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OCTOBER 18-21

FALL **2016**
MEETING



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Dear Colleagues,

On behalf of the American Bar Association Section of International Law (the “Section”), we are pleased to welcome you to Tokyo, Japan, for what promises to be a very memorable Fall Meeting. 東京へようこそ！

While you are in Tokyo, please be sure to participate in all the amazing programs and events the Fall Meeting has to offer. We are excited to open the Fall Meeting with a joint reception at the conference hotel the Tokyo Hilton with local bar associations. Other featured events include Tuesday’s Hospitality Night, providing attendees with a unique opportunity to personally get to know the Tokyo legal community, a 5km Fun Run on Wednesday morning, a reception on Thursday at Happo-en, and a Chair’s Closing Reception on Friday at Gonpachi.

In addition to incredible networking opportunities, the Fall Meeting will feature more than 60 panels highlighting different aspects of the theme of the conference – “The Pacific Century: Progress and Predictions.” These panels will feature speakers from around the world on a variety of topics. In addition, for those of you needing ethics credit, programs requested for ethics CLE are noted in the following pages. We are also excited to hear from our exceptional luncheon speakers the Honorable Kunio Hamada, former justice of the Supreme Court of Japan; Hyeonsoo Lee, a North Korean defector and journalist; and Mitsuru Claire Chino, Executive Officer and General Manager of the Legal Division of Itochu Corporation.

The Section’s 64 committees are its true heart and will be front and center at this Meeting. Committees will have many opportunities to meet, giving all attendees a chance to learn more about one or more committees – whether you are an existing member of the committee or are just exploring! There will be some committee dinners organized by the committees after the reception on Tuesday in addition to committee breakfasts on Wednesday and Thursday morning. Please speak with the staff members at the registration desk for more information.

This Fall Meeting provides a great opportunity to meet with leaders in the Section and to make contacts that can last a lifetime.

We thank you all for joining us in beautiful Tokyo and look forward to sharing the coming days with you!

Sara P. Sandford
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Broad & Bright Law Firm - Antitrust Team

Broad & Bright, founded in 2004, is a full-service Chinese law firm providing a broad range of specialized legal services in multiple practice areas for domestic and international clients. Among the various practice areas, Broad & Bright is one of the leading law firms in antitrust law practice in China.



BB is widely recognized as the tier 1 antitrust team and has won a lot of awards for the excellent performance in antitrust area, including Antitrust Firm of the Year by Chamber and Partners 2014, China Law and Practice 2013 and 2014, ACQ Global Awards, etc.

The antitrust team of Broad & Bright has extensive experience and expertise in the competition law practice, including merger control review, cartel investigation, antitrust compliance and counseling. The quality service has won the recognition by the clients and the legal society. It has been awarded by prestigious legal ranking publications such as Chambers, Global Competition Review, China Business Law Journal, and Asian Law & Practice.

Experience in Anti-monopoly Practice

Since August 1, 2008, MOFCOM has reviewed around 2,000 transactions to date, out of which Broad & Bright has represented hundreds of filings, many of which are either high profile or significant cases. Broad & Bright is one of the local firms that handle most of the cases.

Broad & Bright is experienced and has the expertise in handling sensitive and complicated cases. In MOFCOM's 27 conditional approvals so far, Broad & Bright handled over one third of the cases, including China's first conditional approval of Inbev's acquisition of Anheuser-Busch. In 2009, Broad & Bright represented Coca-Cola in its acquisition of Huiyuan case, which is one of the most complicated filings in China. In 2015, Broad & Bright assisted Seagate in successfully obtaining approval by MOFCOM to lift its "hold separate"

restriction, which is the first case where the "hold separate" conditions were completely released. Within the same year, Broad & Bright represented NXP in its acquisition of Freescale, which is the first conditional approval of MOFCOM where the "upfront buyer" situation was involved in the divestment remedy.

Broad & Bright has also advised many clients on various antitrust issues, including representing clients in cartel investigations and other behavioral investigations with National Development and Reform Commission (NDRC).

In addition, Broad & Bright has extensive experience in advising international companies in compliance with the AML.



Key Members

Ms. Feng Yao is one of the founding members of Broad & Bright since 2004 and she is also the head of BB's antitrust team. She graduated from Jilin University Law School, Jilin, China, with a LL.B. and from Columbia Law School, New York, with a LL.M. Upon graduation from Jilin University, she worked in MOFTEC (now the Ministry of Commerce) as governmental counsel and later worked at Washington D.C. Office of Covington & Burling till 2003.

With more than 130 fully-qualified Japanese lawyers, five foreign attorneys and several other professional staff, including judicial scriveners, City-Yuwa Partners, is one of the leading law firms in Japan. City-Yuwa Partners routinely counsels its clients in areas ranging from, among others, general corporate, mergers and acquisitions, real property transactions, intellectual property, cross-border investments, anti-competition, renewable energy, environmental, corporate compliance, regulatory, banking and finance, ongoing operations of real estate projects, insolvency and bankruptcy, and virtually all aspects of international and domestic business transactions. Clients of City-Yuwa Partners cover companies across a spectrum of industries, including governmental institutions and entrepreneurial companies.

Many partners and associates at City-Yuwa Partners have obtained accreditation in the US or the UK, and have relevant work experience at leading law firms in the US, the UK, Germany, Belgium, Russia, Korea, Vietnam, France, Singapore, Australia and even at the ICC International Court of Arbitration in Paris. With this broad professional expertise, the lawyers of City-Yuwa Partners understand the challenges and concerns of our overseas clients as well as the difference in business cultures, and can offer practical advice and solve any complex legal issues confronting clients. City-Yuwa Partners has also developed extensive relationships with distinguished law firms around the globe and work closely with these firms on various cross-border transactions and disputes. City-Yuwa Partners offers its legal services to foreign clients in the English, German and Korean languages.

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TUESDAY, OCTOBER 18

Programs Held in Kiku Foyer will be translated Wednesday through Friday

TUESDAY, OCTOBER 18, 2016

12:00 PM – 6:30 PM *Kikka&Kikuyo*
Meeting Registration Open

9:00 AM – 12:00 PM *Yamato Higashi*
Council Meeting

The Council (理事会) is the Section of International Law's (米国法曹協会の国際法セクション) policy-making body, and the source of much of the American Bar Association's international policy initiatives. In the past few years, the Council has proposed and debated a model U.S. law on freezing orders in litigation, elements of the Hague Convention on Choice of Court Agreements, and other key international legal issues. At this meeting the Council will debate major international law policy initiatives, and will be addressed by visiting dignitaries and bar leaders. The Council Meeting is open to all Fall Meeting registrants. *A light breakfast will be provided for Council members from 8 am-9 am.*

4:00 PM – 5:15 PM *Yamato Higashi*
Pathways to Employment in International Law (Non-CLE)

Join us for this valuable 'how to' program for law students and young lawyers seeking to bring their skills to the global arena, as well as experienced practitioners who wish to expand their practices into international law. This Pathways panel is a joint program with the ABA Young Lawyers Division and will feature young lawyers who have built or expanded successful international practices.

Moderator:
Joyce Williams, SILLAC, S.C.,
Washington, DC

Speakers:
Paula F. Henin, Skadden Arps, London,
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6:00 PM – 7:30 PM *Kikuen, Kiku Foyer & Kiku Lobby*

Joint Reception with Local Bar Association

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Start the 2016 Fall Meeting by getting to know your fellow attendees. As the Meeting progresses, you will be able to share thoughts and experiences with the new colleagues and friends you meet at this opening reception.

One ticket per person is included as part of your Fall Meeting registration fee; this reception is free to meeting attendees who have registered for the entire conference.

WEDNESDAY, OCTOBER 19, 2016**6:30 AM – 6:30PM***Kikka & Kikuyo***Registration and Exhibit Hall Open Hours****6:50 AM – 8:00 AM****Meeting Fun Run/Walk**

Ticketed Event—\$15

Join us for a Fun 5K Run or 1 Mile Walk in Shinjuku. The entrance fee includes t-shirt and post-run refreshments. Please gather at Registration **no later than 6:45 AM**.

8:00 AM – 8:50 AM*Kikuen***Continental Breakfast & Committee Breakfast Meetings**

The Section's more than sixty (60) substantive committee are its engine, and are the easiest way to get active in the Section of International Law. Join us to learn more about the Section's committees and their activities, as well as opportunities to become more active in the committees and the Section.

9:00 AM – 10:30 AM*Kiku Foyer***Plenary Session – Globalization of Attorney-Client Privilege – The Asian Perspective**

With the role of lawyers growing in governmental investigations and civil litigation, the value of attorney-client privilege, which was originally created in common law countries, has been well-recognized globally. Asian countries are not an exception. Attorney-client privilege is one of the hottest and most controversial topics in Asia, including in Japan, Korea and beyond. In this session, speakers will discuss the value of the privilege and the challenges in introducing, using and enforcing it in civil law systems.

Panel Chairs:

Sara Sandford, *Garvey Schubert Barer, Seattle, WA*

Kimitoshi Yabuki, *Yabuki Law Offices, Tokyo, Japan*

Moderator:

Kimitoshi Yabuki, *Yabuki Law Offices, Tokyo, Japan*

Speakers:

Tatsu Katayama, *Anderson Mōri & Tomatsune, Tokyo, Japan*

Sae Youn Kim, *Yulchon LLC, Seoul, Republic of Korea*

Linda A. Klein, *President, American Bar Association, Atlanta, Georgia*

Steven M. Richman, *Clark Hill PLC, Princeton, NJ*

Ran Ruixue, *Covington, Beijing, China*

10:30 AM – 11:00 AM**Networking Break****11:00 AM – 12:30 PM***Kiku Foyer***Multijurisdictional Merger Control in Asia-Pacific***Proudly Sponsored By:*

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Over the last decade, obtaining merger clearances for multijurisdictional transactions has become an exercise in regional and global strategy, as regulators have increased the frequency and depth of their cooperation. Managing multijurisdictional merger reviews requires practitioners to walk a fine line between keeping a global perspective so as to keep a unified approach on the transaction (to the extent warranted by the facts), while also covering the needs and requirements of multiple national regulators. This program aims to provide guidance on maintaining this balance, covering five major Pacific Rim jurisdictions (Australia,

China, Japan, Korea and the United States) and addressing:

- The current enforcement priorities in each jurisdiction and the agenda currently being pursued by the antitrust authorities.
- Sector-specific rules as well as non-competition related matters that could affect the regulators' decision-making processes, including the role of national champions and foreign investment restrictions.
- A review of each authority's approach to remedies and the competition law theories being pursued.
- The participation of third parties in the process, including their role in the negotiation of divestments.
- The type of interactions among various national agencies and the impact of such interaction on the review process.

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Moderator:

Alfredo O'Farrell, *Marval, O'Farrell & Mairal, Buenos Aires, Argentina*

Speakers:

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Michael H. Byowitz, *Wachtell, Lipton, Rosen & Katz, New York, NY*

Cecil Saehoon Chung, *Yulchon LLC, Seoul, Republic of Korea*

Yao Feng, *Broad & Bright, Beijing, China*

Etsuko Hara, *Anderson Mōri & Tomotsune, Tokyo, Japan*

11:00 AM – 12:30 PM *Kotsura & Kasuga*

Trans-Pacific Partnership (TPP): Progress Made and Expected Impact on Trade with Asia-Pacific Region with a focus on Customs, Rules of Origin and Market Access

The Trans-Pacific Partnership (TPP) is considered as one of the most ambitious and modern free trade agreements, including 12 parties and representing 40% of global GDP. Concluded on October 5, 2015, it is in the process of being implemented by the various parties. The TPP is made up of some 1,200 pages of text. This program seeks to revisit, after one year, where we have come, and where we are going. By the date of this program, many of the 12 countries will have ratified and began to implement the TPP and this will be a valuable supplement to the Section's highly successful December 3, 2015 TPP webinar and our committee-sponsored program in Montréal that could only focus on the text before it had been ratified by any country. Our focus will be on hotly negotiated customs, rules of origin and market access issues which almost derailed the negotiations with a focus on the expected impact on trade with and among the Asia-Pacific region. Japan was a key player in all of these issues.

Committee Sponsor:

Customs Law

Committee Co-Sponsors:

International Trade

Panel Chairs:

Les Glick, *Porter Wright, Morris & Arthur LLP, Washington, DC*

Greg Kanargelidis, *Blake, Cassels & Graydon LLP, Toronto, Canada*

Moderator:

Daniel Kiselbach, *Deloitte Tax Law, Vancouver, Canada*

Speakers:

Les Glick, *Porter Wright, Morris & Arthur LLP, Washington, DC*

Yoshimi Ohara, *Nagashima Ohno & Tsunematsu, Tokyo, Japan*

Tuan A. Phung, *VCI Legal, Ho Chi Min City, Vietnam*

Setsuko Yufu, *Atsumi & Sakai, Tokyo, Japan*

11:00 AM – 12:30 PM *Yamato Higashi*

Too Much, Too Little: The Art and Ethics of the Opinion Letter (ETHICS)

This program will focus on a topic not often covered, and appeal to transactional attorneys as well as perhaps litigators. Lawyers are asked to provide opinions in a variety of contexts. Issues include: the limitations of such letters; whether third-parties may rely on them; and the tension between what clients want and what the lawyer can provide. Particularly in international practice, where cultural differences inform expectations, the lawyer faces ethical issues in terms of balancing the client goals with limitations on the lawyer's other ethical obligations.

Committee Sponsor:
International Ethics

Panel Chairs:
Robert E. Lutz, *Southwestern Law School, Los Angeles, CA*
Steven M. Richman, *Clark Hill PLC, Princeton, NJ*

Moderators:
Lawrence Hanson, *The Law Office of Lawrence W. Hanson, P.C., Houston, TX*
Robert E. Lutz, *Southwestern Law School, Los Angeles, CA*

Speakers:
Jon Malamud, *Prudential Securities, Tokyo, Japan*

Philippe Shin, *Shin & Kim, Seoul, Republic of Korea*

Marcela Stras, *Cozen O'Connor, Washington, DC*

11:00 AM – 12:30 PM *Asuka*

Banking on Anti-Corruption: The Multilateral Development Banks and the Fight Against Corruption in Development Financing in Asia

Flagging what investors need to know about the MDB sanctions and debarment programs, and the MDBs' contractual remedies against corruption: MDB cooperation with national enforcement and prosecutions; cross-debarment; collateral consequences of debarments; contractual protections against fraud and corruption in MDB projects; anti-corruption capacity building; a look ahead at new actors in Asia including AIIB.

