session B)	74
Thursday	1430 – 1730	Arbitration	Arbitrating international distribution and franchise disputes	76
<b>International Sales</b>				
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Tuesday	0930 – 1230	Asia Pacific Regional Forum	Getting from point A to point B: supply chain logistics and agreements	62
Tuesday	0930 – 1230	Corporate Counsel Forum/Corporate Social Responsibility/Discrimination and Equality Law	CSR – it's not 'soft', it's law	62

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Wednesday	1430 – 1730	Dispute Resolution Section/Professional Ethics	Chivalry in contracts – ethics in contract negotiations	71
Thursday	0930 – 1230	Consumer Litigation/Product Law and Advertising	Chasing the seller	73
Thursday	1430 – 1730	Intellectual Property and Entertainment Law/Technology Law	Sales in the digital age	77
Thursday	1730 – 1830		Open committee business meeting	77
Friday	0930 – 1230	Land Transport Subcommittee	Incoterms® 2010 rules in a multimodal world (workshop)	78
<b>Product Law and Advertising</b>				
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Tuesday	1430 – 1730	Leisure Industries Section/Healthcare and Life Sciences Law	'Gym bunnies and advertising hares' – advertising health food, drinks and supplements – what you can, can't and must say	65
Thursday	0930 – 1230	Consumer Litigation/International Sales	Chasing the seller	73
<b>LAW AND INDIVIDUAL RIGHTS SECTION</b>				
<b>Family Law</b>				
Monday	0930 – 1230	Section on Public and Professional Interest	IBA SHOWCASE: Human trafficking: modern slavery	46
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Wednesday	0800 – 0930		Open committee business meeting and breakfast	67
Wednesday	0930 – 1230	Individual Tax and Private Client	Mobile marriage and divorce: 'what is mine is mine, what is yours is mine'	69
Wednesday	1430 – 1730	Corporate Social Responsibility/Healthcare and Life Sciences Law	Boldly going: regulating the frontiers of healthcare and the life sciences	70
<b>Healthcare and Life Sciences Law</b>				
Tuesday	1430 – 1730	Leisure Industries Section/Product Law and Advertising	'Gym bunnies and advertising hares' – advertising health food, drinks and supplements – what you can, can't and must say	65
Wednesday	0930 – 1730	Closely Held and Growing Enterprises/Intellectual Property, Communications and Technology Law Section	Advising start-up life sciences and technology companies from creation to exit	67
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Thursday	0930 – 1230	African Regional Forum	Off to the witch doctor! Regulating African traditional and indigenous medicine	74
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Wednesday	1430 – 1730	Criminal Law/North American Regional Forum/Technology Law	Online gaming or gambling? Blurring the line between social media, entertainment and gambling	72
Thursday	1430 – 1730	Aviation Law/European Regional Forum	Revision of EC Regulation 261 on passenger rights	76
<b>MARITIME AND AVIATION LAW SECTION</b>				
<b>Aviation Law</b>				
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Tuesday	0930 – 1230		Acquiring and financing leased aircraft	61
Tuesday	1430 – 1730		Aviation Committee excursion	
Wednesday	1430 – 1730		Financial panel, update on Cape Town, repossession of aircraft, ECA financing	71
Thursday	1430 – 1730	European Regional Forum/Leisure Industries Section	Revision of EC Regulation 261 on passenger rights	76
<b>Maritime and Transport Law</b>				
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Wednesday	0930 – 1230	Oil and Gas Law	Too much gas? The shifting global energy landscape	70
Thursday	0930 – 1230	Mining Law	Digging deep and riding the waves: a look at the relationship between mining and maritime industries	74
Thursday	1430 – 1730	Criminal Law	Charting new waters: international sanctions regimes in the maritime industry – a look at the practical issues and criminal exposure for ship owners and others in the maritime industry	76
<i>Land Transport Subcommittee</i>				
Friday	0930 – 1230	International Sales	Incoterms® 2010 rules in a multimodal world (workshop)	78
<b>PUBLIC LAW SECTION</b>				
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<b>REAL ESTATE SECTION</b>				
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Wednesday	0930 – 1230		Assessment of real estate-related risks in cross-border M&A transactions	68
Wednesday	1400 – 1800		Real Estate property tour	70



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<b>TAXATION SECTION</b>				
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<b>Individual Tax and Private Client</b>				
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Tuesday	1430 – 1730	Closely Held and Growing Business Enterprises	Protecting the business for and from the next generation	66
Wednesday	0930 – 1230	Family Law	Mobile marriage and divorce: 'what is mine is mine, what is yours is mine'	69
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<b>Taxes</b>				
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Thursday	1430 – 1730		Recent legislative developments and new case law in transfer pricing: is this the end of the arm's length principle?	76
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Thursday	0930 – 1230	Professional Ethics	Whatever it takes to get the job done – is the future of the legal profession ethically sound?	75
BIC International Trade in Legal Services				
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Forum for Barristers and Advocates				
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International Bar Association's Human Rights Institute (IBAHRI)				
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Tuesday	1430 – 1730	Criminal Law/LGBT Issues Subcommittee	Repealing sodomy laws	66
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Wednesday	0930 – 1230		Knowledge management – a law firm's secret weapon	69
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Wednesday	1430 – 1730	Creditors' Rights Subcommittee/Insolvency Section	The debtor in the mirror: the insolvency of law firms	72
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<b>Multidisciplinary Practices</b>				
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<b>Pro Bono</b>				
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<b>Professional Ethics</b>				
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Thursday	0930 – 1230	Bar Issues Commission	Whatever it takes to get the job done – is the future of the legal profession ethically sound?	75
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<b>Regulation of Lawyers' Compliance</b>				
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<i>Anti-Money Laundering Legislation Implementation Working Group</i>				
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Tuesday	0930 – 1230	Young Lawyers	Who wants to be an ambassador?	64
War Crimes				
Monday	1430 – 1730		The Libya question: how is the International Criminal Court coping with the realities of complementarity?	60
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Wednesday	0930 – 1230		How to become a leader in the legal profession – strategies for success (not only for women)	69
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Thursday	0930 – 1230	Discrimination and Equality Law	Opportunities for women lawyers in emerging markets	74
Young Lawyers				
Monday	0930 – 1230	Forum for Barristers and Advocates/Judges' Forum	Public inquiries and commissions	56
Monday	1430 – 1730		Young lawyers' introductory meeting	60–61
Tuesday	0930 – 1230	Senior Lawyers	Who wants to be an ambassador?	64
Wednesday	0930 – 1230	Asia Pacific Regional Forum/International Construction Projects	Construction – a wide playing field for lawyers	68
Wednesday	1430 – 1730	Business Crime	The thin red line – cartels, fraud and corruption	73
Thursday	1430 – 1730	Professional Ethics/ Real Estate Law	'Swimming with land sharks': property transactions and ethics	77
Thursday	1800		Young lawyers' reception  The highlight of the reception will be the presentation of the prestigious IBA Young Lawyer of the Year Award in recognition of William Reece Smith Jr.  <i>Sponsored by</i>  LexisNexis®	83
Friday	0930 – 1230	Arbitration	The role of secretaries and other third parties in assisting arbitral tribunals to render awards in international arbitration – a coffeehouse debate	78





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# Showcase sessions

## IBA SHOWCASE

### Human trafficking: modern slavery

*Presented by the LPD Family Law Committee and the Section on Public and Professional Interest*

This Presidential Showcase Session will focus on the scope of the trafficking (*de facto* slavery) problem.

We will also discuss recent activities and developments by the key stakeholders, individuals, private institutions, corporations, governmental and inter-governmental agencies, NGOs and trafficked persons themselves. Human trafficking is a global problem that touches all of us throughout the world in developing and developed countries. It has been reported that the impact of human trafficking from an economic perspective is staggering with respect to relative size of criminal industries. Human trafficking as a criminal industry is behind only trading and selling of illegal drugs in terms of size of its profit (it has been estimated that the annual profit of trafficking is approximately US\$32 billion).

A distinguished high level panel of leading experts from various regions of the world will discuss human trafficking and its economic, legal and human rights implications.

At the end of the session, we will announce the creation of an IBA Presidential Task Force on Human Trafficking and a concrete project for the IBA to carry out in the next years. There is much we can do as lawyers to help mitigate this problem.

Finally, this session is not intended to be a one-way information disclosure, but the session will be interactive with the audience, so please come prepared with any questions/comments you may have.

MONDAY 0930 – 1230

## IBAHRI SHOWCASE

### Human rights at 65: hale and hearty or in need of resuscitation?

*Presented by the Human Rights Institute*

2013 marks the 65th anniversary of the Universal Declaration of Human Rights. But are human rights being observed or undermined? With terrorism being used as an excuse for new forms of war; arguments that human rights should be conditional on good behaviour; the resistance to universalism; deportation to torture being considered the right of any state wanting to rid itself of suspected criminals; and the foundering of international courts under the strain of caseloads, new challenges to the nature and application of human rights are continually emerging.

A distinguished panel, chaired by a well-known facilitator, will debate these issues.

MONDAY 1430 – 1730

## LPD SHOWCASE

### What happens in Vegas, stays on the internet

*Presented by the Legal Practice Division and the Media Law Committee*

A session examining how new technologies and social media are fuelling an explosion of privacy issues. From remote sensing satellites to hidden bra-cams, technology is revealing all; and, with the click of a mouse, intimate details (and, of course, photos) of Royals, celebs, politicians and sportsmen are launched on social media sites to millions and millions across the globe. The law races to catch up, with legislatures and jurists around the world trying to find an appropriate – and often elusive – balance between the individual's right to be left alone and the public's right to know. Almost 125 years ago, Boston lawyers Samuel Warren and Louis Brandeis (later a US Supreme Court Justice), in their now-famous (and eerily prescient) *Harvard Law Review* article, '*The Right to Privacy*', cautioned that, without a sensitive legal balancing of public and private interests, 'what is whispered in the closet shall be proclaimed from the housetops'. With the IBA heading to Boston in 2013, with technological advances further shrinking the privacy envelope, and with privacy laws in flux around the world, this programme will explore what has changed since the days of Warren and Brandeis and where society may be heading.

The conversation will range over current events that highlight the tension between privacy and free expression rights, and how technology and social media exacerbate those tensions – from unmanned (and unregulated) flying drones which can peep into 12th floor hotel windows and overfly private property, to the instant dissemination of intimate images and private information on Facebook, Twitter and other social media sites. Lord Leveson's high-profile Inquiry into current news gathering practices by the press in relation to privacy will also be discussed. And the panel will also look at the human rights implications of various privacy law proposals, including the so-called 'right to be forgotten' (ie, legislating compelled removal of private information from the internet).

TUESDAY 0930 – 1230

## IBA SHOWCASE

### Climate change justice and human rights – preliminary concepts for legal and institutional reforms

*Presented by the Environment, Health and Safety Law Committee, the IBAHRI and the IBA President's Task Force on Climate Change Justice and Human Rights*

The President's Task Force, established in January 2013, has a two-year mandate to ensure the voice of the global legal profession is fully heard in the important debate on justice and human rights in the context of climate change. Comprised of leading experts and practitioners in environmental law and human rights, the Task Force objectives are to identify and add urgency to governmental steps and legal reforms that could assist in preventing or mitigating climate change and the protection of human rights of vulnerable communities. The Task Force will be preparing a report to be submitted to governments and agencies around the world following the IBA 2014 Tokyo Annual Conference.

The 2013 Showcase Programme will provide an early opportunity for IBA members to hear from Task Force members and other leading experts about their consideration of these issues, question and debate measures that may be needed, and generally contribute to the 2014 Task Force report recommendations. The Showcase Programme will also provide a prelude to a more detailed debate on some potentially challenging and controversial aspects of these issues in the Wednesday afternoon session 'Environmental Protection as a Constitutional or Human Right?' presented by the Environment, Health and Safety Law Committee.

WEDNESDAY 0930 – 1230

## BIC SHOWCASE

### Preparing for the future – changes in structures, technology and regulation

*Presented by the Bar Issues Commission*

This session will concentrate on the future of the legal profession.

**It will take place in Harvard Law School**, with the attendance of Harvard law students. The keynote speaker is a leading thinker on developments in the global legal profession. The session is divided into the future as it relates to three separate areas: structures (eg ABSs, virtual law firms etc); technology (eg outsourcing, cloud computing etc); and regulation of lawyers (eg entity regulation, the split between regulatory and representative etc). The proposed outline of the session is as follows:

**Welcome and introduction to the session:** Chair of the Bar Issues Commission

**Keynote speech:** David Wilkins (Lester Kissel Professor of Law, Director, Program on the Legal Profession, Vice Dean for Global Initiatives on the Legal Profession)

**Panel presentation:** Panel of three further speakers who will each make a short presentation on one of the three pillars of the keynote speech, developing the themes further ie structures, technology and regulation.

**Debate** with the audience monitored by the Chair of the Bar Issues Commission, with a conclusion by the Chair at the end.

HARVARD LAW SCHOOL  
WEDNESDAY 1430 – 1730

## SPPI SHOWCASE

### Globalisation of the market for legal services – a blessing or a curse?

*Presented by the Section on Public and Professional Interest and the Law Firm Management Committee*

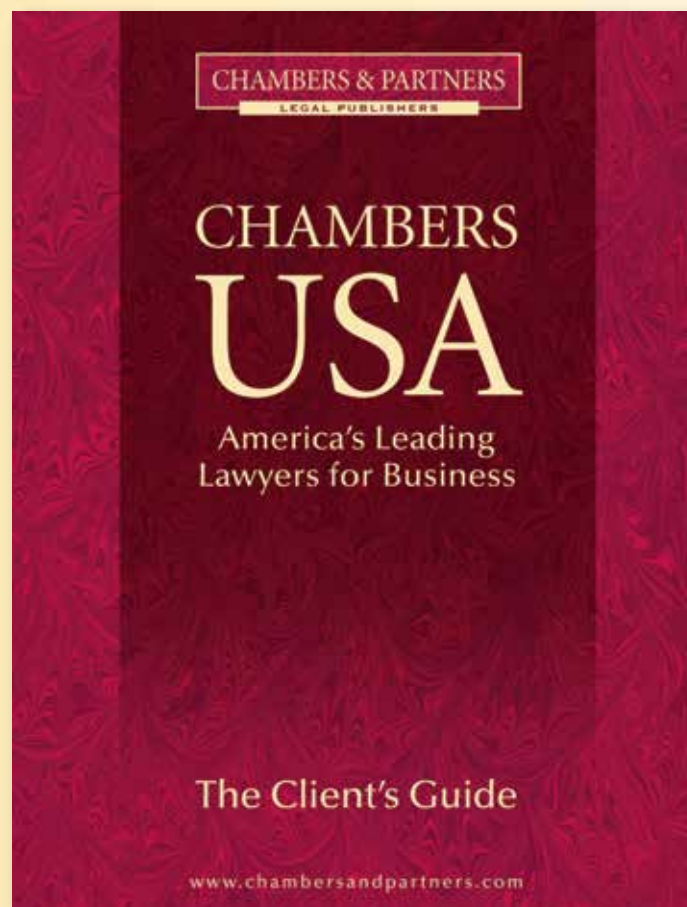
During this session, a diverse and distinguished panel will consider the following questions:

- 1 Is the impact of globalisation felt equally across the profession or is it more significant in certain practice areas or geographies?
- 2 Viewed from the perspective of lawyers in emerging markets is globalisation an opportunity or a threat?
- 3 What can lawyers learn from the experience of their clients or other professional service providers in relation to globalisation?
- 4 Is the regulatory regime for legal services fit for purpose in a globalised world?
- 5 Will globalisation encourage new forms of competition in the legal services market?
- 6 Are certain practice models more likely to flourish in a global environment than others?

THURSDAY 0930 – 1230

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## A conversation with...

This is a free lunchtime event open to all conference delegates.

On different days throughout the Annual Conference week enquiring minds will have the opportunity to listen to personal insights from distinguished guests about some key issues facing our world today.

All 'Conversation with...' events include a Q&A session, providing the audience with the opportunity to address directly the high-level guests.

### A joint conversation with... Ambassador Prince Zeid Ra'ad Zeid al-Hussein of Jordan and Professor Cherif Bassiouni

Prince Zeid Ra'ad Zeid al-Hussein of Jordan and Professor Cherif Bassiouni will discuss issues regarding the Middle East and post Arab Spring period in the context of the shifting balance of global politics. Anyone interested in understanding how events in the Middle East effect nations in different parts of the world should attend.



#### Prince Zeid Ra'ad Zeid al-Hussein is

Jordan's Permanent Representative to the UN, a post he held previously for six and a half years from 2000. From 2007-2010 he was Jordan's Ambassador to the United States and non-resident Ambassador to Mexico. He also served as Jordan's Deputy Permanent Representative at the UN, as an Ambassador, from 1996-2000.

Knowledgeable in matters of international justice, Prince Zeid played a central role in the establishment of the International Criminal Court (ICC) and in 2002 was elected the first president of the Assembly of State Parties, the governing body, of the ICC. Over the course of two years, he chaired the complex negotiations on the elements of individual offences under the crimes of genocide, crimes against humanity and war crimes. In the spring of 2004, he was chosen to be chairman of the Panel of Experts for the UN Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice, in the matter relating to the boundary dispute between Benin and Niger.

Prince Zeid was also appointed as Jordan's representative, and head of delegation, before the International Court of Justice in the matter relating to the wall being built by Israel in the Occupied Palestinian Territories. Following allegations of widespread abuse being committed by UN peacekeepers in the summer of 2004, he was appointed as Advisor to the Secretary-General on Sexual Exploitation and Abuse. Prince Zeid also chaired the Consultative Committee for the United Nations Development Fund for Women (UNIFEM) and led an effort to establish greater strategic direction for the Fund (2004-2007).



**Professor Cherif Bassiouni** is one of the foremost authorities on international criminal, human rights and humanitarian law. He served as Chair of the Bahrain Independent Commission of Inquiry established by Royal Order of the King of Bahrain to investigate and report on the events that took place in Bahrain in February and March 2011 (and thereafter), and to determine whether the events involved violations of international human rights law and norms.

Professor Bassiouni has extensive experience working on Commissions of Inquiry. He chaired the United Nations Independent International Commission of Inquiry for Libya (2011); was also

involved in commissions investigating the human rights situation in Afghanistan between 2004 and 2006, and violations of international humanitarian law in the Former Yugoslavia in 1993.

Professor Bassiouni was nominated for the Nobel Peace Prize for his work in the field of international criminal justice and for his contribution to the creation of the International Criminal Court. He is the recipient of numerous academic and civic awards. A well-published author, Professor Bassiouni's works include some of the leading textbooks in international criminal law.

TUESDAY 1300 – 1415

### A conversation with... Beatrice Mtetwa

This interview will provide insight into the work and life of one of the bravest lawyers in Africa, Beatrice Mtetwa. Through her example, the real and important issues of defending and promoting the rule of law are addressed. The defence of principles and liberty, essential to all of our societies, are easy to theorise about, but when the state acts with impunity as though it were above the law how many of us would dare adhere to our personal convictions. Conference delegates are encouraged to attend a 'Conversation with... Beatrice Mtetwa' to celebrate her bravery and to show support for a fellow legal professional operating in extremely trying circumstances and times.

A documentary film by Boston Film and Video Productions about Mrs Mtetwa's life and work will be shown at the start of this *Conversation with...* event with a question and answer session following the screening.



**Beatrice Mtetwa** works in Zimbabwe where despite unlawful detentions, and being beaten by police, she courageously defends imprisoned human rights advocates, journalists, and opposition candidates. She is the former President of the Southern African Development Community Lawyers Association and a former President of the Law Society of Zimbabwe. She is a formidable lawyer who, since the early 1990s, has actively defended victims of human rights abuses who in the main are civil society activists or political activists affiliated to the Movement for Democratic Change parties.

Having herself been assaulted by members of the Zimbabwe Republic Police in 2003 and 2007, Mrs Mtetwa is a lawyer who fully understands the issues of physical abuse that face her clients. She was named Justice/Liberty Law Society of England and Wales Human Rights Lawyer of the Year 2003. In subsequent years a host of awards have followed in recognition of her defence of human rights, including: 2011 Zimbabwe Lawyers for Human Rights Award; 2011 Inamori Ethics Prize by the Case Western Reserve University; 2011 Law Society of Zimbabwe Walter Kamba Rule of Law Award; 2010 American Bar Association International Human Rights Award; 2010 Zimbabwean Civic Organizations Human Rights Award; 2009 Trarieux International Human Rights Prize given by the European Bar Human Rights Committee; and the Sydney and Felicia Kentridge Award for Service to Law in South Africa.

Renowned for defending the freedom of the press, in 2005 she received the Committee to Protect Journalists International Press Freedom Award. In 2006 and 2008 she received, respectively, the Index on Censorship for Free Expression Law Award, and the Burton Benjamin Memorial Award for Defending the Highest Ideals of Journalism.

WEDNESDAY 1300 – 1415

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## The IBA Bar breakfast hosted by: Bundesrecht- sanwaltskammer, Deutscher Anwaltverein and the Law Society of Scotland

### Protecting and providing effective access to justice: challenges and opportunities for the legal profession

The legal profession has a unique role to play in maintaining effective access to justice. With governments around the world having to limit or reduce their spending, how do we ensure that justice remains a priority for our political leaders and that access to courts and legal services is maintained for those who need it?

This session will examine current challenges in accessing justice, including closures of local courts and cuts to legal aid, and explore how we can turn them into an opportunity for innovation and reform. It will give us the opportunity to talk about the different systems of ensuring access to justice, with specific reference to litigation cost rules, alternative dispute resolution and pro bono service delivery; and to compare their effectiveness, discussing the different regulatory approaches.

TUESDAY 0800 – 0930

## The IBA Bar breakfast hosted by the American Bar Association

### The new ethical terrain of global legal services

*The American Lawyer's* 2012 Global 100 shows the largest firm has 4,004 lawyers in 44 countries, and three firms tied for 'smallest' of the global 100 with 585 lawyers, operating in four to seven countries. Lawyers outside the 'home' country of these firms range from zero to 84 per cent. Several countries have moved towards models of structuring firms that deliver legal services that to many Americans seem radical departures from traditional American models. Buzz words such as 'alternative business structure', 'alternative law practice structure' and 'multidisciplinary practice' are used in a variety of contexts. The ABA's Commission on Ethics 20/20 has attempted to address certain of these issues. As state level rules and regulation continue to control ethical rules, and as lawyers increasingly find themselves partners or working with foreign lawyers, and otherwise engaged in cross-border litigation, arbitration and transactions, they find an increasing lack of clarity as to not only applicable rules, but interpretation of those rules in changing factual circumstances. This programme surveys the current terrain and provides 'best practices' guidance to lawyers in search of the way through the forest. It addresses issues relating to differing law firm structures, multijurisdictional practice, barriers and access to the Bar, practice authority in the US for foreign lawyers, and various ethical parameters of fee-splitting, conflicts of interest and non-lawyer ownership.

