

NYSBA International Section

Tokyo Conference 2019

Panel 7

**Current Issues for US and Japanese Businesses  
with a Focus on Jurisdiction**

November 7, 2019

## **AGENDA**

### **JURISDICTION IN INTERNATIONAL COMMERCIAL LITIGATION**

#### Jurisdictional Reach of US courts in Commercial Litigation (10 minutes)

- General approach and recent case law development.
- Government enforcement actions.

#### Jurisdictional Approach of Japanese Courts (5 minutes)

- General approach.
- Practical issues.

#### Jurisdictional Approach of Other Asian Courts (Korea and Taiwan) (5 minutes)

- General approach.
- Practical issues.

#### Parallel/Competing Litigation (5 minutes)

- In general / mitigating principles / practical issues.
- Government enforcement actions.
- Japan, Korea, Taiwan perspective.

#### Hague Service and Evidence Convention (5 minutes)

- US, Japan, Korea, and Taiwan.

#### How to Alleviate the Risk of Expansive Application of Jurisdiction (5 minutes)

- Practical views.

### **COMMERCIAL LITIGATION CHALLENGES/TRENDS/FORECASTS**

#### Commercial Litigation Risks/Challenges/Trends (20 minutes)

- (1) What is the biggest risks/challenges facing your clients in commercial litigation?
- (2) Do you see any emerging trend (new types of cases, risks, procedures) in your practice area?
- (3) Any prediction of future trends or risks?

#### Brief Risk/Trend Overview of Various Commercial Litigation Fields (20 minutes)

- Securities/finance/M&A.
- Contractual disputes.
- Cases related to economic/political instability/trade tension.
- Data breach cases.
- Emerging fields (bit coin, cannabis, etc.).
- Impact of #MeToo etc.

- Government enforcement actions.

**Q&A (15 minutes)**