

# AGENDA

International Section 2023 Mexico Global Conference  
New York State Bar Association  
JW Marriott Hotel, Mexico City, Mexico

<https://nysba.org/international-section-2023-mexico-global-conference/>

## DAY 1 – Wednesday, October 11, 2023

8:00 am–5:00 pm	<b>Registration</b>	
8:30 am-9:00 am	<b>Welcome Remarks</b>   Great Hall Gonzalo Zeballos, International Section Chair, New York State Bar Association Richard Lewis, President, New York State Bar Association	
9:00 am–9:15 am	Networking Break	
9:15 am–10:45 am	<b>PLENARY 1</b>  <b>Investment in Mexico: Challenges and Opportunities</b>	
10:45 am–11:15 am	Networking Break	
11:15 am - 12:15 pm	<b>Panels 1 to 3</b>	
<b>PANEL 1</b>  <b>The Assault upon the Citadel of Non-Competition Covenants is Proceeding Apace</b>  Non-Competition Covenants have historically been used as a lawful means to protect the reasonable interests of a business in a transactional or employment context. That said, there is unfortunately a strong backlash against these clauses, either through court decisions or amendments to employment-related legislation, at least in North America. The panelists will discuss these changes and how they may affect companies within the United States for their cross-border endeavours. In jurisdictions where the validity of non-competitions clauses is recognised, the panelists will provide tips and tricks to drafting of these covenants and to ensure their enforcement through litigation or private arbitration	<b>PANEL 2</b>  <b>Female Leadership – Challenges through the Corporate Ladder</b>  The objective of this panel is to discuss the challenges women have faced during their professional career to be respected as trustworthy professionals, and to have a voice in the decision-making process within their organizations.  The panel will also discuss new trends for inclusion and equality in the workplace, as well as internal policies that should be implemented within organizations to incentivize the role of women in directive and decision making roles.	<b>PANEL 3</b>  <b>The Transformation of the Health Industry through Technology: Opportunities and Challenges</b>  This panel focuses on the new developments of the health industry in Mexico, and how technology is key to such trend: (i) Remote alternatives for patients that meet quality standards (Telemedicine); (ii) Specialization Centers; (iii) Logistics and supplies; (iv) Prevention as a key focus; (v) Real Time Interactions and Telecommunications (how 5G/6G make operations faster in real time enhancing the service); (vi) AI as the foundation for diagnoses and improving decisions; (vii) Medical Devices; (viii) the collection of patients information and data, behavior, needs and preferences; and (ix) legal strategies for stakeholders to interact and access benefits through partnerships and/or M&A as an expansion strategy.  Whether you are advising on establishing a company, cooperation between service providers, general cross-border transactions, or an M&A deal, you will gain insight on the

		<p>potential market, the growth of the industry in Mexico and the investment and development opportunities in the sector.</p> <p>The panel will discuss the different developments, including the challenges and opportunities that this represents for the supply of financial services (insurance and financing), service providers, private investors, and regulators.</p> <p>Our panel features a roundtable discussion among relevant health sector stakeholders and lawyers engaged in the industry.</p>
12:15 pm–12:45 pm	Networking Break	
12:45 pm-1:45pm	Panels 4 to 6	
<b>PANEL 4</b>	<b>PANEL 5</b>	<b>PANEL 6</b>
<p><b>The Era of Digital Economy: Fintech Disruption and Industry Outlook</b></p> <p>This panel will discuss the disruptive impact of the fintech wave. Exploration of emerging trends within lending platforms, tokenized debt, and the new evolving role of financial intermediaries. Discussion of the potential benefits, risks and challenges within the fintech ecosystem.</p> <p>Panelists will shed light on the evolving fintech ecosystem, regulatory frameworks, and the potential for growth and innovation. Providing valuable insights into the legal challenges and opportunities presented by fintech.</p>	<p><b>Reimagining Law: Harnessing Technology for Innovative Legal Practice – A Diverse Dialogue with Private Practitioners and Corporate Counsel on the New Horizon of Legal Technology</b></p>	<p><b>All the World is Trade</b></p> <p>This panel focuses on the “hot” trade issues: Sanctions (e.g., Russia, Belarus), Forced Labor Import Restrictions (e.g., Xinjiang, Malaysia, and new Mexico and Canada laws), US-Mexico-Canada Agreement, Trade M&amp;A Due Diligence, Brexit, and others that your clients must deal with now and for the foreseeable future. These trade issues affect not just multinationals but also companies and persons whose business involves importing or exporting. Whether you are advising on establishing a company, sourcing from a new supplier, general cross-border transactions, or an M&amp;A deal, you will gain insight on what is needed to counsel your clients on due diligence, proper compliance and avoiding penalties.</p> <p>Our panel features a roundtable discussion by international attorneys from the U.S., the EU, Canada, Mexico, and So. America with decades of experience.</p>
1:45 pm–3:15 pm	Lunch   ____	
3:15 pm-4:15 pm	Panels 7 to 9	
<b>PANEL 7</b>	<b>PANEL 8</b>	<b>PANEL 9</b>
<p><b>Safeguarding Data Privacy in Mergers and Acquisitions: Navigating the Path to Success</b></p>	<p><b>The Securities Market Law: A Comprehensive Exploration of Regulatory Frameworks, Recent</b></p>	<p><b>ISDS Reform at ICSID and UNCITRAL: What does the future hold?</b></p>