WEDNESDAY 0800 – 0930

## IBA Council Meeting

The IBA Council is the governing body of the Association, having the general control of the affairs of the IBA and passing, as required, resolutions and guidelines for members and the legal profession worldwide. Those entitled to attend are the IBA Officers, division officers, Honorary Life Members of the Council, appointed

representatives from member organisations, the appointed deputy secretary generals and any co-opted members.

THURSDAY 1430 – 1800

## 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.

### Win more work – turn contacts into clients and referrers: Pippa's COPACABANA approach to international networking

Pippa's session will give you relevant practical tips and ideas on how to grow your practice and how to:

- network successfully;
- build relationships internationally;
- make the most of any event you attend without feeling 'pushy' or uncomfortable;
- introduce yourself to other people and remember their names;
- extract yourself from boring people;
- follow-up with any people you meet in a personal way including on social media;
- develop and strengthen relationships with referrers and intermediaries;
- 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 1430 – 1730

### Increase your value to current and future clients: Pippa's RAINBOW strategy

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

- understand the current pressures on your clients;
- understand your clients' business;
- strengthen and deepen your relationships with your clients;
- 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
- implement your client relationship plans.

WEDNESDAY 0930 – 1230

### 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 1430 – 1730

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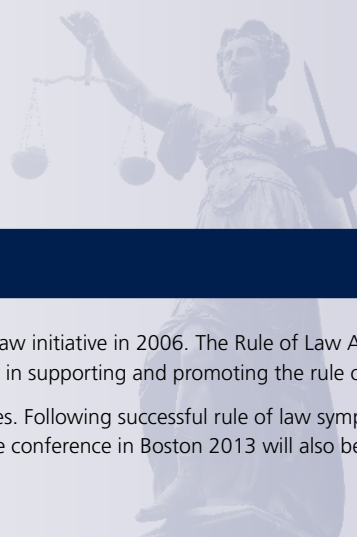


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# Rule of Law Symposium

Presented by the Rule of Law Action Group



**Friday 1000 – 1700**

In Prague 2005, the IBA Council passed a Rule of Law Resolution. It was followed by a rule of law initiative in 2006. The Rule of Law Action Group has been given the responsibility to provoke, urge and assist the membership of the IBA in supporting and promoting the rule of law.

Since 2006, the final day of the annual IBA conferences has been dedicated to rule of law issues. Following successful rule of law symposia in Chicago, Singapore, Buenos Aires, Madrid, Vancouver, Dubai and Dublin, the final day of the conference in Boston 2013 will also be devoted to the rule of law.

## Corruption and the rule of law

*Keynote speaker*

**Paul Volcker** *American Economist and former Chairman of the Federal Reserve*



Respect for the rule of law is an essential component of democratic governance. Corruption on the part of state officials is calculated to undermine the rule of law and erode public confidence in government. It constitutes theft from the pockets of all citizens and undermines the moral fibre of the citizenry. As was famously stated by Justice Louis D Brandeis, 'Our government teaches the whole people by its example. If the government becomes the

lawbreaker, it breeds contempt for law: it invites every man to become a law unto himself; it invites anarchy'. The elimination of fraud and theft on the part of state officials is essential to safeguard the rule of law.

1000 – 1230

## Magna Carta and the rule of law

*Keynote speaker*

**Justice Stephen Breyer** *US Supreme Court, Washington DC, USA*




2015 will mark the 800th anniversary of the Magna Carta, the 'great charter' that for the first time reined in the power of absolute English monarchs. The idea that all are subject to the law, including kings and presidents, had its origin in Magna Carta. It is also the basis of the rule of law, the very heart of a democratic form of government. It is appropriate that the International Bar Association in 2013 should look ahead to the important

anniversary of a document that has inspired democracy and the rule of law in many countries.

1430 – 1700

## Presentation of the IBA Human Rights Award 2013

The IBA award for outstanding contribution by a legal practitioner to human rights recognises personal endeavour in the field of law which makes an outstanding contribution to the promotion, protection and advancement of human rights and the rule of law. The 2013 award will be presented to the winner at the Rule of Law Symposium. Previous winners include: Abdolfattah Soltani, Iran, for his courage and commitment to the rule of law and human rights in Iran, providing pro-bono legal counsel to those in need (2012); Dr Iván Velásquez Gómez, Colombia, for his commitment to human rights and justice and his courage working on governmental transparency and organised crime (2011); and Clive Stafford Smith, UK, for his commitment to death penalty justice in the US and his representation of clients and dedication to fighting against the use of torture and rendering prisoners to third-party rendition in Guantánamo Bay (2010).

This award is sponsored by  LexisNexis®

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# Working sessions

## Monday 0830 – 0930

### National rapporteurs breakfast and meeting

*Presented by the Taxes Committee*

All national rapporteurs are invited to attend a breakfast meeting on the Monday morning in order to meet each other, the Co-Chairs of their session and some of the Taxes Committee officers.

## Monday 0930 – 1230

### Aircraft accidents, investigation, compensating the victims, liability of the manufacturer, criminal prosecution

*Presented by the Aviation Law Committee*

Air transport is one of the safest forms of travel. However, while the worldwide accident rate can be considered to have remained more or less stable since 2004, with important differences from country to country, airline traffic is expected to almost double by 2030. This could involve an increase in the number of accidents and related fatalities.

Aviation accidents generate much interest on various levels, including with regulatory authorities, criminal prosecutors, the media, insurers, and others. This session will explore the law and practice in various countries, with emphasis on the differences among the countries, regarding the following interesting and important matters that arise in connection with aviation accidents: aircraft accident investigation; how the investigation is conducted and by whom; compensation of the victims; liability of the manufacturer of the aircraft and component parts; and criminal prosecution.

### Antitrust and trade law implications of national security and national interests

*Presented by the Antitrust and Trade Law Section*

How security concerns and other national interests affect antitrust and international trade enforcement.

### Bullying and harassment in the workplace – an international perspective

*Presented by the Discrimination and Equality Law Committee and the Employment and Industrial Relations Law Committee*

In some jurisdictions, unlawful harassment is equated with sexual harassment, and the inquiry goes no further. However, many jurisdictions prohibit with equal fervour practices that amount to bullying, or 'mobbing'.

As the psychological work environment is under increased focus, these cases are also increasing, as is the response of legislators and regulators. The session will focus on the different legal developments around the world. Through practical examples, the panel of experts will investigate how multinationals prevent these cases. The issues include:

- How companies keep off the pressure in an increasingly pressurised work environment
- Workplace assessments
- Developments in the concept of harassment and mobbing – legal and cultural differences
- Internal investigations and the protection of the offender and/or victim
- Choice of law problems and the possible extraterritorial application of discrimination laws

### Cross-border inter-connection: global markets or national champions?

*Presented by the Power Law Committee*

This is a continuation of Santiago conference discussions and will explore how, even though cross-border inter-connection may be a mechanism to tackle the risk of power shortages and high tariffs, there are many challenges still ahead.

### Developing effective client relationships

*Presented by the Academic and Professional Development Committee*

Strong client relationships are at the heart of all lawyers' businesses. However, how often do busy lawyers take a step back and think critically about those relationships? In this session we will look at the stages in developing strong, enduring and profitable relationships with clients that fit the firm's business strategy.

Stage 1 is to define a client strategy that fits with the firm's overall business strategy and to target clients that fit that strategy. Therefore, we will look at ways of determining and implementing that strategy. Stage 2 is to secure mandates from the targeted clients so we will look at all aspects of pitching from tailoring the messages to the clients to pricing. Stage 3 is doing the work efficiently in line with the needs of the client, so we will examine ways of delivering the legal advice profitably for the firm while addressing the client's business objectives. Stage 4 is maintaining the relationship between mandates, so we will discuss ways of building relationships with strategically important clients even when those clients are not currently giving out work.

### E-commerce: a modern approach to taxation

*Presented by the Taxes Committee*

The explosive development of e-commerce is creating challenges for tax practitioners in a wide range of disciplines. The panel will review recent developments in areas such as defining 'permanent establishment' (PE) and allocating income to a PE in the context of e-commerce. How is e-commerce taxed in various countries? What are the current international structures for owning IP, servers and websites? What are the new revenue protection measures and Google tax lookalikes adopted around the world? How do VAT, US state sales and use taxes and similar non-income taxes apply to sales made by the internet?

### Global update on anti-corruption enforcement and legislation

*Presented by the Anti-Corruption Committee*

Members of the Anti-Corruption Committee from different regions of the world will provide updates on developments in anti-corruption enforcement and legislation 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, and the format will be an open forum, with opportunity for contributions and discussion from the floor.

### Hot topics in international sales, franchising and product law

*Presented by the International Sales, Franchising and Product Law Section*

This session will comprise a series of roundtable discussions on various topics presented by the International Sales, Franchising and Product Law Section.

## How much is that doggie in the window: the acquisition of distressed companies and their assets

*Presented by the Corporate and M&A Law Committee, and the Reorganisations and Workouts Subcommittee, a Subcommittee of the Insolvency Section*

Financially distressed companies often exhaust their ability to continue operating as standalone enterprises or control their own destiny. Frequently such companies lose the support of key stakeholders, such as major trade creditors and lenders, further impeding efforts to refinance existing debt or recapitalise. Enter the 'white knight' or 'black knight' – an entity with money who is willing to buy the company or its assets. But at what cost? A panel of lawyers and distressed M&A players will discuss whether a distressed company must sell its soul to find nirvana.

## IBA SHOWCASE: Human trafficking: modern slavery

*Presented by the LPD Family Law Committee and the Section on Public and Professional Interest*

This Presidential Showcase Session will focus on the scope of the trafficking (*de facto* slavery) problem.

We will also discuss recent activities and developments by the key stakeholders, individuals, private institutions, corporations, governmental and inter-governmental agencies, NGOs and trafficked persons themselves. Human trafficking is a global problem that touches all of us throughout the world in developing and developed countries. It has been reported that the impact of human trafficking from an economic perspective is staggering with respect to relative size of criminal industries. Human trafficking as a criminal industry is behind only trading and selling of illegal drugs in terms of size of its profit (it has been estimated that the annual profit of trafficking is approximately US\$32 billion).

A distinguished high level panel of leading experts from various regions of the world will discuss human trafficking and its economic, legal and human rights implications.

At the end of the session, we will announce the creation of an IBA Presidential Task Force on Human Trafficking and a concrete project for the IBA to carry out in the next years. There is much we can do as lawyers to help mitigate this problem.

Finally, this session is not intended to be a one-way information disclosure, but the session will be interactive with the audience, so please come prepared with any questions/comments you may have.

## I've got a new deal! Now what do I do? – dos and don'ts for the novice (and not-so-novice)

*Presented by the Securities Law Committee*

During the session we will explore the respective roles of the main participants in a capital markets transaction (issuers, underwriters, lawyers, accountants, shareholders, managers, employees) and analyse what motivates their actions throughout the process from a human, financial and risk point of view. We will also discuss how the participants' interests may diverge or sometimes outright conflict as the transaction progresses and how, as a lawyer, to best anticipate and manage these situations. Finally, the panellists will use their transactional experience to illustrate how and why things go wrong in capital markets transactions and what they did to save the day (or not).

## Leadership succession and retention of senior lawyers

*Presented by the Law Firm Management Committee and the Senior Lawyers' Committee*

The session, divided into two parts, will discuss:

- Leadership succession: how to choose a law firm's next leaders, avoid the pitfalls of mandatory retirement, and manage the

complex process of succession – the roles and responsibilities of law firm management and senior lawyers.

- Retention of senior lawyers approaching retirement from full equity: is a second phase feasible? What are the options available – nominal equity, salaried partnership, of-counsel? What if the senior lawyer is planning a second career? Can value still be generated for a law firm notwithstanding a planned exit? How can law firm management facilitate the process and retain the goodwill of the senior lawyer and the clientele involved?

In each part, the session will seek to consider whether the situation differs as between large, medium-sized and small law firms and/or in different jurisdictions, where cultural considerations are more (or less) conducive to what the parties are seeking to achieve.

## Main principles and tips for ensuring financial structures and private equity funds and investment opportunities comply with Islamic principles: could this widen your clients' markets?

*Presented by the Arab Regional Forum*

The Muslim population worldwide is approaching 1.7 billion persons, which represents about one quarter of the global population. This session will focus on how financial and investment structures may take account of Islamic (Sharia) principles with a view to enhancing market opportunities. The panel will address typical financial structures, as well as fund and private equity considerations.

## Public inquiries and commissions

*Presented by the Forum for Barristers and Advocates, the Judges' Forum, and the Young Lawyers' Committee*

Public accountability and transparency are ever on the increase. Pressure on governments to ensure accountability also increases. As a result, public inquiries and commissions of inquiry are a growing area of practice for many. Debate can be had as to the motivation for setting up, and the benefits, of such inquiries. Also, such inquiries give rise to different procedural and advocacy techniques than arise in usual litigation or arbitration. This session will consider the circumstances of, and approaches to, inquiries in different jurisdictions, including as to differing tribunals, procedure and advocacy, as well as the reports that flow from them. It will be addressed by leading barristers, advocates, and judges.

## Round the tables – breakfast and a taste of hot topics in the Intellectual Property, Communications and Technology Law Section

*Presented by the Intellectual Property, Communications and Technology Law Section*

This always very dynamic and well-attended session enables you to select from a menu of hot topics in the IP, communications, media and technology areas and sectors and participate in roundtable discussions. The format is interactive networking and topics are selected to be of current interest and likely to stimulate a lively debate. Moderators on each table introduce the table topic and the participants do the rest. Background knowledge or experience within areas for discussion is not required. You will have the opportunity to discuss four or five topics: at scheduled turnover times the participants move around the tables to the next topic of their choosing.

Our menu will include hot and 'late-breaking' topics in the areas of intellectual property law, internet law and mobile technologies, technology contracting and dispute resolution, arts law and space tourism. Discussion is usually around the interface of law, business and technology, with a global focus. Many topics for discussion are often the subject of considerable public and media interest and this will be the case again. In participating in the table topics you will gain a greater insight into these areas and be able to add your own comments.



Some novelties will make this year's session even more attractive: participants may volunteer to act as table topic 'rapporteur'. Rapporteurs will be invited to draw up a brief note on the issues discussed at their table and their combined notes will be published in our leading legal periodical 'Convergence' or in committee publications. In addition, a 'degustation' breakfast buffet will be hosted in the room so that no time is wasted for those who want to boost their energy levels prior to or during the session.

The session will provide you with a great opportunity to meet many other lawyers and to discuss topics of mutual interest with them: don't forget your business cards. We welcome new participants in these discussions. We will also be soliciting your views about your areas of interest and other suggestions, to enable the Section to programme future activities accordingly.

### **Shareholders' agreements: shareholders' disputes in family owned companies**

*Presented by the Closely Held and Growing Business Enterprises Committee and the Litigation Committee*

The relationships among shareholders and those between the shareholders and the company are regulated by the constitutional documents of the company. However, where there is a relatively small number of shareholders, it is common practice for the shareholders to supplement the constitutional document by implementing shareholders' agreements. The reasons, risks and the regulations of such supplements are numerous and varying between countries and different commercial fields. This joint session of the Closely Held and Growing Business Enterprises Committee and the Litigation Committee will give participants a reality check on the rights of first refusal and 'tag along and drag along clauses' from the corporate as well as from the litigation law perspective.

### **The assessment of costs, fee arrangements and third-party funding in arbitration and litigation**

*Presented by the Dispute Resolution Section*

This session will consider the following questions:

- Arbitration funding: Should it be disclosed? Do funders differ materially from shareholders or other investors in the parties? How do courts and arbitral tribunals react when funding is disclosed? What are the obligations of counsel to their client vis-à-vis the funder? When do funders cross the line?
- Establishing facts: easier to do before international arbitrators than before state court judges? If so, is that a good or a bad thing?

### **The Boston Tea Party revisited: is it time for the United States to place greater limits on free expression? Or should other nations revisit their limitations?**

*Presented by the North American Regional Forum, supported by the African Regional Forum, the Arab Regional Forum, the Asia Pacific Regional Forum, the European Regional Forum and the Latin American Regional Forum*

As far back as the Boston Tea Party, the United States has had a history of very broadly protecting the free expression of ideas. In a rapidly changing world where communications instantly cross borders and can offend the citizens of other countries, even inciting them to violence, is it appropriate for the United States to reconsider its broad protection of free speech? For example, Canada, its neighbour to the North, doesn't permit a citizen the 'free speech' to deny the existence of the Holocaust. France does not permit eBay to sell Nazi paraphernalia. Google substantially altered its search engine capability in its Chinese version, ostensibly to address China's national security concerns. Russia recently jailed pop stars who were critical of Vladimir Putin and has since amended its definition of high treason to include moves against Russia's territorial and state integrity and includes consultative assistance to a foreign state or an international organisation.

This session, supported by all of the IBA Regional Fora, will address 'expression' regimes globally to address how countries in other fora approach 'free speech' with limitations deemed appropriate for their regions.

The session will approach the subject in two formats. The first half will have leaders in the subject matter in the different regions discuss the varying approaches of jurisdictions within their region to limit 'free speech' based on concerns which include the need to protect the reputation and privacy of citizens, to protect against speech which is contrary to accepted 'truth' and to protect against threats to national security. This portion of the session is expected to make full use of video examples, email and Twitter posts, and search engine results, ranging from the 'Pussy Riot' videos that led Russia to bring charges against band members, to the rogue video produced in the US that mocked Mohamed and led to riots against US interests in the Middle East.

After concluding the first part of the session, after the break, the last third of the session will follow on from a very successful North American Regional Forum session in Dublin, in which the attendees broke up into separate tables, with panellists joining different tables to lead discussions of topics addressed by the session in order to attempt to find consensus on what attendees believe should be the appropriate level of 'free speech' limits globally. Young lawyers will be the rapporteurs for each table and will report at the end of the session on what each of the tables had concluded in that regard.

### **The legal status and role of legal counsel of international organisations: neither fish nor fowl**

*Presented by the Public Law Section*

There is wide consensus that the legal status and role of legal advisers of international organisations in a modern, integrated and globalised world are complex issues, albeit important ones. Where do these legal advisers fit in? What are their powers and functions? How do they communicate and coordinate issues of common interest? It is a fact that the modern legal environment consists of ever-increasing blurring of boundaries between the public and private domains: international insolvency; cross-border merger and acquisitions; international franchising; state-sponsored enterprises; and so on. This leads to a number of questions about legal counsel employed by international organisations (for example the UN, OECD, WTO, ICRC), among others their powers, functions, standing and jurisdiction. In the absence of an organisation such as the International Bar Association, where do they fit in? How do they formally liaise and interact with the formal legal profession? Against this backdrop, the IBA in 2012 approved the creation of a specialised subcommittee of the Public Law Section with the title: International Organisations. As part of the Annual Conference, the Public Law Section proposes to formally facilitate the launch of the subcommittee and also to host a general discussion on the legal status and role of legal counsel of such organisations within the broader international legal fraternity.

### **To be (an insurance contract) or not to be... that is the question**

*Presented by the Insurance Committee and the Insurance Regulation Subcommittee, a subcommittee of the Insurance Committee*

This session will provide an update on the latest thinking in relation to the distinction between insurance contracts and other contracts (such as guarantees, swaps, derivatives, warranties and service contracts), helping to avoid the pitfalls associated with writing insurance contracts when not authorised to do so. This session will draw on the work of the Substantive Project on the Legal Nature of Insurance Contracts to be completed this year and presented in this session so that attendees will have information that is both up to date and of relevance to insurance and non-insurance lawyers equally.



## Update on legal opinions – is the risk worth the reward?

*Presented by the Banking Law Committee*

The present financial climate has resulted in:

- law firms being much more focused on assumptions in order to mitigate risks as fees are under pressure (legal opinion work is now more often tendered between two or three firms), and the financial institutions now challenging these assumptions vigorously;
- financial institutions being focused on the quality of the law firm providing the opinion, and the insurance coverage of that law firm (and in some cases require additional coverage); and
- rating agencies focusing on the content of opinions and demanding review of and a comparative analysis of the development in opinions on the specific product, and in some cases challenging the opinions before rating the related issuance/product.

This session will discuss these developments.

## Monday 1230 – 1430

### Open committee business meeting and lunch

*Presented by the Intellectual Property and Entertainment Law Committee*

An open meeting and lunch of the Intellectual Property and Entertainment Law Committee will be held to discuss matters of interest and future activities.

## Monday 1430 – 1730

### Abuse and use of antitrust issues in arbitration

*Presented by the Antitrust Committee and the Arbitration Committee*

This panel will cover a number of important issues involving arbitrating antitrust disputes, including:

- Are arbitrators equipped to deal with competition law matters?
- Can and should arbitrators rely on the assistance of competition authorities?
- Are antitrust/competition law arbitrations different from other arbitrations?
- Arbitrability of competition law matters – hot topic in several jurisdictions.
- Judicial scrutiny of awards deciding competition law matters.

### Appointing judges: diversity or simply the best?

*Presented by the Judges' Forum*

Should appointment of judges in a democratic state, governed by the rule of law, be based only on legal qualifications and personal integrity? Or should gender, ethnic origin, age, religious belief, previous experience and other elements be taken into account in order to make the judiciary as such reflect the society they serve?

### BRICS: trade and investment activities in 2013 and beyond

*Presented by the IBA Regional Fora*

The increasingly important role that the BRICS economies play in the global economy is an important trend affecting global legal practice. This panel will analyse current developments affecting trade and investment among the emerging economies of Brazil, Russia, India, China and South Africa. This panel will focus on developments and issues relating to trade and investment among the BRICS countries themselves, and between those countries and Europe, the United States and other developed markets. In addition to a discussion of

relevant legal and regulatory matters, this panel will address cultural and practical issues encountered by practitioners in this area. This session will also address the emerging 'BRICS' countries sometimes referred to as 'MIST' (Mexico, Indonesia, South Korea and Turkey).