Committee Sponsor:
International Anti-Corruption

Committee Co-Sponsors:
UN and International Institutions; International Investment and Development

Panel Chair:
John Regis Coogan, *International Finance Corporation, Washington, DC*

Moderator:
Michael Silverman, *Hughes Hubbard & Reed LLP, Washington, DC*

Speakers:
John Regis Coogan, *International Finance Corporation, Washington, DC*

Hamid Sharif, *Asian Infrastructure Investment Bank, Beijing, China*

Clare Wee, *Asian Development Bank, Manila, Philippines*

Stephen S. Zimmermann, *World Bank Group, Washington, DC*

11:00 AM – 12:30 PM *Yamato Nishi*
Carve Outs – Asia Style

Carving out businesses for sale or for a separate public listing is a common global economic tool – no less so in Asia. This panel will look at the various trends in carve out approaches and practices across key markets in Asia. With panelists from the U.S. and Europe we will contrast developments in Western markets with the trends and practices in Asia.

Committee Sponsor:
International M&A and Joint Venture

Committee Co-Sponsors:
Asia/Pacific; International Commercial Transactions, Franchising and Distribution; International Corporate Counsel

Panel Chair:
Hermann J. Knott, *Luther, Cologne, Germany*

Moderator:
Hermann J. Knott, *Luther, Cologne, Germany*

Speakers:
Brendon Carr, *Yulchon LLC, Seoul, Republic of Korea*

Eva Das, *Stibbe, New York, NY*

Toru Ishiguro, *Mōri Hamada & Matsumoto, Tokyo, Japan*

Stephen Revell, *Freshfields Bruckhaus Deringer, Hong Kong, China*

David Silk, *Wachtell Lipton, Rosen & Katz, New York, NY*

Jonathan Zhou, *Fangda Partners, Beijing/ Shanghai, China*

11:00 AM – 12:30 PM *Yamato Minami*
Cryptocurrencies: An Overview

Cryptocurrencies, such as Bitcoin, have been around for a number of years, but as the potential application of the technology in both the mainstream financial sectors and on the black market increases, regulators, legal authorities, and courts from around the world are addressing the challenge of how best address the complex issues they pose. This program is intended to introduce participants to cryptocurrencies and the evolving uses of non-centralized digital currencies – both legal and illegal; and to discuss some of the regulatory and law enforcement treatment of and issues arising out of such novel currencies in the U.S. and elsewhere. This panel will present the landscape of recent regulations and court decisions and will offer a discussion about what still needs to be addressed and what the future may hold for this technology.

Committee Sponsor:
International Anti-Money Laundering

Committee Co-Sponsors:
National Security; International Financial Products and Services;

Young Lawyers Interest Network

Panel Chairs:
Emily Christiansen, *Kessler Topaz Meltzer & Check, LLP, Radnor, PA*

Nicole Healy, *Ropers Majeski Kohn Bentley PC, Redwood City, CA*

Moderator:
Nicole Healy, *Ropers Majeski Kohn & Bentley PC, Redwood City, CA*

Speakers:
Taro Awataguchi, *Anderson Mōri & Tomotsune, Tokyo, Japan*

Kyle Wombolt, *Herbert Smith Freehills, Hong Kong*

12:45 PM – 2:15 PM

Kikuen

**Luncheon—Keynote Speaker:
The Honorable Kunio Hamada**



Honorable Hamada was a justice of the Supreme Court of Japan from 2001 until 2006. Until his appointment to the court, he worked in private practice, initially at Anderson, Mōri &

Rabinowitz. He founded the law firm of Hamada & Yanagida in 1972, his portion of which became Hamada & Matsumoto and eventually Mōri Hamada & Matsumoto.

In November 2007, he was awarded the Grand Cordon of the Order of the Rising Sun, by the Japanese Government for his public service. Since his retirement from the bench in May, 2006, he has been back in private practice. His recent activities are related mostly to public interest issues such as promotion of Lay-Judge Criminal Trial System, Sun-based Economy for stepped-up use of renewable energy sources and the World Justice Project. Justice Hamada is a Financial Expert appointed by P.R.I.M.E. Finance, an international arbitration/mediation organization for international financial disputes created in The Hague, January 2012. He was the founding President of Inter-Pacific Bar Association established in Tokyo in 1991.

2:30 PM – 4:00 PM

Katsura & Kasuga

**Evolving Antitrust IP Guidelines
Across Asia – What’s Ahead for
Technology and Pharma?**

Proudly Sponsored By:

**天地和律師事務所
T&D Associates**

In 2016, Japan revised its Guidelines for the Use of Intellectual Property under the Antimonopoly Act and Korea revised its Review Guidelines on Unfair Exercise of Intellectual Property Rights, while China’s Anti-Monopoly Commission is overseeing the drafting of IP Guidelines under its Anti-Monopoly Law. A significant impetus for Japan’s and Korea’s revisions, and area of concern in China, is the conduct of holders of Standard Essential Patents and the fulfillment of FRAND commitments. At the same time, conduct relating to pharmaceutical patents continues to raise competition law concerns.

How are IP Antitrust Guidelines evolving in major Asian jurisdictions? How will these Guidelines be implemented? What are the Asian approaches to IP-antitrust interface issues? What do they mean for technology and pharma? What are the implications for businesses operating across Asia? This panel of legal and economics experts will explain.

Committee Sponsor:

International Intellectual Property

Committee Co-Sponsors:

Asia/Pacific; China; India; International Antitrust Law; International Life Sciences & Health Law; Privacy, E-Commerce and Data Security

Panel Chairs:

Yee Wah Chin, *Ingram Yuzek Gainem Caroll & Bertolotti LLP, New York, NY*

Cecil Saehoon Chung, *Yulchon LLC, Seoul, Republic of Korea*

Moderator:

Yee Wah Chin, *Ingram Yuzek Gainem Caroll & Bertolotti LLP, New York, NY*

WEDNESDAY, OCTOBER 19

Speakers:

Jing He, *AnJie Law Firm, Beijing, China*

Kyoung Yeon Kim, *Yulchon LLC, Seoul, Republic of Korea*

Anne Layne-Farrar, *Charles River Associates, Chicago, IL*

Hiroshi Yamada, *Japan Fair Trade Commission, Tokyo, Japan*

2:30 PM – 4:00 PM *Yamato Higashi*

Beyond Paris: Prospects for the Environmental Regulation of the Global Transportation Service Sector

At the December 2015 COP-21 United Nations Climate Change Conference in Paris, delegates from 196 states announced a groundbreaking pledge to maintain the global average temperature at 2°C above pre-industrial levels. However, the agreement was silent on emissions reduction commitments in the area of international transportation services. International shipping and commercial aviation collectively account for approximately 5% of manmade CO₂ emissions and could comprise as much as one third by 2050. They are also industries that operate predominantly across and outside state borders. This panel will explore what steps can and should—or should not—be taken by lawmakers and industry stakeholders to mitigate the environmental impact of these industries without impeding trade and economic development. Panelists will discuss opportunities and challenges for regulatory cooperation on environmental standards for transportation service sectors, including the role of intergovernmental and nongovernmental organizations and prospects for industry self-regulation.

Committee Sponsor:

International Transportation Committee

Committee Co-Sponsors:

International Environmental Law;

International Trade Committee

Panel Chair:

Jessica Horwitz, *Bennett Jones LLP, Toronto, Canada*

Moderator:

Gustavo Cedrone, *Mitrani Caballero Ojam & Ruiz Moreno Abogados, Buenos Aires, Argentina*

Speakers:

Kenji Asakawa, *Institute for Global Environmental Strategies, Tokyo, Japan*

Gustavo Cedrone, *Mitrani Caballero Ojam & Ruiz Moreno Abogados, Buenos Aires, Argentina*

Martine DeSerres, *Air Canada, Montréal, Canada*

Philip Peng, *DeHeng Law Offices, Beijing, China*

Alejandro Piera Valdés, *Guanes Heisecke & Piera Abogados, Asunción, Paraguay*

2:30 PM – 4:00 PM *Yamato Minami*

E-Commerce in Asia-Pacific and Beyond: Today's Challenges, Tomorrow's Opportunities

To succeed in international business today, investing and engaging in e-commerce is increasingly vital. States have recognized the importance of decreasing practical and regulatory trade barriers, including through agreements such as the Trans-Pacific Partnership. Do you know what to do when your client wants to expand their online sales presence or acquire an e-commerce business? Join our panel of experts to learn about the key considerations when investing in e-commerce, including the cutting edge legal issues and opportunities on the horizon. This interactive session will feature speakers that will take you through the trade regulatory, cash, delivery fulfillment, and cybersecurity considerations that you should be aware of when advising clients interested in investing in e-commerce, with a particular focus on developments in and examples from the Asia-Pacific Region.

Committee Sponsor:

International Investment and Development

Committee Co-Sponsors:

International Trade; Privacy, E-Commerce and Data Security; International M&A and Joint Venture

Program Chair:

Sabrina A. Bandali, *Bennett Jones LLP, Toronto, Canada*

Moderator:

Stephen Burns, *Bennett Jones LLP, Calgary, Canada*

Speakers:

Tariq Remtulla, *eBay Inc., San Francisco, CA*

Sylvie Tabet, *Trade Law Bureau, Government of Canada, Ottawa, Canada*

2:30 PM – 4:00 PM

Asuka

Regulation of the Art Market in China, India & Japan

The expansion of the art markets in many Asian countries over the past twenty years, especially in China and India, has moved faster than their legal systems have to regulate the excesses of these booming markets. Recently, a number of important legal regulations have been promulgated in China and India that affect the sale of fine and decorative arts. This panel of legal experts will review recent developments in the laws of China and India with regard to art sales, and will contrast these changes to Japan's more mature legal framework.

Committee Sponsor:

International Art and Cultural Heritage Law

Committee Co-Sponsors:

Asia/Pacific; China; India; International Trade

Panel Chair:

Michael McCullough, *Pearlstein McCullough & Lederman LLP, New York, NY*

Moderator:

Michael McCullough, *Pearlstein McCullough & Lederman LLP, New York, NY*

Speakers:

Debottam Bose, *Attorney at Law, London, United Kingdom*

Juliette Dean, *Sotbeby's, Hong Kong*

Yasuo Nakagawa, *Nakagawa & Yamakawa Law Office, Tokyo, Japan*

Bahaar. D. Rohatgi, *Chambers of the Attorney General (Mukul Rohatgi), New Delhi, India*

2:30 PM – 4:00 PM

Yamato Nishi

Look Out for Falling Bricks: Getting Your Real Estate Development In Asia Right – Part I

What should international investors know before planning significant commercial real estate development investment in Asia, especially China, Japan and India? What kind of purchase contracts are common and can you get representations and warranties from your seller? What will your title and property insurance look like? What types of construction contracts are used and how do you get licenses and permits from the local authorities? What is the usual type of leasing arrangement with tenants? And, what special customs and requirements make each of these jurisdictions different from anywhere you may have developed in the past? The panel will use the same case-study of Part II of this program, both panels will center around the structuring and implementation of an international investment in three City Center Malls, one in each of the designated countries. Join an international panel of speakers with specific experience in developing real estate in these growing Asian markets and learn how to make your project go smoothly instead of running into unforeseen obstacles.

Committee Sponsor:

Cross Border Real Estate Practice

Committee Co-Sponsors:

China; Asia/Pacific; India; International Investment & Development

Panel Chair:

Gerard F. Hernández Colet, *Cuatrecasas, Gonçalves Pereira, Shanghai, China*

Moderator:

Terry Selzer, *Husen Advokater, Copenhagen, Denmark*

Speakers:

Gerard F. Hernández-Colet, *Cuatrecasas, Gonçalves Pereira, Shanghai, China*

Gerald Manoharan, *J. Sagar Associates, Bengaluru, India*

Eriko Ozawa, *Mōri Hamada & Matsumoto, Tokyo, Japan*

Philip Zhang, *Zhong Lun Law Firm, New York, NY*

2:30 PM – 4:00 PM

Kiku Foyer

Ethical Issues for Arbitrators and Party Representatives in International Arbitrations (ETHICS)

This program builds upon the interests of Asian lawyers in arbitration and provides an ethics focus that will address Asian arbitration schemes and ethical issues relating to arbitrator disclosures and conflicts of interest, and the competing obligations of arbitrators/neutrals chosen by parties and their obligations to all parties. The program will also explore the ethical obligations of party representatives in Asian arbitrations.

Committee Sponsor:

International Ethics

Panel Chairs:

Robert Lutz, *Southwestern Law School, Los Angeles, CA*

Steven M. Richman, *Clark Hill PLC, Princeton, NJ*

Moderators:

Robert Lutz, *Southwestern Law School, Los Angeles, CA*

Steven M. Richman, *Clark Hill PLC, Princeton, NJ*

Speakers:

Stephen Denyer, *Law Society of England & Wales, London, United Kingdom*

Yoshimasa Furuta, *Anderson Mōri & Tomotsune, Tokyo, Japan*

Hon. Delissa Ridgway, *United States Court of International Trade, New York, NY*
Ravi Singhania, *Singhania & Partners, New Delhi, India*

4:00 PM – 4:30 PM

Networking Break

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ECONOMIC CONSULTING

4:30 PM – 6:00 PM

Katsura & Kasuga

Bid-Rigging Without Borders: What's Next in International Cartel Investigations?

This panel examines trends in international cartel enforcement from the perspective of a plaintiffs' attorney, defense counsel and prosecutors. Although the recent auto parts investigation and related lawsuits will be starting point of the discussion, the panel will also offer insights on which industries and geographic areas may be future targets.