This panel aims to shed light on the critical role of data privacy in the context of mergers and acquisitions (M&A). As companies increasingly rely on data for decision-making, it is paramount to address the challenges and implications surrounding data privacy during the M&A process. Increasingly, data protection and cyber security issues affect the value of a corporation and finding out about a data breach or data privacy issue can be a deal-breaker. The panelists will explore various aspects related to data privacy, such as legal considerations, cybersecurity risks, and ethical implications. Through their expertise and insights, they will provide practical guidance and strategies to ensure that data privacy is effectively managed throughout M&A transactions, ultimately safeguarding the interests of both the companies involved and their stakeholders.

**Amendments and New Opportunities to Access the Securities Markets in Mexico and Abroad**

Deep dive into the Securities Market Law, as the panelists navigate the complex legal landscape surrounding securities regulations and compliance and recent amendments to the Securities Market Law. This panel will provide valuable insights into the legal considerations and challenges faced by transnational companies operating within the securities market.

Led by legal experts, panelists will examine key provisions of the law, explore recent developments, and discuss compliance strategies to ensure regulatory adherence. Gain a comprehensive understanding of the legal framework governing the securities market, learn best practices for compliance, and discover the implications for your transnational business operations.

Discuss case of success of Dual Listing in European (BMGrowth) and Mexican markets.

4:15 pm-4:45 pm

Networking Break

4:45 pm-5:45 pm

Panels 10 to 12

**PANEL 10**

**What the FTX?! A Review of Legal Developments following a Year of Scandal, Collapse and (Re)regulation**

**PANEL 11**

**Technology, Cybersecurity and Ethics: Lawyers Under Attack**

Lawyers and law firms are regular targets of cybercriminals, and hold client and employee data they are required to keep confidential and private. Risk management needs to change rapidly to deal with new threats and developing multinational cybersecurity and data privacy regulation. Methods for meeting ethical and compliance obligations must change with them as well. What do lawyers need to know about these issues and how to deal with them? The panel will discuss such matters as:

- What cybersecurity concerns affect providing services to clients?
- What are the ethical obligations that must be met in addressing these issues?

**PANEL 12**

**The New M&A Reality: A Market Check**

	<ul style="list-style-type: none"> <li>• What are the risks to lawyers for failing to understand the technology they use?</li> <li>• Why isn't this just an IT issue?</li> <li>•</li> </ul> <p>What are the potential costs to your firm and your clients of failing to take adequate security measures? How can you mitigate them?</p>	
5:45 pm	End of program	
6:30 pm	Transportation from the JW Marriott Hotel to the Soumaya Museum   Meet at the main lobby of the hotel	
7:00 pm-11:30 pm	<b>President's Reception   Soumaya Museum</b> Address: Av Revolucion, Plaza Loreto, 01090 Mexico City <i>Dress code: Business attire or business casual</i>	

