

CONFERENCE SCHEDULE AT A GLANCE

(Unless otherwise indicated, all activities will be held at Sofitel Philippine Plaza Manila)

Tuesday, April 28, 2009 8:00 a.m. – 10:00 a.m.	Nominating Committee Meeting Meeting Room: Leyte
10:00 a.m. – 12:00 noon	Officers Meeting Meeting Room: Samar
12:00 noon – 1:30 p.m.	Lunch Venue: Panay
2:00 p.m. – 4:00 p.m.	Jurisdictional and At-Large Council Members Meeting Meeting Room: Leyte
2:00 p.m. – 4:00 p.m.	Committee Chairs Meeting Meeting Room: Samar
4:00 p.m. – 5:00 p.m.	Orientation of Incoming Council Members Meeting Room: Leyte
Wednesday, April 29, 2009	
9:00 a.m. – 4:00 p.m.	IPBA Council Meeting Meeting Room: Leyte/Samar
4:00 p.m. – 5:00 p.m.	Scholars/New Members/Women Business Lawyers Reception Venue: Davao
5:00 p.m. – 10:00 p.m.	Welcome Reception Venue: Poolside
Thursday, April 30, 2009 9:00 a.m. – 12:30 p.m.	Opening Ceremony
Philippine International Convention Center	Keynote Speaker: Her Excellency Gloria Macapagal Arroyo President of the Republic of the Philippines
(Shuttle service to Philippine	Plenary Session – Law and Development: Commercial Law Reform in the Pacific Region
International Convention Center will depart from Lanai Parking, Lower Lobby Level, Sofitel Philippine Plaza, at 8:30 a.m.)	Synopsis: This plenary session highlights the recent developments in commercial law reform in the Pacific region. It focuses on the "new wave" of laws which are being adopted by Pacific island countries in an effort to stimulate private sector growth. These laws are considered against the backdrop of law and development literature. The methodology for reform, together with the features of these laws, is outlined. This is important given the crucial role which legal practitioners and judges must play in the application and enforcement of the new laws.

Speakers: Paul Holden, The Enterprise Research Institute (Washington D.C.)

Gordon R. Walker, *La Trobe University School of Law* (Melbourne)

Terry Reid, Asian Development Bank, Pacific Liaison and Coordination Office (Sydney)

Moderator: Paul Holden, The Enterprise Research Institute (Washington D.C.)

12:30 p.m. – 2:00 p.m. Philippine International Convention Center Lunch

2:00 p.m. – 3:30 p.m. (Coffee Break: 3:30 p.m. – 4:00 p.m.)

The Regulation of Hedge Funds in Various Jurisdictions

Committee: Banking, Finance & Securities

Session Chair: Shourya Mandal, Fox Mandal Little (Culcutta)

Session Room: Romblon/Mindoro

Synopsis: This session will deal with the following:

- Recent developments as to regulations on hedge funds in various jurisdictions.
 - are regulations being reformed to be more stringent or less?
 - what is the primary rationale of the new regulations?
 - any significant issue or problem with the new regulations?
- Hedge fund's potential or actual default and/or insolvency in various jurisdictions.
- Are CDS transactions under scrutiny?
 - are insurance regulations being applied to or expanded to CDS transactions?
- How is securitization and other structured finance products viewed by the general public and/or investors?

Speakers: Robert C. Postema, Piper Alderman (Sydney)
Pieter Reinier Leguit, Loyens & Loeff GJB Office (Tokyo)
Low Chee Keong, The Chinese University of Hong Kong
(Hong Kong)

Moderator: Hajime Ueno, Nishimura & Asahi (Tokyo)

Competition Issues in the Aviation Sector

Committees: Aviation Law/Competition Law

Session Chairs: Atul Y. Chitale, Chitale & Chitale Partners

(New Delhi)/

Susan Ning, King & Wood (Beijing)

Session Room: Mindanao

Synopsis: This session will deal with the competition posed by budget carriers (such as AirAsia, Tiger Airways and Ryan Air) against established carriers (such as Philippine Airlines, Qantas, Singapore Airlines, and the like).

Speakers: Peter Coles, Barlow Lyde & Gilbert (Hong Kong)
Kala Anandrajah, Rajah & Tann LLP (Singapore)
Jose Maria Z. Carpio, Philippine Airlines (Makati City)
Sumeet Nayak, Delhi International Airport Pvt Ltd.
(New Delhi)

Moderator: Domingo G. Castillo, SyCip Salazar Hernandez & Gatmaitan (Makati City)

Banking at the Base of the Pyramid: How Microfinance is Changing and How You can be Involved

Committees: Women Business Lawyers/Legal Development and Training

Session Chairs: Varya Simpson, Sonnenschein Nath & Rosenthal LLP
(San Francisco)/
Ma. Melva E. Valdez, Jimenez Gonzales Liwanag
Bello Valdez Caluya & Fernandez (Makati City)

Session Room: Visayas

Synopsis: Microfinance is no longer seen as a poverty alleviation tool of microfinance NGOs but is now seen as a new market for commercial players who are changing the face of microfinance. Just a few years ago, microfinance focused on micro-credit loans for poor women. Today, the sector has expanded with a host of entirely new players that are redefining microfinance. New technologies, such as mobile money and mobile phone banking, are completely revolutionizing access to financial services and creating completely new products and services to expand outreach to the base of the pyramid. The speakers at this event will talk about the changing face of microfinance, the new players, and the new products and services, as well as some of the legal and regulatory issues that still need to be addressed. They will also share how lawyers can get involved to provide advice for the new microfinance players.