Committee Sponsor:

International Antitrust Law

Committee Co-Sponsors:

International Criminal Law; Asia/Pacific; China

Panel Chairs:

Jennifer M. Driscoll, *Washington, DC*

Kititoshi Yabuki, *Yabuki Law Office, Tokyo, Japan*

Moderator:

Ethan Litwin, *Hughes Hubbard & Reed LLP, New York, NY*

Speakers:

Hideo Nakajima, *Japan Fair Trade Commission, Tokyo, Japan*

Marvin Price, *Antitrust Division, U.S. Department of Justice, Washington, DC*

John Yong Ren, *T&D Associates, Beijing, China*

Madoka Shimada, *Nishimura & Asahi*,
Tokyo, Japan

Kalpana Srinivasan, *Susman Godfrey*
L.L.P., Los Angeles, CA

4:30 PM – 6:00 PM *Yamatho Minami*

Ethics and the ‘Rashomon’ Effect: The Lawyer’s Role in Witness Preparation (ETHICS)

There is a fine line between lying and inadvertent recall. The legal system relies on truth in testimony, but perception clouds that truth. The lawyer is ethically bound to make no misrepresentations and to deal honestly with tribunals and third parties. The permitted level of “coaching” and witness preparation varies from jurisdiction to jurisdiction. The program will use clips from a Japanese film to highlight how different stories of the same event may be “true” to each person, and the ethical considerations in how attorneys draw out and portray stories. The program will also permit comparative law discussion.

Committee Sponsor:
International Ethics

Panel Chairs:
Robert Lutz, *Southwestern Law School*,
Los Angeles, CA

Steven M. Richman, *Clark Hill PLC*,
Princeton, NJ

Moderator:
Steven M. Richman, *Clark Hill PLC*,
Princeton, NJ

Speakers:
Eriko Hayashi, *Ob-Ebashi LPC &*
Partners, Shanghai, China
Fernando Jamarne, *Alessandri Abogados*,
Santiago, Chile

Lisa Savitt, *The Axelrod Firm, P.C.*,
Washington, DC

Kunihiro Sumida, *Atsumi & Sakai*,
Tokyo, Japan

4:30 PM – 6:00 PM

Asuka

The Dark Side of Peacekeeping: Global Responses to Conflict-Related Sexual Violence

Arresting incidents of rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilization and other forms of sexual violence of comparable gravity—perpetrated within the context of war—both against noncombatants and members of armed groups, have incessantly captured sustained global attention.

With enthused audience participation, our select panel of globally renowned discussants will bring to fore current and emerging concerns vis-à-vis the persistent gnawing issue of sexual violence as a threat to international peace and security.

In so doing, the panel will highlight actions taken and challenges faced by States in attempting to protect civilians from such violence—providing updates on efforts by United Nations peacekeeping political missions and country teams—and in conclusion, undertaking an in-depth appraisal of policy and legal responses/interventions intended to solve problems of conflict-related sexual violence globally.

Committee Sponsor:
Women’s Interest Network (WIN)

Committee Co-Sponsors:
National Security; International Human Rights; Asia/Pacific; Transnational Legal Practice

Panel Chair:
Olufunmi Oluyede, *TRLPLAW, Lagos*,
Nigeria

Moderator:
Lelia Mooney, *United States Institute of Peace, Washington, DC*

Speakers:
Paulette Brown, *Locke Lord LLP*,
Morristown, NJ

Gabrielle Buckley, *Vedder Price*,
Chicago, IL

Lelia Mooney, *United States Institute of Peace, Washington, DC*

4:30 PM – 6:00 PM

Yamato Nishi

Look Out for Falling Bricks: Getting Your Real Estate Development In Asia Right – Part II

The panel will address the main concerns of an international investment in Asia, specially China, Japan and India, from a tax and corporate structure point of view, including compliance with the target country's laws on foreign investment structures and tax considerations in forming a chain of subsidiary companies. Where do you form the intermediary subsidiary? Do you need a local entity or joint venture partner to develop the project? Are there restrictions in repatriating profits or the initial capital investment? The panel will use the same case-study of Part I of this program, which will center around the real estate related issues of an international investment in three City Center Malls, one in each of the designated countries. The speakers will address the legal requirements, practical concerns, and the differences and similarities among the three countries.

Committee Sponsor:

China

Committee Co-Sponsors:

Cross Border Real Estate Practice; Asia/Pacific; India; International Investment & Development

Panel Chair:

Gerard F. Hernández Colet, *Cuatrecasas, Gonçalves Pereira, Shanghai, China*

Moderator:

Albert Garrofé, *Cuatrecasas, Gonçalves Pereira, Barcelona, Spain*

Speakers:

Richard Cant, *Dezan Shira & Associates, Boston, MA*

Hiroto Inoue, *Nagashima Ohno & Tsunematsu, Tokyo, Japan*

Malcolm S. McNeil, *Arent Fox LLP, Los Angeles, CA*

Upendra Nath Sharma, *J. Sagar Associates, Gurgaon, India*

4:30 PM – 6:00 PM

Kiku Foyer

You Have Won Your Arbitration; Now What? – Enforcing International Arbitration Awards in Foreign Jurisdictions

Victory following a full arbitration hearing under international rules is a great result, but may not be the end of the process—it may only be the beginning of the end. What happens when a prevailing party in the international arbitration context is required to enforce an arbitration award in a foreign jurisdiction? Practitioners from China, Japan, Europe, and the United States will provide instruction on specific and general considerations when enforcing arbitration awards in their jurisdictions (including application of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards), traps for the unwary, and keys to success in this context.

Committee Sponsor:

International Arbitration

Committee Co-Sponsors:

International Litigation; International Corporate Counsel

Panel Chair:

John Devlin, *Lane Powell PC, Seattle, WA*

Moderator:

John Devlin, *Lane Powell PC, Seattle, WA*

Speakers:

Marielle Koppenol-Laforce, *Houthoff Buruma, Rotterdam, Netherlands*

Chie Nakahara, *Nishimura & Asahi, Tokyo, Japan*

JianJian Wang, *King & Wood Mallesons, Shanghai, China*

7:00 PM – 9:00 PM

Hospitality Night

THURSDAY, OCTOBER 20, 2016

7:00 AM – 6:30 PM

Kikka & Kikuyo

Registration and Exhibit Hall Open

7:30 AM – 8:45 AM

Kikuen

Continental Breakfast & Committee Breakfast Meeting

Join us to learn more about the Section's committees ('the engines of the Section'). Find out about committee activities and opportunities to become more active in the Section.

9:00 AM – 10:30 AM

Katsura & Kasuga

Trans-Pacific Partnership: Progress and Predictions for the Largest International Trade Agreement in History

The Trans-Pacific Partnership (TPP) has been agreed to by most Pacific Rim countries, including the United States and Japan. It is open to debate what is expected to achieve in facilitating international trade beyond the reduction of tariffs. The Office of the U.S. Trade Representative (USTR) describes it as the largest trading block in the world, and expects a significant increase in trade among members. For example, Japan imposes a 58% tax on American-made wine, and Vietnam imposes a 70% tax on American-made automobiles. There are environmental, food safety, human rights, anti-corruption, intellectual property, employment, and tax provisions as part of the TPP that affect international law practitioners. Simply put, the TPP will be the standard for international trade in the future. This program will explore how the TPP will affect progress within the participating countries and make predictions about the biggest changes participants should expect, including the ability of foreign lawyers to open offices and practice law in member countries.

Committee Sponsor:

International Trade

Committee Co-Sponsors:

China; Customs Law; Canada; International Transportation; International Intellectual Property Rights; Export Controls and Economic Sanctions; International Anti-Corruption; International Human Rights; International Environmental Law

Panel Chair:

Peter A. Quinter, *GrayRobinson, P.A., Miami, FL*

Moderator:

Peter A. Quinter, *GrayRobinson, P.A., Miami, FL*

Speakers:

Christine Marlewski, *GrayRobinson, P.A., Tampa, FL*

Arlene Mayeda, *Commercial Attache, U.S. Embassy, Tokyo, Japan*

Matthew Kronby, *Bennett Jones, LLP, Toronto, Canada*

David Z. Mao, *Shanghai Pioneer Law Office, Shanghai, China*

Hisashi Shibata, *Mori Hamada & Matsumoto, Tokyo, Japan*

9:00 AM – 10:30 AM

Yamato Higashi

Differences of Culture and Family Dynamics: Consequences for International Succession and Estate Planning

Cultural and social factors surrounding and influencing the ownership, structure, and control of family and business assets are important variables to consider in international estate and succession planning. Profound respect for elders and family heritage weighs heavily in certain countries and cultures, whereas in others, gender and individual control play the more prominent roles. To further complicate matters, increased global mobility has made it common for families to have members from multiple cultures, often residing outside their country of citizenship. Drawing upon their experiences, panelists will compare the

ways in which these elements are pertinent to succession and inheritance planning in their home countries. Clients and the elements of the property concerned are often located around the world. Therefore, issues of international taxation and ethical questions such as the attorney's competence to address foreign law will be discussed.

Committee Sponsor:

International Private Client

Committee Co-Sponsors:

International Ethics; International Family Law; International Tax; Immigration and Naturalization

ABA Co-Sponsor:

Section of Real Property, Trust and Estate Law

Panel Chair:

Jean-Louis Collart, *Mentha Avocats, Geneva, Switzerland*

Moderator:

John Strohmeyer, *Crady, Jewett & McCulley LLP, Houston, TX*

Speakers:

Jean-Louis Collart, *Mentha Avocats, Geneva, Switzerland*

Timothy Langley, *Langley Esquire, Tokyo, Japan*

Yann Mrazek, *MIAdvocates of Law, Dubai, United Arab Emirates*

Tomoko Nakada, *Hokusei Law Office, PC, Tokyo, Japan*

Guillermo Villasenor, *Sanchez Devanny, Mexico City, Mexico*

9:00 AM – 10:30 AM *Yamato Minami*

Asia's Twenty-First Century Approach to Resolving International Disputes

With rare exceptions, countries in Asia have historically not used international courts to adjudicate their disputes. That is changing. Asian countries are increasingly willing to submit to binding, third-party dispute resolution, and are doing so for a diversity of disputes, ranging from disputes over territorial sovereignty and maritime

entitlements, to the environment and seizure of fishing vessels. The participants are equally diverse, and include Japan, India, Pakistan, Bangladesh, Malaysia, Singapore, Myanmar, Indonesia, Timor Leste, Cambodia, Thailand, and the Philippines. On the other hand, China has declined to participate in an arbitration brought by the Philippines concerning the South China Sea. The panel will evaluate these developments by asking: is the use of international courts the wave of the future for Asia?

Committee Sponsor:

International Courts

Committee Co-Sponsors:

Asia/Pacific; International Arbitration; International Litigation

Panel Chair:

Andrew B. Loewenstein, *Foley Hoag LLP, Boston, MA*

Moderator:

Keun-Gwan Lee, *Seoul National University, Seoul, Republic of Korea*

Speakers:

Larry Martin, *Foley Hoag LLP, Washington, DC*

Lan-Anh T. Nguyen, *Institute for East Sea (South China Sea) Studies, Diplomatic Academy, Ministry of Foreign Affairs of Vietnam, Hanoi, Vietnam*

Yukiko Takashiba, *Ritsumeikan Asia Pacific University, Oita, Japan*

9:00 AM – 10:30 AM

Asuka

The Ethical Supply Chain: Effective Management to Prevent Human Rights Abuses and Mitigate Compliance Risk

Modern global supply chains are often fragmented and complex, with outsourcing and specialization becoming standard practice. Companies may have little transparency into the source of labor and materials used by third party suppliers, and lax ethical standards are a weak link in the supply chain that can threaten a company's stability of production and

reputation. As illustrated by recent high-profile news items, certain countries in Asia face particular challenges in this area due to regulatory gaps and reliance on low-skilled labor. This panel will discuss the scope of human rights and ethical issues that arise in supply chains including forced labor, debt bondage, child labor, human trafficking, fraud, environmental exploitation and corruption. Panelists will provide concrete steps for in-house and external counsel to help identify risk factors and red flags, and discuss how effective supply chain management can enhance competitiveness, maintain brand integrity and ensure long-term sustainability of a business.

Committee Sponsor:

Corporate Social Responsibility

Committee Co-Sponsors:

International Human Rights; International Environmental Law; Asia/Pacific Committee; International Employment Law; International Investment & Development; International Trade; International Corporate Counsel

Panel Chair:

Jessica Horwitz, *Bennett Jones LLP, Toronto, Canada*

Moderator:

Jesse Goldman, *Bennett Jones LLP, Toronto, Canada*

Speakers:

Melizel Asuncion, *Verité, Amherst, MA*

Edna Udobong, *Liberty University School of Law, Lynchburg, VA*

9:00 AM – 10:30 AM *Yamato Nishi*

Hitting the BRICs: The U.S.

International Procurement Tax

The U.S. international procurement tax is imposed on what the U.S. Congress has estimated to be more than \$20 billion dollars annually of U.S. federal government purchases of goods produced in, and services provided in, the Pacific Rim (such as China, Russia, and the Philippines) and other countries, such as India and Brazil,

which are neither parties to the World Trade Organization Agreement on Government Procurement nor to a Free Trade Agreement with the U.S.

In final regulations issued in August 2016, the IRS announced that a special catch-up payment of 5 years of federal international procurement tax, for 2011-2015, on congressionally estimated 2011-2015 revenues of about \$100 billion, will be due in November 2016. Accordingly, in the coming weeks, affected foreign contractors must file 2011-2015 U.S. federal tax returns and pay the 2011-2015 procurement tax, in order to avoid IRS penalties and possible eventual federal contract debarment.

Thereafter, the procurement tax will continue to be imposed annually on 2016 and post-2016 contract revenues. Affected contractors are required to absorb the procurement tax and must consider it when pricing goods and services.

The panel will discuss the coverage of, and exemptions from, this tax, its relationship to other laws such as the U.S. Trade Agreements Act and the U.S. Buy American Act, and recent developments such as the 2015 IRS treaty guidance and the 2016 final IRS regulations concerning this tax.