## DAY 2 - Thursday, October 12, 2023

8:00 am–5:00 pm	Registration   Outside the Main Room	
9:00 am–10:00 am	<b>PLENARY 2</b>  <b>Stay Ahead of ESG Regulations: Mexican Taxonomy Highlights</b>	
10:00 am–10:15 am	Networking Break   ____	
10:15 am - 11:15 pm	Panels 13 to 15	
<b>PANEL 13</b>  <b>If You Go Woke, Can You Go Broke?</b>  This panel will explore the tensions between two legal trends. On the one hand, some states and the federal government in the US either now require or have proposed to require various environmental and/or DEI (Diversity, Equity and Inclusion) disclosures and investment screens. In opposition, some states have imposed countervailing obligations, to either forbid or penalize companies that, for example, are seen as hostile to fossil fuel companies or that have internalized DEI programs. Companies fear getting caught in the middle, especially non-US companies, obligated by legal regimes of other jurisdictions to incorporate ESG into management and/or investment decisions.  This panel will set out and contextualize the applicable issues,	<b>PANEL 14</b>  <b>International Arbitration in Environment &amp; Climate Change Disputes</b>  <ol style="list-style-type: none"> <li>1) Latest developments in Investment Arbitration. The idea is to talk about examples of recent cases and discuss what the future might bring us.</li> <li>2) How ESG standards and modern environmental regulation can impact the world of international disputes (both commercial and between States and investors).</li> <li>3) Is commercial arbitration a suitable forum to deal with environmental and climate change disputes?</li> </ol>	<b>PANEL 15</b>  <b>Key Points for Corporate Sustainability</b>  This multidisciplinary panel will focus in key points to evolve into a Corporate Sustainability.  Each expert describes from their position the importance of being aware of the post pandemic sustainability corporate practice. Essential notes will be exposed in the interdisciplinary conversation.

assess the legal landscape, and suggest how companies can navigate these perilous waters. There will also be a special focus on Mexico. As the largest trading partner to the US, and as nation that borders on states most active in the anti-ESG movement, Mexican companies might face the most significant pressures.

11:15 pm–11:45 pm      Networking Break | \_\_\_\_

**11:45 pm-12:45pm      Panels 16 to 18**

**PANEL 16**

**Shaping the Future: Sustainable Financing**

The participants will engage in discussions and exchange ideas on various aspects of sustainable financing and capital markets, including the role of financial institutions in promoting sustainability, the development of green and social bonds, regulatory frameworks, investor perspectives and successful case studies.

The panel aims to foster a deeper understanding of the potential for sustainable financing and capital markets and to inspire collaboration among key stakeholders to accelerate the transition to a more sustainable and resilient economy.

**PANEL 17**

**Energy Transition Disputes**

Companies are transitioning to cleaner energy sources, and their efforts to do so will presumably – hopefully - increase over time in an exponential manner. A byproduct of this transition is the generation of disputes in the space. What types of disputes are now emerging worldwide from private companies’ efforts to perform their energy transition goals, and what types of disputes will emerge in the foreseeable future? What industries will be more affected and why? What is the situation in Mexico in light of the changes in the applicable legislation and regulations, and the challenges against them before the Federal Judiciary? Our panelists will discuss these pertinent issues.

**PANEL 18**

**Climate Governance: Creating Awareness for Board of Directors**

The panelists will explain and focus on the important role of the directors of companies in understanding the climate emergency and the potential harm that it may cause to the companies, and the obligations and potential liabilities for directors arising from such new risks.

The panel will analyze the fiduciary and diligence duties of directors, and implications regarding the obligation inherent to them to take the required actions to avoid any foreseeable harm that climate change may constitute to the company and secure the sustainable transition of the company. In this context, the panel will discuss how the effects of the climate emergency have provoked the transition to sustainable business models. Companies are adopting the principles of climate governance to take climate action to their board of directors with the purpose of identifying and managing current and potential risks.

The panel is integrated by highly recognized specialists, who have different positions within the sustainability sector in Mexico.

12:45 pm–1:15 pm      Networking Break | \_\_\_\_

**1:15 pm-2:15 pm      Panels 19 to 21**

**PANEL 19**

**Sustainability Unveiled: LATAM Funds’ ESG Trends and Regulatory Landscape**

**PANEL 20**

**The Multiple Dimensions of Environmental Disputes and its Effective Resolution**

**PANEL 21**

**Diversity and Female Leadership in Board of Directors**

A single environmental incident has several consequences that very often result in different types of intertwined claims and issues that need to be resolved through strategically coordinated efforts to effectively resolve the corresponding dispute. Simultaneous administrative and constitutional law litigation, class actions, and criminal law proceedings, running in parallel with communications campaigns, community engagement plans, and different sorts of interested parties, are frequent scenarios in these disputes. Our panelists will discuss their experiences in handling these cases, will share war stories, and will identify their definitive do's and don'ts when dealing with these complex cases.