Speakers: John V. Owens, Rural Bankers Association of the Philippines

Microenterprise Access to Banking Services (RBAP-

MABS)

(Manila)

N. Peter Knoll, Asian Development Bank (Mandaluyong

City)

Betty Wilkinson, *Asian Development Bank* (Mandaluyong City)

Moderators: Varya Simpson, Sonnenschein Nath & Rosenthal LLP (San Francisco)
John V. Owens, Rural Bankers Association of the

Philippines Microenterprise Access to Banking

Services

(RBAP-MABS) (Manila)

2:00 p.m. – 5:30 p.m. (Coffee Break: 3:30 p.m. – 4:00 p.m.) Providing Communications and Multimedia Services in Asia: Key Issues in Developing Countries

Committee: Technology and Communications

Session Chair: K. Shanti Mogan, Shearn Delamore & Co. (Singapore)

Session Room: Leyte

Synopsis: The session will focus on key regulatory, bureaucratic, cultural and enforcement issues that affect service providers in the communi-cations and multimedia industry, particularly in developing jurisdictions. The perspective of regulators, how they view such issues in regulating the provision of such services, and key challenges they face, will provide a lively debate as to key concerns and how they may be overcome.

Speakers: Jesus M. Disini, Jr., Disini & Disini Law Office (Quezon City)

Tengku Sarafudin Badlishah, Malaysian Communications

and

Multimedia Commission (Kuala Lumpur) Rajesh Sreenivasan, Rajah & Tann LLP (Singapore) John Wilson, John Wilson Partners (Colombo) Rodney Ryder, Kochhar & Co. (New Delhi)

Moderators: K. Shanti Mogan, *Shearn Delamore & Co.* (Singapore)

Zorayda Ruth B. Andam, *Angara Abello Concepcion Regala & Cruz* (Makati City)

Latest Developments in Anti-Corruption Laws in Asia

Committee: Legal Practice, in association with LAWASIA

Session Chairs: Gerold W. Libby, Holland & Knight LLP (Los Angeles)

Robert Wai Quon, Fasken Martineau DuMoulin LLP (Vancouver)

Session Room: Samar

Synopsis: Anti-corruption measures are sweeping the globe. With the ratification and implementation of the United Nations Convention Against Corruption now in place, most Pacific Rim countries also have local legislation addressing corruption. Moreover, enforcement action worldwide has increased dramatically in the last year and many enforcement agencies are increasingly cooperating in cross-border investigations. This panel will feature speakers from different Pacific Rim jurisdictions to update us on recent developments, including the framework of anti-corruption laws and practices in their jurisdictions as well as recent cases and other developments from their home countries.

Speakers: Todong Mulya Lubis, Lubis Santosa & Maulana Law Offices

(Jakarta)

Amirali B. Nasir, *Nasirs* (Hong Kong) Minoru Ota, *Nagashima Ohno & Tsunematsu* (Tokyo) Daniel Fung, *Des Voeux Chambers* (Hong Kong)

Moderator: Timothy Dickinson, Paul, Hastings, Janofsky & Walker LLP

(Washington D.C.)

The Better Way of Resolving Disputes: Modern Settlement Process and Recent Trends

Committee: Dispute Resolution and Arbitration

Session Chair: Sumeet Kachwaha, Kachwaha & Partners (New

Delhi)

Session Room: Panay

Synopsis: The fastest and most effective way to resolve business disputes in a final manner is by settling them amicably. The session will explore modern processes and trends to achieve this result efficiently, particularly focusing on mediation and/or settlement processes within an arbitration. A truly multi-cultural panel of both external dispute resolution specialists and in-house counsel guarantees that the different cultural expectations that are confronted in an international dispute are adequately taken into account.

Speakers: Katherine Gurun, JAMS (New York)

Kaori Miyake, *GE Healthcare Japan* (Tokyo)

Gary Soo, Hong Kong International Arbitration Centre

(Hong Kong)

John West QC, Barrister at Law (Sydney)

Peter Heckel, *Hengeler Mueller* (Frankfurt)

Axel Reeg, Reeg Rechtsanwalte (Mannheim)

Urs Lustenberger, Lustenberger Glaus & Partner

(Zurich)

Michelle Sindler, Olswang (London)

Moderator: Bernhard F. Meyer, Meyer Muller Eckert Partners (Zurich)

Public-Private Partnerships and New Project Delivery Systems for Major Infrastructure Structures and Risks

Committee: International Construction Projects

Session Chair: Mohan Reviendran Pillay, MPillay Advocates

(Singapore)

Session Room: Sulu

Synopsis: With limited options to fund major infrastructure in light of global resource constraints, new project delivery systems are being proposed to facilitate Public-Private Partnerships to execute major infrastructure projects. Focusing on project execution, the topic will enable practitioners to learn about innovations, risks, legal issues and solutions to investment in public infrastructure that are being used globally.

Speakers: Douglas B. Buchanan, Q.C., Davis LLP (Vancouver)

Robin Lonergan, *Macrossans* (Brisbane)

Anders S. Axelson, *The Pezala Group Pty Ltd* (Melbourne)

Moderators: Kris R. Nielsen, Pegasus Global Holdings, Inc.

(Princeton)

Moushumi Chopra, Fox Mandal Little (Noida)

Issues in Insolvency

Committee: Insolvency

Session Chair: Wendy Jacobs, DibbsBarker (Sydney)

Session Room: Davao

Synopsis: This two-part session will provide you with topical information about insolvency and reconstruction in the time of the global credit crisis. During the recent unprecedented period of growth, government and many insolvency practitioners in the Asia-Pacific region turned their attention to reform and ordered reconstruction of troubled enterprises. In the wake of the cataclysmic changes of the past year, our attention has been forcibly shifted to the day-to-day practicalities of commercial crises. In Part 1, we focus on these practicalities and how the Pacific Rim legal systems and our distinguished speakers are coping with the fallout. In Part 2, we will look to the future and consider how countries with new or undeveloped insolvency regimes are managing. Are short-term measures or long-term reform needed to ease us through this crisis?