Committee Sponsor:

International Procurement

Committee Co-Sponsors:

International Tax; Aerospace and Defense Industries; Russia/Eurasia; India; China

Panel Chair:

Alan S. Lederman, *Gunster, Fort Lauderdale, FL*

Moderator:

Alan S. Lederman, *Gunster, Fort Lauderdale, FL*

Speakers:

Patricia A. Brown, *University of Miami School of Law, Miami, FL*

Bobbe Hirsh, *Skarzynski Black LLC, Chicago, IL*

9:00 AM – 10:30 AM

Kiku Foyer

Joint Ventures and Innovation Policies in Asia: Tactical and Operational Considerations

Ten years ago China ignored intellectual property rights (IPR) and simply sought to be a low cost supplier to the global marketplace. Today, through government subsidies, tax incentives, and legislative changes, China's new state-planned emphasis on indigenous innovation, and accompanying IPR strategies, including inventor remuneration, have posed an unexpected new challenge to the global business community, not just companies operating in China. Does the emerging oriental innovation and IPR "stimulus package" have something to teach to Western policy makers and economic planners? How does the international corporate counsel or transactional lawyer need to change the playbook and advise management to be pro-active and participate in the Asian growth model? An experienced panel of attorneys from China, Japan and the U.S. will debate the changing best practices for formulating and structuring Asian-based joint-venture agreements, including provisions relating to employment, non-disclosure/non-compete clauses, and dispute resolution procedures. Panelists will also describe the practical and operational measures actually taken and proven to be effective, and report the latest guidance relating to enforcement and arbitration/litigation of such issues.

Committee Sponsor:

International M&A and Joint Venture

Committee Co-Sponsors:

Asia/Pacific; China; International Commercial Transactions, Franchising and Distribution; International Corporate Counsel

Panel Chair:

Michael E. Burke, *Arnall Golden Gregory LLP, Washington, DC*

Moderator:

Michael E. Burke, *Arnall Golden Gregory LLP, Washington, DC*

Speakers:

Joon Kim, *Kim & Chang, Seoul, Republic of Korea*

Ryo Okubo, *Nagashima Ohno & Tsunematsu, Tokyo, Japan*

Kate Peng, *King & Wood Mallesons, Beijing, China*

10:30 AM – 11:00 AM

Networking Break

11:00 AM – 12:30 PM

Katsura & Kasuga

The Trans-Pacific Partnership: Perspectives and Predictions Through the Antitrust Looking Glass

Proudly Sponsored By:

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T&D Associates**

The panel will introduce and summarize the Trans-Pacific Partnership (TPP), comment on implementation status and challenges in key jurisdictions and then discuss key themes and practical implications through the prism of antitrust/competition law. These include (1) treaty commitments for competition policy and regulatory coherence, which will lead both to greater jurisdictional coverage and the prospect of increasing antitrust law convergence; (2) aspects of the TPP that will affect competition and merger clearance in affected jurisdictions, ranging from tariff reduction, government procurement, trade in financial services, SOEs; and (3) liberalization of cross-border trade in services, which promises increased opportunities in the practice of competition law around the Pacific.

Countries in the new Trans-Pacific Partnership (TPP) include Japan, Singapore, Australia and Canada. The

proposed panel includes experts from each of those countries. The TPP is also very important for other signatory countries such as Mexico, Malaysia, Vietnam, the U.S. and Chile.

Committee Sponsor:

International Antitrust Law

Committee Co-Sponsors:

Asia/Pacific; China; International Trade; Transnational Practice Management

Panel Chairs:

Lisl Dunlop, *Manatt, Phelps & Phillips, New York, NY*

Paul M. Schoff, *MinterEllison, Sydney, Australia*

Moderator:

Paul M. Schoff, *MinterEllison, Sydney, Australia*

Speakers:

Kala Anandarajah, *Rajah & Tann Singapore, LLP, Singapore*

Anita Banicevic, *Davies Ward Phillips & Vineberg LLP, Toronto, Canada*

Kaori Yamada, *Freshfields Bruckhaus Deringer, Tokyo, Japan*

11:00 AM – 12:30 PM *Yamato Minami*

**Third Party Funding in Arbitration—
The New Counsel Guideposts
by the ABA SIL International
Arbitration Committee**

The growing presence of third party funding (a non-regulated industry) in international arbitration raises a number of novel issues for counsel: What is counsel's relationship towards the funder? How can confidentiality and privilege be protected? To what extent may the funder influence the arbitration, e.g. by approval of arbitrators and settlements? How to address security for costs and adverse cost orders?

The International Arbitration Committee of the ABA Section of International Law has established a Working Group of international experts led by Nikolaus Pitkowitz to prepare recommendations

assisting counsel to handle these and other challenges. The Working Group has prepared Guideposts which will for the first time be presented in public at the occasion of this session. The Guideposts also address regional aspects, including Japan, China, Hong Kong, Korea and Singapore.

The program will be staged as a moderated discussion debating the issues addressed in the Guideposts on the basis of practical examples, from various perspectives and under different (regional) scenarios. Speakers of the session are renowned international arbitration experts and members of the Working Group.

Committee Sponsor:

International Arbitration

Committee Co-Sponsors:

Asia/Pacific; China; International Ethics; International Litigation; International Financial Products and Services

Panel Chairs:

Kirstin Dodge, *Homburger, Zurich, Switzerland*

Nikolaus Pitkowitz, *Graf & Pitkowitz, Vienna, Austria*

Moderators:

Glenn Hendrix, *Arnall Golden Gregory LLP, Atlanta, GA*

Nikolaus Pitkowitz, *Graf & Pitkowitz, Vienna, Austria*

Speakers:

Brenda Horrihan, *Herbert Smith Freehills, Shanghai, China*

Aoi Inoue, *Anderson Mōri & Tomotsune, Tokyo, Japan*

Kenneth B. Reisenfeld, *BakerHostetler, Washington, DC*

Lawrence S. Schaner, *Jenner & Block, Chicago, IL*

Ruth Stackpool-Moore, *Harbour Litigation Funding, Hong Kong*

Robert W. Wachter, *Lee & Ko, Seoul, Republic of Korea*

11:00 AM – 12:30 PM

Asuka

Gender, Sextortion and Corruption: Preying on the Most Vulnerable, and What To Do About It

Corrupt bureaucrats, educators, international peacekeeping forces and others in positions of power sometimes prey on women, demanding sexual favors in exchange for public services. Women are often among the most vulnerable in society and among those targeted by bribe-seekers. On the other hand, women can be the most resilient to bribery demands; and successful anti-corruption programs can be built on empowering women. Speakers will explore the problem—and the solutions—drawing on data and experience from diverse countries.

Committee Sponsor:

Diversity

Committee Co-Sponsors:

International Anti-Corruption; Women's Interest Network (WIN)

Panel Chair:

Corinne Lammers, *Paul Hastings, Washington, DC*

Moderator:

John Regis Coogan, *International Finance Corporation, Washington, DC*

Speakers:

Nancy Hendry, *International Association of Women Judges, Washington, DC*

Archana Kotecha, *Liberty Asia, Hong Kong, China*

Helen Sworn, *Chab Dai, Phnom Penh, Cambodia*

11:00 AM – 12:30 PM

Yamato Nishi

Japan Signals Its Next Move Into the Banking Fast Lane – A Discussion of the Latest Steps Being Taken to Shake the Japanese Financial System Out of Its 15 Year Deflationary Mindset

There is no doubt that the Japanese economy has been mired in painful deflation for over 15 years. Painful is probably a kind description. Where the economy goes... so goes the banking sector in Japan. This deflationary mindset seems to pervade a Japanese economy that should be far more vibrant but cannot seem to shake-off the financial headaches of the past even as its major trading partner, the U.S., seems to be back in good financial health. According to Bank of Japan Gov. Haruhiko Kuroda, this deflationary mindset needs to finally end and it needs to end very soon. Basically, get over it financially. Learn how various Japanese banking policy initiatives hope to lead the way out of the Japanese financial doldrums with changing directions and innovation in the regulation of derivatives, proposed amendments to the Japanese Civil Code regarding guarantees and other obligations, and trying to understand where emerging FinTech can help—or hurt—the health of Japanese banking. Also, will China's escalating financial problems somehow benefit the Japanese financial system indirectly and, if so, how?

Committee Sponsor:

International Financial Products and Services

Committee Co-Sponsors:

Cross Border Real Estate Practice; International M&A and Joint Venture; International Commercial Transactions, Franchising and Distribution; International Corporate Counsel; International Securities and Capital Markets; Transnational Practice Management

Panel Chair:

Piyasena C. Perera, *Hunton & Williams LLP, Tokyo, Japan*

Moderator:

Piyasena C. Perera, *Hunton & Williams LLP, Tokyo, Japan*

Speakers:

Paul Hunter, *International Bankers Association of Japan, Tokyo, Japan*

Yuri Suzuki, *Atsumi & Sakai, Tokyo, Japan*

Tomoko Takezawa, *VISA Japan, Tokyo, Japan*

11:00 AM – 12:30 PM *Yamato Higashi*

Utilizing Professional Skills and Education from Outside the United States During the Pacific Century: A Foreign Attorney's and Law Student's Guide to Expanding their Legal Careers in the United States, and Best Hiring Practices for Employers and Law Firms

Proudly Sponsored By:

のぞみ総合法律事務所
NOZOMI SOGO LAW OFFICE

This program will inform attendees who are foreign attorneys and law students, (especially local attendees from Japan and other foreign countries) on potential opportunities and options to expand their legal careers in the United States and how they can leverage their experiences and education. For example, program attendees will learn about the process for being qualified to take a bar exam in the United States, how they can pursue an LL.M. (Masters of Law Degree) or a J.D. (Juris Doctor Degree) at a United States law school. Program attendees will also learn about particular best practices for professional growth and development and how they can make the transition from their home country to a legal career in the United

States, or return to their home country. This program will also provide best practices for employers and law firms.

Committee Sponsor:

Diversity

Committee Co-Sponsors:

Immigration Law; International Commercial Transactions, Franchising and Distribution; Latin America and Caribbean; International Financial Products & Services

Panel Chair:

Ireneo A. Reus III, *The Law Offices of Ireneo A. Reus III, Los Angeles, CA*

Moderator:

Ireneo A. Reus III, *The Law Offices of Ireneo A. Reus III, Los Angeles, CA*

Speakers:

M. Paula Aguila, *Rivero Mestre LLP, Miami, FL*

Cédric Chapuis, *Bär & Karrer, Genève, Switzerland*

Tzu-Kai Lo, *Fragomen, Del Rey, Bernsen & Loewy LLP, Chicago, IL*

Monika R. Oyama, *Masuda, Funai, Eifert & Mitchell Ltd., Chicago, IL*

Daisuke "Ike" Yuki, *Nozomi Sogo, Tokyo, Japan*

11:00 AM – 12:30 PM

Kiku Foyer

Implementation of The 1980 Hague Abduction Convention in Japan and the Pacific Rim

The long-awaited entry into force between conference members and Japan of the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction occurred on April 1, 2014. The panel will present the history of interest by Japan in the treaty and the ratification and implementation process. As of this writing, a total of 16 cases have been concluded. The panel(s) will present and compare the similar process that the Republic of Korea has experienced in ratification and implementation and examine how the Hague process interfaces with Japan's long-standing

institutionalized Chotei, or court-sponsored mediation system.

Committee Sponsor:

International Family Law

Panel Chair:

Markus Zwicky, *Zwicky Windlin & Partner, Zug, Switzerland*

Moderator:

Bradley Lechman-Su, *Attorney at Law, Portland, OR*

Speakers:

Hirota Honda, *Family Law Office at Shibuya Tokyo, Tokyo, Japan*

Anne Marie Hutchinson, *Dawson Cornwell, London, United Kingdom*

Amb. Susan Jacobs, *U.S. Department of State, Washington, DC*

Colin Jones, *Doshisha Law School, Tokyo, Japan*

Toshifumi Minami, *City-Yuwa Partners, Tokyo, Japan*

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

12:45 PM–2:15 PM

Kikuen

**Luncheon—Keynote Speaker:
Hyeonsoo Lee**

Proudly Sponsored By:

WACHTELL, LIPTON, ROSEN & KATZ



With special thanks to the Korean Bar Association for their support in bringing Ms. Lee to the meeting.

Hyeonsoo Lee is a North Korean defector living in Seoul, South Korea. Her recently published memoir, *The Girl with Seven Names – A North Korean Defector's Story*, has been published in 18 languages in 25 countries. Over 8 million people have viewed her TED Talk (including the cross-posting on Youtube) about her life in North Korea, her escape to China and struggle to bring her family to freedom. Oprah called it, "The most riveting Ted Talk ever." Ms.

Lee has given testimony about North Korean human rights in front of a special panel of the UN Security Council in 2014 and at the UN Commission on the Status of Women in 2016.

2:30 PM – 4:00 PM

Katsura & Kasuga

**Promoting the Rule of Law:
Tools of Engagement in
Challenging Environments**

Rule of law is widely recognized as fundamental to peaceful and stable societies. Yet, the best methods for promoting and ensuring rule of law in any particular country are less clear, vary according to the political, cultural and economic context, and are constantly evolving. How do those institutions and individuals engaged in rule of law promotion analyze operating environments and leverage interventions to effectively advance rule of law? What tools—in-country and externally—are available for advancing rule of law and how does the country context factor into the analysis of which tools are most effective? Given the changing power dynamics within the region and globally, how do practitioners develop an integrated, multi-faceted approach that will build and sustain a foundational basis for rule of law? The panelists will discuss examples of complex operating environments in Asia and what different approaches to rule of law have achieved, interventions to promote rule of law and the protection of rights, and their theories on the role the domestic and international community can have to promote and engage on rule of law promotion.