### Corporate counsel: challenges and opportunities

*Presented by the Corporate Counsel Forum*

This session looks at the changing and increasingly challenging world for corporate counsel and their law firm advisers, particularly in the light of the proliferation of corporate scandal and disasters of the last few years and the increased prominence and importance of risk assessment at the corporate level with the growing intrusion of regulation into areas of corporate activity. The session will be co-chaired by Kathryn Britten of KPMG and will begin with a report on the KPMG Corporate Counsel Review, 'Beyond the Law' and a panel-led discussion on the challenges and opportunities facing corporate counsel.

### Does non-lawyer ownership of 'law firms' enhance client service? Or business performance? Or competitiveness? Or none of the above?

*Presented by the Law Firm Management Committee and the Multidisciplinary Practices Committee*

Non-lawyer ownership of businesses providing legal services (exclusively or partially) remains a live issue in the US following the decision of the ABA (in August 2012) to postpone confirming its policy against fee splitting and non-lawyer ownership of law firms, despite a report from its Commission on Ethics 20/20 recommending no change.

The session will address the current position on non-lawyer ownership in diverse jurisdictions, debate the arguments around the issues in the ABA Commission; and test their strength and validity by reference to the impact, positive or negative, in other jurisdictions of non-lawyer ownership on the range and quality of client service, on commercial success, and on the competitiveness of 'traditional' law firms in a changing market.

### Financing international sales: alternative financing arrangements beyond the letter of credit

*Presented by the Banking Law Committee and the International Sales Committee*

This session will address alternatives to letter of credit financing, such as factoring and leasing.

### Financing mining projects: new trends

*Presented by the Capital Markets Forum and the Mining Law Committee*

Mining projects are capital intensive and long-term oriented, sometimes spanning decades. Massive amounts of money are being invested every year in the mining sector and related activities. Such funds come from a variety of sources and through diverse structures, from equity markets to project finance to multilaterals. At the same time, a number of constituencies such as communities, NGOs and governments are increasing their pressure on public and private financial institutions to take into account issues as diverse as job creation and training, community participation, infrastructure, fiscal income, environment protection, and the like. Other issues that come to play when deciding how to finance sustainable mining projects include transnational movement of money, due diligence, mining rights as collateral and taxation. The panel will address, under the applicable domestic law, international treaties and conventions, those and other topics that lenders, borrowers and issuers must bear in mind when financing mining projects and ancillary infrastructure.

## **IBAHRI SHOWCASE: Human rights at 65: hale and hearty or in need of resuscitation?**

*Presented by the Human Rights Institute*

2013 marks the 65th anniversary of the Universal Declaration of Human Rights. But are human rights being observed or undermined? With terrorism being used as an excuse for new forms of war, arguments that human rights should be conditional on good behaviour, resistance to universalism, deportation to torture being considered the right of any State wanting to rid itself of suspected criminals, and the foundering of international courts under the strain of caseloads, new challenges to the nature and application of human rights are continually emerging.

A distinguished panel, chaired by a well-known facilitator, will debate these issues.

## **Intellectual property rights concerns upon importation**

*Presented by the Intellectual Property and Entertainment Law Committee and the Trade and Customs Law Committee*

This session will consider:

- customs control as a tool to protect IP rights; and
- how to avoid counterfeiting, parallel imports and other forms of violation IP rights in the imports of products.

## **Journalism, the media and criminality**

*Presented by the Criminal Law Section and the Media Law Committee*

This panel will discuss how information is disseminated to the public and the special nature of cases which attract very high media and political attention. How do we use the media for a positive spin when representing corporations or celebrities? How, in turn, can we manage the media coverage when it gets out of hand? The panel will also address current cases that exemplify both sides. The panel will also address different approaches taken by common law and civil law countries and the below:

- the mixture of media law as well as criminal law advice;
- the role of the communications strategist or lobbyist;
- the protection of reputation prior to conviction; and
- celebrity crime generated by media intervention, including entrapment.
- Can criminal charges be avoided by paying compensation – how far can you go to settle a criminal case?
- What can be done to successfully influence government and politicians in high-profile criminal cases?

## **Mediation: finance, family and unheard voices**

*Presented by the Arbitration Committee, the Family Law Committee and the Mediation Committee*

The session will deal with the following issues:

- Financial family law perspectives in mediation negotiation;
- Hearing the voices of those who cannot speak;
- Lawyering and mediation for children; and
- Mediating the voice of the child in relocation matters

## **New challenges in obtaining interest deduction and in financing group activities**

*Presented by the Taxes Committee*

Financing corporate groups in a tax-efficient manner is becoming more and more challenging in light of various initiatives adopted by several countries. The panel will review some of these new limits on interest deductions, repatriation of profits, depreciation of loans (eg so-called non-commercial loan doctrine in the Netherlands) and debt push-downs and will walk the audience through some of the pitfalls a corporate group needs to avoid when restructuring its finances.

## **Private company financing: top issues for the entrepreneur's negotiation with a private equity investor**

*Presented by the Closely Held and Growing Business Enterprises Committee*

In this highly interactive session we will tackle the negotiation between the company owners and the private equity fund from the entrepreneur's perspective. As a starting point we will address how private equity funds operate, what they need, and also what they like to get but do not necessarily need. Based on that framework, we will explore how to position the company to be attractive to private equity investment, the exclusive dealing request, the deal process and preliminary concerns, due diligence issues, transaction structures and deal documentation. Acquisition issues including key clauses and contracts, equity documentation, debt funding, employment-related matters and tax issues will also be addressed. The session will also touch on issues that will be faced the day after the deal is done – monitoring, budgeting, ongoing funding, dilution issues, underperformance, parting with a manager, and restructuring among others.

## **Private equity – private pastimes**

*Presented by the Corporate and M&A Law Committee, the Leisure Industries Section and the North American Regional Forum*

Private equity and other forms of financing in hotels, resorts, casinos and amusement parks.

## **Pro bono at the Bar – the role and responsibility of Bar Associations for the promotion and regulation of pro bono work**

*Presented by the Bar Issues Commission, the Forum for Barristers and Advocates and the Pro Bono Committee*

The need for pro bono services across the globe has never been greater. At the same time, there is growing awareness among members of the profession of, and a desire to play their part in addressing, this need. In many jurisdictions, however, there is no developed culture of pro bono provision and no experience of best practice to provide essential guidance to those wishing to become involved. This session will, therefore, seek to explain the critical role that Bar Associations and Law Societies have to play in developing the necessary supporting infrastructure to facilitate and nurture a sustainable pro bono culture, while ensuring pro bono provision is conducted to acceptable standards. It is also hoped that the session will provide a forum in which both managers and pro bono providers can share their experiences and suggestions on addressing such topics as: the extent to which pro bono services can properly be utilised to supplement shortcomings in legal aid provision; the pros and cons of mandatory pro bono participation and how to sanction non-performance; and, how to put in place clearing house systems to ensure the need is efficiently met.

## **Regulatory developments in the retail space**

*Presented by the Investment Funds Committee*

- UCITS – where is the regime going?
- FATCA – we will discuss how managers and administrators are meeting the challenges of complying with FATCA; and
- asian developments – we will discuss issues with getting UCITS funds approved in asian jurisdictions

## **Tackling poverty: the law's role**

*Presented by the Poverty, Empowerment and the Rule of Law Working Group, a Working Group of the Rule of Law Action Group*

Where law may become a limiting factor is in crossing the invisible lines that exist between one economic step to the next, ie, from poverty to sustainability, through to profitability (as an individual and as a business). In fact, lack of understanding of the law is as much a limiter as the law itself in some cases.

As Nobel Laureate Theodore Shultz put it, 'Most people in the world are poor. If we knew the economy of being poor, we would know much of the economics that really matter'. Likewise, by a better understanding of the empowerment of the poor, we can construct a rule of law that really matters. Hence there is a strong demand for a discourse on poverty and empowerment with effective economic and legal policy prescriptions.

### **The Libya question: how is the International Criminal Court coping with the realities of complementarity?**

*Presented by the War Crimes Committee*

The Rome Statute of the International Criminal Court was founded upon the principle of 'complementarity'. This principle gives primacy to national jurisdictions, in addressing international crimes of genocide, war crimes and crimes against humanity.

The principle has been tested in cases arising from events in Libya. The government of Libya challenged the admissibility of the International Criminal Court (ICC) to pursue cases, when investigations and prosecutions were being conducted by the national system.

This session looks at the realities which have faced the principle of complementarity. It asks whether international demands for justice can ever be satisfied at a national level, and whether the ICC's founding principle has lived up to the expectations placed upon it.

### **'Things that think'. Can my mobile really save my life? A story of smart devices and pervasive computing**

*Presented by the Communications Law Committee and the Technology Law Committee*

Going one step further than ubiquitous computing, pervasive computing is a concept referring to an innovation era in which things are thinking by themselves, insofar as accomplishing some complex or essential tasks: establishing vital diagnoses, replacing passport controls in airports.

Opening the gates to what was until recently known as a science-fiction world, these new smart devices (or things that think) impact our world in an ever-increasing way.

Sometimes even interconnected, these devices are to perform multiple tasks as far as their IT capacity and communication networks enable them. As such, it is undeniable that these devices cannot operate without continuously collecting and sharing data on their environment, and even on human subjects sometimes.

Depending on the purpose of these devices (home safety, health watch, etc), the collected data is likely to be exchanged and stored throughout time. Such societal shift towards the automation of society raises specific questions regarding our dependability on such devices and communication networks.

Is it safe for us to rely on communicating devices to such a great extent? How far can we assume that telecommunication networks are safe enough to transmit our most private and essential data?

This session will aim at exploring the legal issues raised by smart devices in pervasive computing. In particular, this session will explore privacy and IT security issues in order to answer the above questions.

Through the analysis of the risks generated by potential security breaches of computing and communications systems, the session will focus on legal regimes at stake and legal changes that may be required to adapt to the next evolution of information society.

### **Total recall (or, when products tell their manufacturers 'I'll be back') – the global implications of defective products and appropriate corrective action procedures**

*Presented by the Product Law and Advertising Committee*

This session will focus on the US and EU perspectives on recall and on international efforts to harmonise/gather information.

### **Use and abuse of tiered dispute resolution processes**

*Presented by the International Construction Projects Committee*

Modern construction contracts often contain dispute resolution clauses requiring several tiers of dispute resolution processes, typically culminating in arbitration or court litigation. The use of such processes often results in early resolution of disputes that might otherwise not be resolved short of a final award or judgment. Increasingly, however, users are reporting the exploitation of tiered dispute resolution clauses to frustrate rather than encourage the resolution of disputes. This session will study tiered dispute resolution clauses and processes, consider their effective use, and address the risk of their abuse.

### **Who shall I say is calling? The role of the insurance broker at placement, following a major claim, and in dispute resolution**

*Presented by the Insurance Committee and the Maritime and Transport Law Committee*

Insurance and reinsurance brokers play an important role in placing risks and in facilitating the claims process. However, when there is a dispute between the (re)insured and the (re)insurer, the parties may disagree about whose interest the broker has been representing, and whether and how the broker, and potentially the broker's pocket, should be involved in the dispute resolution process. This interactive session, led by a panel of market participants and experienced counsel, will address the multi-faceted role of the broker both before and after claims arise.

### **Why lawyers are subject to anti-money laundering regulations – recent developments**

*Presented by the Anti-Money Laundering Legislation Implementation Working Group*

Lawyers all around the world are now subject to laws and regulations which require them, in some cases subject to criminal penalty, to observe anti-money laundering procedures, including in particular client due diligence before carrying out any advice and 'whistleblowing' to the authorities if they suspect a 'suspicious transaction'. These requirements are largely based on the '40 Recommendations' from FATF.

There is very little hard evidence that lawyers are unwittingly assisting money laundering. Through the participation of several speakers from different jurisdictions we will seek to examine whether lawyers are 'turning a blind eye' to money laundering. We will discuss what choices lawyers have as an alternative to the 'blind eye'. We will also examine the work FATF is doing in this area to discover the 'typologies' involving the criminal use of lawyers.

What are the consequences for the profession and can we drive a better solution than the regulators?

### **Young lawyers' introductory meeting**

*Presented by the Young Lawyers' Committee*

*A must-attend if this is your first IBA event!*

IBA Annual Conferences can be rather overwhelming or even intimidating, particularly for those who are attending one for the first time. To help you find your way, the Young Lawyers' Committee traditionally hosts an introductory meeting for young lawyers, to which you are warmly invited.

Officers of the Young Lawyers' Committee will provide a general introduction to the IBA, guide you through the conference programme, share with you how to get the most out of the conference and inform you of social events particularly targeted at young lawyers.

We are planning to address other topics of interest to newcomers as well.

Moreover, it has also become a much-appreciated tradition for the Young Lawyers' Committee to invite Chairs from other IBA committees to present their group and plans for the conference week. This has led to the perfect win-win situation in which young lawyers learn who to address when identifying their focus of interest, and in which committees from both the LPD and SPPI are able to attract and recruit 'fresh blood'. Hence, make this session your priority check-in for the Monday morning. And by the way, don't worry if you can't make head nor tail of those abbreviations used two sentences above – this will be only one of the thousand topics covered in this essential nutshell to the IBA!

## Monday 1730 – 1830

### Open committee business meeting

*Presented by the Poverty, Empowerment and the Rule of Law Working Group, a Working Group of the Rule of Law Action Group*

An open meeting of the Poverty, Empowerment and the Rule of Law Working Group will be held to discuss matters of interest and future activities.

## Tuesday 0800 – 0930

### Open committee business meeting and breakfast

*Presented by the African Regional Forum*

An open meeting of the African Regional Forum will be held to discuss matters of interest and future activities.

## Tuesday 0930 – 1230

### Access to justice for women

*Presented by the Women Lawyers' Interest Group*

Making the rule of law reality needs access to justice for all. Women are often left out of the legal protection of their rights and live in situations of violence, discrimination and inequality without judicial remedies. The first UN General Assembly High-level Meeting on the Rule of Law held in September 2012 created a momentum where strong commitment and urgent actions were called for by the international community to strengthen women's access to justice. This session, in response to that call, will discuss how we in the legal profession can contribute to overcome obstacles that hinder women's access to justice and foster a responsive justice system that advances women's equal rights.

### Acquiring and financing leased aircraft

*Presented by the Aviation Law Committee*

This panel will discuss issues related to acquiring and financing single leased aircraft v portfolio acquisitions of leased aircraft from the perspective of the purchaser and lender, including due diligence, bankruptcy remote structures, cure periods, remarketing periods, closing in multiple jurisdictions, lessee consents, collateral lease assignments, multiple mortgages and an update on the 'lex situs' problem of enforceability of mortgages.

### Art or artful? How to protect your collection for posterity from the ravages of tax and heirs

*Presented by the Art, Cultural Institutions and Heritage Law Committee and the Individual Tax and Private Client Committee*

The panel will consider how to structure your art collection during your lifetime and on death to prevent its dissipation after death from tax and/or spendthrift heirs. We will explore the cross-disciplinary and cross-border issues arising and the different structures available in common law and civil law jurisdictions.

### Asserting intellectual property rights without running afoul of antitrust laws

*Presented by the Antitrust Committee and the Intellectual Property and Entertainment Law Committee*

Issues to be discussed at the intersection of antitrust laws and IP rights include:

- implications of the ongoing mobile phone wars;
- the review of the EU technology transfer regime;
- recent developments on FRAND and standard essential patents; and
- acquisitions of patent portfolios.

### A whirlwind tour around the globe: labour and employment law in 2012 and its impact on multinationals

*Presented by the Employment and Industrial Relations Law Committee and the Global Employment Institute*

This session will discuss:

- global trends and changes in human resources law (Second Annual Global Report on 40 countries);
- country laws on social media use of employees and social media policies in multinational companies (Net Report on 40 countries and some 130 multinationals); and
- the impact of international law (OECD Guidelines for Multinational Enterprises, ILO Core Conventions, Ruggie principles) on multinationals and their global labour and human rights strategy.

### Back to the future?

*Presented by the Arbitration Committee*

This session will comprise:

- Interviews with arbitration legends (Pierre Lalive, Axel Baum, Alan Redfern, Carl Salans, Charles Brower, KH Bockstiegel) on arbitration's origins and lessons for the future: what have we lost and retained?
- A debate on the regulatory v the liberal model of arbitration: Jan Paulsson, Sundaresh Menon, Lawrence Shore, Johnny Veeder, Juan Armesto and Salim Moollan will participate.

### Changes in the allocation of liabilities between partners in the hydrocarbons exploration and production sector

*Presented by the Oil and Gas Law Committee*

After the Macondo accident, new discussions between interested parties are being held about changes to the allocation of liabilities between partners. This session will consider these developments.

### Competencies for practice in the global context

*Presented by the Academic and Professional Development Committee and the Professional Ethics Committee*

Is it possible to establish core competencies which are applicable in a global legal services market?



What are the barriers, and what is the role of the IBA as the global voice of the profession?

What can the panel recommend as core competencies?

How do law schools and learning and development professionals address these competencies in their programmes?

### **CSR – it's not 'soft', it's law**

*Presented by the Corporate Counsel Forum, the Corporate Social Responsibility Committee, the Discrimination and Equality Law Committee and the International Sales Committee*

Corporate social responsibility is often considered to be a 'toothless tiger', or, not even a tiger at all. This perception, however, is changing. The European Commission dismissed its old definition of CSR as 'voluntary' engagements of companies and replaced it by a broader approach. CSR is defined as the responsibility of companies for their impact on society; compliance with applicable laws is the minimum to meet that responsibility. In its Action Plan 2011–2014 the EU Commission proposes a smart mix of instruments, including regulation, to achieve a higher standard of responsibility. Private and public entities use CSR criteria in their procurement procedures as award criteria, and as integral parts of the final contracts. Financing organisations like the World Bank and the International Finance Corporation add a body of CSR requirements to their finance contracts; thereby, the CSR requirements become hard law as they are contractually enforceable. Anti-corruption policies, their adequate implementation, supervision and enforcement, can rescue a company from blacklisting or exclusion from public procurement procedures. CSR requirements can establish a standard of care that might be decisive in liability cases. In a multitude of ways, CSR requirements can develop into hard 'law', or, they can be connected with hard sanctions. Litigation and alternative dispute resolution can contribute to the hardening of CSR.

### **Demolishing legal borders: the availability of cross-border judicial cooperation and promoting and enforcing remedies for collective redress and class action litigants with claims in contract and tort**

*Presented by the Consumer Litigation Committee*

In an increasingly global market place, the rights of consumers to achieve collective redress, or join in class action suits, in order to obtain remedies across jurisdictions has never been more relevant. This session will examine the manner in which various jurisdictions have enacted legislation or procedures relating to the accessibility of their domestic courts and tribunals to foreign litigants for class action claims in both contract and tort. This session will also focus on the manner in which competing national trends have the potential to create conflict and uncertainty in the global market place. Of particular focus within this session will be the manner in which judicial cooperation among various legal systems is being developed so as to resolve conflicts in this area of law, both at the initial stages of an action and in terms of enforcement.

### **Enforcement by financial regulators**

*Presented by the Banking Law Committee and the Securities Law Committee*

It seems that regulators across the globe (including Switzerland, the UK and Hong Kong) increasingly follow the SEC's approach by taking enforcement action against financial institutions, eg in connection with insider trading, market manipulation and mis-selling. The panel will take a look at these trends.

### **Environmental and natural resources courts – the need for independent and specialised adjudicators?**

*Presented by the Environment Health and Safety Law Committee*

The need for specialised environmental courts has been voiced by industry, government and ENGOS who have been frustrated in having

their respective positions understood by randomly assigned judges who may have little, if any, experience with or training in complex scientific, engineering, social and economic criteria that underlie the resolution of environmental issues.

In response, in a few jurisdictions, a dedicated group of tenured judges are assigned environmental judicial reviews and civil actions. Also, in some jurisdictions, specialised judges are granted original jurisdiction to make environmental and resource licensing decisions, with an underlying premise being that tenured judges can bring independent insights to such decisions, displacing political pressures that government administrators or administrative tribunal members may need to consider.

This session will focus on:

- the need for and advantages of environmental civil actions, judicial reviews and prosecutions being heard by specialist judges and providing for a thorough understanding of the law and the science underlying the issues; and
- the experiences and potential advantages of having specialised and tenured judges issue licences for mega-projects or resource allocation permits in place of government administrative officials or government-appointed administrative tribunals.

### **Extensions of time and the process of administering EoT provisions**

*Presented by the International Construction Projects Committee*

Most construction contracts include provisions for the extension of a contractor's time for performance under certain circumstances. Administering such clauses to determine when an extension is warranted and for what amount of time is a problem that has bedevilled construction professionals and construction lawyers almost since stones were first stacked upon one another. This session will address this issue and particularly consider the uses of 'retrospective' versus 'prospective' delay analysis in certain jurisdictions and in the context of particular contract clauses.

### **Eye to eye: business partnerships between indigenous groups (I2I)**

*Presented by the Indigenous Peoples Committee*

We will explore how the traditional corporate to indigenous group business relationship is about to change. Large and small corporations have often had the upper hand in dealing with indigenous groups, giving the former preferential access to resources and the latter a legacy with little more than tailings ponds.

The times are a'changing and aboriginal groups worldwide are connecting and sharing experiences, resources, and support. The corporate world needs to recognise the coming changes and adapt or die.

We will explore the changes coming, discuss how non-indigenous companies can remain relevant and still profit from indigenous-held resources. If you want to see the future, come and listen in.

### **Getting from Point A to Point B: supply chain logistics and agreements**

*Presented by the Asia Pacific Regional Forum and the International Sales Committee*

This session will address the practical aspects of getting from Point A to Point B, focusing on transportation and export/import control issues, as well as developing issues relating to corporate social responsibility.

### **Has the Silicon Valley start-up model gone global? New challenges for start-ups and growing enterprises as they seek advantages with international operations**

*Presented by the North American Regional Forum*

Lawyers working with start-ups and small to mid-cap companies are seeing more and more opportunities outside the Silicon Valley and the United States, as favourable financing alternatives, tax and IP



strategies, governmental incentives and control issues affect strategic choices about where to locate and expand a growing enterprise, often across a number of jurisdictions. This session will address:

- challenges of start-ups with international operations – including the pros and cons of being a US company versus setting up abroad, being a foreign company setting up in the Silicon Valley and the implications for raising capital and addressing control issues;
- international IP strategies, including enforcement issues – including building protection internationally and devising enforcement strategies;
- international legal and regulatory strategies – including managing a complex maze of legal and regulatory issues across multiple jurisdictions, relating to financing, structural alternatives and documentation;
- international tax and majority/minority control issues; and
- liquidity and exit strategies, including IPO or sale, strategic versus financial buyers, choice of exchange.