Speakers: Shinichiro Abe, Baker & McKenzie GJBJ, Tokyo Aoyama Aoki Koma Law Offices (Tokyo)

Manolito S. Soller, *The Bengzon Law Firm* (Makati City) Lynn P. Harrison 3rd, *Curtis Mallet-Prevost Colt & Mosle*

LLP

(New York) Sumart Batra

Moderator: Wendy Jacobs, DibbsBarker (Sydney)

Current Trends in Islamic Finance

4:00 p.m. – 5:30 p.m.

Committee: Banking, Finance and Securities

Session Chair: Shourya Mandal, Fox Mandal Little (Culcutta)

Session Room: Romblon/Mindoro

Synopsis: Ever since the U.S. housing bubble burst in 2007 leading to the collapse of the global financial system in 2008, investors have been scurrying to seek alternative investment platforms, and Islamic finance thus came to be one of the viable and attractive options.

Islamic banking assets in the Asia-Pacific account for about US\$450 billion, which is 60% of the global Islamic banking market and the number is expected to grow. Malaysian Islamic finance sector has grown at a compound annual growth rate of 28% in the last 15 years. There is a huge potential for further growth in Islamic finance and Malaysia has been preparing the groundwork for a couple of decades and the Malaysia International Islamic Finance Center is now poised to

become a global Islamic finance hub. The other Islamic financial hubs with potential for growth are Bahrain, Dubai, Singapore and Hong Kong.

Speakers: Guy Harles, Arendt & Medernach (Luxembourg)

Zain Azra'i Abd Samad, Abdul Raman Saad & Associates

(Kuala Lumpur)

Aftab Ahmad Khan, *Surridge & Beecheno* (Lahore) Mirza A. Karim, *KarimSyah Law Firm* (Jakarta)

Moderator: Tunku Farik Tunku Ismail, Azim, Tunku Farik & Wong (Kuala Lumpur)

Trade Law Risk in International Mergers & Acquisitions: "Do" Diligence to Close the Transaction and Avoid Client Liability

Committees: Cross-Border Investment/International Trade

Session Chairs: Roger Saxton, Nash O'Neill Tomko (Sydney)

Cliff Sosnow, Blake, Cassels & Graydon (Ottawa)

Session Room: Boracay

Synopsis: Cross-border investment activity has continued its rapid pace, creating new opportunities and challenges for lawyers representing companies in the Asia-Pacific region. Corporate lawyers are called upon to manage increasingly complex national obligations under trade laws, and trade lawyers are required to expand and adapt their advice to new settings. Due diligence must extract the information needed to assess trade risk in deals, and lawyers practising internationally need to be familiar with these issues. Panel members will review the due-diligence process and consider issues of trade risk in different Asia-Pacific jurisdictions. Using case scenarios, the panel will explore the various approaches to managing trade risk in M&A transactions in different jurisdictions.

Speaker: Maria Victoria D. Sarmiento, Castillo Laman Tan Pantaleon & San Jose (Makati City)

Preeti Gautam Mehta, *Messrs Kanga & Company* (Mumbai) Tamiki Nishikawa, *Anderson Mori Tomotsune* (Tokyo) Rafael Vergara, *Carey y Cia* (Santiago)

Moderators: Roger Saxton, Nash O'Neill Tomko (Sydney) Jeffrey L. Snyder, Crowell & Moring LLP (Washington D.C.)

Conference Gala

6:30 p.m. – 11:30 p.m. *SMX Convention Center*

(Shuttle service to SMX Convention Center will depart from Lanai Parking, Lower Lobby Level, Sofitel Philippine Plaza, at 6:00 p.m.)

Friday, May 1, 2009 9:00 a.m. – 11:00 a.m. (Coffee Break: 11:00 a.m. – 11:30 a.m.)

Dealing with Corruption and Illegal Matters Affecting Cross-Border Investment

Committees: Cross-Border Investment/International Trade

Session Chairs: Roger Saxton, Nash O'Neill Tomko (Sydney)/ Cliff Sosnow, Blake, Cassels & Graydon (Ottawa) Session Room: Leyte

Synopsis: In the light of the dramatic increase in the enactment and enforcement of domestic and international laws dealing with corruption, companies that conduct business globally must consider their obligation to comply with anti-bribery laws that apply to activities in foreign markets as well as within their "home" jurisdictions. Reputational risks and the loss of investor confidence are at stake. Yet the boundaries between the use of personal or business relationships and corruption may vary depending on a region or country. And the limits between lobbying and corruption practices are not clear in many regions of the world. How is corruption defined and measured in various regions of the world? What are accepted best practices? What are the rights and duties of lawyers advising clients involved in crossborder activities under FCPA or similar laws? This session will help participants determine the parameters of legal behavior when confronted with actions in different regions, including Asia-Pacific and North and South America, that raise bribery or corruption concerns. Providing a practical solution-based approach to the issues raised, this session will help identify government demands that cross the line from permissible lobbying to corrupt behavior. It will also suggest a series of practical "do's and don'ts" that companies should consider in developing their compliance policies to avoid bribery and corruption risks when doing business in international markets.

Speakers: Shin Jae Kim, TozziniFreire (Sao Paulo)

Sai Ree Yun, Yulchon (Seoul)

Ronaldo C. Veirano, *Veirano Advogados* (Rio de Janeiro)

Ariel Ye, King & Wood (Beijing)

Cesar L. Villanueva, Ateneo de Manila University Law

School/

Villanueva Gabionza & De Santos (Makati City)
Joseph E. Murphy, Compliance Systems Legal Group
(Haddonfield)

Moderators: Cliff Sosnow, Blake, Cassels & Graydon LLP (Ottawa) Jose Cochingyan, III, Cochingyan & Peralta Law

Offices

(Makati City)

Law Firm Management

Committee: Legal Development and Training

Session Chair: Ma. Melva E. Valdez, Jimenez Gonzales Liwanag

Bello

Valdez Caluya & Fernandez (Makati City)

Session Room: Boracay

Synopsis: This session is an opportunity for the participants to learn from a diverse panel and from each other, strategies with respect to client service and management as well as client expectations, and to rethink those topics in these times. It will be very interactive and break-out sessions will form part of the presentation to afford the audience the opportunity to share their individual experiences. When financial resources are scarce, what could and should we do? We will learn from small and large, local and global, firms, as we all take a new

look at priorities and essential management considerations. This session will be an invaluable resource for you to meet the challenge and exceed expectations.

