

**LEGAL CHALLENGES AND
OPPORTUNITIES OF
MEXICO'S INCREASING
GLOBAL INTEGRATION:
FINANCE, INVESTMENT, TRADE
AND COMPETITION LAW**

**JUNE 14-16, 2012
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The listing of the Planning Committee was compiled as accurately as possible from Section records. If we have omitted your name or have it listed incorrectly, we sincerely apologize.

PROGRAM AGENDA

Thursday, June 14, 2012

3:00 PM – 3:30 PM Polanco Ballroom
WELCOME

Luis Alfonso Madrigal Pereyra, President, Barra Mexicana Colegio de Abogados, A.C., Mexico City

3:30 PM – 5:00 PM Polanco Ballroom
Implications of Criminal Law for Conduct of Business in View of the Constitutional Mandate

Mexico is four years into constitutionally-mandated reform of its criminal justice system. Criminal proceedings, including at the instigation of "civil parties", have implications for business, in areas ranging through antitrust, finance and banking, intellectual property, employment, and agency and distribution matters. The panel—a prosecutor, an intellectual property professional, and a former general counsel of a financial institution, will discuss criminal law's significance for conduct of finance, investment and trade, with attention to the reforms in course, moderated by the senior representative of the ABA's Rule of Law Initiative in Mexico and a former member of Mexico's Chamber of Deputies.

Program Chair and Moderator:

Eddie Varon Levy, Law Offices of Eddie Varon Levy and Associates, Mexico City

Speakers:

Jose Luis Cervantes Martinez, Procuraduría General de la República, Toluca, Mexico

Gilda González Carmona, Asociación Mexicana de Productores de Fonogramas y Videogramas, A.C., and Faculty of law, UNAM, Mexico City, Mexico

Alonso González-Villalobos, ABA ROLI México, Mexico City, Mexico

Pablo Sáenz Padilla, formerly, Grupo Financiero Inbursa, Mexico City, Mexico

5:00 pm - 5:30 pm Polanco Foyer
NETWORKING BREAK

5:30 pm – 7:00 pm Polanco Ballroom
Environmental /Energy Class Actions and Environmental Liability in the North America Free Trade Commerce

Since 1994, Mexico, United States and Canada have increasingly collaborated in protection of the environment, seeking to avoid competitive distortions and new obstacles for commerce. Reforms of Mexico's judicial system adopted in 2011 will impact the conduct of business by introducing a culture of "compensation" for environmental damages, as they bring to Mexico the opportunity for class action litigation. The panel will address implications of these reforms, and also the proposed decree for a new Federal Law of Environmental Liability, already approved by Mexico's Senate.

Program Chair:

Sergio Bustamante, Lexcorp Abogados, Juarez, Chihuahua, Mexico

Moderator:

Gabriel Calvillo, Carswell Calvillo Abogados, Mexico City, Mexico

Speakers:

Mauricio Limón Aguirre, Undersecretary for Environmental Protection of the Ministry of Environment and Natural Resources, Mexico City, Mexico

Arturo Escobar y de la Vega, Mexican Senator, Mexico City, Mexico

Jennifer A. Lloyd, DLA Piper LLP, Austin, Texas USA

Gustavo Alanis Ortega, President of the Environmental Law Mexican Center (CEMDA-NGO), Mexico City, Mexico

7:30 PM Chapultepec Ballroom
RECEPTION

Remarks by Supreme Court Justice Ministra **Olga María del Carmen Sánchez Cordero** de García Villegas

Greetings by **Gerardo Nieto**, President, ANADE, Mexico City, Mexico

Program materials may be found online at ambar.org/mexico2012

Friday, June 15, 2012

8:00 AM – 9:00 AM Maximillian Ballroom
REGISTRATION

Continental breakfast to be provided in the Chapultepec Foyer.

9:00 AM – 9:30 AM Chapultepec Ballroom
WELCOME

Marcelo Bombau, Section Officer, ABA International Law, Buenos Aires, Argentina
Isaías Rivera Rodríguez, Dean, Universidad Panamericana, Guadalajara, Mexico

9:30 AM – 11:00 AM Chapultepec Ballroom
Restructuring of the Americas: Opportunities For Investment

This panel will examine the principal and current issues shaping today's cross-border insolvency practice, including: the battle of jurisdictions, alternatives in pre-packs (Chapter 11 or *Concurso Mercantil*), recurring problems with recognition orders, the adoption of the UNCITRAL rules, the treatment of corporate groups, the recognition of restructuring plans in principal proceedings, the voting strategies of intercompany debt and their effect on investors, the new theories on consolidation, the sale and disposition of assets, strategies in M&A and the role and responsibility of the board of directors in financially stressed borrowers. The panel will discuss how many of these issues have been surmounted and the opportunities which arise for investors and for the troubled corporations themselves.