## Hot topics in real estate: a ‘speed dating’ session

*Presented by the Real Estate Section*

Do you want to know what is boiling in the industry? And what are the most challenging issues in international real estate transactions?

Four tables, four topics, four table leaders:

- Foreigners NOT wanted: restrictions on foreign real estate ownership
- Complex real estate disputes: real estate divorces
- Real estate valuation: global standard, local headache?
- Leases and logistics – bricks and clicks: data and distribution centres

Participate, discuss, interact, in this new ‘speed dating’ format presented by the Real Estate Section.

## Investor state mediation rules

*Presented by the Mediation Committee*

This session aims to present the final version of our mediation rules and to discuss with speakers from the Public Law Section how to familiarise governments with them.

## Litigating for and against public authorities

*Presented by the Litigation Committee*

This session will explore the difficulties lawyers (in-house and in private practice) face when litigating high-visibility matters for or against public authorities. Anyone who has been involved on either side of such a battle in the era of state and municipalities interacting with private concerns, often with the threat of bankruptcy pending, will be able to actively contribute to our – very interactive – summary of the main differences in these cases. The panel will explore: the importance of public communication; how to deal with political and image pressure; the different ways that politicians think and act in comparison to commercial entities; and how to leverage utmost advantage for the benefit of our clients, whether they are municipalities or private parties in litigation against them. The session will be interactive and use case studies to allow creative exchanges of ideas about how to improve the outcome of such proceedings.

## LPD SHOWCASE: What happens in Vegas, stays on the internet

*Presented by the Legal Practice Division and the Media Law Committee*

A session examining how new technologies and social media are fuelling an explosion of privacy issues. From remote sensing satellites to hidden bra-cams, technology is revealing all; with the click of a mouse, intimate details about (and, of course, photos of) Royals, celebs, politicians and sportsmen are launched on social media sites to millions and millions across the globe. The law races to catch up, with legislatures and jurists around the world trying to find an appropriate – and often elusive – balance between the

individual’s right to be left alone and the public’s right to know. Almost 125 years ago, Boston lawyers Samuel Warren and Louis Brandeis (later a US Supreme Court Justice), in their now-famous (and eerily prescient) *Harvard Law Review* article, ‘The Right to Privacy’, cautioned that, without a sensitive legal balancing of public and private interests, ‘what is whispered in the closet shall be proclaimed from the housetops’. With the IBA heading to Boston in 2013, with technological advances further shrinking the privacy envelope, and with privacy laws in flux around the world, this session will explore what has changed since the days of Warren and Brandeis and where society may be heading.

The conversation will range over current events that highlight the tension between privacy and free expression rights, and how technology and social media exacerbate those tensions – from unmanned (and unregulated) flying drones, which can peep into 12th floor hotel windows and overfly private property, to the instant dissemination of intimate images and private information on Facebook, Twitter and other social media sites. Lord Leveson’s high-profile Inquiry into current news-gathering practices by the press in relation to privacy will also be discussed. The panel will also look at the human rights implications of various privacy law proposals, including the so called ‘right to be forgotten’ (ie, legislating compelled removal of private information from the internet).

## Negotiated M&A transactions: a case in point

*Presented by the Corporate and M&A Law Committee*

This session will take the form of interactive negotiations between counsel for a large, private US target corporation and multiple bidders from Canada, Latin America and Europe. Each jurisdiction will be represented by a legal team comprised of the most accomplished and dynamic M&A counsel.

This session will provide a unique opportunity to witness, and question, the negotiation positions and alternatives of senior M&A counsel as they work to develop the best deal available in a highly complex transaction.

## Politicians, malfeasance in office and immunities

*Presented by the Business Crime Committee*

Politicians’ immunity from criminal jurisdiction is an ancient institution which stands the test of time. Is immunity still in line with the contemporary world’s requirements? And where is the subtle line between the legitimate need to protect the institutions and the possibility of the politicians’ abuse of it?

The panel will compare the rules concerning politicians’ immunity in various law systems, focusing on the consequences these may have on criminal prosecution and on transnational mutual assistance.

## Practical problems for lawyers and law firms in cross-border activities in other countries

*Presented by the BIC International Trade in Legal Services Committee, the Immigration and Nationality Law Committee and the Regulation of Lawyers’ Compliance Committee*

This session will deal with common problems that arise in cross-border trade in legal services. It will be divided into two parts:

Part I, joint with the Immigration and Nationality Law Committee, will be on fly-in, fly-out issues for lawyers, including visa problems, given that visas are sometimes very hard to obtain, and dealing with Bar concerns over disciplinary issues relating to visiting lawyers.

Part II, joint with the Regulation of Lawyers’ Compliance Committee, will focus on issues relating to foreign law firm establishment and compliance with rules in the country of establishment.

## Tax abuses, poverty and human rights

*Presented by the Human Rights Institute*

At this session the IBAHRI will launch the report of its Task Force on Illicit Financial Flows, Poverty and Human Rights. The issue of money being diverted from welfare because of tax abuses and by other illicit means will be discussed by members of the Task Force and other distinguished speakers.

## The future of the legal profession

*Presented by the Law Firm Management Committee*

This session will address the pros and cons of Alternate Business Structures, including third-party owned and financed law firms and the impact of expected fee pressures on the law firm models of the future. A diverse panel of international legal consultants and practitioners will involve the audience in this interesting discussion using an interactive format without speeches.

## The Nobel for Europe – a prize for peace and reconstruction or a recipe for economic meltdown and disintegration?

*Presented by the European Regional Forum*

The European Union is going through its most difficult phase since inception. The introduction of the euro was meant to propel the EU into the next phase of integration but has developed into its biggest problem. Budgets and economies of Member States, which assimilated with the introduction of the common currency, are now drifting further apart than ever and creating fundamental tensions. On the other hand, there is a strong conviction that there is no way back and that the EU must move into the next phase of deeper integration and less nationalism. The instruments going forward, such as the European Stability Mechanism, the bank union and stronger control of national budgets, will present great challenges, politically and legally. Economic and legal experts from inside and outside the European Union will present their views of what lies ahead for Europe.

## When red flags fly: anatomy of a Ponzi Scheme

*Presented by the Legislation and Policy Subcommittee, a subcommittee of the Insolvency Section and the Litigation Committee*

Financial fraud existed long before Charles Ponzi made a name for himself. The Madoff investment scandal broke in December 2008 when former NASDAQ chairman Bernard Madoff admitted that the wealth management arm of his business was an elaborate Ponzi scheme. The disclosure reverberated like a giant earthquake against the global financial landscape. But how could it happen? Where were the regulators and where was common sense? What did Madoff's lenders, feeder funds and investors around the globe really know and what should they have known. A panel of experts will discuss the controversial issues of legal liability and moral culpability and who pays for the Ponzi scheme.

## Who wants to be an ambassador?

*Presented by the Senior Lawyers' Committee and the Young Lawyers' Committee*

Are senior lawyers better ambassadors for their law firms than younger lawyers or vice versa? Assuming each can contribute in different ways, how can senior and younger lawyers best support each other in this vital endeavour?

This session will address the following issues:

- What does the role of a law firm ambassador involve?
- What personal qualities and skills does a successful law firm ambassador need and how are such skills acquired?
- Is involvement in management an essential pre-requisite for an ambassador and, if not, how should an ambassador be briefed?
- What should a successful ambassador be expected to bring back to his or her law firm or in-house legal department?

- Is there a specific age, or age range, at which lawyers reach their peak in terms of their work production and rainmaking ability? Can lawyers really be grinders, minders and finders at the same time and is there a specific age or age range when they should change roles?
- Are senior lawyers too far from the coalface and the cutting edge to do the job properly? Bright and dynamic though they may be, are younger lawyers sufficiently wise and experienced to be the main ambassadors for their law firms? Are they too busy to devote the necessary time to the role?
- How do these factors differ as between large, medium-sized and small law firms, and what special considerations apply to in-house counsel as ambassadors?
- How does the position differ in different jurisdictions where senior and younger lawyers are respected less or more?
- How can senior lawyers successfully pass on ambassadorial goodwill to younger lawyers and how can younger lawyers best succeed to such goodwill?

## Tuesday 1230 – 1430

### Open committee business meeting and lunch

*Presented by the IBA Global Employment Institute*

An open meeting and lunch of the IBA Global Employment Institute will be held to discuss matters of interest and future activities.

## Tuesday 1430 – 1730

### A walk on the wild side: managing cross-border resolutions of systemically important financial institutions

*Presented by the Banking Law Committee, the Insolvent Financial Institutions Subcommittee, a subcommittee of the Insolvency Section*

Notwithstanding the multi-national presence of many for 'systemically important financial institutions' (SIFIs), no universal recognition regime exists for national authorities charged with handling insolvent financial institutions. The new resolution regimes being created for SIFIs typically operate outside of existing insolvency regimes and are administrative in nature. A need exists for cross-border coordination and cooperation when resolving SIFIs, but no mechanism exists for recognising the actions of a foreign resolution authority and making them enforceable in other jurisdictions, thereby undermining confidence in the resolution process. A panel of lawyers and regulators will discuss possible approaches, including building off the UNCITRAL model law, to create a model regime where power is delegated to the local resolution authority to recognise and make enforceable the actions of a foreign resolution authority.

### Asian investment in North America and North American investment in Asia 2013

*Presented by the Asia Pacific Regional Forum and the North American Regional Forum*

This panel will discuss current developments affecting investments and trading activities from Asia into North America, and investments and trading activities from North America into Asia. The panel will address the types of transactions that are being done, structures commonly seen, and issues dealt with by practitioners who advise clients in these areas. A focus of the discussion will be on the activities of Asian State-owned enterprises and the foreign investment review and other restrictions they face when investing in North America.

## Bid protests and other challenges in public procurement

*Presented by the International Construction Projects Committee*

Regulation of public procurement of construction services seems ever increasing. The United States and the European Union feature complex regulatory webs and other jurisdictions are generally following suit. While these regulatory structures exist to serve the laudatory goal of assuring the biggest bang for the public buck, they also provide unsuccessful bidders with myriad opportunities to delay contract awards and public projects through protests and other challenges. This session will canvas the current state of the public procurement regulatory structure in certain jurisdictions with a focus on challenges and bid protests.

## Censorship and communications embargoes: when all you get is static, who is responsible?

*Presented by the Communications Law Committee, the Media Law Committee, the Space Law Committee and the Trade and Customs Law Committee*

In the face of human rights violations, weapons development, or civil unrest, telecommunications providers are increasingly being urged by national governments to stop providing communications services to the offending country. The request might apply to limiting particular broadcasts that incite violence on television or the internet, or the wholesale restriction of all communications services. The legitimacy of these forms of censorship or communications embargoes to correct national behaviours will be analysed in a mediation session, using a fictional world dilemma. Representatives of the infringing countries, the sanctioning countries, private telecommunications providers, and human rights organisations will debate whether such censorship and embargoes are allowed under the rule of law, and will seek possible compromise.

## Consolidation of legal markets: what does it mean for international, national and local law firms?

*Presented by the Law Firm Management Committee*

Legal markets are undergoing a fundamental change: consolidation. Law firms are getting larger and expanding worldwide. As they do, a large portion of the high-value legal work begins to move to a relatively small group of law firms that include foreign firms that have only recently entered the market. Based on the experiences of legal markets that have recently experienced consolidation, we will present the 'warning signs' of impending market consolidation and the practical effects on competition, client expectations, and law firm financial performance. We will also consider strategies and tactics that will allow any law firm of any size to anticipate and respond successfully.

## Deconstructing power purchase agreements: how to build up good indexation, termination and force majeure clauses to avoid litigation or arbitration

*Presented by the Power Law Committee*

This panel will, in a case type analysis in which panellists will take sides, go over the main clauses of these contracts; clauses that are normally hard negotiation points. The panel will consider the owner's, lenders' and off-takers' positions.

## Drugs in drinking water

*Presented by the Water Law Committee*

There have been continuing reports of the presence of drugs and personal care products in treated drinking water. This session will review the current understanding of the level of contamination and current law and legal standards relating to the presence of such

contaminants. The session will explore the potential liability of water providers and the potential for current and future litigation.

## Due diligence when retaining third parties: when is enough enough?

*Presented by the Anti-Corruption Committee*

Global companies are constantly faced with the dilemma of how much due diligence to perform on their business partners, whether it is in the JV context, agent or merely a subcontractor or supplier and prosecutors second guessing judgments on what to do... or not to do ... This panel will explore how to deal with this issue and arrive at a proper balance that meets realistic and reasonable objectives without bogging down a business in a due diligence morass.

## 'Gym bunnies and advertising hares' – advertising health food, drinks and supplements – what you can, can't and must say

*Presented by the Healthcare and Life Sciences Law Committee, the Leisure Industries Section and the Product Law Advertising Committee*

This session will discuss the following:

- health products advertising;
- diet products;
- energy drinks; and
- food supplements.

## Hot topics in arbitration

*Presented by the Arbitration Committee*

This session will consider:

- The restatement of US arbitration law: is the US out of step? A debate with George Bermann and Emmanuel Gaillard.
- Everyone wants to make arbitration faster: what are the ways that work and are fair? How to limit the period for drafting the award? Do page limits on briefs work? Is more disclosure/transparency needed as to the availability of the arbitrators?
- Moral hazards of third-party funding in relation to disclosures, settlement, cost allocation, and scrutiny for costs.
- The challenge of managing huge and complex cases: what to do when the parties' submissions will inevitably consist of hundreds of pages of briefing accompanied with thousands of exhibits?
- Selecting arbitrators who will enforce the letter of the contract: Are common law arbitrators generally more strict constructionists than civilian lawyers? Are civil law arbitrators more inclined to adopt a purposive interpretation? If so, are there shades of grey within the civil law and common law worlds?
- Arbitrator disclosure: too much or too little? When is disclosure by arbitrators of contacts with counsel or of the arbitrator's firm contacts with parties excessive? Should under-disclosure constitute per se a ground for disqualification?

## 'I, robot: the interface between man and machines'

*Presented by the Technology Law Committee*

Innovative robotic technologies blurring the distinction between man and machine raise many legal and ethical conundrums. For example, what are the rights of a person communicating via a brain-computer interface? Should people be permitted to introduce technology into their bodies to augment existing capabilities above and beyond restoring missing or lost faculties? Do brain implants and body-enhancement devices require changes to the definition of disability and, in turn, conflict with the assumptions underpinning existing disability-rights legislation? Is there a new category of the 'non-disabled' for those who were previously impaired but through robotics have overcome their disability? Reference will also be made to the RoboLaw Project, funded by the European Commission,

which is addressing these issues. These topics will be explored across fields as diverse as neurosurgery and Olympic sports (eg the debate about the 'blade runner,' Oscar Pistorius, competing at the London Olympic Games).

### **Illegal immigration: causes and impact, immigration policies and public opinion across the globe. Is there a realistic solution?**

*Presented by the Immigration and Nationality Law Committee*

This session will analyse the causes of illegal immigration, the legal issues, the impact and the implications of this irregular movement across borders. Discussion will include topics related to legal treatment of undocumented workers and immigration policies in different countries. What do they contribute to the country in relation to unexploited and inexpensive labour? Are they victims or criminals? We will examine public opinion, the controversies and realistic solutions.

### **Justice for Rwanda: did the International Criminal Tribunal achieve its aims?**

*Presented by the War Crimes Committee*

In December 1994, the United Nations established an international criminal tribunal to prosecute crimes from the genocide which brought tragedy to Rwanda earlier that year. Having spent hundreds of millions of dollars, the tribunal finished its trials in 2012.

This session will consider whether the International Criminal Tribunal for Rwanda (ICTR) achieved the high hopes with which it was established. Consideration will be given to how international justice has fared, compared to the national justice mechanisms deployed within Rwanda. The session will also discuss the legacy of the ICTR, in the continued pursuit of international criminal justice for Africa.

### **Oil and gas wealth in Africa: overcoming the jinx!**

*Presented by the African Regional Forum*

Ab initio, the discovery of oil in such African countries as Nigeria, Angola, Libya and Equatorial Guinea was an exciting, welcome development – one widely-acclaimed as the long-awaited panacea to poverty, lack of infrastructure and general declining standards of living. However, this has not been the case, as these countries are still in dire economic straits – poverty and underdevelopment still looms large and the people have not significantly benefited from oil revenues.

In recent times, Uganda, Kenya and Ghana have also struck oil, while Tanzania has discovered large gas fields. What lessons can they learn from their predecessors? How does oil and gas discovery translate to productive economic development and an effective poverty alleviation mechanism within our oil-rich African States?

### **Protecting the business for and from the next generation**

*Presented by the Closely Held and Growing Business Enterprises Committee and the Individual Tax and Private Client Committee*

In many countries family-owned businesses are the backbone of the economy. All successful business owners will sooner or later have to face the challenges of preparing the business for the next generation. This session will cover the various aspects of succession planning for family-owned businesses, such as tax planning, corporate governance, involving young family members in the business and dealing with heirs who are unsuited or unwilling to be involved with the future management of the business.

### **Public M&A – advanced topics**

*Presented by the Corporate and M&A Law Committee*

This session will, inter alia, cover stake-building, low ball offers and techniques applied to avoid mandatory offers. A case study and the presentations by the panellists will cover differences between the regulations in Europe, the US, India and Australasia.

### **Real time v formal time: why is litigation adversely affected by unnecessary, unrevised formalities?**

*Presented by the Latin American Regional Forum and the Litigation Committee*

How ordinary issues which arise when dealing with cross-border litigation, mainly related to production of evidence, service of notices, validation of documents from different jurisdictions, letters rogatory, etc, adversely affect lawyers' work and the credibility of jurisdictions.

### **Regulatory developments in the private fund space**

*Presented by the Investment Funds Committee*

- Europe AIFMD – we will discuss issues for non-EU managers in the light of experience 3 months after implementation. Marketing under the EU private placement regimes and the new reporting requirements.
- US Investment Adviser Registration and CFTC – an overview of the exemptions; implications for exempt reporting advisers; CFTC reporting.

### **Repealing sodomy laws**

*Presented by the Criminal Law Committee, the IBAHRI and the LGBT Issues Subcommittee, a subcommittee of the Discrimination and Equality Law Committee*

The panel will feature speakers from countries with varying viewpoints on sodomy laws: those which have them, those which have repealed them and those which have them but do not necessarily enforce them. It will explore the question of whether sodomy laws should be repealed universally, with reference to their roots in British jurisprudence exported to former colonies, as well as their impact on the freedom of heterosexual and homosexual persons engaging in the proscribed activity.

### **Settlement through mediation of employment disputes**

*Presented by the Employment and Industrial Relations Law Committee and the Mediation Committee*

A large share of litigation before state courts concerns employment disputes. Besides individual claims, there are mass claims, class claims and claims by trade unions.

The purpose of this session is to examine whether, in Africa, Asia, Europe, North and South America and Australasia, such disputes may be settled through mediation or whether and which statutory obstacles exist to mediation proceedings. The advantages of mediation will then be discussed.

### **The current state and future of the law with regard to exemplary, aggravated or exceptional damages around the world**

*Presented by the Negligence and Damages Committee*

Damages are concerned with compensating the victim for harm. This session will explore the current state and future of the law with regard to exemplary, aggravated or exceptional damages around the world. The themes to be explored include:

- When is it justified to punish the wrongdoer by awarding exemplary or aggravated damages?
- Should courts look to alternative remedies first?
- Are there particular categories of defendant against whom they should specifically apply?
- How are such damages to be assessed?
- What are the boundaries of such an award?
- Is there need for reform in this area?



## The globalisation of tax standards: who could do it? How to do it?

*Presented by the Taxes Committee and the Organisation for Economic Co-operation and Development (OECD)*

This session will consider:

- International tax rules and the globalisation of business: how can IOs keep pace with changes?
- 'International Tax standards': what are they? Do we need them? Who builds them?
- Bilateral/multilateral approaches: 3,500 bilateral tax treaties /1 multilateral convention on administrative assistance: what is the way forward?
- What will be the landscape of the next ten years in international tax matters?

## Trends and practices – complying with the different regulatory approaches lawyers are subject to around the world

*Presented by the Law Firm Management Committee and the Regulation of Lawyers' Compliance Committee*

There are many different approaches to the way in which the legal profession is regulated around the world. It varies from no regulation at all, to regulation through the judicial system, to detailed and complex rules and legislation. Some countries have sought to deviate from the 'hard law' approach and introduce a principle-based regulatory regime. In many countries, there is a one-size-fits-all approach to regulation, ignoring the wide range of law firms in which lawyers may practise – from sole practitioners to the international mega firms. Is the individual lawyer regulated or the firm in which he or she practises? Our speakers will compare and contrast the different approaches to regulation and the consequences that has for a lawyer's compliance. We will also examine the differing compliance standards lawyers are held to as a consequence of the different regulatory approaches. How can lawyers comply if the regulations are unclear?

## What's new in patent litigation?

*Presented by the Intellectual Property and Entertainment Law Committee*

### 1. EU patent litigation

The Unitary Patent and the Unified Patent Court will have a significant impact on patent litigation in the EU. This panel will provide an update on these two developments, which are finally expected to be brought into operation in 2014. It will explore the proposed legal framework for the Unitary Patent set up to comply with the CJEU's ruling on the legality of the previous proposals. It will also consider the ramifications of the divisions of technical fields between Paris, Munich and London.

### 2. Managing complex multijurisdictional patent litigation

The mobile phone patent wars have brought to the forefront the complexities of managing global patent litigation. This would include the coordination of counsel, differences in discovery, differing validity and infringement rulings or verdicts, enforcing injunctions across borders, etc. This panel of experts will explore these and related issues in detail, illustrating from actual cases.

## Wednesday 0800 – 0930

### Managing partners' breakfast

*Presented by the Law Firm Management Committee*

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 and the lessons that might be learned from the events of the past year, 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 more about the work of the committee.

This year's breakfast will feature an interactive roundtable panel discussion between a small number of lawyers from around the world who have made a unique contribution to the development of their firms. There will be plenty of scope for audience participation in what promises to be a lively and informal interchange between a handful of practitioners who have done something really special.

### Open committee business meeting and breakfast

*Presented by the Arbitration Committee*

An open meeting of the Arbitration Committee will be held to discuss matters of interest and future activities.

### Open committee business meeting and breakfast

*Presented by the Family Law Committee*

An open meeting of the Family Law Committee will be held to discuss matters of interest and future activities.