Speakers: Juliet Blanch, McDermott Will & Emery UK LLP

(London)

Ma. Melva E. Valdez, *Jimenez Gonzales Liwanag Bello Valdez Caluya & Fernandez* (Makati City)
Arthur Loke, *Arthur Loke & Sim LLP* (Singapore)

Moderators: Ann G. Miller, Nixon Peabody LLP (San Francisco)

9:00 a.m. – 12:30 p.m. (Coffee Break: 10:30 a.m. – 11:00 a.m.)

Taxation of Intellectual Property Rights and IPR Tax-Saving Structures

Committee: Tax Law

Session Chair: George Anthony Ribeiro, Vivien Chan & Co.

(Hong Kong)

Session Room: Samar

Synopsis: This session will examine the tax issues arising from the management and use of intellectual property in the Asia-Pacific region. The Panel will discuss (1) issues arising in their jurisdictions relating to cross-border licensing (including withholding tax, transfer pricing, and deemed source), (2) the use of cost contribution/sharing agreements to develop technology, share overheads, and eliminate royalty withholding tax, and (3) the use of legitimate methods to reduce tax costs on cross-border transactions (including the possibility of "migrating" intellectual property without prohibitive tax costs).

Speakers: George Anthony Ribeiro, Vivien Chan & Co. (Hong Kong)
Kotaro Okamoto, Anderson Mori & Tomotsune (Tokyo)
Michael Butler, Finlaysons (Adelaide)
Pieter de Ridder, Loyens & Loeff (Singapore)
Ian J. Gamble, Thorsteinssons LLP (Vancouver)
Ruby Rose J. Yusi, Angara Abello Concepcion Regala &
Cruz (Makati City)

Moderator: Neil Russ, Buddle Findlay (Auckland)

Enforcement of Arbitral Awards and Court Judgments in the Asia-Pacific Region

Committee: Dispute Resolution and Arbitration

Session Chair: Sumeet Kachwaha, Kachwaha & Partners (New

Delhi)

Session Room: Panay

Synopsis: This session addresses practical difficulties in enforcing court judgments in various countries or jurisdictions in Asia-Pacific region and discusses whether, and, to what extent, it is easier to enforce arbitral awards in the region. Pitfalls in choosing a forum for enforcement, as well as enforcement of interim measures of protection and injunctive relief in the region, will also be discussed.

Speakers: Hiroyuki Tezuka, Nishimura & Asahi (Tokyo)

Suresh Divyanathan, *Drew & Napier LLC* (Singapore)

Karen Mills, KarimShah Law Firm (Jakarta)

Cecil Abraham, *Zul Rafique & Partners* (Kuala Lumpur) Lawrence S. Schaner, *Jenner & Block LLP* (Chicago) Jaime Irarrazabal, *Philippi, Yrarrazaval, Pulido & Brunner*

(Santiago)

Thomas Lee, Sir Oswald Cheung's Chambers (Hong Kong)

Jingzhou Tao, Jones Day (Beijing)

Kap-You Kim, Bae, Kim & Lee LLC (Seoul)

Indu Malhotra, Senior Advocate, Supreme Court of India (New Delhi)

Moderator: Hiroyuki Tezuka, Nishimura & Asahi (Tokyo)

Current Issues in Financing of Infrastructure

Committee: Banking, Finance and Securities

Session Chair: Shourya Mandal, Fox Mandal Little (Culcutta)

Session Room: Romblon/Mindoro

Synopsis: Infrastructure is the key word for the development of a country. Financing of infrastructure is very relevant for most growing countries. This session will have speakers from Singapore, Malaysia, India, Argentina, South Korea and the Philippines focusing on various issues relating to infrastructure financing. The panel will discuss relevant issues including structuring of infrastructure projects, use of public private partnerships, creation of security, the use of guarantees, the institutional framework, basic tax issues and procedures for enforcement.

Speakers: Lisandro A. Allende, Brons & Salas (Buenos Aires)

Dong-Eun Kim, Lee & Ko (Seoul)

Low Kah Keong, Wong Partnership (Singapore)

Abeezar E. Faizullabhoy, J. Sagar Associates (Mumbai)

Mel A. Macaraig, Castillo Laman Tan Pantaleon

& San Jose (Makati City)

Ronald Tan, Tay & Partners (Kuala Lumpur)

Moderators: Shourya Mandal, Fox Mandal Little (Culcatta)

Yap Wai Ming, Stamford Law Corporation (Singapore)

The Demand for Oil: Impact and Challenges for the Construction Industry

Committees: International Construction Projects/Energy and Natural

Resources

Session Chairs: Mohan Reviendran Pillay, MPillay Advocates

(Singapore)/

Ignatius Hwang, Bryan Cave LLP (Hong Kong)

Session Chair: Sulu

Synopsis: The Panel will explore the market's insatiable demand for quick construction of oil rigs and related infrastructure, including power plants, oil-rigs, and pipeline construction contracts, the more

recent swings in oil prices and the construction industry's ability to cope with such market conditions, the challenges it faces, and new approaches to the resulting legal, commercial and contractual issues and disputes.

