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INTERNATIONAL BAR ASSOCIATION CONFERENCE 2024

A conference presented by the IBA International Commerce and Distribution Committee and supported by the IBA Corporate Counsel Forum, the IBA North America Regional Forum, the IBA International Trade and Custom Committee and the IBA Technology Law Committee

The International Commerce and Distribution Landscape: new tensions and restrictions along the global supply chain

20–21 March 2024, Willard InterContinental, Washington DC, USA

Working programme

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All speaker materials and biographies can be found at www.ibanet.org/conference-details/conf2422

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Dalton Albrecht *EY Law, Toronto, Ontario; Co-Chair, IBA International Commerce and Distribution Committee*
Silvia Fazio *Norton Rose Fulbright, São Paulo; Co-Chair, IBA International Commerce and Distribution Committee*

Conference Chairs

Christopher Blake *Hahn Loeser & Parks, Cleveland, Ohio; LPD Council Member*
Riccardo G Cajola *Cajola & Associati, Milan; Senior Vice Chair, IBA International Commerce and Distribution Committee*
Horacio Lopez Portillo *Lopez Portillo Consultores, Mexico City; Diversity and Inclusion Officer, IBA International Commerce and Distribution Committee*

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Guillermo Sanchez Chao *Greenberg Traurig, Mexico City; Chair, IBA Supply Chain and Logistics Subcommittee*
Bart Selden *Taulia, San Francisco, California; Vice Chair, IBA Corporate Counsel Forum*
Audi Syarief *Gibson Dunn & Crutcher, New York; Chair, IBA Export Controls, Sanctions and Anti-Corruption Subcommittee*
Pieter Tubbergen *Tremont Legal, Rotterdam; Senior Vice Chair, IBA International Commerce and Distribution Committee*

Social Programme

Wednesday 20 March

1500 – 1730

Tour at the US International Trade Commission

MOBILE TELEPHONES

Delegates are requested to ensure that mobile telephones and any other portable devices are switched to silent in working sessions.

Reception kindly hosted by



CITD

Center on Inclusive Trade and Development
GEORGETOWN LAW

All working sessions, coffee/tea breaks and lunch will take place in the Willard Room

0800 – 1700

Registration

InterContinental the Willard

0830 – 0845

Opening remarks and introduction of keynote speaker

Dalton Albrecht *EY Law, Toronto, Ontario; Co-Chair, IBA International Commerce and Distribution Committee*

Christopher Blake *Hahn Loeser & Parks, Cleveland, Ohio; LPD Council Member*

Riccardo G Cajola *Cajola & Associati, Milan; Senior Vice Chair, IBA International Commerce and Distribution Committee*

Horacio Lopez Portillo *Lopez Portillo Consultores, Mexico City; Diversity and Inclusion Officer, IBA International Commerce and Distribution Committee*

0845 – 0915

Keynote speaker

Dr Chad Bown *Chief Economist, US Department of State, Washington DC*

0915 – 1015

Hot topic roundtable session discussion groups on supply chains and technology

The audience will be divided over five discussion tables for this session – changing to a different table halfway through the session – to address the following hot topics:

1. Machine to Machine (M2M) Economy – pros and cons of automated sales and payments in the Internet of Things (IoT)
2. Supply chain in the metaverse; thinking new business models for interconnected procurement, services and product development
3. Implications of smart manufacturing: news for distribution, intellectual property and competition.
4. Practical challenges in online business and the metaverse
5. Export controls targeting the semiconductor supply chain

Co-Moderators

Khong Aik Gan *Gan Partnership, Kuala Lumpur; Membership Officer, IBA International Commerce and Distribution Committee*

Pieter Tubbergen *Tremont Legal, Rotterdam; Senior Vice Chair, IBA International Commerce and Distribution Committee*

Speakers

Ivan W Bilaniuk *Dinsmore & Shohl, Washington DC*

Eddie Chiu *Bird & Bird, Dubai*

Jeffrey L Costellia *Nixon Peabody, Washington DC; Vice Chair, IBA Intellectual Property and Entertainment Law Committee*