Committee Sponsor:

Rule of Law

Co-Sponsor:

ABA Rule of Law Initiative

Panel Chairs:

Lelia Mooney, *United States Institute of Peace, Washington, DC*

Jennifer Rasmussen, *American Bar Association Rule of Law Initiative, Washington, DC*

Moderator:

Lelia Mooney, *United States Institute of Peace, Washington, DC*

Speakers:

Elizabeth Andersen, *American Bar Association Rule of Law Initiative, Washington, DC*

Miha Isoi, *Japan International Cooperation Agency, Tokyo, Japan*

The Hon. Michael Kirby, *former Justice of the High Court of Australia and former head of the UN Commission of Inquiry on Alleged Human Rights Violations in the Democratic People's Republic of Korea, Sydney, Australia*

Steven Thiruneelakandan, *President of Malaysian Bar, Kuala Lumpur, Malaysia*

2:30 PM – 4:00 PM *Yamato Minami*

Lessons Learned: Mediation of Mass Claims in Natural and Man-Made Disasters

In today's world of accelerating climate change and manmade disasters, there is a continuing need to handle mass claims arising from such disasters expeditiously. This program will examine some dispute resolution programs that were established to handle mass claims arising from natural and man-made disasters. In Japan, damage claims arising from the Fukushima nuclear disaster have been mediated by a government-established entity, the Dispute Resolution Centre for Nuclear Damage Compensation. In the aftermath of Storm Sandy, insurance claims brought by home and business owners against their insurers have been mediated in a program administered by a private ADR provider selected by the New York state government. Following the Deepwater Horizon oil spill in the Gulf of Mexico, at President Obama's request, BP funded a claims facility coordinated by noted claims administrator Kenneth Feinberg. An examination and comparison of these programs might yield

"lessons learned" that could be applied in handling mass claims expeditiously in the future.

Committee Sponsor:

International Mediation

Committee Co-Sponsors:

International Environmental Law; International Energy & Natural Resources Committee; Asia/Pacific

Panel Chair:

Michele S. Riley, *International Center for Cooperation and Conflict Resolution, Columbia University, New York, NY*

Moderator:

Michele S. Riley, *International Center for Cooperation and Conflict Resolution, Columbia University, New York, NY*

Speakers:

Naoki Idei, *Kojima Law Offices, Secretary General of the Japan Federation of Bar Associations, and former deputy chief of the Nuclear Damage Claim Dispute Resolution Center, Tokyo, Japan*

Isomi Suzuki, *Koga & Partners, former President of LawAsia, and former member of supervising committee of the Nuclear Damage Claim Dispute Resolution Center, Tokyo, Japan*

Byron Stier, *Southwestern Law School, Los Angeles, CA*

Shinsuke Toyonaga, *Daiichi Law Office, Tokyo, Japan*

2:30 PM – 4:00 PM

Asuka

BEPS in Asia: Doing Business in a Brand New Tax Climate

On October 5, 2015, the OECD published the final reports of the OECD/G20 Base Erosion and Profit Shifting ("BEPS") project. These reports consist of a package of measures for a coordinated approach to reform the international tax system. Although not all countries in Asia form part of the OECD and/or OECD community, a number of important Asian countries do.

The program discusses business motivations and tax benefits of international group

structuring in the context of OECD discussions on base erosion and profit shifting and U.S. Congressional attention to the issue. The panel will review the latest trends and developments in international group structuring impacting all multinational corporations—deal structuring to R&D development to manufacturing and sales.

The panel is intended to be an introductory level discussion aimed at business attorneys and corporate officers responsible for making decisions or advising on fundamental corporate structuring issues.

The panel will review the impact the BEPS will inevitably have on doing business in the Asian countries.

Committee Sponsor:

International Tax

Committee Co-Sponsors:

International Commercial Transaction, Franchising and Distribution; International Corporate Counsel Forum; International Trade; UN and International Organizations

Panel Chair:

Paul D. Carman, *Chapman and Cutler LLP, Chicago, IL*

Moderator:

Guillermo Villasenor Tadeo, *Sánchez Devanny, Mexico City, Mexico*

Speakers:

Carola van den Bruinhorst, *Loyens & Loeff N.V., Hong Kong*

David Liu, *FuJae Partners, Shanghai, China*

Atsushi Oishi, *Mōri Hamada & Matsumoto, Tokyo, Japan*

2:30 PM – 4:00 PM

Yamato Nishi

Prospects of a Canadian LNG Export Industry: Progress and Predictions

The program will focus on the prospects for successful development of a Canadian LNG export industry focused on Asian markets, including an assessment of Canada's competitive strengths and weaknesses relative to competing projects in the U.S. and a discussion of interesting legal issues.

Canada's competitive strengths include proximity to market relative to the U.S. Gulf coast, an abundant low cost resource base, climatic advantages and a stable fiscal/regulatory regime. Challenges include the capital cost of greenfield facilities relative to U.S. brown fields, the need for pipeline infrastructure and the complexities of the Aboriginal engagement process.

Interesting legal issues include compliance with the Canadian environmental regulatory process for large resource projects and the Aboriginal engagement process (including Equator principles compliance); project financing structure alternatives; and the governmental measures put in place to comfort proponents as to the stability of the regulatory and fiscal regimes governing LNG liquefaction facilities.

Committee Sponsor:

Canada

Panel Chair:

Al Hudec, *Farris LLP, Vancouver, Canada*

Moderator:

Al Hudec, *Farris LLP, Vancouver, Canada*

Speakers:

Don Bell, *Torys LLP, New York, NY*

Al Hudec, *Farris LLP, Vancouver, Canada*

John MacKay, *Latham & Watkins LLP, Singapore*

2:30 PM – 4:00 PM

Yamato Higashi

The Yin and Yang of the Yuan – Chinese Outbound Investments, Viewed Globally

Something historic has happened very recently: China's outbound direct investments have just exceeded direct investments into China. The yuan surge out of China is veritably dramatic and seemingly unstoppable, with companies, funds and banks of varying sizes all joining the fray. Chinese executives and their advisors are seen in far-flung corners of all continents chasing deals in energy, manufacturing, real estate, healthcare and any number of other sectors. What explains this frenzy? How long will it last? How does it benefit and challenge the peoples (and the ABA members) of the seven seas? This unique panel will offer timely insights into the phenomenon, from the Chinese perspective and from the major ports of call in Asia, Europe and the Americas. Experienced practitioners from major regions of the world will examine Chinese outbound investments from multiple legal angles (foreign investment, anti-bribery, labor, CFIUS review – to name a few).

Committee Sponsor:

China

Committee Co-Sponsors:

Asia/Pacific; Europe; Latin America & Caribbean; International M&A and Joint Venture; International Private Equity

Panel Chair:

Alex Hao, *JunHe LLP, New York, NY*

Moderator:

Paul Edelberg, *Fox Rothschild LLP, Stamford, CT*

Speakers:

Santiago Concha, *C&R Law, Bogotá, Colombia*

Alex Hao, *JunHe LLP, New York, NY*

Till Kosche, *Noerr, Frankfurt, Germany*

Edward Lee, *Wachtell Lipton Rosen & Katz, New York, NY*

Chen Lee Won, *Rahmat Lim & Partners, Kuala Lumpur, Malaysia*

2:30 PM – 4:00 PM

Kiku Foyer

Uberization of the Legal Profession: Where are we in Asia?

The U.S. —and gradually Europe— are experiencing daily the signs of a material change in the legal profession's landscape following an unprecedented combination of economic, market and technological factors. This session plans on examining how those dramatic changes are affecting the region with a particular focus on Japan, Korea and the neighboring countries.

The panel will cover these topics:

- How innovation and technology affects the legal profession;
- The surge of new competition for traditional law firms (“web” law firms; e legal servicing); and
- Preliminary signs of uberization of the legal profession (comparative websites; freelancing; etc.).

Committee Sponsor:

Transnational Practice Management

Panel Chair:

Jean-Claude Rivalland, *Allen & Overy LLP, Paris, France*

Moderator:

Jean-Claude Rivalland, *Allen & Overy LLP, Paris, France*

Speakers:

Chunghwan Choi, *Lee & Ko, Seoul, Republic of Korea*

Masahiro Kotosaka, *Keio University, Kanagawa, Japan*

Taichiro Motoe, *Bengo4.com, Tokyo, Japan*

Koki Yamada, *Hibiya-Nakata, Tokyo, Japan*

4:00 PM – 4:30 PM

Networking Break

Proudly Sponsored By:

KIM & CHANG

THURSDAY, OCTOBER 20

4:00 PM – 4:30 PM

Kotobuki

“How To” Series: Section Publishing – How to Achieve Your Name in Print

Do you consider yourself an expert within your practice area of international law? If so, world-wide recognition is at your doorstep, by becoming a published author in one of the ABA Section of International Law’s several channels of publication. Whether you aspire to write or edit a book, contribute a scholarly law review article or book chapter, author a succinct news article or an informative committee newsletter essay, publishing through our Section is an effective way to demonstrate your expertise. At this informational session Publications Officer Patrick Del Duca and the editors of *The International Lawyer*, *The International Law News* and the *Year-in-Review* will coach you on how to start on your way as a published author of the ABA Section of International Law.

For more guidance on publishing with the Section, visit the Section website at http://www.americanbar.org/groups/international_law/leadership.html.

4:30 PM – 6:00 PM

Katsura & Kasura

Fix or Throw Out? Is it Time to Get Rid of Investor State Arbitration in the TPP?

Held as a structured discussion with audience participation, this distinguished panel will consider the TPP’s groundbreaking new approach to investor-state arbitration. Does this new TPP go far enough to address ethical and fairness concerns about investor state dispute resolution? Should the investor state dispute system in TPP be replaced by an Investment Court and Appellate Body? How are values such as ethical conduct, equality and due process protected? Are there special needs for Asia-Pacific trade zone?

Committee Sponsor:

International Arbitration

Committee Co-Sponsors:

Asia/Pacific; International Litigation; Canada

Panel Chair:

Barry Appleton, *Appleton & Associates International Lawyers, Toronto, Canada*

Moderator:

Barry Appleton, *Appleton & Associates International Lawyers, Toronto, Canada*

Speakers:

Cristina Cardenas, *Astigarraga Davis Mullins Grossman, Miami, FL*

Tai-Heng Cheng, *Quinn Emanuel, Urquhart & Sullivan, LLP, New York, NY*

Robert Howse, *New York University School of Law, New York, NY*

Tania Voon, *Melbourne Law School, The University of Melbourne, Carlton, Australia*

4:30 PM – 6:00 PM

Yamato Higashi

The Growing Importance of Alternative Business Structures in the Asia-Pacific Region

The emergence of Alternative Business Structures (ABS) in some major legal markets is changing the legal services landscape, creating both new opportunities and challenges for lawyers and law firms. We will explore developments in a number of jurisdictions including developments in Asia and look at what services are being provided by ABS and what can be learned from experiences in other professions. We will discuss existing outsourcing models operating in Asia, the growth of the global law firms within Asia (including the Big 4 “accountants”) and consider the opportunities these new structures create. We will also investigate the likelihood of legal service markets in “protectionist” countries, such as India and the U.S., being opened up to these new business structures.

Committee Sponsor:

Transnational Practice Management

Committee Co-Sponsor:

International Ethics

Panel Chair:

Norman K. Clark, *Walker Clark LLC, Fort Myers, FL*

Moderator:

Norman K. Clark, *Walker Clark LLC, Fort Myers, FL*

Speakers:

Martin Desautels, *DFDL, Ho Chi Minh City, Vietnam*

Bonnie L. Dixon, *Atsumi & Sukai, Tokyo, Japan*

Sai Ree Yun, *Yulchon LLC, Seoul, Republic of Korea*

4:30 PM – 6:00 PM *Yamato Minami*

The Debate Over The Expiring WTO Accession Protocol Provisions for Non-Market Economy Treatment for Products of China and Vietnam

December 11, 2016, and December 31, 2018, are the respective dates set by the almost identical provisions of China's and Vietnam's World Trade Organization Protocols of Accession for importing countries to cease generalized departures from home market costs and prices as the basis for normal value for Chinese and Vietnamese imports in the context of trade remedies proceedings, unless the terms of Note 2 Ad Article VI of the GATT 1994 are applicable to those countries. With those dates, particularly the date applicable to China, fast approaching, legal and policy debates as to the proper interpretation of the provisions are heating up in the United States and the Europe Union. Will market economy treatment apply to the products of these countries that have long been presumed to be non-market economies? What are the legal and political options and implications?

Committee Sponsor:

International Trade

Committee Co-Sponsors:

Asia/Pacific; China; Customs Law; Foreign Legal Consultant; U.S. Lawyers Abroad

Panel Chair:

Brenda A. Jacobs, *Sidley Austin LLP, Washington, DC*

Moderator:

Brenda A. Jacobs, *Sidley Austin LLP, Washington, DC*

Speakers:

Stéphanie Noël, *S. Noël Law Office, Geneva, Switzerland*

John R. Magnus, *TRADEWINS LLC, Washington, DC*

Laurent Ruessmann, *Fieldfisher, Brussels, Belgium*

Jin Xiao, *King & Wood Mallesons, Beijing, China*

4:30 PM – 6:00 PM *Yamato Nishi*

The Care and Feeding of Internal Whistleblowers in Multi-Country Investigations

Proudly Sponsored By:



The vast majority of internal investigations are conducted in-house by corporate counsel or compliance professionals. This program addresses the cultural and legal differences in managing an internal investigation involving a company whistleblower from the perspective of in-house staff conducting the investigation. It will cover the recent 2015 SEC Office of the Whistleblower report to Congress, the implications of the Yates memo, privacy considerations, the China State Secrets Act, and cultural differences among countries in Asia.

Committee Sponsor:

International Corporate Counsel

Committee Co-Sponsors:

China; Asia/Pacific; International Anti-Corruption

THURSDAY, OCTOBER 20

Panel Chair:

Peggy Kubicz Hall, *Greene Espel PLLP, Minneapolis, MN*

Moderator:

Peggy Kubicz Hall, *Greene Espel PLLP, Minneapolis, MN*

Speakers:

Michael L. Martinez, *Marriott International Inc., Bethesda, MD*

Yuriko Sato, *Philip Morris Japan K.K., Tokyo, Japan*

Leanne Zheng, *JunHe LLP, Beijing, China*

4:30 PM – 6:00 PM

Kiku Foyer

Will Plea Bargaining & Deals Work in Japan? A Comparative Approach Based on Recent Changes in the U.S. and Europe

The fundamentals of Japanese criminal law and criminal procedure have evolved only slightly over the past 50 years. The introduction a “plea bargain” in the Japanese Criminal Procedural Law may be in force soon, and will have a huge impact on its corporate liability and compliance culture. Getting credit for a good compliance program is still very much an abstract concept at this stage, nor have U.S. Attorneys’ Manual or Federal Sentencing Guideline type of basic policies have not been introduced in Japan. The Germans introduced “Kronzeuge” in 2009 and French also introduced it recently. The UK Bribery Act is now in full motion and certain compliance programs are mandatory. The panelists will discuss the processes in their respective jurisdictions, determine the pros and cons of each system, whether or not forum shopping is an option and if there is a new universal way of getting to a deal/agreement.