Speakers: Jeffrey Robert Holt, Saipem SA Energiee (Saint Quentin en

Yvelines)

John B. Tieder, Jr., Walt, Tieder, Hoffar & Fitzgerald LLP

(McLean)

Ho Chien Mien, Allen & Gledhill (Singapore)

Moderators: Philip Nunn, Fried, Frank, Harris, Shriver & Jacobson

LLP

(Hong Kong)

Ignatius Hwang, Bryan Cave LLP (Hong Kong)

11:00 a.m. – 12:30 p.m.

Privatization of Enterprises in Asia (including China, Indonesia and Vietnam)

Committee: Cross-Border Investment

Session Chair: Roger Saxton, Nash O'Neill Tomko (Sydney)

Session Room: Visayas

Synopsis: Until recently, a number of countries in the Asia-Pacific region, including the People's Republic of China, the Socialist Republic of Vietnam and the Republic of the Philippines, were vigorously pursuing policies of privatization. But the global economic crisis has caused the slowdown of many government privatization programs. The conference program intends to explore, on a comparative basis, the status of privatization in the Asia-Pacific region in the context of recent experience and under current economic conditions.

Speakers: Cheryl Luan, Guantao Law Firm (Beijing)
Oene Joost Marseille, Ali Budiardjo, Nugroho,

Reksodiputro

(Jakarta)

Agustin Montilla IV, Romulo Mabanta Buenaventura

Sayoc

& de los Angeles (Makati City) Truong Nhat Quang, YKVN (Hanoi)

Moderator: Sandor Schick, Schick & Associates LLC (Singapore)

9:30 a.m. – 12:00 noon Magsaysay Shipping Company

A Visit to the Magsaysay Shipping Company Seafarers Training Center

Committee: Maritime Law

Synopsis: The Philippines provides 30% of the seafarers to the oceangoing ships of the world. Part of this success is due to the world-class training provided by the country, including the private sector, to its seafarers. This visit to a state-of-the-art training center, operated by a major manning agent and Philippine shipowner, is an example of the investment being made by the Philippines in this vital sector.

(Shuttle service to Magsaysay Shipping Company will depart from Lanai Parking, Lower Lobby Level, Sofitel Philippine Plaza, at 9:30

a.m.)

12:30 p.m. – 2:00 p.m.

12.30 p.m. – 2.00 p.m.

2:00 p.m. – 5:30 p.m. (Coffee Break: 3:30 p.m. – 4:00 p.m.)

Lunch

Venue: Luzon/Mindanao

Lessons and Fallout from the Global Credit Crisis

Committees: Banking, Finance and Securities/Insolvency

Session Chairs: Shourya Mandal, Fox Mandal Little (Culcutta)/ Wendy Jacobs, DibbsBarker (Sydney)

Session Room: Davao

Synopsis: This session will consider the causes of the global financial crisis and its effect on the Asia-Pacific region in particular. Each of our speakers, who are prominent and experienced practitioners, will bring to the session his personal experience of this extraordinary situation. You will hear topical analysis from both a banking and finance perspective and from the world of recovery, reconstruction and insolvency. This session will both inform and stimulate thought and debate, as our speakers share their insight and experience in this last tumultuous year and their predictions for the immediate future of global commerce and finance.

Speakers: Shimpei Nakada, Nishimura & Asahi (Tokyo)

Geoffrey Sutherland, *Deacons* (Sydney)

Sarjit Singh Gill, Shook Lin & Bok LLP (Singapore)

Moderator: Lynn P. Harrison 3rd, Curtis, Mallet-Prevost, Colt & Mosle LLP (New York)

The Elephant in the Room (Mock Case) 2:00 p.m. – 3:30 p.m.

Committee: Insurance

Session Chair: Frederick Hawke, Clayton Utz (Melbourne)

Session Room: Romblon/Mindoro

Synopsis: A case study of what happens when imponderable risks threaten availability of financing. How a combination of warranty and indemnity and environmental cost cap insurances can help manage the risks of infrastructure projects.

When is a Political Risk Not? (Mock Case) 4:00 p.m. – 5:30 p.m.

Committee: Insurance

Session Chair: Frederick Hawke, Clayton Utz (Melbourne)

Session Room: Romblon/Mindoro

Synopsis: A case study of the risks associated with Political Risk insurance. How can it help you to obtain debt/equity financing for major capital investments in developing countries, and what happens in a financial crisis when governments allow economic and political expediency to override principle?

Pertinent Tax Issues in Ecommerce Transactions: Structuring Transactions and Modus Operandi to Guard Against Deemed Permanent Establishments and Transfer Pricing Legislation

Committee: Tax Law

Session Chair: George Anthony Ribeiro, Vivien Chan & Co.

(Hong Kong)

Session Room: Leyte

Synopsis: This session will focus on how Ecommerce business operators may be exposed to tax liabilities in multi-jurisdictional, business modules that may be caught as deemed business establishment by changing laws, tests and practices of tax authorities in the Asia-Pacific region, the information to retain to deal with transfer-pricing challenges, and the practical do's and don'ts to counter potential tax exposures in conducting Ecommerce transactions.

Speakers: Neil Russ, Buddle Findlay (Auckland)
Leonard Glass, Lawson Lundell LLP (Vancouver)
Alvin Chang, Vivien Chen & Co. (Hong Kong)
Enrico G. Valdez, Tan Venturanza Valdez (Pasig City)
Ka Im Goh, Shearn Delamore & Co. (Kuala Lumpur)

Moderator: Jan Kooi, Independent Tax Lawyer (Amsterdam)

Electronic Discovery and other Cutting-Edge Issues in Asia-U.S. Cross-Border Discovery

Committees: Corporate Counsel/Dispute Resolution and Arbitration

Session Chairs: Mitsuru Claire Chino, Itochu Corporation (Tokyo)/ Sumeet Kachwaha, Kachwaha & Partners (New

Delhi)

Session Room: Samar

Synopsis: As the pace of cross-border disputes has risen, so too have mind-bending issues arising from the dramatically different rules governing discovery in the legal systems of the united States and Asian countries. This experienced panel of corporate counsel, litigators, and electronic discovery consultants will tackle such issues as:

- An overview of the discovery obligations around the Pacific Rim.
- How to reconcile the breadth and intrusiveness of U.S. discovery with the more narrow rules prevailing in the Asian legal systems.
- How to reconcile the U.S. rules requiring products of "bad" evidence with the reaction of many non-U.S. parties that by producing harmful documents the lawyer is failing to properly represent the client.
- When is an Asian parent corporation subject to the U.S. discovery obligations governing its U.S. subsidiary which is a party to U.S. litigation?
- How has the explosion of e-mail and other electronic media

presented new practical challenges in discovery?