Stephane Coulaux *CMG Legal & Associés, Paris*

Dana M DeCapite *Hahn Loeser & Parks, Cleveland, Ohio*

Martine de Koning *Kennedy Van de Laan, Amsterdam; Co-Chair, IBA International Franchising Committee*

John Sotos *Sotos, Toronto, Ontario*

Audi Syarief *Gibson Dunn & Crutcher, New York; Chair, IBA Export Controls, Sanctions and Anti-Corruption Subcommittee*

Kendal Tyre *Nixon Peabody, Washington DC; Co-Chair, IBA International Franchising Committee*

Peter Wagner *Jordan & Wagner Rechtsanwalts-gesellschaft mbH, Stuttgart; Webinar Officer, IBA International Commerce and Distribution Committee*

Lindsay Bernsen Wardlaw *Amalie Trade Compliance Consulting, Washington DC*

Claire Yi *Gibson Dunn & Crutcher, Washington, DC*

1015 – 1030

Coffee/tea break

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1030 – 1130

Shareholders, board of director and chief officers' responsibility due to supply chain operations – best corporate practices

Responsible supply chain activity is becoming a fundamental piece for the success of companies. It is an area which is currently facing greater challenges due to the global economy, post-pandemic environment, current trade wars and an increase on regulatory enforcement made by the regulators. No doubt that enterprises could be responsible for violating the law by breaching their supply chain agreements. However, the questions are:

- Could members of the board of directors, chief officers or even the shareholders have any kind of responsibility and which type could it be?
- How should the duty of care, loyalty and confidentiality be understood in relation to supply chain activities?
- Can the corporate veil be lifted to impose direct responsibility to shareholders – tax matters or creditor fraud cases?

Knowing their responsibilities and implementing best corporate practices on trade and supply chain aspects will help these members and officers reduce or even eliminate their responsibility.

This analysis will be made from an academic, in-house and external counsellor point of view.

Co-moderators

Giovanna Giaccherio *Bettini Formigaro Pericu, Milan; Chair, IBA International Conventions and Trade Agreements Subcommittee*

Guillermo Sanchez Chao *Greenberg Traurig, Mexico City; Chair, IBA Supply Chain and Logistics Subcommittee*

Speakers

Anthony J Casey *Professor, the University of Chicago, Chicago, Illinois*

Angela M Santos *ArentFox Schiff, New York*

Javier Villanueva Walbey *In-house counsel, Estafeta Mexicana, Mexico City*

1130 – 1230

Supply chain nearshoring in times of conflict and increasing economic and trade sanctions: latest trends and best practices/challenges in implementation

The increasing de-globalisation of international commerce has been accelerated due to a number of factors, including the ongoing trade wars and the invasion of Ukraine. During the last year or two we have faced issues as the disruption of global supply chains, arising from factors such as the shortage of raw materials and commodities, and also due to trade barriers and restrictions to the movement of people, enacted in the world. Re-shoring, nearshoring and friendshoring in this context have helped businesses to increase their resilience and helped to optimise processes of manufacturing and distribution along the supply chain. Our panel of experts will discuss these and other topics of high relevance for international commerce. Specific consideration will be given to industries more impacted by this important trend and possible solutions will be discussed.

Co-moderators

Dalton Albrecht *EY Law, Toronto, Ontario; Co-Chair, IBA International Commerce and Distribution Committee*

Riccardo G Cajola *Cajola & Associati, Milan; Senior Vice Chair, IBA International Commerce and Distribution Committee*

Speakers

Caroline Berube *HJM Asia Law & Co, Guangzhou; Co-Chair, China Working Group, IBA Asia Pacific Regional Forum*

Nicole Erb *White & Case, Washington, DC*

Luis Gonzalez Nieves *Pérez Correa González, Mexico City; LPD Representative, IBA Diversity & Inclusion Council*