## Wednesday 0930 – 1730

### Advising start-up life sciences and technology companies from creation to exit

*Presented by the Closely Held and Growing Business Enterprises Committee, Healthcare and Life Sciences Law Committee and the Intellectual Property, Communications and Technology Law Section*

The Boston/Cambridge area is called the tech hub of the universe. It is one of the hottest ecosystems for tech and biotech start-ups. This joint whole-day session will focus on the latest trends and challenges of advising tech and biotech start-ups, from creation to exit, from the point of view of the entrepreneur and with insights on the process provided by industry leaders.

## Wednesday 0930 – 1230

### 'As-a-service': how it is going mainstream and what actually gets negotiated in cloud contracts

*Presented by the Technology Law Committee*

Suppliers are developing ever more creative ways to bundle facilities, hardware, software and other inputs into service offerings for delivery over the internet. Buyers are seeing the appeal of paying only for what they need while avoiding the capital intensive requirements of building and maintaining their own data centres. This is the context in which business cloud computing is moving into the mainstream, with a new market emerging in 'as-a-service' or 'aas' offerings. The key features, benefits and risks associated with this movement and the negotiability of cloud computing contracts will be explained and discussed in this session.

### All the same, but not the same: investing in Latin America

*Presented by the Latin American Regional Forum*

Investment conditions for the Latin American Region are constantly changing. This session will explore common patterns in all countries.



## Assessment of real estate-related risks in cross-border M&A transactions

*Presented by the Real Estate Section*

An assessment of risk to which a client may be exposed is one of the most vital stages preceding a transaction involving real estate. This workshop will enable an exchange of experience on main issues relating to cross-border transactions involving real estate, in particular, the most important improprieties and risks identified during the course of a legal due diligence of entities holding real estate and operating in various jurisdictions.

It will feature the most frequently encountered situations, which workshop participants face in their projects and which could negatively affect a given entity or a planned transaction.

The panellists will present the most important risks encountered during cross-border M&A transactions involving real estate through examples from selected countries and will moderate the discussion in groups. During a group discussion participants will be able to determine whether specific threats reappear in various jurisdictions and, if so, whether they evoke the same effects and whether specific legal systems allow the same remedial measures and solutions to effectively conduct a transaction.

The workshop will also be an opportunity to exchange views on the forms of securing clients against negative consequences of identified real estate issues.

## Avoiding the abyss – how to achieve effective cartels deterrence

*Presented by the Antitrust Committee*

This panel will address effective cartel deterrence, including such topics as:

- Which legally-imposed cartel sanctions (fines, jail time, community service, director disqualification, etc) are most effective?
- How do private sanctions ('shaming', demotion, loss of employment, etc) come into play and how effective are they?
- Should sanctions be more severe to balance against less than 100 per cent odds of detection?
- Do leniency programmes really deter cartels?
- Do corporate compliance programmes really deter cartels?
- What is the empirical evidence?

## Change management and retention measures from an L&E perspective

*Presented by the Employment and Industrial Relations Law Committee*

This session will discuss:

- Regulatory possibilities to obtain a sustainable organisation
- Possibilities and challenges in volatile organisations
- Best practices for outside counsel

## Construction – a wide playing field for lawyers

*Presented by the Asia Pacific Regional Forum, the International Constructions Project Committee and the Young Lawyers' Committee*

Construction law is a relatively young, highly specialised area of legal practice; one in which it is vital that lawyers new to the field have a strong grasp of both legal doctrine and technical understanding in order to ensure that lawyer and client speak the same language.

Construction law is intrinsically functional and pragmatic – architects, engineers and lawyers each bring their own knowledge and perspective to the table – and the lawyer failing to recognise will likely cause friction and even fundamental problems. As construction law is not purely about 'legal' matters as such, but also often requires a need for understanding technical terms, engineering failures or design flaws on the part of the lawyer, what better way to learn and gather understanding than from more experienced colleagues and even clients?

This session will discuss what benefits experienced lawyers and those new to international construction law can glean from each other in this complex and fast-developing area of the law.

## Corporate governance: beyond compliance, principles count – lessons from the financial crisis

*Presented by the Banking Law Committee and the Corporate Counsel Forum*

Despite moves by regulators across the globe to institutionalise checks and balances for corporate boards, notably increasing roles for 'independent directors', and encouraging a majority and in some cases, 'supermajority' of 'independent directors' on boards, corporate governance crises continue to trail firms in the financial services sector. The year 2012 alone saw the eruption of scandals involving high profile banks, notably JP Morgan, Barclays, HSBC and Standard Chartered Bank despite the inclusion of the majority of 'independent directors' and 'independent directors only' committees clauses in codes and legislations post the 2008 financial crisis. Still the Organisation for Economic Cooperation and Development (OECD) observed that 'if there is one major lesson to draw from the financial crisis, it is that corporate governance matters'. The recent global financial crisis has brought to the fore the issue of how firms are governed and what can be done to improve it. Recent experiences of corporate failures and bail out applications have shown that constantly rising shares prices are not necessarily an indication of good corporate governance. This session will examine global corporate governance issues particularly in the context of the banking and financial services sector. Are the requirements of codes regarding the presence of 'independent directors' over-ambitious? How can the true 'spirit' of corporate governance be brought to bear and what roles if any, counsel play?

## Entrepreneurs and investor immigration schemes

*Presented by the Immigration and Nationality Law Committee and the North American Regional Forum*

The session zooms in on general trends in policy developments worldwide. How are the world economies competing to attract entrepreneurs and investors to their jurisdictions? Do they use minimum capital thresholds, or offer easy access to permanent residence and other perks?

## Establishing the business case for partner promotion

*Presented by the Academic and Professional Development Committee*

The pressure is increasing to ensure law firms select their new partners through objective and rigorous processes. What are the common criteria applied to assess candidates' suitability? How can the future partners best prepare for the process? The session will include top tips for navigating through the assessment stage.

## Flash! Don't smile: legal issues related to photography as an art form and beyond

*Presented by the Art, Cultural Institutions and Heritage Law Committee and the Media Law Committee*

There is an abundance of legal issues surrounding photography, photo collections and archives.

- With so many parties apart from the original photographer, who holds the rights: press agencies, employers, the archives, collectors, versus the photographer or his or her estate?
- What can a museum or cultural institution claim, protect or exploit with regard to its historical photo collections from the 19th and 20th century including 'orphan' works from unknown artists? Renewed and broad exploitation of historic photos is not an exception.

- Contracts relating to photography – what did the photographer sell or license in his or her older contracts when nobody knew about digitisation and the internet?
- Digitised images online, the new frontier with a multi-million public audience – is giving up the standard answer now that legal steps seem to be totally futile in the ever multiplying online publications?
- What about image rights, model rights? What's left of privacy rights in exhibitions and publications like World Press Photo? Questions arise surrounding nudity and pornography with different answers in many jurisdictions.
- Are modern prints from negatives after the death of the photographer originals?
- Other legal issues concern decay and restoration – can repeated digitalisation of classic analogue photography be against moral rights? What about photographic manipulation, photoshopping by third parties? Who is the author?

The Art, Cultural Institutions and Heritage Law Committee has put together a panel of international experts including a photographer, a museum curator and leading legal professionals from various jurisdictions to investigate and report on these and other related problems.

### **How to become a leader in the legal profession – strategies for success (not only for women)**

*Presented by the Women Lawyers' Interest Group*

One crucial issue for the advancement within the legal profession is to understand how to get promoted into a leadership position – be it in the management of a law firm, as general counsel or within academia and justice. In this interactive session the panellists will share their experiences and give advice on individual strategies to the top as well as on how organisations ensure a diverse composition within their own leadership.

### **How to enforce internationally through court proceedings a settlement agreement achieved through mediation**

*Presented by the Litigation Committee and the Mediation Committee*

This session aims to compare how a settlement agreement, achieved through mediation proceedings, if not voluntarily performed, may be enforced in Africa, Asia, Europe, Northern and Southern America and Australasia.

### **IBA SHOWCASE: Climate change justice and human rights – preliminary concepts for legal and institutional reforms**

*Presented by the Environment, Health and Safety Law Committee, the IBAHRI and the IBA President's Task Force on Climate Change Justice and Human Rights*

The President's Task Force, established in January 2013, has a two-year mandate to ensure the voice of the global legal profession is fully heard in the important debate on justice and human rights in the context of climate change. Comprised of leading experts and practitioners in environmental law and human rights, the Task Force objectives are to identify and add urgency to governmental steps and legal reforms that could assist in preventing or mitigating climate change and the protection of human rights of vulnerable communities. The Task Force will be preparing a report to be submitted to governments and agencies around the world following the IBA 2014 Tokyo Annual Conference.

The 2013 Showcase Programme will provide an early opportunity for IBA members to hear from Task Force members and other leading experts about their consideration of these issues, question and debate measures that may be needed, and generally contribute to the 2014 Task Force report recommendations. The Showcase Programme will also provide a prelude to a more detailed debate on some potentially challenging and controversial aspects of these issues in the Wednesday afternoon session 'Environmental Protection as

a Constitutional or Human Right?' presented by the Environment, Health and Safety Law Committee.

### **Knowledge management – a law firm's secret weapon**

*Presented by the Law Firm Management Committee*

Law firms have worked hard to control their costs, and further cost reductions are very difficult to make. Yet, clients continue to exert downward pressure on fees. The only way to maintain or increase profits in the future will be to increase productivity. Knowledge management can help law firms to work more cost-effectively and to get greater value from their lawyers, particularly their new graduates. Law firms which adopt proper knowledge management systems (and have the discipline to use them) can achieve competitive advantage. Conversely, firms which do not invest in (and train their people in) such systems, may fall behind. Our panel will share their experiences in introducing and implementing knowledge management systems.

### **Letters of intent, confidentiality agreements and other pre-contractual agreements: contents, nature and enforceability**

*Presented by the Corporate and M&A Law Committee*

Prior to the beginning of any M&A deal, there are many issues to consider and many preliminary documents to execute. This session will address the intricacies of the documents that are signed before the show begins and the problems that normally arise in different jurisdictions.

### **Mobile marriage and divorce: 'what is mine is mine, what is yours is mine'**

*Presented by the Family Law Committee and the Individual Tax and Private Client Committee*

A panel discussing a cross-border view of the challenges and legal pitfalls that may affect a client's property rights as they move between, or have property in, different jurisdictions.

### **Pacta sunt servanda in international arbitration**

*Presented by the Arbitration Committee*

This session will consider:

- What happens when the conditions precedent to a long-term contract do not materialise? Is there a good faith obligation to attempt to make the conditions materialise?
- Revision of long term contracts (clausula, price revision, hardship) post the 2008 financial crisis.
- Are there general principles of price revision, or is it always just a question of the relevant clause?
- Boundaries between adjudication and expert determination

### **Tax residency: coming or going: do you know where you are?**

*Presented by the Taxes Committee*

This panel will review where companies and other entities are treated as being resident for tax purposes, a question which has become more important due to globalisation, executive mobility and the growth of online business. Passing or failing the tests for corporate residence has significant implications for the tax position under both domestic law and international treaties. The panel will also consider the technical and practical aspects of corporate redomiciliation, migration and inversion transactions, intended to change the corporate seat and tax residence or domicile of a company or corporate group.

## Too much gas? The shifting global energy landscape

*Presented by the Maritime and Transport Law Committee and the Oil and Gas Law Committee*

Some enthusiasts say that the 21st century will be the century of gas. If the future of natural gas and LNG really is bright, then LNG shipping will provide plenty of opportunity. With these opportunities, however, come obstacles to navigate. This joint session with the Oil and Gas Law Committee will look at the issues surrounding LNG transport, including LNG production projects and LNG vessel demand, adapting to new trading limits, regulatory, safety and liability regimes to name but a few.

## What's past is prologue: new rights and obligations in transatlantic trade and sales with Europe

*Presented by the European Regional Forum, the International Sales Committee and the Trade and Customs Law Committee*

This session will focus on issues unique to trading with European countries, addressing particular EU sales issues, CISG matters, anti-corruption and consumer issues, and disappearing currency issues.

## Who owns the land? Farming, mining and land rights in Africa

*Presented by the African Regional Forum*

Africa is notorious for its hospitality and warm welcome. But with increasing interest in Africa's arable land and its mineral resources, exploration, mining and ownership rights over African land have become a major flashpoint. In many parts of Africa, the extent of land rights are now subject to intense resource competition and competing claims from diverse groups, resulting from extensive demographic, economic, social and cultural changes. Heads of government versus foreign investors, State governments versus the indigenous settlers on the land, foreign agribusiness versus local farmers – all struggle to answer the same question: 'Who owns the land?'

A panel of speakers representing the foreign investment community, agribusiness, the mining industry, the energy industry and indigenous peoples will reflect on how the regulation of land rights have helped or hindered economic expansion in Africa.

## Wednesday 1230 – 1330

### Open committee business meeting

*Presented by the Women Lawyers' Interest Group*

An open meeting of the Women Lawyers' Interest Group will be held to discuss matters of interest and future activities.

## Wednesday 1400 – 1800

### Real estate property tour

*Presented by the Real Estate Committee*

Building on its continued success at recent IBA Annual Conferences, the Real Estate Committee has organised its sixth special tour of the host city. An expert in the Boston real estate market will provide an insider's look at a number of properties and developments and will provide unique information on the real estate industry in Boston.

## Wednesday 1430 – 1600

### Bringing a foreign brand to the USA

*Presented by the International Franchising Committee*

This session will discuss the franchise legal issues and other legal issues involved in bring a brand into the United States.

## Wednesday 1430 – 1730

### BIC SHOWCASE: Preparing for the future – changes in structures, technology and regulation

*Presented by the Bar Issues Commission and Harvard Law School*

This session will concentrate on the future of the legal profession. It will take place in Harvard University, with the attendance of Harvard law students. The keynote speaker is a leading thinker on developments in the global legal profession. The session will consider the future as it relates to three separate areas:

- structures (eg ABSs, virtual law firms, etc);
- technology (eg outsourcing, cloud computing, etc); and
- regulation of lawyers (eg entity regulation, the split between regulatory and representative, etc).

**Welcome and introduction to the session** Chair of the Bar Issues Commission

**Keynote speech** David Wilkins (Lester Kissel Professor of Law, Director, Program on the Legal Profession, Vice Dean for Global Initiatives on the Legal Profession)

**Panel presentation** Panel of further speakers who will each make a short presentation on one of the three pillars of the keynote speech, developing the themes further, ie structures, technology and regulation.

**Debate** with the audience monitored by the Chair of the Bar Issues Commission, with a conclusion by the Chair at the end.

### Boldly going: regulating the frontiers of healthcare and the life sciences

*Presented by the Corporate Social Responsibility Committee, the Family Law Committee and the Healthcare and Life Sciences Law Committee*

Boldly going where little or no law has gone before is a useful borrowing from science fiction to describe what this session will explore – the inability and inadequacy, more often than not, of the law to keep pace with and regulate effectively technological and scientific advancements in the fields of medicine, healthcare and the life sciences. The session will explore how the law battles to interact with issues such as:

- stem cell therapies;
- organ banks and growing your own organs and tissue and possibly donating organs that are grown as opposed to being harvested;
- the desirability of markets for the sale of organs and tissue;
- gene therapy and human genetic manipulation;
- cloning; and
- euthanasia and assisted suicide.

### Changes in the pricing mechanisms of gas in the hydrocarbons exploration and production sector

*Presented by the Oil and Gas Law Committee*

This session will consider the effect of new technologies and of delinking with other fuels.

## Chivalry in contracts – ethics in contract negotiations

*Presented by the Dispute Resolution Section, International Sales Committee and Professional Ethics Committee*

This programme explores the rules of professional conduct as applied to contract negotiation and performance. Lawyers make regular statements as to their authority, or what is or is not acceptable. Lawyers also have information as to assets, client goals, liabilities and other facts that underlie the negotiations. At what point does an omission or affirmative statement become material? At what point does exaggeration become misstatement? Are there 'acceptable lies'? In terms of performance, how far can the lawyer go in counselling a client as to breach? Should the same law firm litigate a contract its corporate lawyers drafted? Too often lawyers assume the professional conduct rules for advocacy relate only to the courtroom or arbitration; this programme looks at the issues from the transactional side.

## Early case assessment in litigation

*Presented by the Litigation Committee*

A disciplined approach to investigating and understanding the merits of a dispute at the earliest possible point pays many dividends for clients faced with litigation. It is the only way to ensure that the client has a clear and realistic picture of risks, rewards and costs of the case. Bringing that picture into focus provides a reliable foundation for the client's cost benefit analysis and approach to strategy and settlement. It also serves as a benchmark against which new information can be analysed as the case moves forward.

This session will analyse best practices in early case assessment for use by in house or outside counsel and participants will be given a template which can be used as a framework for an early, but reasonably comprehensive, cost benefit analysis.

The session will also cover issues such as how to scale the amount of work and investment that goes into the early assessment to match the magnitude of the claim and the state of the art in the use of technology to assist with early assessment in document and data intensive cases.

## Environmental protection as a constitutional or human right?

*Presented by the Environment, Health and Safety Law Committee*

Environmental concerns such as climate change are taking on increasing legal and political importance as new or unusual impacts on the earth's ecosystem are reported. Climate change is blamed by many as the cause for the increasing frequency and intensity of major storm 'events' and for rising ocean levels as the ice caps shrink. Persistent chemical emissions may have less recognized but potentially long-term and widespread health impacts.

This session will provide a balanced discussion on such challenging and controversial issues as:

- should human rights regimes and treaties include remedies to prevent activities endangering people and their environment?
- should serious environmental degradation be regarded as an international crime against humanity and be made a domestic crime per se?
- could constitutional rights to a healthy environment be useful to protect citizens from significant environmental harm?

## Financial panel, update on Cape Town, repossession of aircraft, ECA financing

*Presented by the Aviation Law Committee*

This panel will provide an update on issues related to financing of aircraft in different jurisdictions globally, including new ratifications of Cape Town, Cape Town issues, repossession of aircraft in different jurisdictions, Export Credit Agency and other financing structures being used to finance aircraft.

## Healthy living in the 21st century: what role for lawyers in a world with diverse economies and access to resources?

*Presented by the Human Rights Working Group*

The session aims to explore the right to health in the 21st century alongside recent and current health problems facing most nations on earth. Whilst wealthier nations are struggling to cope with epidemics of obesity and related issues (eg diabetes, cardiovascular disease, hypertension), and poorer nations experiencing ongoing malnutrition, there are some health problems which are equally as devastating in both types of countries, such as HIV infections and smoking/environmental related health conditions. The session aims to answer the questions which arise as to what role lawyers and businesses could play in facilitating fairer access to resources to resolve the problems.

## Hot topics in merger enforcement

*Presented by the Antitrust Committee*

The panel will examine recent developments in global merger control, focusing on the review of recent complex M&A transactions by antitrust enforcers around the world.

## Hot topics in respect of damages in construction disputes

*Presented by the Negligence and Damages Committee*

A panel of experts from several jurisdictions will discuss and share their opinions and experiences regarding a number of contingencies and issues that need to be covered as part of the legal documentation concerning construction projects, including:

- damages arising out of deficiencies in construction;
- meeting of deadlines;
- establishing the construction site;
- safety; and
- financing of the project.

## Indigenous consultation, business partnerships or tribal consent? Differing views from across North America

*Presented by the Indigenous Peoples Committee and the Mining Law Committee*

The panel will present a comparison of US and Canadian tribal/aboriginal consultation procedures and practices, showing the different approaches and systems used in these two neighbouring countries.

## Insurance of warranties and indemnities – in practice a no-go?

*Presented by the Corporate and M&A Law Committee and the Insurance Committee*

The session will consider:

- typical warranties and indemnities in M&A transactions;
- what warranties and indemnities can be insured;
- whether seller or buyer should purchase insurance and when;
- impact of insurance on the due diligence process and negotiation of warranties;
- structure policy, residual liabilities, cost and exclusions; and
- litigating warranty claims and claiming on policy.

## Investment arbitration

*Presented by the Arbitration Committee*

This session will consider:

- Handling allegations of corruption: shifting the burden of proof; privilege against self-incrimination; use of evidence from parallel proceedings; stays; impact of local prosecution; is there need for more guidance to arbitrators in the form of guidelines?



- Is UNCITRAL ad hoc arbitration preferable to ICSID due to the quasi-automatic nature of annulment requests?
- If the choice is ICSID Additional Facility or ad hoc arbitration: how to choose?
- How can investment protection treaties fairly be applied to sovereign debt crises?
- The current state of transparency in investment arbitration: benefit or threat?
- The European Union and investment arbitration: friends or foe? The EU projects (BITs, membership in ICSID, the new FTIs).

### **International disability discrimination: a special focus on the challenges facing women and girls**

*Presented by the Disability Rights Working Group, a working group of the Discrimination and Equality Law Committee*

Disability discrimination in basic human needs, including employment, public facilities and education, has been an issue of increasing focus worldwide. But the challenges facing disabled women and girls, socially, culturally, and economically – including violence against women and girls, which often results in severe disfigurement or disability – are especially egregious.

The problem exists both in industrialised, Western countries, as well as Third World nations. Countries throughout the world have faced these challenges in varying ways, focusing on legislation prohibiting discrimination and requiring affirmative accommodation on the part of employers and providers of public services, but a massive public education process is also necessary. Organisations such as the United Nations have made this an increasing focus of their efforts, and much more needs to be done.

International specialists in numerous disciplines, from employment to public health and safety, will address the issues.

### **Law firm visits**

*Presented by the Law Firm Management Committee.*

A group of IBA delegates will visit several Boston law firms for discussing strategy, practice areas and 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. To register your attendance, please visit the IBA speakers' desk at the conference.

### **Online gaming or gambling? Blurring the line between social media, entertainment and gambling**

*Presented by the Criminal Law Committee, the Leisure Industries Section, the North American Regional Forum and the Technology Law Committee*

Exploring the evolving relationship between online gaming, online gambling, entertainment and social media and the legal implications of the new sector.

### **Preventing cracks in the foundation: fighting corruption in the construction industry**

*Presented by the Anti-Corruption Committee and the International Construction Projects Committee*

This interactive session will allow the audience to understand why construction is a sector that suffers from corruption, and offer practical steps in how to avoid corruption, and what to do when encountering corruption. Experts in construction law and in compliance and anti-corruption will share their experiences with the audience and will discuss practical cases.

### **Public-private partnerships (PPPs) for water infrastructure**

*Presented by the Water Law Committee*

This session will explore the use of PPPs for water infrastructure and will examine the various forms of PPPs used throughout the world. This session will examine the various contractual structures which have been utilised and their strengths and weaknesses. The session will also focus upon the specific issues of utmost concern in relation to water infrastructure, such as public health and environment and public ownership of water infrastructure.