- What rules govern the retention and periodic discarding of business documents and e-mail archives?
- How does a company with operations on both sides of the Pacific avoid issues of destruction of evidence and potential sanctions?

Segment I: Reconciling the Clashing of Discovery Systems (2:00 p.m.-3:30 p.m.)

Speakers: Edgar Y. Chen, Tsar & Tsai (Taipei)

Jeffrey Holt, Saipem SA Energiee (Saint Quentin en

Yvelines)

Rabindra Nathan, Shearn Delamore & Co. (Kuala Lumpur)

Moderators: Cedric C. Chao, *Morrison & Foerster LLP* (San Francisco)

Francis H. Jardeleza, San Miguel Corporation (Mandaluyong City)

Segment II: Electronic Discovery – The New Frontier (4:00 p.m.-5:30 p.m.)

Speakers: James Gordon, Navigant Consulting, Inc. (Los Angeles)
Ashley A. Smith, Litigation Consulting Services, First
Advantage, Inc. (Tokyo)

Jimmy Yim, *Drew & Napier LLP* (Singapore) Solomon M. Hermosura, *Ayala Corporation* (Makati City)

Moderators: Cedric C. Chao, *Morrison & Foerster LLP* (San Francisco)

Mitsuru Claire Chino, *Itochu Corporation* (Tokyo)

Shipborne Pollutants: Potential Catastrophe on the Sea

Committees: Maritime Law/Environment Law

Session Chairs: Alec James Emmerson, Clyde & Co. (Dubai)/ Stephen Marsh, Luce Forward Hamilton & Scripps LLP (San Diego)

Session Room: Panay

Synopsis: Various types of pollutants carried by ships can have disastrous environmental consequences when released from their containment. To wit: The Exxon Valdez. But oil is only one type of pollutant. A new biological threat has also been discovered.

Scenarios:

<u>Chemical</u> – A ship at sea has a collision with another ship (or runs aground) and releases oil or other hazardous materials into the sea. The pollutants quickly surround the sensitive environmental habitat of an island nation (such as the Philippines) impacting fish, fowl and tourism.

Biological – Ships must periodically fill and empty their ballast tanks

with water in order to stay balanced. In doing so, they often take on water containing various species of organisms. When these ships release the ballast water in far distant locations where these organisms are not native, and their natural predators do not exist, the organisms are known as invasive species, which can wreak havoc with sensitive ecosystems.

The panelists would present papers on their particular areas of expertise and participate in a panel discussion and cover the scope of impacts/damages that could occur, who might be liable to pay, the legal and technical difficulties inherent in how to go about proving it, and what forums are available to obtain redress. The Ballast Water Convention will be discussed.

Speakers: Nashon Fitzwanga, African Institute of International and Comparative Law (Mombasa)

> Gil S. Jacinto, The Marine Science Institute, University of the Philippines (Quezon City)

Shuji Yamaguchi, Okabe & Yamaguchi (Tokyo) Robert S. Jara, Coastal Marine Management Office (Quezon City)

Joseph Manolo R. Rebano, Del Rosario & Del Rosario (Makati City)

Moderators: Stephen Marsh, Luce Forward Hamilton & Scripps LLP (San Diego)

Perspectives on Antitrust Law Enforcement in the Asia-Pacific

Committee: Competition Law, in association with the ABA Section of Antitrust Law

Session Chair: Susan Ning, King & Wood (Beijing)

Session Room: Boracay

Synopsis: Panel members will discuss current developments and share their experience of recent cartel, abuse of dominance, unlawful bundling and other antitrust enforcement action by regulators across the region.

Speakers: Ryunosuke Ushijima, Miyake & Yamazaki (Tokyo) Youngjin Jung, Yulchon (Seoul) Ricardo Ma. P.G. Ongkiko, SyCip Salazar Hernandez & Gatmaitan (Makati City)

Moderator: Bruce L. Lloyd, Clayton Utz (Sydney)

Issues in Intellectual Property Enforcement and Infringement in the Digitalized Era

Committee: Intellectual Property

Session Chairs: Maxine Chiang, Lee, Tsai & Partners (Taipei) Guan Huat Khoo, Skrine (Kuala Lumpur)

Session Room: Visayas

Synopsis: In this digitalized era, many cross-border issues arise with respect to Intellectual Property rights, especially infringement. This

2:00 p.m. - 3:30 p.m.(Coffee Break: 3:30 p.m. –

4:00 p.m.)

session brings together speakers from various continents, converging to discuss issues arising from protection and enforcement of such rights.

Speakers: Alexandra Neri, Herbert Smith LLP (Paris)

J.T. Westermeier, Finnegan, Henderson, Farabow

Garrett & Dunner, LLP (Reston)

Koh Chia Ling, *ATMD Bird & Bird LLP* (Singapore) Vicente B. Amador, *SyCip Salazar Hernandez*

& Gatmaitan (Makati City)

Moderators: Maxine Chiang, Lee, Tsai & Partners (Taipei)

Guan Huat Khoo, *Skrine* (Kuala Lumpur)

Farewell Gala

6:30 p.m. – 12:00 midnight *One Esplanade*

(Shuttle service to One Esplanade will depart from Lanai Parking, Lower Lobby Level, Sofitel Philippine Plaza, at 6:00 p.m.)