Committee Sponsor:

International Criminal Law

Committee Co-Sponsors:

International Anti-Corruption; International Antitrust Law; Foreign Legal Consultant; Asia/Pacific; International Corporate Counsel; International Ethics

Panel Chairs:

Stéphane de Navacelle, *Navacelle Avocats, Paris, France*

Yoshiki Uchida, *MDP Business Advisory Co., Ltd., Tokyo, Japan*

Moderator:

Yoshiki Uchida, *MDP Business Advisory Co., Ltd., Tokyo, Japan*

Speakers:

Kaku Hirao, *Nishimura & Asahi, Tokyo, Japan*

Rosa Lima, *former prosecutor for the State of New Mexico, Santa Fe, NM*

Michelle Mizutani, *Clifford Chance, Tokyo, Japan*

Philip Osten, *Keio University Faculty of Law, Tokyo, Japan*

7:00 PM – 9:00 PM

Reception at Happo-en

Once the residence of a vassal of the Edo shogunate, Happo-en (八芳園, “garden of eight views”) is a traditional, elegant Japanese garden that maintains the natural beauty of Edo Japan in present-day Tokyo. The garden includes a waterfall and a small stream arranged around a pond, and is interspersed with historical buildings. The large windows in the garden’s restaurant will provide stunning views of the garden’s fall foliage; attendees may also walk around the gardens during the reception. When visiting Happo-en, attendees will see that the garden’s name doesn’t even begin to describe its beauty.

One ticket per person is included as part of your Fall Meeting inclusive registration fee; additional tickets may be purchased online.

FRIDAY, OCTOBER 21, 2016

7:00 AM – 6:30 PM

Kikka & Kasuga

Registration and Exhibit Area Open

8:00 AM – 8:50 AM

Kikuen

Continental Breakfast

8:00 AM – 9:00 AM

Kotobuki

Books Board Meeting

Our Section's Books Board meets periodically to assess book proposals, formulate feedback to aspiring authors and editors, guide the progress of book marketing, and propose recommendations regarding publication initiatives. Our Section's Publications Officer, Patrick Del Duca, extends an open invitation for you to attend this meeting. If you already are a published Section author, if you would like to become a Section author, if you would like to advance the work of your Committee by involving it in Section Publications, or if you simply are curious about the publication process, please join us.

9:00 AM – 10:30 AM

Katsura & Kasuga

Opportunity or Barrier: The Effects of Trans-Pacific Partnership on Energy Trade and Investment

The Trans-Pacific Partnership (TPP), the first major multilateral trade agreement in two decades, is not yet a reality, but governments, energy sector and investors need to consider its effects on energy trade and investment. The TPP will impact the energy sector in many ways, including the elimination of tariffs, the opening up of new countries for investment, and the implementation of transparent environmental regulations. The 12 participating countries will be impacted in varying degrees: will it be a boon to LNG exports from Canada and Australia or a revival of the economy of Japan? Will it

affect investment in Mexico? What about the non-participating countries, like Korea and China, might they ultimately join the "club"? This panel, comprising speakers from Australia, Canada, Japan, Mexico and the United States, will uncover the provisions of the TPP that facilitate/inhibit trade and investment in energy products and sector-related services, including exploration, extraction, engineering, power generation, environmental management and training within participating countries and lead to the prognosis: opportunity or barrier.

Committee Sponsor:

International Energy and Natural Resources

Committee Co-Sponsors:

Asia/Pacific; Canada; Customs Law; International Environmental Law; International Investment and Development; International Procurement; International Trade; International Transportation

Panel Chairs:

Jeffrey Read, *Borden Ladner Gervais LLP, Vancouver, Canada*

Jennifer Radford, *Borden Ladner Gervais LLP, Ottawa, Canada*

Moderator:

Jennifer Radford, *Borden Ladner Gervais LLP, Ottawa, Canada*

Speakers:

Max Bonnell, *King & Wood Mallesons, Sydney, Australia*

Marney Cheek, *Covington & Burling LLP, Washington, DC*

Eduardo Diaz Gavito, *Chevez Ruiz Zamarripa, Mexico City, Mexico*

Osamu Umejima, *White & Case LLP, Tokyo, Japan*

9:00 AM – 10:30 AM *Yamato Minami*

Trends in Global Migration: Will We See Asia Surmount the USA in this Century as the Top Destination for Foreign Talent?

As the region with the majority of the world's population, Asia provides the largest number of skilled workers to the United States, Canada, and Europe. As the economies of Asian countries grow and integrate into the global economy, they will need to compete with other regions for highly skilled workers. The United States has historically been the top destination for skilled workers; will it be able to continue attracting the world's top talent, or will we see a major shift to Asia becoming the top destination? What immigration policies have Asian countries already implemented to attract highly skilled workers and retain their own local talent? Which Asian countries have taken an isolationist position and have taken steps to stem immigration of foreign professionals?

Committee Sponsor:
Immigration and Naturalization

Panel Chair:
Michelle Jacobson, *Fragomen, Del Rey, Bernsen & Loewy LLP, Chicago, IL*

Moderator:
Alex Sodini, *Berry Appleman & Leiden LLP, Dallas, TX*

Speakers:
Mark Buchanan, *Fragomen Global, LLP, Singapore*

Tetsuya Iida, *ILS Shimoda Office K.K., Tokyo, Japan*

Raj Mann, *Berry Appleman & Leiden Asia Pacific Pte Ltd, Singapore*

Jung Un, Kim, *Chang & Lee, Seoul, Republic of Korea*

9:00 AM – 10:30 AM *Yamato Higashi*

Be an Ally: The LGBT Ally Toolkit (Diversity)

In much of the world, great progress has been made in civil rights and other legal areas for lesbian, gay, bisexual, and transgender (LGBT) people. To build upon this progress, the ABA Commission on Sexual Orientation and Gender Identity (SOGI) has developed an "LGBT Ally Toolkit" as a resource to help legal employers and human resources professionals support LGBT attorneys in their workforces and to provide education and training for attorneys and other members of these workforces to help support their LGBT colleagues. Panelists will present scenarios developed by SOGI to illustrate situations that may arise in the workplace and discuss ways to address such situations. They will also review vocabulary, resources and best practices developed by SOGI for the elimination of bias in the legal profession against LGBT individuals.

Committee Sponsor:
Sexual Orientation and Gender Identity Network (GIN)

Committee Co-Sponsors:
Corporate Social Responsibility; International Employment Law; International Human Rights; Women's Interest Network (WIN); Young Lawyers Interest Network (YIN)

Panel Chairs:
Audrey Kucia, *Internal Revenue Service, Office of Associate Chief Counsel, Washington, DC*

Hiroki Inaba, *Goldman Sachs Japan, Co., Ltd., Tokyo, Japan*

Moderator:
Audrey Kucia, *Internal Revenue Service, Office of Associate Chief Counsel, Washington, DC*

Speakers:
Naosuke Fujita, *Goldman Sachs Japan, Co., Ltd., Tokyo, Japan*

Malcolm "Skip" Harsch, *ABA Commission on Sexual Orientation and Gender Identity, Chicago, IL*

Taro Tanaka, *Freshfields Bruckhaus
Deringer, Tokyo, Japan*

9:00 AM – 10:30 AM

Asuka

“One person – One vote:” When it Comes to Voting: Who are the “People,” and How are their Votes to be Valued?

The United States Supreme Court recently decided two cases on redistricting: *Harris v. Arizona Independent Redistricting Comm’n* and *Everwel v. Abbott*. Each case continues the Court’s construction of the meaning of “one person, one vote” considered in *Reynolds v. Sims* (1964) and *Wesberry v. Sanders* (1964). In *Harris*, the issue was whether the Commission violated one person, one vote principles in drawing legislative districts that were not equal in population, and thus, in turn, diminished the value of votes in overpopulated districts. The Supreme Court, in an opinion by Justice Breyer found that deviations of up to ten percent were permissible. In *Everwel*, the issue was whether the Equal Protection Clause of the Fourteenth Amendment required that redistricting be based on total population or the number of eligible voters. The Court, in an opinion by Justice Ginsburg, held that the state of Texas may draw districts on the basis of total population (but did hold that Texas must use total population).

For fifty years, the Supreme Court of Japan has grappled with the issue of vote disparity. The first challenges came in the early 1960s, at the same time that the United States was developing its “one person, one vote” jurisprudence. On November 26, 2015, Japan’s Supreme Court ruled that a 4.77:1 disparity in voting power in different districts for the July 2013 upper house election constituted a “marked case of inequality,” creating “a state of unconstitutionality.” <http://www.nippon.com/en/currents/d00150>.

In both Japan and the United States, the requirements of one person, one vote have

resulted in over four decades of litigation. Yet, a fundamental condition of democracy is the will of the people. Both preambles to the Constitutions of Japan and the United States declare that all sovereignty resides in the people. When it comes to voting then: who are the people, and how are their votes to be valued? The resolution affects democracy and may affect the outcome of elections and the ability to create governing majorities.

This panel will explore the legal and political issues involved in redistricting and vote valuation. It will also draw upon experiences of other democratic countries in Asia.

Committee Sponsor:

Task Force on International Election Law

Co-Sponsor:

Standing Committee on Election Law

Panel Chairs:

Benjamin Griffith, *Griffith Law Firm, Oxford, MS*

Chad Vickery, *Center for Applied Research and Learning at The International Foundation for Electoral Systems, Washington, DC*

John Hardin Young, *Sandler Reiff Lamb Rosenstein & Birkenstock, P.C., Washington, DC*

Moderator:

Elizabeth M. Yang, *American Bar Association, Washington, DC*

Speakers:

Andrew J. Sutter, *College of Law and Politics, Rikkyo University, Tokyo, Japan*

John Hardin Young, *Sandler Reiff Lamb Rosenstein & Birkenstock, P.C., Washington, DC*

Chad Vickery, *Center for Applied Research and Learning at The International Foundation for Electoral Systems, Washington, DC*

9:00 AM – 10:30 AM *Yamato Nishi*

Moot Court: Children in International Divorces between Japan, the USA, and the Rest of the World

Although the analytical and operational overview of the implementation of the 1980 Convention in Japan, this session will be presented in a Moot Court format comparing and contrasting two return cases in “removed-to” jurisdictions, Japan and the U.S. The presentation will include the Convention prima facie case as well as established defenses and portray what would happen in the two courts. The presenters will include a jurist, litigants, witnesses, and attorneys who, while presenting an actual hearing, will show the audience how practitioners from different jurisdictions deal with the application of the Convention legal principles through local law and procedure.

Committee Sponsor:
International Family Law

Panel Chair:
Markus Zwicky, *Zwicky Windlin & Partner, Zug, Switzerland*

Moderator:
Bradley Lechman-Su, *Attorney at Law, Portland, OR*

Speakers:
Mikiko Atami, *Toranomon Law and Economic Offices, Tokyo, Japan*

Hirota Honda, *Family Law Office at Shibuya Tokyo, Tokyo, Japan*

Amb. Susan Jacobs, *U.S. Department of State, Washington, DC*

Anne Marie Hutchinson, *Dawson Cornwell, London, United Kingdom*

Bradley Lechman-Su, *Attorney at Law, Portland, OR*

Anselmo Reyes, *Hague Conference on Private International Law, Asia Pacific Regional Office, Hong Kong*

9:00 AM – 10:30 AM *Kiku Foyer*

A New Wave: Renewable Energy Technologies in Japan

After the devastating crisis at Fukushima in 2011, Japan reduced its nuclear energy targets to 20% of generation and turned to renewable energy technologies to meet its growing energy needs. Japan is now a leader in solar and wind power, including offshore wind power. Japan is also empowering its cities to take the lead in this initiative by aiming to have 1,000 city-operated renewable energy development corporations by 2021. Deregulation of Japan's electricity markets is expected to begin in 2016. Furthermore, Japan is world renowned as a technological leader, including in the field of environmental and energy technologies. There have been demonstration projects involving the integration of electric vehicles, renewable energy, and heat pumps to manage energy supply and demand in Malaga, Spain, in Lyon, France, in Manchester in the United Kingdom, in Java, Indonesia, and in Hawaii and New Mexico, in the United States. This panel will provide an overview of Japanese energy policy and opportunities for international investment. This panel will also explore recent innovations in energy management developed in Japan and the legal challenges associated with exporting these technologies around the world.

Committee Sponsor:
International Environmental Law

Committee Co-Sponsors:
International Energy & Natural Resources; China; Canada; Europe

Panel Chairs:
Alicia Cate, *Oceana, Washington, DC*
Roya Vasseghi, *Wilson Elser Moskowitz Edelman & Dicker LLP, McLean, VA*

Moderator:
Hisako Takahashi, *Low-Carbon Solutions Strategy Group Environment and Energy Research Division, Mitsubishi Research Institute, Inc., Tokyo, Japan*

Speakers:

Yoshifumi Fukunaga, *Energy Conservation and Renewable Energy Department, Agency for Natural Resources and Energy, Ministry of Economy, Trade and Industry (METI), Tokyo, Japan*

Kiyoshi Honda, *Nagashima Ohno & Tsunematsu, Tokyo, Japan*

Hezy Ram, *Ram Energy, Inc., Frisco, TX*

10:30 AM – 11:00 AM

Networking Break

11:00 AM – 12:30 PM *Yamato Higashi*

**Ladies, Gambatte Kudasai:
The GRIT Toolkit**

Women attorneys have made a great deal of progress in the legal workplaces around the world. But what are employers, leaders, and managers doing to track and address inequities in distribution of assignments, credit for business, succession planning, and the general climate towards women in their organizations? And how may we predict and ensure the greater participation of women attorneys in all levels of the law, including leadership? Both Japanese culture and the ABA's Commission on Women in the Profession (CWP) GRIT Toolkit value tenacity and perseverance. Using the resources in the GRIT toolkit as a guide, women attorneys in Japan, U.S., and other countries will share advice about eliminating bias in the legal profession and sustaining long term legal careers. Panelists will also examine laws and policies that seek to eliminate discrimination, as well as the ABA Model Rules of Professional Conduct, particularly regarding maintaining the integrity of the legal profession. Gambaremasu!