### **Shareholders' spring 2013: new lessons to be learned**

*Presented by the Capital Markets Forum and the Corporate and M&A Law Committee*

The 2013 shareholders' meetings season has come to an end. The new concerns, priorities and standards of the main stakeholders (institutional shareholders, proxy advisers, workers' councils, etc) will be discussed.

### **So you think you're ready to go public? Helping innovative start-ups make the leap**

*Presented by the Securities Law Committee*

Since the beginning of the global financial crisis, Initial Public Offerings have been scarce as companies have explored less burdensome sources of finance and shareholders have sought quicker paths to exit. As the financial crisis continues and bank financing remains limited or entirely unavailable, many small- and medium-sized companies, especially start-ups, are being forced to approach the capital markets directly to meet their funding needs. In the United States, the JOBS Act has decreased the regulatory burdens on smaller firms wishing to go public, and similar initiatives are under way in Europe. This session will analyse the outlook for start-ups in the IPO market and the rewards they receive in going public, in search of answers to the questions of whether and how start-ups can go public successfully.

### **The debtor in the mirror: the insolvency of law firms**

*Presented by the Creditors' Rights Subcommittee, a subcommittee of the Insolvency Section and the Law Firm Management Committee*

In May 2012, Dewey & LeBoeuf, the merged entity created from two of the oldest and most prestigious global US-based law firms, filed for bankruptcy giving it the dubious honour of being the largest law firm to collapse in US history. In 2006, the 153-year-old international firm Coudert Brothers dissolved. Others, among them European firms, disintegrated in very little time. What happens after a law firm fails, when the partners try to move on while battling for clients, receivables and expensive rents, adds legal complexity and personal liability to an already emotionally charged situation. A panel of lawyers and industry consultants will discuss the issues that arise when law firms fail.

### **The different income, transfer and wealth tax treatment of trusts and trust lookalikes (Stiftungs, etc) from the perspective of different countries**

*Presented by the Taxation Section*

This session will consider:

- What is hot in trust taxation in various countries;
- residence and onshoring of trusts; and
- the different income, transfer and wealth tax treatment of trusts and trust lookalikes (eg stiftungs, private foundations).



## The thin red line – cartels, fraud and corruption

*Presented by the Business Crime Committee and the Young Lawyers' Committee*

- When does cartel conduct become criminal?
- Where does the boundary between a purely administrative offence, and a criminal one, lie?
- Does criminalisation of cartels enhance competition law enforcement?
- Recent trends in cartel criminalisation.
- What different kinds of legislation regulate bid-rigging?
- How do different regulators deal with corrupt bid-rigging, and how do they coordinate their investigations and prosecutions?
- What are the potential sanctions for bid-rigging involving corruption (administrative penalties, criminal sanctions, future exclusions from public works) and how do these factor into the decisions made by leniency applicants?

## Trademark bad faith applications: famous and 'almost famous' trademarks under attack!

*Presented by the Intellectual Property and Entertainment Law Committee*

This session will focus on different jurisdictions in Europe, the Americas and Asia and try to find answers to the question: 'How famous is famous?'. It will discuss the latest cases involving famous trademarks, the scope of protection for 'famous' trademarks and the impact of social media and cross-border use on territorial recognition of famous trademarks. In addition, the panellists will touch upon the evidence required in their jurisdictions to prove the existence of a 'famous' trademark such as use of polls, etc. We will also review how to define and fight abusive registration of famous trademarks in various jurisdictions. The discussions will take into account the joint recommendation.

## Wednesday 1630 – 1730

### News from around the world

*Presented by the International Franchising Committee*

A panel will discuss recent developments and news of interest in international franchising.

## Thursday 0800 – 0930

### Open committee business meeting and breakfast

*Presented by the Academic and Professional Development Committee*

An open meeting of the Academic and Professional Development Committee will be held to discuss matters of interest and future activities.

## Thursday 0930 – 1230

### Anti-money laundering laws: outsourcing the policing of corruption

*Presented by the Anti-Corruption Committee, the Anti-Money Laundering Legislation Implementation Working Group and the Criminal Law Committee*

Finding evidence of corruption is difficult and expensive for the criminal enforcement authorities. But anti-money laundering (AML) laws can and (depending on the jurisdiction) do provide a vast amount of intelligence to the authorities on corrupt payments and

the movement of proceeds of corruption. In this session, a panel of leading experts examines the interplay between anti-corruption and AML laws across a number of jurisdictions, and explores ideas for future developments.

### Arbitrators' conflicts and party representation: working on guidelines

*Presented by the Arbitration Committee*

This session will consider:

- If it ain't broke, don't fix it: whether and to what extent the IBA Guidelines on the Conflicts of Interest in International Arbitration should be amended in light of the experience of the arbitration community over the last ten years.
- How does the duty of arbitrators to investigate and disclose potential conflicts of interest compare with the duty of parties?
- Are issue conflicts gaining growing acceptance as constituting real conflicts? How does this affect practitioners who serve as both counsel and arbitrators? And barristers appearing before members of their own chambers? And partners of large law firms?
- Are advance waivers of potential conflicts, which are often requested by arbitrators who work at large law firms, the new norm?
- Is it time to recognise that most 'conflicts' arising within large law firms are formalities whose only effect is to reduce the service as arbitrators of partners at major firms?
- Are third-party funding and social networks taking disclosure and conflicts of interest to another level?
- IBA Guidelines on Party Representation in International Arbitration: what happened and where are we? An attempt to reconcile different perspectives on ex parte communications with arbitrators and the duty of candour in submissions to the tribunal?
- Avoiding the avoidable: conflicts of interest arising during the course of an arbitration proceeding, changes in party representation and counsel's duty to avoid predictable conflicts of interest.
- What remedies are available to tribunals to address counsel misconduct? Are parties responsible for their counsel?
- Third-party funding and the conduct of counsel vis-à-vis the client: beyond the soft law reach of international organisations?

### Chasing the seller

*Presented by the Consumer Litigation Committee, the International Sales Committee and the Product Law and Advertising Committee*

This session will address various issues in the sales contract context in terms of remedies, warranty enforcement, jurisdiction and related issues.

### Consortium agreements – IP ownership issues and freedom to operate issues around industry consortia and commercial cooperative organisations; standards setting organisations, regulatory and environmental cooperations

*Presented by the Intellectual Property and Entertainment Law Committee*

IP ownership is a common issue facing participants in various types of consortia. Should IP contributed or generated by participants be individually owned and licensed to the consortium? Or should IP be commonly owned? Other common licensing issues frequently arise:

- fair and reasonable royalties;
- express and implied licensing;
- inadvertent licences; and
- risk of patent invalidity through inadvertent prior art of other participants or invalidity (unenforceability) through unfair enforcement.

Beyond patent rights, there are trademark rights relating to the use of the brand created by the consortium or standards body. This session will be an advanced workshop on IP licensing.

## **Court decisions on pre-contractual disclosure in jurisdictions with disclosure laws (Session A)**

*Presented by the International Franchising Committee*

Session A will discuss court decisions under various international franchise sales laws in a variety of countries.

## **Attorney-client privilege for in-house counsel and outside counsel (Session B)**

*Presented by the International Franchising Committee*

Session B will address the extent to which the attorney-client privilege exists or is waived between outside counsel and in-house counsel.

## **Cross-border acquisition finance today**

*Presented by the Banking Law Committee*

As economies recover, banks, insurance companies, hedge funds and private equity sources have positioned themselves for renewed lending and investment activity. Cross-border transactions have never been so complex. This session will examine the transformations that have taken place in acquisition finance over the past few years, the techniques that are being employed, and the challenges and successes that lie ahead.

## **Current legal developments**

*Presented by the Corporate and M&A Law Committee*

This session will review key developments in corporate and M&A law in jurisdictions around the world which have relevance for lawyers globally.

## **Cutting your losses: where did all my NOLs go?**

*Presented by the Taxes Committee*

Most jurisdictions allow a company to set off tax losses against profits in other periods. In addition to limiting the period for loss carry forwards, many countries have restricted the use of tax losses and have established or tightened loss forfeiture rules upon change of ownership. This session will explore the situations in which a company or corporate group may be unable to claim relief for its tax losses and how to address this problem proactively.

## **Digging deep and riding the waves: a look at the relationship between the mining and maritime industries**

*Presented by the Maritime and Transport Law Committee and the Mining Law Committee*

As rare earth and other minerals are mined and moved around the world, the relationship between the mining and maritime industries is steadily growing. This session will dig into those relationships, including the unique risks and contracts applicable to the carriage of bulk cargoes.

## **'How the net was won', or 'don't shoot the messenger'. Internet 2.0: to regulate or not to regulate?**

*Presented by the Communications Law Committee and the Technology Law Committee*

Should laws that can lead to tariffs on internet service providers be adopted to foster the construction of internet infrastructure and ensure 'adequate return on investment in high bandwidth infrastructures'?

Should greater control over the internet or changing the current internet commercial model be introduced to face the growing influence of internet communications?

To what extent do measures supporting respect of human rights and privacy/data protection and greater international cooperation on network security lead to change in the status quo on internet service provision and traffic delivery?

Is it right that the difficulty and challenges of regulating content lead instead to imposing controls and duties on network operators and service providers?

Is free competition, internet connectivity or allocation of internet addresses at risk? What are the threats for the multi-stakeholder model of internet governance that guarantees the success of the internet today?

The above and other hot topics related to potential regulation of the internet will be addressed by speakers from ITU, a national telecoms regulator (eg FCC), an internet service provider (eg Verizon), a web firm (eg Facebook), and a leading legal professional in this area, as well as an academic.

## **Liability for design defects in a collaborative, integrated digital age**

*Presented by the International Construction Projects Committee*

The use of collaborative electronic design software including Building Information Modelling (BIM) systems is rapidly growing within the design and construction industry. This session will explore the extent to which the prevalence of these systems and the more collaborative designs that result from their use pose new challenges in the law of liability for design defects.

## **Off to the witch doctor! Regulating African traditional and indigenous medicine**

*Presented by the African Regional Forum and the Healthcare and Life Sciences Law Committee*

In this mystical, exhilarating session, our panel of erudite, top-notch speakers will embark on an in-depth examination of effective, time-honoured, native medicinal therapies: their current and prospective roles in modern global healthcare systems; appropriate laws/regulations for their effective incorporation and utilisation; potential attendant business/industrial opportunities; and various other significant factors.

This all-important medical evaluation will be conducted with a view to an improved access to healthcare, which will productively cater to the dire medical needs of populations in Africa and enhance successful healthcare delivery services globally.

## **Opportunities for women lawyers in emerging markets**

*Presented by the Discrimination and Equality Law Committee and the Women Lawyers' Interest Group*

The economic growth in emerging markets can offer women lawyers opportunities to develop their careers in environments where services are needed and there is lack of skilled labour force. Thus, the first struggle in these countries is to have access to education. The panel will discuss the difficulties women in the legal profession have to deal with in emerging markets. Panellists will also present programmes that some governments, bars, firms and even companies adopt to help fill this gap, together with the view of OECD standards as a base line.

## **Privates want it different: how to structure an investment fund for private clients**

*Presented by the Individual Tax and Private Client Committee and the Investment Funds Committee*

An increasing number of private clients are willing to create their own investment funds to invest in private equity or real estate. Our panellists will address the specificities of such funds and suggest efficient structures, depending of course on the residence of the investors.

## Resolving international business disputes – using the tools of WTO, BIT and commercial arbitration

*Presented by the Litigation Committee and the Trade and Customs Law Committee*

A comparative analysis of the efficacy of using these three different tools available to international traders and investors to resolve disputes will be undertaken in this session. It will focus on jurisdiction, remedies, evidence, costs, time, enforcement and other relevant issues that would suggest using one or more of these remedies.

## Settlement through mediation of insured claims

*Presented by the Insurance Committee and the Mediation Committee*

A large number of litigations in state courts concerns claims which are insured. Their decision consequently involves the claimant, the alleged debtor and/or the insurer.

These claims can benefit from mediation proceedings. This session will consider the various related substantive issues and present the advantages offered by mediation.

## SPPI SHOWCASE: Globalisation of the market for legal services – a blessing or a curse?

*Presented by the Section on Public and Professional Interest and the Law Firm Management Committee*

During this session, a diverse and distinguished panel will consider the following questions:

- 1 Is the impact of globalisation felt equally across the profession or is it more significant in certain practice areas or geographies?
- 2 Viewed from the perspective of lawyers in emerging markets is globalisation an opportunity or a threat?
- 3 What can lawyers learn from the experience of their clients or other professional service providers in relation to globalisation?
- 4 Is the regulatory regime for legal services fit for purpose in a globalised world?
- 5 Will globalisation encourage new forms of competition in the legal services market?
- 6 Are certain practice models more likely to flourish in a global environment than others?

## The growing importance of corporate immigration and international employment law in corporate transactions: getting it right when moving personnel between entities, in-country or across borders

*Presented by the Corporate and M&A Law Committee, the Employment and Industrial Relations Law Committee and the Immigration and Nationality Law Committee*

In today's world of increasing global mobility, transactions do frequently have an impact on employees that are assigned to a company that is either the target of a proposed acquisition or a purchasing entity. Moreover, moving personnel across international borders often complicates situations for counsel involved. The session will explore and investigate some of the most crucial questions that arise in such transactions, from the perspectives of the transactional lawyer, employment counsel and corporate immigration experts. Questions and issues to be dealt with will include:

- What does a transactional lawyer, organising a due diligence with regard to the purchase of a target company that employs assignees from third countries, need to know to duly carry out the diligence from an employment law and a corporate immigration law perspective?
- What happens to the temporary residence permit of an employee when his employer changes as a result of a merger or acquisition? Does the position change if the acquisition is by way of share sale or asset sale? Is this any different for a permanent permit?

- What happens to the temporary residence permit of an employee when their employer changes as a result of an internal group reorganisation, eg employee moves company within the Group to same or a different position? Is this any different for a permanent permit?
- What are the risks of being non-compliant with the employment and immigration laws that apply to employees assigned to the target company from abroad, for both the seller and the purchaser? How can these be reflected or covered in the transactional documentation?
- Do corporate, employment and immigration lawyers cooperate closely enough, in good time, and to mutual benefit when addressing such issues? If not, how can we improve best practices within each of these disciplines to ensure the highest level of client satisfaction?

## The use of drones: a human rights abuse?

*Presented by the Human Rights Institute*

Drones are increasingly used as a means to counter terrorism specifically and also criminality in general. A distinguished panel will discuss whether such use is contrary to human rights.

## Whatever it takes to get the job done – is the future of the legal profession ethically sound?

*Presented by the Bar Issues Commission and the Professional Ethics Committee*

Undivided loyalty, zeal, integrity, confidentiality, accountability and, of course, professional excellence – all qualities that form the basis of the character of a good lawyer. But the day-to-day challenges of the law provide moral dilemmas and in some cases lead to misdemeanours for the lawyer or law firm.

It is widely becoming recognised that ethics should form a fundamental part of a lawyer's training and education. This panel will discuss the ethical rules of different jurisdictions and regulatory frameworks, especially concerning common law and Romano-Germanic systems. The panel will give examples of typical dilemmas they have come across and answer questions from the floor.

## You can do what? Issues in transatlantic disputes

*Presented by the Corporate Counsel Forum, the European Regional Forum, the Litigation Committee and the North American Regional Forum*

A review of the juridical nightmares or advantages faced when litigating across the Pond:

- Long-arm jurisdiction;
- discovery and data protection;
- super injunctions and interim measures;
- class actions;
- punitive damages ;
- enforcement;

and much more besides... !

## Thursday 1230 –1430

### Open committee business meeting and lunch

*Presented by the Taxes Committee*

An open meeting and lunch of the Taxes Committee will be held to discuss matters of interest and future activities.

## Thursday 1430 –1730

### Arbitrating international distribution and franchise disputes

*Presented by the Arbitration Committee and the International Franchising Committee*

This joint session will address the key issues that every lawyer involved in transnational disputes arising out of a commercial distribution relationship (including franchising, distributorship and agency) should be aware of.

### Charting new waters: international sanctions regimes in the maritime industry – a look at the practical issues and criminal exposure for ship owners and others in the maritime industry

*Presented by the Criminal Law Committee and the Maritime and Transport Law Committee*

This session will look at the various international sanctions regimes that must be complied with by the modern shipowner, charterer and P&I Club and will provide practical advice on compliance and the criminal law exposure for non-compliance.

### It's not business – it's personal

*Presented by the Discrimination and Equality Law Committee and the Employment and Industrial Relations Law Committee*

Around the world, two major trends are developing. One is the increased storing and processing of personal information. And, while individuals make increasing use of social media, they nevertheless have an increased expectation of their right to privacy. This panel will consider the legal rights to privacy in employment, the effect of new technologies on these expectations, and the potential liability of employers posed by these new technologies. The panel will explore 'cloud' storage of personnel records, access to private emails, body and office searches, monitoring of GPS, key strokes, etc. The panel will also explore discrimination law issues, including the right to privacy regarding sexual orientation, national origin, and religion, as well protection of free speech, and special protections of whistleblowers.

### Latest developments in construction law

*Presented by the International Construction Projects Committee*

This session will feature updates on construction law and practice from various notable jurisdictions and will close with a discussion of ideas and suggestions for the committee's contributions to the IBA 2014 Annual Conference in Tokyo.

### Litigating CSR: the next generation of claims, courts and remedies for violations of corporate social responsibility norms

*Presented by the Corporate Social Responsibility Committee and the Dispute Resolution Section*

Corporate social responsibility covers a broad array of social, ethical and legal obligations. Whether and how these norms should be enforced in civil litigation raises complex questions. It is undeniable, however, that litigation has been used effectively to punish perceived violations of CSR, and that many companies have focused on CSR compliance in order to avoid litigation.

Our panel will examine the landscape of CSR litigation, focusing on current trends. For example, the US Alien Tort Statute, a federal law that has been widely invoked to assert human rights claims against businesses, is under review by the Supreme Court and may soon be substantially different in application. Around the world, there is also evidence that 'soft law' CSR standards – such as the recently promulgated 'Guiding Principles' of the UN Special Representative on Transnational Business and Human Rights, and similar initiatives –

are becoming incorporated in statute law. Additional laws are being imposed to govern data privacy, supply chain management and other matters that fall under the heading of CSR – all of which may lead to litigation. What will be the future CSR litigation hot spots? How can prudent companies fulfil their obligations and seek to minimise litigation risk? And is there a role for alternative dispute resolution in CSR? With input from experienced practitioners, we will take stock of these developments and look ahead to next steps.

### Partners' compensation

*Presented by the Law Firm Management Committee*

As the legal marketplace becomes increasingly differentiated and segmented, the right alignment of partner compensation with law firm strategy and culture has never been more important. This session will explore the background and possibilities, which will be illustrated through case studies. We will also look to the future and leave time for questions and answers.

### Private equity – new trends

*Presented by the Corporate and M&A Law Committee*

The session will discuss whether regulation of private equity imposes new obligations on asset managers. If so, what are these obligations and is a level playing field still guaranteed among private investors?

### Recent legislative developments and new case law in transfer pricing: is this the end of the arm's length principle?

*Presented by the Taxes Committee*

Protecting the tax base is becoming a key driver these days and some countries find that the current arm's length methodology is not leading to satisfactory results. The panel will review the new transfer pricing rules adopted in different jurisdictions and the potential introduction of the formulary apportionment (OECD draft report and EU consolidation approach) as well as the new transfer pricing interpretations proposed by the courts.

### Resolving disputes in the natural resources industry: expert arbitration needed!

*Presented by the Mining Law Committee*

Most natural resources transactions are extremely complex as they often involve several cross-border issues such as ownership of the natural resources, foreign investment, government involvement, language barriers, cultural views and of course different legal systems that may apply to the same matter.

Choosing the governing law and the place and language of arbitration, the arbitrator or arbitration institutions may become an unbearable burden when it comes to stopping failed negotiations and requesting the resolution of the dispute from a third party.

### Revision of EC Regulation 261 on passenger rights

*Presented by the Aviation Law Committee, the European Regional Forum and the Leisure Industries Section*

Regulation 261, 2004 introduced important new rights for air passengers in the event of being denied boarding, long delays and cancellations. The Regulation took effect in 2005 and sets a minimum level of quality standards which the airlines have to live up to, in order to protect passengers.

Ever since the Regulation came into force, airlines have been seeking juridical redress to avoid its application with the effect that the European Court of Justice delivered interpretations which were not always considered to be in line with pre-existing law.

The revision process of Regulation 261/2004 began in 2012. Will the EU take the concerns of the industry into consideration and what are these concerns? Will the new Regulation foresee provisions for



better enforcement, and why would this be necessary? The panel will try to seek a compromise on these and other questions, or is a compromise just not feasible? Regulation 261/2004 and its revision is not only applicable to EU airlines and passengers but to all airlines and passengers departing from an EU airport regardless of their nationality. Hence, although this is EU legislation, it will have an effect on the industry worldwide and is thus a reason for worldwide opposition.

## Sales in the digital age

*Presented by the Intellectual Property and Entertainment Law Committee, the International Sales Committee and the Technology Law Committee*

This session will address the use of digital media in cross border sales and related issues, such as e-signature, confidentiality and privacy issues, data protection, 'cloud computing', battle of forms, choice of law and forum, jurisdiction and litigation, fraud and the impact on digital sales, clickwrap, browsewrap, outsourcing, hyperlinks, infringement and related issues.

## 'Swimming with land sharks': property transactions and ethics

*Presented by the Professional Ethics Committee, Real Estate Law Committee and Young Lawyers' Committee*

This session addresses the nature of property transactions and the ethical obligations on lawyers in the context of regulation, property development and client protection. These are discussed in the context of various property transactions, including issues of:

- statutory requirements for property development;
- financing and accountability of lawyers;
- contract negotiations;
- confidentiality and disclosure requirements on parties;
- ethical obligations on lawyers involved in dispute resolution for property matters;
- protecting the rights of the client; and
- dealing with the unethical conduct of others and what professional standards are required.

## Tax fraud: causes and cures

*Presented by the Business Crime Committee and the Taxation Section*

The panel will first examine the underlying elements of tax fraud – is it pure greed or are there other reasons why avoidance steps over the line and becomes evasion? What parts do lack of resource on the part of investigators and widely different tax rates play and what perceptions surround the chances of being found out and prosecuted?