Saturday, May 2, 2009

9:00 a.m. – 10:30 a.m. (Coffee Break: 10:30 a.m. – 11:00 a.m.)

Mock Mediation

Committee: Maritime Law

Session Chair: Jon William Zinke, Keesal, Young & Logan (Hong

Kong)

Session Room: Mindanao

Synopsis: The presenters of this mock mediation session will take the audience to the later stages of a mediation between hull-and-machinery insurers and the ship owners of a vessel which became a total loss as a result of a fire.

Counsels: Raymond J. Burke, Jr., Burke & Parsons (New York)

Valeriano R. Del Rosario, Del Rosario Bagamasbad

& Raboca (Makati City)

Peter Murray, *Ince & Co* (Shanghai) Ricardo Rozas, *L&R Abogados* (Santiago) Danella Wilmshurst, *HWL Ebsworth* (Sydney)

Mediator: Alec James Emmerson, Clyde & Co LLP (Dubai)

The Energy Charter Treaty: Dispute Resolution of Construction Claims

Committees: International Construction Projects/Dispute Resolution

and Arbitration

Session Chairs: Mohan Raviendran Pillay, MPillay Advocates

(Singapore)/

Sumeet Kachwaha, Kachwaha & Partners (New

Delhi)

Session Room: Samar

Synopsis: The Energy Charter Treaty ("ECT"), which came into force in April 1998, is aimed at strengthening the rule of law on energy issues by creating a level playing field of rules for all participating governments and to build a legal foundation for energy security, based

on the principles of open, competitive markets and sustainable development. A key part of this is to provide for the protection and promotion of foreign energy investments by extending national treatment or most-favored-nation treatment to nationals and legal entities from all contracting states. This session will be relevant to all in the construction sector as the ECT provides considerable protection to construction activity in the energy sector.

Speakers: Girolamo Abbatescianni, Abbatescianni Studio Legale e Tributario (Milan) Yu-Jin Tay, Shearman & Sterling LLP (Singapore) Philip L. Bruner, Global Engineering & Construction Group of JAMS (Chicago)

Jose Rosell, Hughes Hubbard & Reed LLP (Paris)

Moderators: Juliet Blanch, McDermott Will & Emery UK LLP (London)

Mohan Raviendran Pillay, MPillay Advocates

(Singapore)

The Nature and Operation of National Anti-Dumping Laws in a Comparative Approach

Committee: International Trade

Session Chair: Cliff Sosnow, Blake, Cassels & Graydon LLP (Ottawa)

Session Room: Panay

Synopsis: National implementation of anti-dumping laws among WTO members creates unexpected and often difficult challenges for cross-border trade and investment. Although anti-dumping is a mature trade instrument, it is one of the most significant current trade barriers and is often perceived to distort trade patterns. This protectionist measure is not declining; the growth of anti-dumping must be factored into international business planning. Who is using it and who are the targets? One recent report identifies India as invoking it most often and that China is the most common target. Other reports point to a global increase in the use of anti-dumping measures as the global economic downturn continues. This panel will explore the nature and operation of national anti-dumping laws in a comparative approach, highlighting significant issues for the audience and providing coping strategies for international business.

Speakers: Edmund Sims, Hunton & Williams (Singapore) C.Y. Huang, Tsar & Tsai (Taipei)

Anthony A. Abad, TA Trade Advisory Services (Makati

City)

Carla Amaral de Andrade Junqueira Canero, Barretto

Ferreira

Kujawski Brancher e Goncalves (Sao Paulo) Xiao Jin, King & Wood (Beijing) V. Lakshmi Kumaran, Lakshmikumaran & Sridharan (New Delhi)

Moderator: Suhail Nathani, Economic Laws Practice (Mumbai)

Mergers and Acquisitions: Avoiding Environmental Risk

Committee: Environmental Law

Session Chair: Stephen L. Marsh, Luce, Forward, Hamilton

& Scripps LLP (San Diego)

Session Room: Sulu

Synopsis: Many jurisdictions have environmental liability laws that could turn an M&A deal upside down if proper due diligence is not done. However, being properly advised as to these laws and performing adequate environmental due diligence can help minimize the risks. Insurance products are also available to cover undiscovered (and sometimes even known) environmental problems.

Speakers: Yolanda T. Mendoza-Eleazar, Castillo Laman Tan Pantaleon

> & San Jose (Makati City) Cami Mok, *Liberty International Underwriters* (Sydney) Kumkum Sen, Rajinder Narain & Co., (New Delhi)

Moderator: Stephen L. Marsh, Luce, Forward, Hamilton & Scripps LLP (San Diego)

Minimizing Exposure to Tax Prosecutions and Sanctions: Effective Use of Advanced Rulings and Procedural Rights and Negotiations

Committee: Tax Law

Session Chair: George Anthony Ribeiro, Vivien Chan & Co.

(Hong Kong)

Session Room: Romblon/Mindoro

Synopsis: The Panel members will share their experience in the conduct of tax prosecutions and appeals in their respective jurisdictions, how defenses and cases should be structured and documented on account of liability and mitigation, and the practical use of procedures, negotiations with tax authorities, rights and advanced rulings to ward off possible prosecution of offences and adverse tax rulings.

Speakers: Jan Kooi, Van Mens & Wisselink N.V. (Amsterdam) Bill S. Maclagan, Blake, Cassels & Graydon LLP (Vancouver)

> Yushi Hegawa, *Nagashima Ohno & Tsunematsu* (Tokyo) Terence Conrad H. Bello, Baniqued & Baniqued (Pasig

City)

Sai Ree Yun, Yulchon (Seoul)

Moderator: Michael Butler, Finlaysons (Adelaide)

Recent Developments in Merger Review: New Jurisdictions, New Rules, New Challenges

Committee: Competition Law, in association with the ABA Section of Antitrust Law

Session Chair: Susan Ning, King & Wood (Beijing)

9:00 a.m. – 12:30 p.m. – 11:00 a.m.)