Program Chairs:

Thomas S. Heather, Heather & Heather, S.C., Mexico City, Mexico

Benjamin C. Rosen, RosenLaw, Newport Beach, California and Los Cabos, Baja California Sur, Mexico

Moderator:

Alejandro Sainz, Cervantes Sainz, Mexico City, Mexico

Speakers:

Xavier Cortina y Cortina; Quijano, Cortina y de la Torre, Mexico City, Mexico

Fernando del Castillo, Santamarina y Steta, Mexico City, Mexico

Jeanne P. Darcey, Sullivan & Worcester LLP, Boston, Massachusetts USA

Chantal Kordula, Cleary Gottlieb Steen Hamilton LLP, New York, New York USA

11:00 AM – 11:30 AM Chapultepec Foyer
NETWORKING BREAK

11:30 AM - 1:00 PM Chapultepec Ballroom
NAFTA

NAFTA has become an integral part of the fabric that weaves together the economies of Mexico and the United States. It defines aspects of the legal practices of lawyers from both countries, in subject matters ranging from customs, cross-border investment and finance, and dispute resolution. This panel will address examples of these practice issues, NAFTA's role as a model for further trade agreements of each of Mexico and the United States, and some of the critical inflection points in the implementation of NAFTA.

Program Chair & Moderator:

Leslie A. Glick, Porter Wright Morris & Arthur LLP, Washington, DC USA

Speakers:

Carlos Garcia Fernandez, Former head of ANPACT- National Association of Buses, Trucks and Trailers and NAFTA negotiator

Luis Martínez, Abogados Martinez, S.C., Monterrey, Mexico

Ricardo Ramirez, World Trade Organization Appellate Body, Mexico City, Mexico & Geneva, Switzerland

Cyndee Todgham Cherniak, McMillan LLP, Toronto Canada

1:00 PM – 2:30 PM Thai House
NETWORKING LUNCHEON

Jaime Serra, former Secretary of the Economy and Industrial Development and of the Treasury; Chief NAFTA negotiator for Mexico; Trustee, Yale University, Mexico City, Mexico

2:30 PM – 4:00 PM Chapultepec Ballroom
Challenges and Opportunities Relative to Secured Lending

In 2000 and 2003 Mexico led Latin America in implementing model legislation of the Organization of American States relative to secured lending, also reforming its bankruptcy law. Mexico continues to upgrade and implement a national system for lien registration while exploring new legal institutions for aggregation and lending of capital. Mexico's system for secured lending, grounded in notarial involvement, avoided the excesses that crashed US lending markets.

What are current challenges and opportunities in Mexico for expansion of the benefits of secured lending? How can Mexico build on strengths of its legal professionals (lawyers and notaries), update its system to current guidelines of international organizations like the OAS and UNCITRAL, and integrate the reform of *amparo* with the requirements for effective secured lending? Experts with hands on the pulse of current secured lending challenges and opportunities will debate these issues.

Program Chairs & Moderators:

Patrick del Duca, Zuber & Taillieu LLP, Los Angeles, California USA

Andres Nieto, von Wobeser y Sierra, S.C., Mexico City

John Rogers, Strasburger, Price, New York, New York, USA

Speakers:

Jan Roberto Baker Regens, General Director of Commercial Law of the Ministry of Commerce in Mexico, Mexico City, Mexico

Tatiana Escribano Tamayo, DLA Piper, Mexico City, Mexico

Marcela Castillo Nogueron, Scotiabank Inverlat, S.A, Mexico City, Mexico

4:00 PM – 4:30 PM Chapultepec Foyer
NETWORKING BREAK

4:30 PM – 6:00 PM Chapultepec Ballroom
Competition Law—Current Insights on Mexico's Judicial and Regulatory Authorities, Pending Actions, and Challenges of the Legal Framework

What should businesses, lenders, investors and their lawyers understand about the prospects for efforts to apply competition law in Mexico? The panel will consider (i) dramatic actions of Mexico's leading competition regulators (its Competition Commission and its Telecommunications Commission), including the recent assessment of a US\$1 billion fine, (ii) the implementation of recent amendments of Mexico's Federal Competition law that criminalize abuse of market dominance and augment the interim injunctive powers of the Competition Commission, and (iii) judicial and regulatory decisions in key pending proceedings. The panel will offer perspectives of a practicing Mexican lawyer, a member of Mexico's Competition Commission, a general counsel of a leading Mexican business, a sitting judge who has addressed antitrust matters, and a US-based antitrust lawyer. The panoramic review of emerging competition law developments will update experts in antitrust law and educate non-specialists on concerns to the conduct of business generally.