2:15 pm-3:45 pm Lunch | \_\_\_\_\_

3:45 pm-5:05 pm **Panels 22 to 24**

**PANEL 22**

**Energy Transition: Present or Future Times?**

- Comparative view of policies and business trends
- Conversion of traditional international oil companies into energy companies
- COP28 – Nov 30 – Dec 12, 2023
- Roles will hydrogen, carbon capture and storage, and nuclear vis-à-vis the net-zero energy mix
- Risks and opportunities financing the energy transition
- Supply of energetics and critical minerals and metals for energy storage

**PANEL 23**

**Balancing Acts: Navigating ESG Considerations in International Arbitration**

**PANEL 24**

**ESG Trends in M&A Transactions Around the World**

5:05 pm End of program

7:00 pm-11:30 pm

**Drinks and Mingle | Habita Hotel**

Address: Presidente Masaryk 201, 11560 Mexico City, Mexico

Dress code: Business attire or business casual

*Note: Transportation will not be provided. The venue is an 11-min walk from JW Marriott.*

# DAY 3 - Friday, October 13, 2023

8:00 am–5:00 pm	Registration   Outside the Main Room	
9:00 am–10:00 am	<b>PLENARY 3</b>  <b>From Global to Local: Nearshoring Business Landscape</b>  The panel will discuss how in recent years, the disruption of the global supply chains has reshaped the business operation model and the manufacturing sourcing.  Global events such as the pandemic, trade tensions, and wars have made Nearshoring the prime solution for companies due to the advantages of shortening supply chains and sourcing from countries closer to the end markets. In the case of U.S. businesses, nearshoring most often means sourcing from or manufacturing in Mexico.  Long before the pandemic, businesses have already considered the advantages of relocating. China’s rising wages and trade tariffs contributed to start adopting nearshoring strategies. The pandemic only confirmed the need and benefits of moving manufacturing operations closer to the consumer: from mitigating risk to better landed costs.  Mexico presents a great opportunity for companies to settle and exploit the preferential treatment that the FTAs, such as the USMCA, gives to all companies producing and exporting from Mexico. However, Mexico also represents great challenges that investors should take into consideration before their site-selection process is underway.	
10:00 am–10:30 am	Networking Break   ____	
10:30 am - 11:30 am	<b>Panels 25 to 27</b>	
<b>PANEL 25</b>  <b>Cross Border Investments in the Light of Regulations on Foreign Direct Investment (FDI)</b>  The panel will discuss regulations on foreign investments, the practical impact of those and what to keep in mind when considering investments or acquisitions of businesses in restricted sectors. A comparison will be presented as to scope of such regulations, process for seeking required consents or approvals. The panel will have speaker representing a number of LATAM countries, the US, Europe and Asia.  The number of countries implementing and the scope of restrictions on foreign direct investments have increased tremendously in past few years and also been given more “teeth” over time. In the US, CFIUS has been in place for a long time though its scope and application has changed	<b>PANEL 26</b>  <b>Current Issues in Cross Border Insolvency Practice: The Good, The Bad, and The Ugly</b>  The divisive issues in recent cross border insolvencies will be discussed by the panel.  Among the more relevant topics will be the role of experienced counsel and investment advisors in complex cases; the growing access by LATAM major corporates to voluntary Chapter 11, as a proven and useful tool to pursue meaningful restructurings; automatic stays, protective orders, reliance on a competent and knowledgeable judiciary, timing, transparency, DIP financing, and what has worked (and what has not) – including the matter of significant costs-, will be the subject of an interactive and practical discussion.  Additionally, reference will be made to the success and cost-efficient use of pre-packed processes by LATAM based companies, as well as the generalized	<b>PANEL 27</b>  <b>USMCA: Commercial Sanctions for Violation to Labor Rights</b>  This panel will discuss recent cases in which manufacturing companies have faced potential commercial sanctions for alleged violations to labor rights specifically related to Freedom of Association and Protection of the Right to Organize.  We will discuss the remedial actions provided by the USMCA, as well as the arbitration panel designed by said treaty for specific violations to labor rights, landmark cases and actions to mitigate contingencies.



over time from a regulatory perspective and also depending on the political landscape. Other countries have gone from having no such regulations (as in for example Scandinavia) to have started with more symbolic regulations which becomes increasingly powerful in real life. The restrictions have significant importance on for example trade, cooperation and development and therefor for businesses and consumers' access to products and services. The application appears also sometimes to be arbitrary and politically motivated rather than to serve the purpose of protection of national interests such as defense energy, infrastructure etc.

failure of involuntary petitions filed in the US. As one size does not fit all, the panel will contrast the tools and alternatives available in the principal LATAM jurisdictions, such as *concurso mercantil*- and perhaps in the UK and the EU, and other more unorthodox substitutes, such as recent corporate liquidations. Other points which will be considered will include: (i) the thorny issue of recognitions of foreign proceedings; (ii) how bankruptcy remote vehicles failed in recent cases and why; (iii) third party releases, especially guarantors; and (iv) the growing clashes among lenders of the same class, especially in DIP financing situations (who gets the better deal?).