Committee Sponsor:

Women's Interest Network (WIN)

Committee Co-Sponsors:

International Human Rights; Transnational Practice Management; International Employment Law; Asia/Pacific

Panel Chair:

Audrey Kucia, *Internal Revenue Service, Office of Chief Counsel, Washington, DC*

Moderator:

Sharon James, *Women's Interest Network (WIN), Tacoma, WA*

Speakers:

Philip Berkowitz, *Littler Mendelson P.C., New York, NY*

Paulette Brown, *Immediate Past President, American Bar Association; Locke Lord LLP, Morristown, NJ*

Robin Kaptzan, *Duan & Duan Law Firm, Shanghai, China*

Akiko Yamakawa, *Freshfields Bruckhaus Deringer, Tokyo, Japan*

11:00 AM – 12:30 PM *Yamato Nishi*

Recent Trends in M&A in Asia

Proudly Sponsored By:



Positive economic growth in the Asian region in the last few years has been a key driver for active M&A activities in Asia, and it is expected that trends of economic growth in the region will continue. This panel will address trends in M&A transactions seen in the Asian region during 2015-2016 by the panelists consisting of leading M&A lawyers from the major jurisdictions in the region, and an in-house counsel or investment banker having significant experience in M&A transactions. Panelists will discuss about a) difficulties Asian companies may face when making acquisitions in the U.S. and other countries; b) challenges and difficulties investors from the U.S. and other countries may face when making acquisitions in the Asian region; and c) some of the recent trends of M&A transactions within Asia.

Committee Sponsor:

International M&A and Joint Venture

Committee Co-Sponsors:

Asia/Pacific; International Commercial Transactions, Franchising and Distribution

Panel Chair:

Takashi Toichi, *Anderson Mōri & Tomotsune, Tokyo, Japan*

Moderator:

Takashi Toichi, *Anderson Mōri & Tomotsune, Tokyo, Japan*

Speakers:

Mitsuru Claire Chino, *ITOCHU Corporation, Tokyo, Japan*

Tao Guo, *JunHe LLP, Beijing, China*

Ng Eng Leng, *Dentons Rodyk & Davidson LLP, Singapore*

Kaye Yoshino, *Paul, Weiss, Rifkind, Wharton & Garrison LLP, Tokyo, Japan*

11:00 AM – 12:30 PM *Yamato Minami*

The Divergent Investment Treaty Policies of India and China – What Are the Implications for Asia and the Rest of the World?

The investment treaty policies of China and India have taken different paths, each reflecting the state of its respective economy. Recently, China has liberalized its approach to investment treaties and has entered into more investor-friendly BITs with many of its large trading partners. This is a function of China having become a capital exporting economy and Chinese investors becoming increasingly sophisticated users of investment dispute mechanisms. Meanwhile, India is in some respects undergoing an opposite process, sparked in large part by the decision it received in the *White Industries* case and the recent rise in investment disputes against the State. These events have likely been the impetus underpinning India's recent adoption of a new model BIT that heralds a marked departure from previous, more investor-friendly models. The panel will discuss the causes and effects of this divergence, what

steps these countries are likely to take in the future, and what this means for Asia and the rest of the world.

Committee Sponsor:

International Investment and Development

Committee Co-Sponsors:

China; India; International Arbitration; International Trade

Panel Chairs:

Mark S. McNeill, *Shearman & Sterling LLP, London, United Kingdom*

Wesley H. Pang, *Shearman & Sterling LLP, London, United Kingdom*

Moderator:

Mark S. McNeill, *Shearman & Sterling LLP, London, United Kingdom*

Speakers:

Norah Gallagher, *Queen Mary University of London, London, United Kingdom*

Won Kidane, *Seattle University School of Law; Addis Law Group LLP, Washington, DC*

Promod Nair, *Arista Chambers, Bangalore, India*

Hi-Taek Shin, *Seoul National University School of Law, Seoul, Republic of Korea*

11:00 AM – 12:30 PM *Asuka*

The State of the Television Industry

The disruption of “International TV”: Netflix and OTTs. Will OTTs always avoid national regulations? How will OTT technology and services evolve? Are OTT a threat to traditional broadcasting and cable TV? Is there a need for international action to regulate the business? What is the view from ITU, the United Nations specialized agency for information and communication technologies? What will be the impact on satellite TV subscription services? The panel will answer these questions and analyze the ongoing tension between carriers and OTT on infrastructure, taxation and the sharing of profits.

Committee Sponsor:

UN and International Institutions

Committee Co-Sponsors:

Asia/Pacific; Canada; New Media & Content Innovation; Privacy, E-Commerce & Data Security

Panel Chair:

Javier Etcheverry, *Boneo, Marval, O'Farrell & Mairal, Buenos Aires, Argentina*

Moderator:

Javier Etcheverry, *Boneo, Marval, O'Farrell & Mairal, Buenos Aires, Argentina*

Speakers:

Paul Mitchell, *Microsoft TV Division, Seattle, WA*

Yuki Oi, *Nishimura & Asahi, Tokyo, Japan*

11:00 AM – 12:30 PM

Kiku Foyer

On the Corruption Borderline: Local Business Practices, International Anti-Corruption Enforcement and the Perils of Life on the Borderline

A mock negotiation taking through the audience several “incidences” of borderline acts undertaken by companies (through their sales team) in different Asian locations such as China, India, Indonesia, Japan, Vietnam.

The negotiation will be of a JV in China by U.S. and Chinese (or Korean) companies to manufacture widgets in China with resources sourced under government concession in Indonesia, with distribution channels for the products be sold in India, Japan, US, Canada. Rival bid for manufacturing site offered by Vietnamese partner.

Each actor /panelist will offer something to another party which is acceptable in his/her home country but unacceptable in the other country or under some extraterritorial regimes (FCPA, UK Bribery Act, Brazil Clean Company Act).

Committee Sponsor:

International Anti-Corruption

Committee Co-Sponsors:

International Investment and Development; Asia/Pacific; China; India; International

Criminal Law; International M&A and Joint Venture

Panel Chair:

Salli Anne Swartz, *Artus Wise, Paris, France*

Moderator:

Salli Anne Swartz, *Artus Wise, Paris, France*

Speakers:

Randall A. Hanson, *Womble Carlyle Sandridge & Rice, LLP, Greensboro, NC*

Tak Kyun Hong, *Shin & Kim, Seoul, Republic of Korea*

Manish Kumar Sharma, *Singhania & Partners LLP, New Delhi, India*

Salli Anne Swartz, *Artus Wise, Paris, France*

Yu Wakae, *Nagashima Ohno & Tsunematsu Shanghai Office, Shanghai, China*

Leanne Zheng, *JunHe LLP, Beijing, China*

12:45 PM – 2:15 PM

Kikuen

**Luncheon—Keynote Speaker:
Ms. Mitsuru Claire Chino**



Mitsuru Claire Chino is Executive Officer and General Manager of the Legal Division of Itochu Corporation, a Fortune Global 500 corporation with over 40,000 employees worldwide. She is the first female executive officer of any major trading company, and has contributed considerably to expanding the role of in-house lawyers. In 2010, she was named one of the top 25 in-house lawyers in Asia by Asia Legal Business, and in 2014, received an award as an innovative lawyer by the Financial Times. Ms. Chino has also been active in promoting women’s interests in corporate Japan and was instrumental in initiating a diversity program within Itochu. Ms. Chino was an Asia 21 Fellow (Asia Society), Yale World Fellow and a Fellow of the US-Japan Foundation. She holds a BA from Smith College and a JD from Cornell Law School.

FRIDAY, OCTOBER 21

2:30 PM – 4:00 PM *Kotsura & Kasuga*

Securities Litigation Under the Japanese Financial Instruments and Exchange Act and in other Asian Countries: Progress and Predictions

Historically, shareholder litigation for securities violations was virtually unheard of in Japan. A 2006 amendment to Japan's Financial Instruments and Exchange Act (FIEA), however, led to a dramatic increase in the number of private shareholder litigation actions. In the beginning international investors paid little attention to the FIEA and most actions were pursued by Japanese investors but in 2012, an admission by the Olympus Corporation to a JPY 135 billion (\$1.8 billion) accounting scandal thrust the Japanese FIEA onto the international stage. Now with litigation against Olympus recently settled and the Japanese company Toshiba currently embroiled in a \$1.9 billion accounting scandal, Japanese securities litigation is once again in the spotlight. Like Japan, within the past decade other Asian countries (for example Korea) have also adopted class action mechanisms or modified their securities laws. This panel will discuss the legal developments in securities litigation in Japan and other Asian countries over the past ten years and attempt to make some predictions for the future. While Japan and other Asian countries are the primary focus of this panel, the panel will compare and contrast the securities laws in the U.S. and other countries around the world.

Committee Sponsor:

International Litigation

Committee Co-Sponsors:

International Securities and Capital Markets; Corporate Social Responsibility; Asia/Pacific; International Corporate Counsel; Young Lawyers Interest Network (YIN)

Panel Chair:

Emily Christiansen, *Kessler Topaz Meltzer & Check, LLP, Radnor, PA*

Moderator:

Emily Christiansen, *Kessler Topaz Meltzer & Check, LLP, Radnor, PA*

Speakers:

Darren J. Check, *Kessler Topaz Meltzer & Check, LLP, Radnor, PA*

Joo Young Kim, *Hannuri Law, Seoul, Republic of Korea*

Yoko Maeda, *City-Yuwa Partners, Tokyo, Japan*

Jo Verbiesen, *Harneys, Hong Kong*

2:30 PM – 4:00 PM *Yamato Higashi*

Moving Forward—Expansion Strategies for Law Firms in Asia Under the Existing Regulatory Frameworks

Many Asian economies remain the source of substantial growth. This creates opportunities for law firms to expand. This panel will look at successful models of both Asian and international firms strengthening their presence in key jurisdictions across Asia. Panelists will analyze recently implemented expansion strategies and will discuss the regulatory framework applicable in such context in major jurisdictions in Asia, including the impact of free trade agreements. The results of the panel discussion will enable attendants to better prepare the growth strategy of their own firms.

Committee Sponsor:

Transnational Practice Management

Committee Co-Sponsors:

Latin America & Caribbean; International Law Practice Management Forum; U.S. Lawyers Abroad; International Ethics; Young Lawyers Interest Network (YIN); Foreign Legal Consultant; International Legal Education & Specialist Certification

Panel Chair:

Hermann J. Knott, *Luther, Cologne, Germany*

Moderator:

Hermann J. Knott, *Luther, Cologne, Germany*

Speakers:

Stephen Denyer, *The Law Society of England & Wales, London, United Kingdom*

Eric J. Jiang, *Jurisino Law Group, Beijing, China*

Tatsu Katayama, *Anderson Mōri & Tomatsune, Tokyo, Japan*

Albert Tan, *Haynes and Boone, LLP, Dallas, TX*

Stefanie Yuen Thio, *TSMP Law Corporation, Singapore*

2:30 PM – 4:00 PM *Yamato, Minami*

Preparing Your Asian Client for Litigation in the U.S.: East Meets West

Asian countries are heavily influenced by Buddhism, Daoism, Confucius ideas, etc. The U.S. is heavily influenced by European culture. The cultural differences affect the ways we prepare our clients for litigation or arbitration in the U.S. The cultural differences also affect the civil litigation procedure. This panel will address different aspects of a litigation in the U.S., such as admission of evidence, authentication of a document, notarization of a document, discovery process, depositions (video or non-video), ability to request/subpoena documents or people (representative of a company) to the U.S, motions, trials, etc. compensation.

Committee Sponsor:

Asia/Pacific

Committee Co-Sponsors:

China; International Litigation; International Mediation; International Courts; Immigration and Naturalization; Aerospace & Defense Industries; Canada; Customs Law; International Anti-Corruption

Panel Chairs:

Qiang Bjornbak, *Law Offices of Qiang Bjornbak, Los Angeles, CA*

Robin Kaptzan, *Duan & Duan Law Firm, Shanghai, China*

Moderator:

Robert Lutz, *Southwestern Law School, Los Angeles, CA*

Speakers:

James Berger, *King & Spalding LLP, New York, NY*

Qiang Bjornbak, *Law Offices of Qiang Bjornbak, Los Angeles, CA*

Yoshihiro Takatori, *Orrick Tokyo Law Offices, Gaikokuho Joint Enterprise, Tokyo, Japan*

Jian William Wu, *Duan & Duan Law Firm, Shanghai, China*

2:30 PM – 4:00 PM

Asuka

Anti-Corruption Prosecutions in China: What Does it Mean and Who is Next?

Chinese President Xi Jinping launched a broad and deep anti-corruption program in 2012, which has thus far netted over 100,000 indictments. China is also undertaking serious efforts to repatriate overseas fugitives and their assets. Domestically, Chinese officials and state-owned enterprises are taking urgent efforts to improve compliance programs to mitigate new enforcement risks. Internationally, China is seeking unprecedented law enforcement cooperation with the United States and other nations.

Is the campaign serving multiple purposes? Is it being administered even-handedly? And who is next up for the prosecutors?