It will then look at the alternative attempts made in various jurisdictions to cure this widespread and international problem, from the imposition of severe custodial sentences at one extreme, to offering an amnesty from prosecution and fixed penalties at the other.

## The brave new world of sovereign debt

*Presented by the Banking Law Committee and the Securities Law Committee*

This panel will discuss the recent developments in the restructuring of Greece's sovereign debt, the Argentina sovereign debt case and the downgrades in the sovereign credit ratings of countries such as Italy and France. We will address the lessons to be learned from, among other things, hold-out litigation strategies, attachment actions and the use of injunctions. The panel will particularly focus on the 'war' between the restructured bondholders and the hold-outs as a result of the NY court decision newly interpreting pari passu clauses under NY law. The panel will particularly discuss the role of, and risks to, paying agents and other intermediaries as a result of the NY court's new interpretation of the pari passu clause, and the importance of collective action clauses as a way of neutralising the bargaining power or potential hold-outs.

## The impact of cybercrime

*Presented by the Criminal Law Committee and the Technology Law Committee*

The threat posed by cybercrime has grown exponentially over the past two decades with the rapid expansion of the technological world. This ever-evolving definition and danger of cybercrime will be discussed through a lively panel of technology and legal experts. Cyberterrorism, theft of intellectual property, trade secrets, money and/or identities, and even protective measures done by individual countries and through cooperation across borders will all be explored as we learn about this exciting new age of criminal activity.

## What every director should know about insurance cover and company indemnities

*Presented by the Corporate Counsel Forum and the Insurance Committee*

This session will review the insurance covers available and the ability to be indemnified by the company, and tips and traps.

## Thursday 1730 – 1830

### Open Committee Business Meeting

*Presented by the International Sales Committee*

An open meeting of the International Sales Committee will be held to discuss matters of interest and future activities.

## Friday 0930 – 1230

### Big data and sharing of data for data analytics

*Presented by the Technology Law Committee*

This session will consider how businesses are responding to 'big data' (the mine of data on which they operate) within the bounds of consumer advocate expectations as to transparency and disclosure and a range of privacy and data protection laws, and explore this change. The panel will discuss recent data sharing and analytics joint ventures between organisations in sectors as disparate as retail and banking and how these ventures have been structured to address such concerns. The session will not be a comparative analysis of privacy laws: rather, the focus will be on the commercial ventures in this new space.

### Corporate disasters: what to do when a corporate crisis hits; how to deal with the unexpected

*Presented by the Corporate Counsel Forum and the Litigation Committee*

When a major corporation faces allegations of serious wrongdoing, the spotlight can quickly become global and unrelenting, aided by a media which never sleeps and the internet connections of billions of people. Major accidents with loss of life, bribery and corruption allegations, solvency concerns and financial market wrongdoing in the last few years show that corporations from almost any industry sector can be affected, and may get little time to prepare for the storm. When disaster strikes, the corporation's survival may be at stake, and winning in the court of public opinion can be as important as defending civil claims and dealing with regulatory or criminal probes.

Using a 'live' hypothetical scenario, this session will discuss the roles that corporate counsel can play in managing disasters. As the scenario develops, we will look at how litigators can help, the role of specialist PR, how to balance the need to say sorry with the need to avoid admitting liability, and how to crisis-manage across borders.



## Developments in deals since 2007

*Presented by the Corporate and M&A Law Committee*

This session will explore recent macro trends in large public and private M&A transactions with a view to illustrating in what ways practices have changed or stayed the same since 2007, and what the real meaning of 'the new normal' might be. Speakers will include lawyers who have worked on some of the signature deals of the recent period. Part one of the session will look at public M&A, Part two at private M&A.

## 'Gone baby gone': anticipating and managing copyright Termageddon

*Presented by the Intellectual Property and Entertainment Law Committee*

The impact of authors' and artists' copyright reversion rights on music, media, films, books, and global downstream licensees.

## Incoterms® 2010 rules in a multimodal world (workshop)

*Presented by the International Sales Committee and the Land Transport Subcommittee, a subcommittee of the Maritime and Transport Law Committee*

Buyers, sellers, and their transportation intermediaries all depend on the correct and consistent use of INCOTERMS to clearly assign responsibilities and avoid unexpected liabilities. The terms were revised in 2010 following significant changes to global trade, to cargo security and the growing reliance on electronic documentation. Delegates will be provided with the tools to accurately identify, understand and use Incoterms® 2010.

## Recognition and enforcement of awards

*Presented by the Arbitration Committee*

This session will consider:

- The impact of new arbitration laws (eg France, Hong Kong): Do older arbitration laws need to be updated to catch up with the times (eg US, England)?
- The false promise of new arbitration laws where the judiciary is ill-prepared to apply the law.
- The UNCITRAL project of a New-York Convention Guide: towards a codification of the law of international arbitration?
- Can the enforcement, or the refusal of enforcement, of an international commercial award be a breach of the State's obligations under international law?

## Tax treatment of distressed assets and related issues

*Presented by the Taxes Committee*

The panellists will take the audience through the various international structures used by funds to invest in distressed assets, including the use of aggregators to reorganise the assets, and through the ways (eg securitisation) and the instruments (eg participating loans) aimed at marketing the non-participating assets while at the same time trying to avoid international tax exposure (eg establishment of PE by collecting agents).

## The role of secretaries and other third parties in assisting arbitral tribunals to render awards in international arbitration – a coffeehouse debate

*Presented by the Arbitration Committee and the Young Lawyers' Committee*

This session will explore the use by arbitrators of tribunal secretaries and other third parties, including counsel at the administering institution, law clerks, associates in law firms and in-house experts, in assisting arbitrators to fulfil their duty of determining the parties' dispute and rendering the award.

The session will identify existing concerns about the involvement of such third parties in the arbitral process:

- How visible should their contribution be to the parties?
- What are the limits to their involvement?
- Should the parties bear their costs as part of the costs of the arbitration?

This is a lively and controversial topic in light of the recent ICC revised note on the use of secretaries and concerns raised by commentators and practitioners about so-called 'super arbitrators' who attend tribunal deliberations after having been briefed on the issues in the case by a team of researchers.

## To communicate well is a way to excel – the value of internal and external communication

*Presented by the Law Firm Management Committee*

In our cyber age, communication tools are both proliferating and becoming more accessible, while we are complaining about 'information overload'. Yet often the impression prevails of not being properly informed.

Participants will discuss with expert panellists the best ways to organise the process of sharing information and the positive effects of transparent communication on motivation and reputation. Communication techniques and the question of which media platform to use for what purpose will be another focus of the session. Illustrative examples of when information should be communicated and to whom will be discussed. For law firms particular issues arise from the obligation to observe professional secrecy.

A separate part of the session will be dealing with the challenges of communicating across cultures. While speaking the same common language (English), lawyers from various jurisdictions may attach different meanings even to the same words. Participants will discuss with expert panellists ways in which lawyers can and should act as 'cultural guides', both to colleagues working in different legal systems and to clients.

## Friday 1000 – 1230

### Rule of Law Symposium

*Presented by the Rule of Law Action Group*

#### Corruption and the rule of law

*Keynote speaker*

**Paul Volcker** *American Economist and former Chairman of the Federal Reserve*

Respect for the rule of law is an essential component of democratic governance. Corruption on the part of state officials is calculated to undermine the rule of law and erode public confidence in government. It constitutes theft from the pockets of all citizens and undermines the moral fibre of the citizenry. As was famously stated by Justice Louis D Brandeis: 'Our government teaches the whole people by its example. If the government becomes the lawbreaker, it breeds contempt for law: it invites every man to become a law unto himself; it invites anarchy'. The elimination of fraud and theft on the part of state officials is essential to safeguard the rule of law.

## Friday 1430 – 1700

### Rule of Law Symposium

*Presented by the Rule of Law Action Group*

#### Magna Carta and the rule of law

2015 will mark the 800th anniversary of the Magna Carta, the 'great charter' that for the first time reigned in the power of absolute English monarchs. The idea that all are subject to the law, including kings and presidents, had its origin in Magna Carta. It is also the basis of the rule of law, the very heart of a democratic form of government. It is appropriate that the International Bar Association in 2013 should look ahead to the important anniversary of a document that has inspired democracy and the rule of law in many countries.

## Friday 1430 – 1730

### Corporate governance

*Presented by the Corporate and M&A Law Committee*

#### Careful: who wants to be a non-executive director?

#### Diversity: why is it important for a board?

The first part of this session will deal with non-executive directors; the key issues to be debated will be:

- What are the main issues and risks that a non-executive director should always bear in mind?
- What are the basic steps that a non-executive director should take to deal with such issues and to be protected against such risks?

The second part of the session will deal with issues surrounding diversity (gender, race) in the board of directors of public companies, including:

- What are the main initiatives around the world to promote diversity at board level?
- Are there any common trends?
- What is their current status? Are they working?

# Law Rocks! Boston

1930 – late

The Paradise Rock Club

Law Rocks! is a series of live 'battle of the bands' style rock concerts in which law professionals battle it out on stage for charity. Law Rocks! started in London four years ago and made its debut in the US last March.

This year, the world tour is coming to Boston, London, Los Angeles, and San Francisco, with events in the planning for 2014 in Chicago, Mexico City and Istanbul. The net proceeds of the Boston event will go to the **IBA Human Rights Institute** and the **Horizons for Homeless Children**, so if you want to battle it out on stage, or simply enjoy a night of great music for a good cause, visit [www.lawrocks.com](http://www.lawrocks.com).



Law Rocks! Boston is brought to you by;



Secretariat



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# Social programme

**THE CONFERENCE VENUE – JOHN B HYNES VETERANS MEMORIAL CONVENTION CENTER – WILL BE REFERRED TO THROUGHOUT THIS PROGRAMME AS THE HYNES CONVENTION CENTER.**

Social function tickets will **NOT** be confirmed until full payment is received at the IBA office. If full payment is not received by **Friday 30 August**, then ticket allocation will be released without further notice. 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.

## Ticket amendments and returns

All social function ticket bookings must be finalised by close of business on **Wednesday 25 September**. After this date all amendments, returns and purchases of social function tickets will only be possible upon arrival at the conference. Tickets returned in person, on-site, will be subject to a 25 per cent administration charge, and a refund will only be made if the ticket is resold. All refunds will be made from the London office after the conference. Please note that new ticket purchases will be subject to availability at the conference.

## 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.

## Committee socials

A full list of committee social functions will be sent to all delegates.

## Dress code

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

## Sponsorship

For details of all sponsorship opportunities at this conference, email [andrew.webster-dunn@int-bar.org](mailto:andrew.webster-dunn@int-bar.org).

## Sunday

1800 – 1930

### \*Opening ceremony

*Veterans Memorial Auditorium, Hynes Convention Center*

Transport will be provided directly after the Opening Ceremony, from the Hynes Convention Center to the Welcome party.

2000 – 2230

### \*Welcome party

*Museum of Fine Arts*

Taking place at one of the US's oldest art museums, the Museum of Fine Arts, tonight's welcome party will be an invitation for guests to explore art through the many mediums artists use to express themselves. Beyond its world-renowned collections, which run the gamut from contemporary to ancient works, the MFA itself is a stunning architectural feat with gorgeous interior and exterior spaces. Your evening will begin with artistic performers and a red carpet. All seven of the major areas in the museum offer you exposure to not only the highly-respected art collections of the museum, but also the live art of musical, dancing and cultural performers. The artistry will even expand to food, with drinks, hors d'oeuvres, and entrees whose exquisite taste and presentation will remind you that cooking is an art in itself.

Sponsored by   

## Monday

1230 – 1430

### Arab Regional Forum lunch

*Sheraton Boston Hotel*

Price: \$90

1230 – 1430

### European Regional Forum lunch

*Sheraton Boston Hotel*

Sponsored by 

Price: \$90

1230 – 1430

### North American Regional Forum lunch

*Sheraton Boston Hotel*

Price: \$90

1230 – 1430

### Women Lawyers' Interest Group lunch

*Sheraton Boston Hotel*

Price: \$90

1830 – 2030

### Host Committee reception

*Boston Museum of Science*

We would like to thank the following for kindly sponsoring this event: Bingham McCutchen; Dechert; Edwards Wildman Palmer; Foley Hoag; Goodwin Procter; Greenberg Traurig; McCarter English; McDermott Will & Emery; Mintz Levin, Cohn, Ferris, Glovsky & Popeo; Nixon Peabody; Proskauer; Ropes & Gray; Skadden; StrozFriedberg; Sullivan & Worcester; WilmerHale; Weil Gotshal & Manges; Boston Bar Association; and Massachusetts Bar Association.

## Tuesday

0800 – 0930

### The IBA Bar breakfast hosted by Bundesrechtsanwaltskammer, Deutscher Anwaltverein, and the Law Society of Scotland

*Sheraton Boston Hotel*





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0800 – 0930

**African Regional Forum breakfast***Sheraton Boston Hotel*

1230 – 1430

**Asia Pacific Regional Forum lunch***Sheraton Boston Hotel*

Price: \$90

1230 – 1430

**Corporate Counsel Forum lunch***Sheraton Boston Hotel*

Price: \$90

1230 – 1430

**Latin American Regional Forum lunch***Sheraton Boston Hotel*

Sponsored by



Price: \$90

1800

**\*Newcomers' reception***Sheraton Boston Hotel*

## Wednesday

0800 – 0930

**Family Law Committee breakfast***Sheraton Boston Hotel*

0800 – 0930

**The IBA Bar breakfast hosted by the American Bar Association***Sheraton Boston Hotel*

0800 – 0930

**Arbitration Committee breakfast***Sheraton Boston Hotel*

0800 – 0930

**Managing Partners' breakfast***Sheraton Boston Hotel*

1230 – 1430

**Legal Practice Division lunch***Sheraton Boston Hotel*

Price: \$90

## Thursday

### Morning

**IBA golf day***George Wright Golf Course**420 West Street, Hyde Park, MA02 136*

Price: \$220

0800 – 0930

**Academic and Professional Development Committee breakfast***Sheraton Boston Hotel*

1230 – 1430

**African Regional Forum lunch***Sheraton Boston Hotel*

Price: \$90

1230 – 1430

**Section on Public and Professional Interest lunch***Sheraton Boston Hotel*

Price: \$90

### Afternoon

**IBA football match**

Once again the famous IBA World Cup football match will challenge the collective team spirits of the Americans, the Latins, the North and Southern Europeans and the wider world. The cost is likely to be in the region of \$70, payable on the day or at the IBA registration desk at the conference. Transport and other arrangements will be confirmed nearer the time and emailed to delegates who have registered an interest. Please register your interest in playing prior to (or during) the conference week to Keith Oliver ([keoliver@petersandpeters.com](mailto:keoliver@petersandpeters.com)) or Pablo Vergara del Carril ([p.vergara@zbv.com.ar](mailto:p.vergara@zbv.com.ar)). All spectators will be welcome.

1800

**\*Young lawyers' reception***Sheraton Boston Hotel*

The highlight of the reception will be the presentation of the prestigious IBA Young Lawyer of the Year Award in recognition of William Reece Smith Jr.

Sponsored by LexisNexis®

1930 – late

**Law Rocks! Boston***The Paradise Rock Club*

Law Rocks! is a series of live 'battle of the bands' style rock concerts in which law professionals battle it out on stage for charity. Law Rocks! started in London four years ago and made its debut in the US last March. This year, the world tour is coming to Boston, Istanbul, London, Los Angeles, Mexico City and San Francisco.

The net proceeds of the event will go to the IBA Human Rights Institute and the Horizons for Homeless Children, so if you want to battle it out on stage, or simply enjoy a night of great music for a good cause, visit [www.lawrocks.com](http://www.lawrocks.com)

## Friday

1930 – 2230

**Closing party***The Boston Public Library*

This evening's closing party at the Boston Public Library will leave you with one word in mind: classical. Full of breath-taking architecture, art, and of course, the literary classics, this venue is the embodiment of the word 'classical'. Its various magnificent indoor and outdoor spaces with their ancient-Greek inspired columns will be a treat just to wander around. From the entrance and throughout the building, you will experience entertainment and food that is tinged with elements that are timeless. From the food to the entertainers, classical New England fare will transport you to a time and place that history reveres. You will also enjoy musical performances from a variety of genres.

Price: \$150



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# Conference information

## Conference headquarters

John B Hynes Veterans Memorial Convention Center  
900 Boylston Street  
Boston, MA, 02115  
Phone: (617) 954 2000  
Fax: (617) 954 2299  
[www.massconvention.com](http://www.massconvention.com)

## Registration

To register for the conference, please complete the enclosed registration form and send it by **25 September**, together with your payment, to:

**International Bar Association**  
**4th Floor, 10 St Bride Street**  
**London EC4A 4AD, United Kingdom**  
**Fax: +44 (0)20 7842 0091**  
**Email: [confs@int-bar.org](mailto:confs@int-bar.org)**

You can also register online at [www.ibanet.org/conferences/boston2013.aspx](http://www.ibanet.org/conferences/boston2013.aspx). Your registration will be acknowledged by email upon receipt of full payment and all registration and joining details will be available from the 'My IBA' section of the IBA website.

## Social functions

Social function tickets will **NOT** be confirmed until full payment is received at the IBA office. If full payment is not received by **Friday 30 August** tickets will be released without further warning.

As numbers may have to be limited for certain functions, tickets will be allocated on a 'first come, first served' basis. Requests for tickets for unregistered accompanying persons will only be granted at the discretion of the Head of Conferences.

## Accompanying persons

Accompanying person(s) must **NOT** be a member of the legal profession or use the conference as a business networking opportunity. Checks are made to ensure this is adhered to. If the IBA believes the accompanying person is attending in the above capacities the IBA reserves the right to refuse registration of the accompanying person and request they register as a full delegate for the conference. **Access to working sessions is not permitted for accompanying persons under any circumstance, with the exception of the Rule of Law Symposium.**

**Only registered accompanying persons (ie those paying the fee of \$350) are eligible to participate in the social programme, except with the prior agreement of the Head of Conferences.**

## Important dates

### Friday 19 July

**Early registration fee and preliminary list of participants** – registration forms and payment must be received at the IBA office by **Friday 19 July**. The preliminary list of participants will be available to all registered delegates at [www.ibanet.org/conferences/boston2013.aspx](http://www.ibanet.org/conferences/boston2013.aspx) by mid-August.

### Friday 30 August

**Conference list of participants** – for inclusion in the list of participants available at the conference, registration forms and payment must be received at the IBA office by **Friday 30 August**.

In addition to the printed list of participants, registered delegates will also have access to a mobile list of participants' application, available on PDAs and smartphones, to search through an up-to-

date directory of delegates, view their contact information, discover the location and times of speakers' sessions and send personal messages to one another.

**Online amendments/additions** – the last day that an individual can manually add social events, accompanying persons, change contact details, etc manually, online is **Friday 30 August**. After this date all amendments and/or additions to conference registrations must be done through the IBA office.

### Friday 30 August

**Social function tickets** – social function tickets will not be confirmed until full payment is received at the IBA office. If full payment is not received by **Friday 30 August** then tickets will be released without further notice.

### Wednesday 25 September

**Cancellation** – notice of cancellation must be received at the IBA office, in writing, by **Wednesday 25 September**. A 15 per cent administration charge will be deducted on registration fees and 25 per cent on social function tickets. After this date, no refunds can be made for registration fees; however, your registration fee can be transferred to a substitute delegate employed within your law firm/company. **Only one transfer/substitute per registration is permitted.** Social function tickets returned in person, on-site, will be subject to a 25 per cent administration charge, and a refund will only be made if the ticket is resold. All refunds will be made from the London office after the conference.

**Registration** – all registrations (online and by hard copy) must be received by close of business on **Wednesday 25 September** in order to be processed. Registrations received on or close to **Wednesday 25 September** could take several days to process due to the high volume received at this time. Therefore you may experience a short delay in your registration fee being processed and in some cases this will be after Wednesday 25 September. **Note:** After this date conference registration will be still possible on-site; the higher on-site registration fee will then apply.

**Social functions** – all social function ticket bookings must be finalised by close of business on **Wednesday 25 September**. After this date all amendments, returns and purchases of social function tickets will only be possible upon arrival at the conference. Tickets returned in person, on-site, will be subject to a 25 per cent administration charge, and a refund will only be made if the ticket is resold. All refunds will be made from the London office after the conference. Please note that new ticket purchases will be subject to availability at the conference.

**Fast track registration** – all delegates who have registered and paid for the conference, social functions and membership fees in full before the end of business on **Wednesday 25 September** will receive a voucher for the fast track registration desk. The voucher is scheduled to be emailed on **Thursday 3 October** to the email address indicated on the registration form. Please bring this voucher to the registration desk either in hard copy or on your smartphone.

## Cancellation/substitution

Any cancellation must be received at the IBA office, in writing, by **Wednesday 25 September** in order for fees to be refunded. A 15 per cent administration charge will be deducted from registration fees and 25 per cent administration charge on social function tickets.

**If you have made an accommodation booking, either through our housing agent JLC or independently, you are responsible for cancelling this separately. The IBA takes no responsibility for any financial penalties you may incur.**

To register – complete the registration form or book online at [www.ibanet.org/conferences/boston2013](http://www.ibanet.org/conferences/boston2013)





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\*Based on a survey of 4,660 Practical Law subscribers globally in November 2012. 4,157 respondents rated their likelihood of recommending Practical Law as between 7 and 10 out of 10, where 10 was the highest achievable mark.

After **Wednesday 25 September**, no refunds can be made for registration fees; however, your registration fee can be transferred to a substitute delegate employed within your law firm/company. **Only one transfer/substitute per registration is permitted.** Tickets returned in person, on-site, will be subject to a 25 per cent administration charge, and a refund will only be made if the ticket is resold. All refunds will be made from the London office after the conference.

## Registration fees

All prices are in US\$

	Before 19 July	20 July – 25 September	At the Conference
IBA members	US\$2,200	US\$2,530	US\$2,970
IBA members academics/ judges (full time)	US\$1,650	US\$2,530	US\$2,970
Senior lawyers*	US\$1,650	US\$2,530	US\$2,970
Public lawyers	US\$1,650	US\$2,530	US\$2,970
Young lawyers (under 30 years old)	US\$1,650	US\$2,530	US\$2,970
Non-members**	US\$2,640	US\$3,080	US\$3,410
Accompanying person(s)***	US\$350	US\$350	US\$350

\* Reduced rate is offered to lawyers who are over the age of 65, have been an IBA member for more than 20 years and are no longer practising law.

\*\* Non-members can register at the IBA rate if the IBA membership form is submitted at the same time as their conference registration.