John Wainwright *President, Leggett & Platt Trade Management, Chicago, Illinois*

1230 – 1310

Lunch

1310 – 1330

Fireside chat

Robert Silvers *US Under Secretary for Policy for Department of Homeland Security about the new Supply Chain Resilience Center (SCRC)*

Moderator

Amir Singh Pasrich *ILA Pasrich & Company, New Delhi; LPD Assistant Treasurer/IBA Assistant Treasurer*

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1330 – 1430

Manage and mitigate the risk of supply chain disruptions

In the past few years we have seen major supply chain disruptions. Several factors have an impact and create risks for the international supply chain: cyber attacks, geopolitical risks, sanctions, business interruptions, natural disasters, pandemics and finance. The session will focus on how to identify supply chain risks and manage such risks, by insurance solutions and/or contractual provisions.

Co-moderators

Dietmar Huemer *Huemer – Legal Solutions, Vienna; Vice Chair, IBA International Commerce and Distribution Committee*

Laura Opilio *CMS Adonnino Ascoli & Cavasola Scamoni, Rome; Member, IBA International Commerce and Distribution Committee Advisory Board*

Speakers

Javier Canosa *Canosa Abogados, Buenos Aires*

Fadi Kardous *Kardous Law Office, Damascus*

Dr Klaus Friesenbichler *Vice-Director, Austrian Supply Chain Institute, Vienna*

Sara Landini *Professor of Business Law, University of Florence, Florence*

1430 – 1530

ESG in the international trade and supply chain

International trade and supply chain management were seen solely as a means to facilitate the exchange goods and increase wealth. However, recent trends have placed basic human rights at the forefront of all human interactions, including international trade.

It is with this view in mind that the panel will deal with issues arising from human rights as they relate to trade and the international movement of goods, including forced labour, climate change, gender equality and others.

Co-moderators

Horacio Lopez Portillo *Lopez Portillo Consultores, Mexico City; Diversity and Inclusion Officer, IBA International Commerce and Distribution Committee*

Martin Oder *Haslinger Nagele Rechtsanwälte GmbH, Vienna; Secretary, IBA International Commerce and Distribution Committee*

Speakers

Katrin Kuhlman *Georgetown University Law Centre, Co-Director of the Center for Inclusive Trade Development, Washington DC*

Jessica Lynd *White & Case, Washington DC*

Micah Myers *Cozen O'Connor, Washington, DC*

Martin Reufels *Heuking Kühn Lüer Wojtek, Cologne; Vice Chair, IBA International Commerce and Distribution Committee*

Edona C Vila *Borden Ladner Gervais, Toronto, Ontario; Treasurer, IBA Product Law and Advertising Committee*

1530 – 1545

Coffee/tea break

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1545 – 1645

Clause and effect: attorney wellbeing in the world of contracts

While attorney wellbeing is one of the major concerns internationally in the profession, it is of particular concern in contract drafting. Too often, lawyers rely on boilerplate, and clients want the 'ironclad' contract. In the other hand, there are often disagreements between the litigation and transactional attorneys as well as with the client about optics versus necessary protections. Balancing these interests provides several layers of stress on top of the usual ones. This panel explores the 'clauses' and effects of this tension, and the ethical issues raised, both in global supply chain-related contracts and otherwise.

Moderator

Christopher Blake *Hahn Loeser & Parks, Cleveland, Ohio; LPD Council Member*

Speakers

Michael E Burke *Arnall Golden Gregory, Washington DC; Co-Chair, Projects Subcommittee, IBA Law Firm Management Committee*

Hasan Mandviwalla *Mandviwalla & Zafar, Karachi; Asia Pacific Regional Forum Liaison Officer, IBA Young Lawyers' Committee*

Antoinette Moriarty *Head of Law Society Psychological Services, Law Society of Ireland, Dublin*

Steven Richman *Clark Hill, Princeton, New Jersey; Senior Vice Chair, IBA Bar Issues Commission*

1645 – 1700

Closing remarks

1800

Hosted reception

Kindly hosted by the Center on Inclusive Trade and Development, Georgetown Law

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