Committee Sponsor:

International Anti-Corruption

Panel Chair:

Weining Zou, *JunHe LLP, Beijing, China*

Moderator:

Weining Zou, *JunHe LLP, Beijing, China*

Speakers:

Nora Fu, *Shanghai Qin Li Law Firm, Shanghai, China*

Michael Silverman, *Hughes Hubbard & Reed LLP, Washington, DC*

Aili Zhao, *Siemens LTD., Shanghai, China*

FRIDAY, OCTOBER 21

2:30 PM – 4:00 PM

Kiku Foyer

Storms in the South China Sea: Law of the Sea Arbitration and 'Islands' of Dispute

One third of the world's maritime traffic passes through the South China Sea, including one half of the world's merchant fleet tonnage as well as military air and naval assets of more than a dozen countries with a presence in the Pacific and Indian Oceans. Moreover, 66 percent of Korea's energy supplies, 60 percent of Japan's and Taiwan's and 80 percent of China's crude oil imports transit the South China Sea. In recent years, China has built up its physical presence around a number of small islands, generating protests by other nations in the region. Some say China is merely protecting its historic claims (and its flow of energy). Others say it is seeking to control transit through the area.

The United Nations Convention on Law of the Sea (UNCLOS) purports to cover disputes regarding freedom of navigation, including a dispute between China and the Philippines over some islands in the Eastern part of the Sea. An Arbitral Panel set up under UNCLOS accepted jurisdiction and issued a decision affirming jurisdiction in December 2015. A decision on the merits is expected before the end of 2016. What effect will a decision, one way or the other, have on world trade? On world business? On channels of diplomacy? On regional security? On the welfare of the many countries throughout the world that depend on free transport of goods and energy through this region?

A panel of experts from countries bordering the area and other countries—non-bordering but very much affected and involved—will struggle to answer those questions, which may be the pivotal questions of international law in this decade.

Committee Sponsor:
Asia/Pacific

Panel Chairs:

Chunghwan Choi, *Lee & Ko, Seoul, Republic of Korea*

Deanne Wilson, *Resolutions LLC, Mendham, NJ*

Moderator:

Jai Lee, *Yulchon LLC, Seoul, Republic of Korea*

Speakers:

Hon. Henry Bensurto, *Consul General to the United States, Philippine Consulate, San Francisco, CA*

Andrew B. Loewenstein, *Foley Hoag LLP, Boston, MA*

Susan McGarvey, *U.S. Navy, Seventh Fleet, Yokosuka, Japan*

4:00 PM–4:30 PM

Networking Break

4:30 PM – 6:00 PM

Katsura & Kasuga

The Ballad of East and West: Will Local Approaches to Litigation Affect TPP Investment Cases?

International litigation techniques have long been used to augment international investment arbitration. The Trans-Pacific Partnership (TPP) expands the reach of investor state arbitration to new countries, further connecting the east and the west. New procedural elements in this "21st Century" treaty which will shape the international arbitration and litigation environment in the TPP's 12 member states. This panel will consider if local approaches to litigation, including disclosure requirements, witness preparation, and culture differences will impact how TPP arbitration panels decide cases.

Committee Sponsor:

International Litigation

Committee Co-Sponsors:

Asia/Pacific; International Arbitration; Latin America & Caribbean; Canada; Mexico; International Mediation

Panel Chairs:

Edward Mullins, *Astigarraga Davis Mullins Grossman PA, Miami, FL*

Sean Stephenson, *Appleton & Associates International Lawyers, Toronto, Canada*

Moderator:

Edward Mullins, *Astigarraga Davis Mullins Grossman PA, Miami, FL*

Speakers:

Mélida Hodgson, *Foley Hoag LLP, New York, NY*

Floriane Lavaud, *Debevoise & Plimpton LLP, New York, NY*

Sungwoo (Sean) Lim, *Lee & Ko, Seoul, Republic of Korea*

Sean Stephenson, *Appleton & Associates International Lawyers, Toronto, Canada*

4:30 PM – 6:00 PM *Yamato Nisbi*

OOPS. I DID IT AGAIN: How to Use Cultural Differences to Your Advantage in Global Financial Deal Making and How to Avoid Those Deal Tragedies (Diversity)

You've seen them. Wrong gestures. Wrong colloquial expressions. Blunders, gaffes and indiscretion. Poor choice of contract wording. Hugging in a "no hug" zone. You know, the faux pas. It can quickly ruin an evolving deal. Learn how to research, prepare, implement and feel good about global deal making with an emphasis on financial deals. Laugh, cry and, oh yes, wince at the war stories about deals gone very, very bad. Hey, if you do not attend this program the next laugh may be, well, on you!

Committee Sponsor:

International Financial Products and Services

Committee Co-Sponsors:

Cross Border Real Estate Practice; International M&A and Joint Venture; International Commercial Transactions, Franchising and Distribution; International Corporate Counsel Forum; International

Securities and Capital Markets; Transnational Practice Management

Panel Chair:

Cagatay Yilmaz, *Yilmaz Law Office, Istanbul, Turkey*

Moderator:

Cagatay Yilmaz, *Yilmaz Law Office, Istanbul, Turkey*

Speakers:

Jonscott Turco, *Jasper Project, New York, NY*

Taro Tsunoda, *Anderson Mōri & Tomotsune, Tokyo, Japan*

Ramesh Vaidyanathan, *Advaya Legal, Mumbai, India*

4:30 PM – 6:00 PM *Asuka*

Whale Wars: What Happens Now?

In 2014, the International Court of Justice issued a judgment in the Whaling in the Antarctic dispute between Australia and Japan. Australia had alleged that Japan's continued pursuit of a large-scale program of whaling in the Antarctic constituted a breach of its responsibilities under the International Convention for the Regulation of Whaling. Japan maintained its whaling program satisfied the scientific exemption to a global whaling moratorium. The Court ruled in favor of Australia. This panel will provide a history of whaling in Japan, an overview of the dispute between Japan and Australia and a summary of the ICJ's decision. The panel will also discuss Japan's whaling activity today, Australia's efforts to enforce the ICJ decision, and how Japan and other countries can reconcile long standing traditions with modern international law principles.

Committee Sponsor:

International Environmental Law

Committee Co-Sponsor:

International Courts

Panel Chairs:

Alicia Cate, *Oceana, Washington, DC*

Roya Vasseghi, *Wilson Elser Moskowitz Edelman & Dicker LLP, McLean, VA*

Moderator:

Anastasia Telesetsky, *College of Law, University of Idaho, Moscow, ID*

Speakers:

Cymie R. Payne, *Camden School of Law, Rutgers University, New Brunswick, NJ*

Roger D. Smith, *University of Western Sydney; Kyushu University, Tokyo, Japan*

4:30 PM – 6:00 PM

Kiku Foyer

Cyber Security & Data Protection in Asia: Navigating the Minefield

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In the past 2 years, most Asian countries introduced and/or proposed to introduce new laws and regulations on cyber security and data protection. While most of these laws and regulations share similar features, each has unique aspects that can easily trap the unwary. In addition, the final enacted versions of proposed legislation will likely vary from the drafts currently in circulation making compliance a moving target. This program will explore the new and proposed legislation in several Asian jurisdictions focusing on developments, potential pitfalls and penalties, and steps for compliance that businesses should be aware of when designing data protection policies and addressing data breaches. The program will also compare and contrast the Asian approach with the U.S. Cybersecurity Act of 2015. Recent issues will be examined to help illustrate the regulatory issues and concerns.

Committee Sponsors:

Asia/Pacific; China

Committee Co-Sponsors:

International Corporate Counsel Forum

Panel Chairs:

Robin Kaptzan, *Duan & Duan Law Firm, Shanghai, China*

Fabiola Suwanto, *Perkins Coie LLP, Shanghai, China*

Moderator:

Elizabeth Cole, *Jones Day, Singapore and Shanghai, China*

Speakers:

Kwang Bae Park, *Partner, Lee & Ko, Seoul, Republic of Korea*

Mark D. Barth, *International Operations & Safety Law, U.S. Air Force, Republic of Korea*

Erik Laykin, *Managing Director, Duff & Phelps, Los Angeles, CA*

Doug Mancill, *Price Sanond Prabhas & Wynne, Bangkok, Thailand*

7:00 PM – 9:00 PM

Chair's Closing Reception at Gonpachi

Gonpachi (権八) is a modern izakaya and one of the great movie destinations of Tokyo (Quentin Tarantino filmed a famous scene from in "Kill Bill" in the restaurant). Meet, socialize, and dine one last time with colleagues and friends, old and new, and celebrate the success of the 2016 Fall Meeting in Tokyo.

One ticket per person is included as part of your Fall Meeting inclusive registration fee; additional tickets may be purchased online.

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EVENT TICKETS

All evening receptions are included with your registration fee. Tickets for guests/spouses and luncheons may be purchased in advance on the registration form or on-site up until **the day before the event is scheduled to take place**. We regret that because we must guarantee our final numbers with the hotel and venues in advance of the event, **we cannot sell same-day tickets**. However, there will be a board in the Registration Area and Exhibition Hall where meeting attendees may exchange and gift tickets.

TOUR INFORMATION

Information about tours is available on the Fall Meeting app at <https://ilfall2016.pathable.com/>.

DRESS CODE

For the 2016 Fall Meeting, business attire is appropriate for programs and meetings as well as the planned social networking events, except casual attire is acceptable for the Chair's Closing Reception on Friday.

MANDATORY CONTINUING LEGAL EDUCATION CREDIT (MCLE)

Accreditation has been requested for the 2016 Fall Meeting programs by the ABA MCLE Division from most states with general mandatory continuing legal education requirements for all lawyers admitted in that state.

The ABA directly applies for and ordinarily receives CLE credit for ABA programs in AK, AL, AR, AZ, CA, CO, DE, GA, GU, HI, IA, IL, IN, KS, KY, LA, MN, MS, MO, MT, NH, NM, NV, NY, NC, ND, OH, OK, OR, PA, PR, SC, TN, TX, UT, VT, VA, VI, WA, WI, and WV. These states sometimes do not approve a program for credit before the program occurs. The expected number of credit hours will be posted to the 2016 Fall Meeting website <http://ambar.org/ILfall2016> under the CLE Events and Information tab approximately six weeks before the meeting. This transitional program is approved for both newly admitted and experienced attorneys in NY. For more information about CLE accreditation in your state, visit http://www.americanbar.org/cle/mandatory_cle.html.

For those people with facing financial hardship, scholarships are available resulting in at least a 50% reduction in the course fee(s). This does not include any reduction in meals, lodging, or travel costs associated with the course. Please contact intlawmeetings@americanbar.org for more information. On-site Scholarships will not be available.

SPEAKER READY ROOM

The Speaker Ready Room is the Nara conference room on Wednesday – Friday from 8:00 am – 6:00 pm. First come, first serve.

EXHIBITION AREA

The Exhibitors and Sponsors exhibition area will be open from Wednesday, October 19 through Friday, October 21 at the Hilton Tokyo. Representatives from a variety of service providers catering to the legal community will showcase their latest products and services to aid you in your practice. All meeting attendees are encouraged to visit the displays of the Section's partners throughout the meeting and in particular during the twice daily networking breaks.

If you are interested in partnering with the Section to be an exhibitor or sponsor, please contact Samantha Feinstein (Samantha.Feinstein@americanbar.org) for additional details and information.

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The 2016 Fall Meeting app serves as your all-in-one event guide by putting everything you need to know right onto your mobile device. Customize your Fall Meeting experience by creating your schedule in advance, communicating with other attendees during the event, downloading hand-outs and material. The meeting app is currently available for free in the App Store for iOS devices and in Google Play for Android devices. Download yours today! Search “ABA Section of International Law Events” in the App Store and Google Play, or download it directly at <https://ilfall2016.pathable.com/>.

CLE MATERIALS

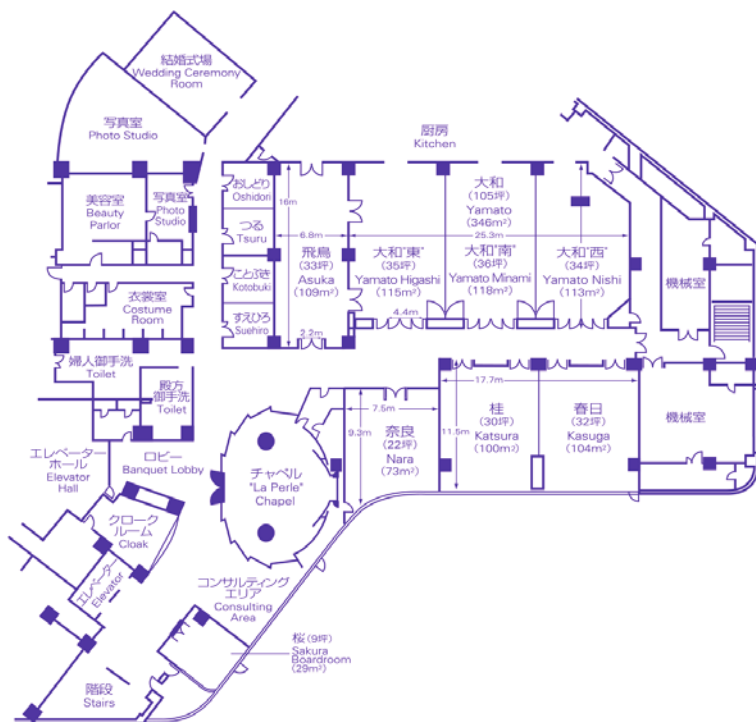
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Complimentary wireless internet access is available in the ABA meeting rooms and registration/networking area. Please note that the username and password are case-sensitive.

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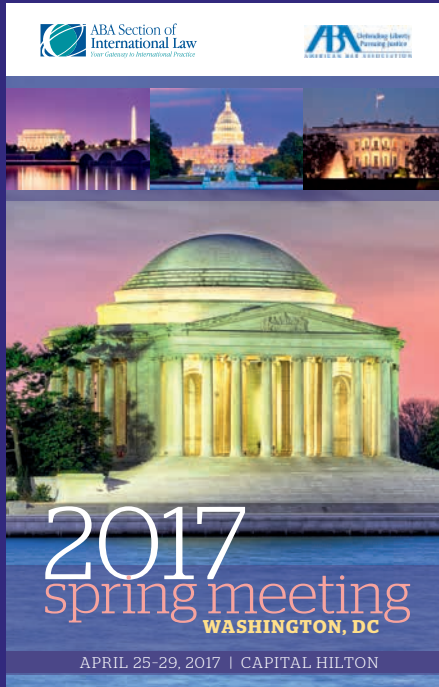
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