



2020 CPR LATIN AMERICA CONFERENCE

WEDNESDAY, DECEMBER 2, 2020 & THURSDAY, DECEMBER 3, 2020 | VIA VIDEOCONFERENCE

CO-HOSTED BY:



IN COOPERATION WITH:



WEDNESDAY , DECEMBER 02, 2020

WELCOME REMARKS

13:15 - 13:30

- **Kai Sass-Hauschildt** – Manager, International Programs, International Institute for Conflict Prevention & Resolution (CPR)
- **Allen P. Waxman** – President & CEO, International Institute for Conflict Prevention & Resolution (CPR)

KEYNOTE SPEAKER

13:30 - 14:15

Arthur Sanchez Badin

Lawyer, general counsel and arbitrator.
Former President and Chief Attorney of the Brazilian Antitrust Authority (“CADE”)

ARBITRATING AFTER LAVA JATO: CHALLENGES AND LESSONS LEARNED

14:15 - 15:15

This panel will focus on the multiple issues that have arisen in arbitration in the aftermath of the so-called “Operação Lava Jato” (Car Wash Operation), particularly with respect to procedural issues and the interplay between different actors, entities and jurisdictions fighting corruption and promoting compliance in Latin America.

Moderator:

- **Rafael Francisco Alves** – Partner, L.O. Baptista

Speakers:

- **Eric Franco** – General Counsel, ENGIE Energía Perú S.A
- **Marcela Levy** – Mannheimer, Perez e Lyra Advogados

15:15 - 15:45

BREAK

WHAT ETHICAL STANDARDS APPLY TO MEDIATORS UNDER THE SINGAPORE CONVENTION?

The United Nations Convention on International Settlement Agreements Resulting from Mediation was adopted by the United Nations General Assembly in December 2018 and opened for signatures in August 2019, in Singapore. The convention provides a legal framework to invoke settlement agreements and respective enforcement. One of the key provisions of the Convention refers to the grounds for refusing the enforcement of international mediation agreements, among which are breaches by the mediator of standards applicable to the mediator and the proceeding. The panel will discuss how to determine such standards, not defined by the Convention, and different implications to enforcement of international mediation agreements.

15:45 – 17:00

Moderator:

- **Mônica Mendonça Costa** - Partner, TozziniFreire Advogados

Speakers:

- **Clare Connellan** – Partner, White & Case
- **Dr. Alexandre Palermo Simões** – Partner, Ragazzo, Simões, Lazzareschi e Montoro Advogados
- **Thomas P. Valenti** – Attorney, Arbitrator (ACI Arb), Mediator, Facilitator & CPR Distinguished Neutral

DISPUTE RESOLUTION BOARD PRACTICE IN BRAZIL AND BEYOND

This panel will discuss the legislative efforts for the adoption of dispute resolution boards in infrastructure contracts, as well as best practices in dispute resolution boards already in place in Brazil.

17:00 - 18:00

Moderator:

- **Fátima Cristina Bonassa Bucker** – Partner, Bonassa Bucker Advogados

Speakers:

- **Beatriz Vidigal Xavier de Silveira Rosa** – Engineering Expert & CPR Distinguished Neutral
- **Fernando Marcondes** – Partner, L. O. Baptista Advogados
- **Gustavo Duarte Candido** – Legal Manager, Assurant

18:00 – 18:10

CLOSING REMARKS – DAY 1

18:10-19:10

NETWORKING RECEPTION

THURSDAY, DECEMBER 03, 2020

10:00 - 10:15

WELCOME REMARKS

- **Kai Sass-Hauschildt** – Manager, International Programs, International Institute for Conflict Prevention & Resolution (CPR)
- **Allen P. Waxman** – President & CEO, International Institute for Conflict Prevention & Resolution (CPR)

10:15 - 11:15

PUBLIC SECTOR MEDIATION AND ARBITRATION

The panel will analyze the current developments in mediation and arbitration involving the public sector in Brazil and beyond. It will consider recent legislative developments, including the Brazilian Mediation Act, the 2015 reform of the Brazilian Arbitration Act, which expressly authorized arbitration involving state-owned companies, the recent decree from the Brazilian Federal State union authorizing arbitrations involving eminent domain disputes and, last but not least, bills currently pending in the Brazilian Congress, such as the one authorizing arbitration in tax matters.

Moderator:

- **Joaquim de Paiva Muniz** – Partner, Trench Rossi Watanabe Advogados

Speakers:

- **Ahmed Abdel-Hakam** – Senior Associate, Eversheds Sutherland
- **Cristina Mastrobuono** – Independent Lawyer and Arbitrator
- **Rabih Nasser** – Professor of international law and arbitration at Fundação Getúlio Vargas in São Paulo (FGV Direito SP) & Partner of Nasser Sociedade de Advogados

11:15 - 11:30

BREAK

11:30 - 12:30

DATA PRIVACY IN ARBITRATION: AN URGENT MATTER

Data protection and cyber security have become hot topics in international arbitration. GDPR and other international regulatory frameworks, as well as Brazilian regulation that will come into force this year, put a spotlight on data protection due to its wide territorial scope of application, consequences and penalties. Since arbitration proceedings inevitably handle sensitive data, the concerns on data-protection should be managed by arbitral practitioners as early as possible.

Moderator:

- **Camila Biral Vieira da Cunha Martins** - Partner, Demarest Advogados

Speakers:

- **María del Mar Herrera**
Senior Manager, EY Tax & Law Central America, Panama & the Dominican Republic

	<ul style="list-style-type: none"> • Ricardo Dalmaso Marques Associate General Counsel - Global & LATAM, Facebook • Renato D. F. Moraes - Partner, CASCIONE
<p>12:30 - 13:30</p>	<p align="center">CLASS ACTION INVESTOR ARBITRATION: LIMITS, CHALLENGES AND EXPECTATIONS</p> <p>Recent disputes involving investors and listed companies in Brazil have been resolved through collective or class action arbitration. This kind of arbitration brings new challenges for investors, companies and practitioners that are not present in traditional arbitration. This panel will discuss the limits and obstacles facing class action arbitration in Brazil and abroad.</p> <p><u>Moderator:</u></p> <ul style="list-style-type: none"> • Tiago Machado Cortez - Partner, Koury Lopes Advogados <p><u>Speakers:</u></p> <ul style="list-style-type: none"> • Flavia Mange – Partner, Mange & Gabbay • Paulo Macedo – Partner, Macedo Garcia • Martin F. Gusy – Partner, K&L Gates
<p>13:30 – 13:40</p>	<p align="center">CLOSING REMARKS</p>

New York CLE:

This program has been approved for a maximum of 6.0 New York CLE Credits, including 1 Credit in Ethics. This course is non-transitional. The CPR Institute has been certified by the New York State Continuing Legal Education Board as an Accredited Provider of continuing legal education in the State of New York. CPR is a nonprofit organization. Under financial hardship guidelines, at its discretion, CPR may waive the fee for attorneys who demonstrate that they are not currently employed (not retirees). CPR may also provide a special discounted price to attorneys, full-time judges and administrative law judges practicing in the nonprofit and public sectors full time.

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