Program Chair & Moderator:

Fernando Carreño, Von Wobeser y Sierra, SC, Mexico City, Mexico

Program Chair & Speaker:

Amilcar Peredo, Basham, Ringe y Correa, SC, Mexico City, Mexico

Speakers:

Alejandro Cantú, America Móvil, Mexico City, Mexico

David C. Giardina, Sidley Austin LLP, Chicago, Illinois USA

Cristina Massa Sánchez, Commissioner, Mexico's Federal Competition Commission, Mexico City, Mexico

7:30 PM – 9:30 PM Club de Industriales, Andrés Bello 29, Miguel Hidalgo
RECEPTION

Meet Mexico Committee Authors & Book Signing

Introduction by:

Manuel González Oropeza, Ministro, Sala Superior del Tribunal Electoral del Poder Judicial de la Federación, Mexico City, Mexico

Francisco J. Cortina, La Chica IBM: Historias de un Secuestro

Patrick Del Duca, Choosing the Language of Transnational Deals: Practicalities, Policy, and Law Reform (American Bar Association)

Leslie Alan Glick, Understanding the North American Free Trade Agreement—Legal and Business Consequences of NAFTA (Wolters Kluwer Law and Business, 3rd ed.)

Ernesto Velarde Danache, La Conjura, con o sin la CIA (Editorial Font)
Mexican Law: Essays on the Transformation of a Legal System (in progress through a Mexico Committee working group--Rodrigo Soto Morales, Jose "Pepe" Sanchez-Gil Hernandez Urtiz, and Patrick Del Duca)

Saturday, June 16, 2012

9:30 AM – 11:00 AM Chapultepec Ballroom
Legal Trends in Mexico's Real Estate Industry

The real estate sector has recently been one of the largest recipients of foreign investment in Mexico. World class tourist destinations such as Cancun, Los Cabos and Puerto Vallarta have been magnets for large real estate developments targeted to U.S. and international buyers or investors. What are the legal trends in real estate in Mexico? What are the principal challenges faced by domestic and foreign developers in Mexico? Are foreign investment regulations catching up with the needs in the industry? The panel will discuss the foregoing and other opportunities and considerations clients should know about buying and developing real estate in Mexico.

Program Chair & Moderator:

Carlos A. Sugich, Snell & Wilmer LLP, Phoenix, Arizona, USA

Speakers:

Alberto Balderas Fernández, Jáuregui y Navarrete, S.C., Mexico City, Mexico

Dulce Galvez, Owest Development, Guadalajara, Mexico

Juan Francisco Torres Landa R., Barrera, Siqueiros y Torres Landa, Mexico City, Mexico

11:00 AM – 11:30 AM Chapultepec Foyer
NETWORKING BREAK

11:30 AM - 1:00 PM Chapultepec Ballroom
Commercial and Investment Arbitration in Mexico—As Healthy as it Can Be?

Mexico's modern legal framework for arbitration follows UNCITRAL's Model Law. Judicial decisions show respect for arbitral proceedings. Mexico's support to arbitration is also reflected in its participation to multiple bilateral investment treaties (BITs), as well as the NAFTA. However, recent legislation, as interpreted in one 2011 judicial decision, may be read to create a loophole in the binding nature of arbitration in public contracting disputes. In addition, Mexico is not a party to ICSID. Therefore, Mexican investors abroad, and foreign companies doing business in Mexico, may not be fully protected by the current arbitration system.

What are the main challenges in Mexico's arbitration law? How has Mexican arbitration practice evolved over the years? Has it been able to keep up with the user's needs and global trends? How should counsel advise their clients to be better protected by the commercial and investor-state dispute resolution mechanisms? How can the stakeholders shape and strengthen the arbitration framework in Mexico?

The panel will discuss these issues from the perspective of a highly-regarded international and Mexican arbitrator, and two experienced practitioners, one based in Mexico and the other in the U.S., as well as from the standpoint of the leading arbitration institutions, ICSID for international investment disputes, and CAM for domestic commercial disputes.

Program Chair & Moderator:

Diego Sierra, Von Wobeser y Sierra, SC, Mexico City, Mexico

Speakers:

Carolina Castellanos López, Centro de Arbitraje de México, Mexico City, Mexico

Claudia Frutos-Peterson, Curtis, Mallet-Prevost, Colt & Mosle LLP, Washington, D.C. and Mexico City, Mexico

Marco Tulio Montañés-Rumayor, ICSID, Washington, DC USA

Eduardo Siqueiros T., Barrera, Siqueiros y Torres Landa, Mexico City, Mexico

Program materials may be found online at ambar.org/mexico2012



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China M&A Deal of the Year <i>(M&A Atlas Awards 2011 – Asia Pacific Middle Markets)</i>	#3 among US IPO advisors <i>(Bloomberg Global Legal Advisory, 2011)</i>	European Mid-Market Legal Advisor of the Year <i>(FT/mergermarket European M&A Awards 2011, 2010 and 2009)</i>	#2 among general and IP litigation trial counsel retained by biggest US companies <i>(Corporate Counsel, 2011)</i>

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