\*\*\* Accompanying person(s) must **NOT** be a member of the legal profession or use the conference as a business networking opportunity. Checks are made to ensure this is adhered to. If the IBA believes the accompanying person is attending in the above capacities the IBA reserves the right to refuse registration of the accompanying person and request they register as a full delegate for the conference. Access to working sessions is not permitted for accompanying persons under any circumstance, with the exception of the Rule of Law Symposium. Only registered accompanying persons (ie those paying the fee of \$350) are eligible to participate in the social programme, except with the prior agreement of the Head of Conferences.

Registration forms received at the IBA office indicating incorrect registration fee selection will be processed at the correct registration fee rate. An email will be dispatched informing the delegate of this error and further conference documentation will not be available until the full registration fee has been received.

### Registration fees include:

- Attendance at all working sessions
- Conference documentation, including website access to any available speakers' papers, preliminary and conference list of participants
- Opening ceremony and welcome party on Sunday 6 October
- Lunches, Monday – Friday inclusive
- Tea and coffee during breaks

### Accompanying person fees include:

- Opening ceremony and welcome party on Sunday 6 October
- Attendance at the Rule of Law Symposium on Friday 11 October

The organisers may at any time, with or without giving notice, in their absolute discretion and without giving any reason, cancel or postpone the conference, change its venue or any of the other published particulars, or withdraw any invitation to attend. In any case, neither the organisers nor any of their officers, employees, agents, members or representatives shall be liable for any loss, liability, damage or expense suffered or incurred by any person, nor will they return any money paid to them in connection with the conference unless they are satisfied not only that the money in question remains under their control but also that the person who paid it has been unfairly prejudiced (as to which, decision shall be in their sole and unfettered discretion and, when announced, final and conclusive).

## Payment of registration fees

**US dollars:** by cheque drawn on a US bank and in favour of the International Bar Association. Please send to: 4th Floor, 10 St Bride Street, London EC4A 4AD, United Kingdom.

**OR** by bank transfer to the IBA account number: 01286498 (Sort Code 56-00-03) at the National Westminster Bank, St James's & Piccadilly Branch, 208 Piccadilly, London W1A 2DG, United Kingdom.

**OR** SWIFT address NWBKGB2L, IBAN GB55NWBK60730101286498.

**Please ensure that a copy of the bank transfer details is attached to your registration form and sent to the IBA office.**

**Pounds sterling:** by cheque drawn on a UK bank and converted at the current rate of exchange in favour of the International Bar Association. Please send to: 4th Floor, 10 St Bride Street, London EC4A 4AD, United Kingdom.

**OR** by bank transfer, converted at the current rate of exchange to the IBA account number: 13270222 (Sort Code 56-00-03) at the National Westminster Bank, St James's & Piccadilly Branch, 208 Piccadilly, London W1A 2DG, United Kingdom

**OR** SWIFT address NWBKGB2L, IBAN GB05NWBK56000313270222.

**Please ensure that a copy of the bank transfer details is attached to your registration form and sent to the IBA office.**

**Euro:** by bank transfer, converted at the current rate of exchange, to the IBA bank account number 06570631 (Sort Code 56-00-03) at the National Westminster Bank, St James's & Piccadilly Branch, 208 Piccadilly, London W1A 2DG, United Kingdom.

**OR** SWIFT address NWBKGB2L, IBAN GB58NWBK60721106570631.

**Please ensure that a copy of the bank transfer details is attached to your registration form and sent to the IBA office.**

**PLEASE ENSURE THAT YOUR NAME, MEMBERSHIP NUMBER (if applicable) AND THE WORDS 'CON483+ BOSTON' APPEAR ON ANY TRANSFER OR DRAFT.**

**Credit card payments:** by Visa, MasterCard or American Express.

**No other cards are accepted. Credit cards will be charged in US\$.**

Your credit card company will convert this cost to the currency of your credit card.

Receipt of payment without submitting a fully completed registration form does not constitute a 'complete' registration and will not secure your place at the conference. Registrations will only be confirmed once the IBA London Office is in receipt of both the completed registration form and full payment.

## No deductions or withholdings

All fees payable to us by you in accordance with the terms contained in this 'information' section shall be paid free and clear of all deductions or withholdings whatsoever.

If any deductions or withholdings are required by law to be made from any fees payable to us by you under the terms contained in this 'information' section you shall pay such sum as will, after the deduction or withholding has been made, leave us with the same amount as we would have been entitled to receive in the absence of any such requirement to make a deduction or withholding.

If we obtain the benefit of any tax credit or other relief by reference to any such deductions or withholdings, then we shall repay to you such amount as, after such repayment has been made, will leave us in no worse position than we would have been had no such deductions or withholdings been required.

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**know the  
right thing?**



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## Group/agent/third-party bookings

The IBA is unable to process group registrations or registrations supplied through an agency. Registration, payment and all conference correspondence must be made directly with the registered delegate and not via a third party. Should we receive a conference registration and/or payment from a third party the registration will not be processed and the funds will be returned automatically to the bank they originated from with any applicable charges deducted.

## Refund of payments

All cancellations received on or before **25 September 2013** will be subject to a 15 per cent administration charge deducted on registration fees and 25 per cent on social function tickets.

Refunds will only be made via the payment method they were originally sent, if a payment is refunded via bank transfer it will also be subject to any applicable bank charges.

## Cancellation of registration

Provided you have cancelled your registration to attend an IBA conference in accordance with the terms of the 'cancellation of registration' clause included in the 'Information' section of the relevant conference programme, you must then confirm to us in writing at the IBA office as soon as possible but in no event later than one year (12 calendar months) from the date of any such conference all necessary details to enable any reimbursement owed to you to be paid. We regret that no refunds will be made after the date that is one year (12 calendar months) after the date of the relevant conference.

International Bar Association is incorporated as a Not-for-Profit Corporation under the laws of the State of New York in the United States of America and is registered with the Department of State of the State of New York with registration number 071114000655 and the liability of its members is limited. Its registered office in New York is at c/o Capital Services Inc, 1218 Central Avenue, Suite 100 Albany, New York 12205 – **please note that conference registrations cannot be accepted at this address:** the administrative office of the Association is at 4th Floor, 10 St Bride Street, London EC4A 4AD, United Kingdom.

## Language

The working language for both the sessions and conference materials is English.

## Registration check-in

The registration desk will be located in Exhibition Hall D, on the 2nd floor of the Hynes Convention Center. Once you have collected your documents you must display your name badge clearly at all times within the Hynes Convention Center, Sheraton Boston Hotel and at IBA social events.

## Badges

For security reasons, name badges must be worn at all times during the conference and at social functions. Your name badge is your pass for the opening ceremony and welcome party. Access to the Hynes Convention Center once you have collected your registration documentation will be denied unless you are wearing the correct conference badge. Please note access for accompanying persons within the Hynes Convention Center is limited to the Registration/Exhibition area. Accompanying persons are not permitted to attend sessions under any circumstances, with the exception of the Rule of Law Symposium. Security checks will be in place and staff will challenge delegates not wearing a valid conference badge. Proof of identity is required for replacement badges.

## Registration hours are:

Saturday	1500 – 1800
Sunday	1000 – 1800
Monday – Thursday	0830 – 1730
Friday	0830 – 1430

## Conference materials

From **Monday 30 September** all conference materials received by the IBA will be available for registered delegates to access and download free of charge from [www.ibanet.org/conferences/boston2013.aspx](http://www.ibanet.org/conferences/boston2013.aspx)

## Access for the disabled

The Hynes Convention Center is accessible by wheelchair. Please notify us if you require special assistance.

## Entry formalities

All delegates are responsible for checking visa entry requirements for the United States. Applications can take up to several months to process and some delegates will have to apply for their visa in person at their local embassy. Please contact your local embassy for entry formalities and apply for any required visa well in advance.

**US Visa Waiver Programme (VWP)** – since 2009 travellers to the US previously eligible to visit under the VWP are now required to obtain travel authorisation prior to travel, for further information visit [http://travel.state.gov/visa/temp/without/without\\_1990.html](http://travel.state.gov/visa/temp/without/without_1990.html)

For further information please visit the following website: <http://www.usembassy.gov>

We strongly advise that you check with your embassy a month prior to travelling to ensure that entry requirements have not changed. We are unable to send visa supporting application letters to delegates prior to receipt of your registration form and full payment of fees. **For bank transfer payments** a copy of your bank transfer details is required in order to locate your payment. Upon receipt of the transfer documents the IBA will allocate the payment within five working days, and once this is successfully completed registration confirmation will automatically be sent by email.

## Continuing Professional Development/ Continuing Legal Education

The conference has been accredited for 25 hours of CPD/CLE by the Solicitors Regulation Authority of England and Wales. New York and Californian attorneys may submit their certificates of attendance issued, and apply this credit earned to their New York and Californian CLE requirement.

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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IBA membership offers the opportunity to meet, to interact with and to learn from like-minded lawyers and leading practitioners in many jurisdictions, right across the planet. Our membership roll runs to over 50,000 of the world's top lawyers and over 200 Bar Associations and Law Societies worldwide.

Whatever your field of specialisation, we can provide you with instant access to a global network of fellow lawyers who are used to applying their local knowledge to the same or similar issues.

The IBA's on-going series of conferences and specialist meetings provides the perfect forum for convivial and constructive networking. Many an international merger or acquisition has been conceived at an IBA meeting and there are more than a few lawyers who say that joining the IBA was probably one of their more astute career moves.

What is more, the ability to market their firm in the right international circles has proven invaluable in many cases.

With membership of the International Bar Association, you can be sure of having all the right friends in all the right places, worldwide.

To find out more about the IBA and the benefits that membership could bring to your firm please contact membership services on:

Tel: +44 (0)20 7842 0090 Fax: +44 (0)20 7842 0091

Email: [member@int-bar.org](mailto:member@int-bar.org) or visit [www.ibanet.org](http://www.ibanet.org).



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# Registration form

## For office use only

Membership number:

Family Name:

- Registrations cannot be acknowledged or processed at the IBA office after **Wednesday 25 September**.
- This form is valid for one delegate only. Copies may be made for additional registrations.

**PLEASE RETURN THIS FORM TO:** International Bar Association  
4th Floor, 10 St Bride Street, London EC4A 4AD, United Kingdom  
Fax: +44 (0)20 7842 0091 Email: [confs@int-bar.org](mailto:confs@int-bar.org)

## PLEASE TYPE OR USE BLOCK LETTERS OR ATTACH A BUSINESS CARD

Title \_\_\_\_\_ Given name \_\_\_\_\_ Family name \_\_\_\_\_

Name and country to be shown on badge (if different from above) \_\_\_\_\_

IBA membership number (if applicable) \_\_\_\_\_ Date of birth \_\_\_\_\_

Firm/company/organisation \_\_\_\_\_

Address \_\_\_\_\_

Tel \_\_\_\_\_ Fax \_\_\_\_\_

Email \_\_\_\_\_

## GROUP/AGENT/THIRD-PARTY BOOKINGS

The IBA is unable to process group registrations or registrations supplied through an agency. Registration, payment and all conference correspondence must be made directly with the registered delegate and not via a third party. Should we receive a Conference registration and/or payment from a third party the registration will not be processed and the funds will be returned automatically to the bank they originated from with any applicable charges deducted.

## ACCOMPANYING PERSON(S)

\* Please note that an accompanying person fee of \$350 is applicable. **Accompanying persons must not be a member of the legal profession or use the conference as a business networking opportunity.** Checks are made to ensure this is adhered to. If the IBA believes the accompanying person is attending in the above capacities the IBA reserves the right to refuse registration of the accompanying person and request they register as a full delegate for the conference. **Access to working sessions is not permitted for accompanying persons under any circumstance, with the exception of the Rule of Law Symposium.**

1. Name \_\_\_\_\_ Country \_\_\_\_\_

2. Name \_\_\_\_\_ Country \_\_\_\_\_

3. Name \_\_\_\_\_ Country \_\_\_\_\_

4. Name \_\_\_\_\_ Country \_\_\_\_\_

## LIST OF PARTICIPANTS

If you already have a confirmed hotel booking please enter details here in order for it to be included in the conference list of participants.

**NOTE:** Completing this section **DOES NOT** constitute a hotel reservation. If you wish to make a hotel booking please complete and submit the separate accommodation form to our official housing agent JLC.

In order for your name to appear in the preliminary list of participants, available on the IBA website, your registration must be received at the IBA office by **Friday 19 July** at the latest.

In order for your name to appear in the conference list of participants, available at the conference, your registration must be received at the IBA office by **Friday 30 August** at the latest.

## SPECIAL DIETARY REQUIREMENTS

If you have special dietary requirements, due to religious or medical reasons, please specify the requirement and indicate the number of meals per function. **The IBA is unable to cater for dietary requirements other than for the above reasons.**

Please state dietary requirements clearly, ie I am a vegetarian, I do not eat red meat, I am allergic to nuts, etc

Meal requirement	Function	Date	No of meals

For official use only	Payment _____	Over-payment _____	Banked _____	Under-payment _____
	Ref no _____	Refund _____	Processed by _____	General _____

To register – complete the registration form or book online at [www.ibanet.org/conferences/boston2013](http://www.ibanet.org/conferences/boston2013)



## A REGISTRATION FEES

Registration fees will be refunded, less a 15 per cent administration charge and social function tickets less a 25 per cent administration charge, if cancellation notification is received in writing at the IBA office no later than **Wednesday 25 September 2013**. We regret that no refunds can be made after this date.

**(Please see pages 85–89 before completion) All prices are in US\$.**

	<i>On or before 19 July</i>	<i>20 July – 25 September</i>	<i>At the Conference</i>	<i>Amount payable</i>
IBA members	US\$2,200	US\$2,530	US\$2,970	US\$
IBA members academics/judges (full time)	US\$1,650	US\$2,530	US\$2,970	US\$
Senior lawyers*	US\$1,650	US\$2,530	US\$2,970	US\$
Public lawyers	US\$1,650	US\$2,530	US\$2,970	US\$
Young lawyers (under 30 years old)	US\$1,650	US\$2,530	US\$2,970	US\$
Non-members**	US\$2,640	US\$3,080	US\$3,410	US\$
Accompanying person(s)***	US\$350	US\$350	US\$350	US\$
<b>Total registration fees</b>				<b>A US\$</b>

☐ Please tick box if you are a speaker and **ONLY** attending your working session

Please state the title of your working session and the day it is being held during the week of the conference.

\*Day \_\_\_\_\_

\*Session title \_\_\_\_\_

**\* To be completed by speakers ONLY who are participating in working sessions.**

☐ Please tick box if you are interested in attending the Rule of Law Symposium on Friday 11 October.

\* Reduced rate is offered to lawyers who are over the age of 65, have been an IBA member for more than 20 years and are no longer practising law.

\*\* Non-members can register at the IBA rate if the IBA membership form is submitted at the same time as their conference registration.

\*\*\* Accompanying person(s) must **not** be a member of the legal profession or use the conference as a business networking opportunity. Checks are made to ensure this is adhered to. If the IBA believes the accompanying person is attending in the above capacities the IBA reserves the right to refuse registration of the accompanying person and request they register as a full delegate for the conference. Access to working sessions is not permitted for accompanying persons under any circumstance, with the exception of the Rule of Law Symposium.

Registration forms received at the IBA office indicating incorrect registration fee selection will be processed at the correct registration fee rate. An email will be dispatched informing the delegate of this error and further conference documentation will not be available until the full registration fee has been received.

## B CONFERENCE SOCIAL FUNCTIONS

Social function tickets will not be confirmed until full payment is received at the IBA office.

If full payment is not received by **Friday 30 August**, tickets will be released without further notice.

For all conference social event sponsorship opportunities, email **andrew.webster-dunn@int-bar.org**

**(Please see pages 81–83 before completion) All prices are in US\$.**

		<i>Price per ticket</i>	<i>No of tickets required</i>	<i>Amount payable</i>
<b>Monday</b>	Arab Regional Forum lunch	US\$90		US\$
	European Regional Forum lunch	US\$90		US\$
	North American Regional Forum lunch	US\$90		US\$
	Women Lawyers' Interest Group lunch	US\$90		US\$
<b>Tuesday</b>	Asia Pacific Regional Forum lunch	US\$90		US\$
	Corporate Counsel Forum lunch	US\$90		US\$
	Latin American Regional Forum lunch	US\$90		US\$

**B CONFERENCE SOCIAL FUNCTIONS – CONTINUED**

		<i>Price per ticket</i>	<i>No of tickets required</i>	<i>Amount payable</i>
<b>Wednesday</b>	Legal Practice Division lunch	US\$90		US\$
<b>Thursday</b>	IBA Golf Day	US\$220		US\$
	African Regional Forum lunch	US\$90		US\$
	Section on Public and Professional Interest lunch	US\$90		US\$
<b>Friday</b>	Closing party	US\$150		US\$
<b>Total conference social functions</b>				<b>B US\$</b>

**C COMMITTEE SOCIAL FUNCTIONS**

<i>Event</i>	<i>Price per ticket</i>	<i>Time</i>	<i>Location</i>	<i>No of tickets required</i>	<i>Amount payable</i>
<b>Monday 7 October</b>					
Individual Tax and Private Client Committee lunch (AA)	US\$151	1300	Mistral		US\$
Committees on Environment, Health and Safety Law and Water Law joint dinner (AB)	US\$177	2000	Mamma Maria		US\$
<b>Tuesday 8 October</b>					
Committees on Banking Law and Securities Law joint lunch (AD)	US\$150	1245	Grill 23		US\$
Antitrust Committee lunch (AE)	US\$138	1300	The Harvard Club of Boston		US\$
Corporate Social Responsibility Committee dinner (AF)	US\$117	2000	Rustic Kitchen		US\$
Criminal Law Section dinner (AG)	US\$75	2000	Trade		US\$
Insolvency Section reception and dinner (AH)	US\$174	2000	The Harvard Club of Boston		US\$
International Franchising Committee dinner (AI)	US\$171	2000	Legal Harborside		US\$
Investment Funds Committee and Private Investment Funds Subcommittee joint dinner (AJ)	US\$193	2000	Top of the Hub		US\$
LGBT Issues Subcommittee dinner and entertainment (AK)	US\$75	2000	Club Café		US\$
Real Estate Section dinner (AL)	US\$84	2000	Mamma Maria		US\$
Taxation Section dinner (AM)	US\$190	2000	Boston Harbor Hotel		US\$
Law Firm Management Committee dinner (AN)	US\$165	2030	Davio's		US\$
Art, Cultural Institutions and Heritage Law Committee dinner (AO)	US\$176	2030	Grill 23		US\$
Section on Energy, Environment, Natural Resources and Infrastructure Law (SEERIL) dinner (AP)	US\$198	2030	Taj Roofdeck		US\$
Closely Held and Growing Business Enterprises Committee dinner (AQ)	US\$167	2100	Mistral		US\$
<b>Wednesday 9 October</b>					
Arbitration Committee reception and dinner (AR)	US\$150	1930	JFK Library and Museum		US\$
Intellectual Property and Entertainment Law Committee dinner cruise (AS)	US\$176	1930	Seaport Elite II		US\$
Aviation Law Committee dinner (AT)	US\$171	2000	Legal Harborside		US\$
Capital Markets Forum dinner (AU)	US\$159	2000	Capital Grille		US\$
Corporate and M&A Law Committee dinner (AV)	US\$150	2000	Massachusetts State House		US\$





## C COMMITTEE SOCIAL FUNCTIONS – CONTINUED

Event	Price per ticket	Time	Location	No of tickets required	Amount payable
<b>Wednesday 9 October – continued</b>					
Committees on Employment and Industrial Relations Law and Discrimination and Equality Law joint dinner (AW)	US\$145	2000	Taj Roofdeck		US\$
International Construction Projects Committee dinner (AX)	US\$179	2000	Grill 23		US\$
Insurance Committee dinner (AY)	US\$106	2030	Davio's		US\$
Trade and Customs Law Committee dinner (AZ)	US\$75	2030	Capital Grille		US\$
<b>Thursday 10 October</b>					
Litigation Committee lunch cruise (BA)	US\$79	1245	The Odyssey		US\$
Bar Issues Commission dinner (BB)	US\$153	1930	Boston University Castle		US\$
Committees on Communications Law, Media Law, Space Law and Technology Law joint dinner (BC)	US\$197	1930	Taj Roofdeck		US\$
International Sales, Franchising and Product Law Section and Consumer Litigation Committee dinner (BD)	US\$181	1930	Grill 23		US\$
Maritime and Transport Law Committee dinner (BE)	US\$180	1930	The State Room		US\$
Mining Law Committee dinner (BF)	US\$194	1930	The Harvard Club Downtown		US\$
Immigration and Nationality Law Committee dinner (BG)	US\$148	2000	Hampshire House		US\$
Leisure Industries Section and Young Lawyers' Committee joint dinner (BH)	US\$145	2000	Rosa Mexicano		US\$
<b>Friday 11 October</b>					
International Construction Projects Committee excursion and lunch (BI)	US\$125	0830	'Old Ironsides', the USS Constitution Museum and Concord		US\$
<b>Total committee social functions</b>				<b>B</b>	<b>US\$</b>
<b>Total payment due</b>				<b>A + B + C</b>	<b>US\$</b>

### METHODS OF PAYMENT

**US dollars:** by cheque drawn on a US bank and in favour of the International Bar Association. Please send to: 4th Floor, 10 St Bride Street, London EC4A 4AD, United Kingdom.

**OR** by bank transfer to the IBA account number: 01286498 (Sort Code 56-00-03) at the National Westminster Bank, St James's & Piccadilly Branch, 208 Piccadilly, London W1A 2DG, United Kingdom.

**OR** SWIFT address NWBKGB2L, IBAN GB55NWBK60730101286498. **Please ensure that a copy of the bank transfer details is attached to your registration form and sent to the IBA office.**

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## CANCELLATION/SUBSTITUTION

Notice of cancellation must be received at the IBA office, in writing, by **Wednesday 25 September**. A 15 per cent administration charge will be deducted on registration fees and 25 per cent on social function tickets. After this date, no refunds can be made for registration fees; however, your registration fee can be transferred to a substitute delegate employed within your law firm/company, only one transfer/substitute per registration is permitted. Tickets returned in person, on-site, will be subject to a 25 per cent administration charge, and a refund will only be made if the ticket is resold. All refunds will be made from the London office after the conference. **If you have made an accommodation booking, either through our housing agent JLC or independently, you are responsible for cancelling this separately. The IBA takes no responsibility for any financial penalties you may incur.**

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