(Coffee Break: 10:30 a.m.

11:00 a.m. – 12:30 p.m.

Session Room: Davao

Synopsis: This program will examine important developments in premerger notification and merger review in selected jurisdictions, including the new law and regulations and the early cases in China; the amended law and pending regulations in India; the proposed revisions to Australia's law on creeping acquisitions; and a forecast of possible changes in merger reviews in the U.S. under the Obama administration.

Speakers: Susan Ning, King & Wood (Beijing)
Shigeyoshi Ezaki, Anderson Mori & Tomotsune (Tokyo)
Robert Ian McEwin, National University of Singapore
(Singapore)

Kwon Hoe Kim, Yoon Yang Shin Kim & Yu (Seoul)

Moderator: H. Stephen Harris, Jr., Jones Day (Washington, D.C.)

Law Firm Continuity in the Face of Emergency Situations

Committee: Legal Practice

Session Chair: Robert Wai Quon, Fasken Martineau DuMoulin LLP (Vancouver)

Session Room: Boracay

Synopsis: This would focus on law firm contingency planning in the face of emergency situations and would include natural disasters and man-made disasters, such as terrorism or even public relations problems that could potentially destroy public and client confidence in a law firm.

Speakers: Robert Wai Quon, Fasken Martineau DuMoulin LLP (Vancouver)

Satoshi Moriguchi, *Nashima Ohno & Tomotsune* (Tokyo)

Beng Chai Tay, Tay & Partners (Kuala Lumpur)

Hee-Chul Kang, Yulchon (Seoul)

Jose V.E. Jimenez, *Jimenez Gonzales Liwanag Bello Valdez Caluya & Fernandez* (Makati City)

Campbell Bridge, Maurice Byers Chambers (Sydney)

Moderators: Robert Wai Quon, Fasken Martineau DuMoulin LLP (Vancouver)

Satoshi Moriguchi, Nashima Ohno & Tomotsune

(Tokyo)

The Bad Employee

Committee: Employment and Immigration Law

Session Chair: Akshay Jaitly, Trilegal (New Delhi)

Session Room: Visayas

Synopsis: In an age of increased corporate governance and greater employee rights, how do corporations deal with the "Bad Employee"? Dealing with claims of employee misconduct (theft, corruption, harassment, workplace violence, etc.), this session will look at various

issues including:

- whistleblower laws and how to respond to a whistleblower and investigate a whistleblower's claim is there a duty of care and how is it discharged?
- terminating for cause what standards of evidence are required to make a decision to terminate when an employee has been "bad" and what is "due process" in this context? Further, what are the employee's rights in this context does the employee have a right to remain silent, right to know his accuser, right to a lawyer present during questioning, privacy issues, etc.?

Speakers: Stephen J. Hirschfeld, Curiale Dellaverson Hirschfeld Kraemer LLP (San Francisco)

Sandra R. McCandless, Sonnenschein Nath & Rosenthal

LLP

(San Francisco)

Francis Xavier, Rajah & Tann LLP (Singapore)

Ajay Raghavan, *Trilegal* (Bangalore)

Emerico O. De Guzman, *Angara Abello Concepcio Regala* & *Cruz* (Makati City)

Moderator: Stephen J. Hirschfeld, Curiale Dellaverson Hirschfeld Kraemer LLP (San Francisco)

Recent Innovations in Resolving Intellectual Property and Information Technology Disputes

Committee: Dispute Resolution and Arbitration, in association with INTA

Session Chair: Sumeet Kachwaha, Kachwaha & Partners (New Delhi)

Session Room: Leyte

Synopsis: Intellectual property is an essential component of the contemporary knowledge economy. Disputes can interfere with the successful use of intellectual property rights and even put a company's success at risk. Careful drafting of contracts may reduce their frequency; however, disputes are bound to arise in any business environment. Parties must be familiar with their dispute resolution options. Although intellectual property disputes can be resolved through court litigation, there is a growing trend which has seen parties to be more inclined to submit their disputes to alternative dispute resolution (ADR) procedures. Most intellectual property disputes suit the use of ADR, especially in cross-border disputes. The session will focus on recent innovations in resolving intellectual property disputes with reference to actual case studies.

Speakers: Christopher Wing To, Construction Industry Council (Hong Kong)

Carlos Pérez De La Sierra, *Calderon & De La Sierra* (Mexico City)

Joyce A. Tan, *Joyce A. Tan & Partners* (Singapore)

Moderator: Karen Abraham, Shearn Delamore & Co. (Singapore)

	Lunch
	Venue: Luzon/Mindanao
12:30 p.m. – 1:30 p.m.	
F	Annual General Meeting
	Venue: Luzon/Mindanao
1:30 p.m. – 2:30 p.m.	venue. Euzon/munuo
1.30 p.m. – 2.30 p.m.	Nominating Committee Meeting
	Nominating Committee Meeting
2.20	Venue: Mindoro
2:30 p.m. – 3:30 p.m.	N. 000 N. 15 H
	New Officers Meeting
	Venue: Romblon
3:30 p.m. – 5:30 p.m.	
	Post-Conference Reception
	Hosted by Cochingyan & Peralta Law Offices
7:00 p.m. – 12:00 midnight	30
McKinley Room, Manila	(Shuttle service to Manila Polo Club will depart from Lanai Parking,
Polo Club	Lower Lobby Level, Sofitel Philippine Plaza, at 6:00 p.m.)
1 oto ciub	Lower Loody Level, Somer I imppine I laza, at 6.66 p.iii.)