11:30 am–12:00 pm

Networking Break | \_\_\_\_

12:00 pm-1:00pm

Panels 28 to 30

**PANEL 28**

**Powering the Future: Addressing Safety, Energy and Water Shortage Challenges in Nearshoring Landscape**

This panel delves into the intricate legal and strategic challenges surrounding energy and natural resource management in the context of nearshoring. Industry leaders and environmental experts will spearhead the exploration of the complexities involved in sourcing and efficiently managing energy resources for nearshoring operations. With a particular focus on the energy and water shortage in Mexico, our panelists will shed light on regulatory compliance, sustainability considerations, and innovative solutions that drive successful nearshoring ventures in the energy sector. This panel will provide valuable insights into the legal frameworks, the current government situation, environmental implications, and strategic approaches essential for navigating and capitalizing on nearshoring opportunities amidst energy and water scarcity challenges.

**PANEL 29**

**The Evolution of Investment Protection and Investor-State Arbitration in the Americas Region**

The panel will focus on (i) the evolution of investment protection provisions in free trade agreements and bilateral investment treaties in the Americas region, including the substitution of the NAFTA investment protection provisions for the new USMCA investment provisions); (ii) latest practices in investor-State arbitration proceedings (where is the focus now?); and (iii) recent methods and considerations in damages in investor-State arbitrations.

**PANEL 30**

**Tax**



1:00 pm–2:30 pm	Networking Break   _____	
2:30 pm-3:30 pm	Panels 31 to 33	
<p><b>PANEL 31</b></p> <p><b>Nearshoring: Real Estate Opportunities</b></p> <p>Regulatory issues, political complexities facing electoral year ahead and logistical challenges will be discussed during this panel.</p>	<p><b>PANEL 32</b></p> <p><b>Cross-Border Litigation: Connecting Points and Jurisdictions</b></p> <p>This panel focuses on USA and MEXICO cross-border litigation.</p> <p>Our panel features a roundtable discussion by international attorneys from the U.S. and Mexico with experience in diverse litigation matters.</p> <p>The discussion will refer to a general point of view ok legal principles to better understand the USA and Mexico practice and the importance of creating a breach between In-House Counsel and Outside Counsel in different jurisdictions but with related matters. Essential key points to better understand some connecting points both jurisdictions will be an essential part of the conversation.</p>	<p><b>PANEL 33</b></p> <p><b>Diversity in the Workplace</b></p> <p>We live in a diverse world and the business world is no exception! We know that diverse teams are better at problem solving, offer more creative strategies and foster innovation, and yet workplaces face challenges when it comes to the inclusion of their diversity. Leaders are people, and as such, are prone to bias. Therefore, how do we help each other to recognize and confront our biases? How do we encourage equity and inclusion in our workplaces? As leaders, what is our responsibility to promote equitable and inclusive environments? What are those key aspects to enhance inclusive leadership? In an era where impact and ESG criteria are part of everyday business decisions, what is the relevance of DEI? What is the relevance of DEI in long term sustainability? How can we as part of the legal community face the challenges presented by the evolution of ESG and Sustainability and provide better advice? This program will address these issues as well as the additional layer of complexity of advising on and implementing DEI best practices</p>
3:30 pm-4:00 pm	Lunch   _____	
4:00 pm-5:00 pm	Panels 34 to 26	
<p><b>PANEL 34</b></p> <p><b>Anticorruption</b></p>	<p><b>PANEL 35</b></p> <p><b>Managing Cross-Border Litigation: The In-House Counsel View</b></p> <p>This panel will be composed of in-house counsel and outside litigation counsel and will discuss the issues that commonly arise during cross-border litigation, especially in discovery. The panel will focus on offering the in-house counsel view to identify the issues that are important to clients and what in-house counsel expects from outside litigation counsel. This will be supported by a couple of outside litigation counsel, including the proposed chair, who will present their views on meeting these expectations.</p>	<p><b>PANEL 36</b></p> <p><b>Legal MKT/Trends</b></p>

5:00 pm	End of program
<b>7:00 pm-8:00 pm</b>	<b>Closing Reception   JW Marriott Hotel</b> Address: Presidente Masaryk 201, 11560 Mexico City, Mexico Dress code: Business attire or semi-formal
<b>8:00 pm-11:30 pm</b>	<b>Gala Dinner   JW Marriott Hotel</b> Address: Presidente Masaryk 201, 11560 Mexico City, Mexico Dress code: Business attire or semi-formal