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LAW



## ILS NEWS (JUNE 2020)

Editor-in-Chief: Robert E. Lutz

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develop this year out of necessity can continue to serve as a model for high quality virtual programming and networking, to supplement our existing future in-person meetings, long after the current crisis abates.

Perhaps the best opportunity the Annual Meeting tends to bring for ILS members, is the chance to meet with delegate attorneys and leadership from the growing list of international bar associations with which our Section has developed Friendship Agreements. In the past couple years we have had international law attorneys visit and participate in our Annual Meeting from Mexico, Osaka and Tokyo Japan, France, Barcelona, Vietnam, Malaysia, and others. This year, prior to the Covid-19 developments, we further had Annual Meeting delegations planned from our new Friends in Milan and Prague. Our 2020 virtual Annual Meeting presents opportunities for even more internationally oriented attorneys from other jurisdictions to participate, because they can do so more easily from their own locations. Our live networking receptions will be replaced with "virtual happy hours", and we will find ways for our individual members to meaningfully interact with foreign counsel with whom we hope they may proceed to maintain professional relationships and do business, without the need to travel and incur the associated expenditures of time and financial expenses.

In preparation for the Annual Meeting, the Former ILS Chairs recently convened to propose nominations for this year's Warren Christopher Award (WCA) for the California International Attorney of the Year. The WCA reception is usually the highlight of the Annual Meeting for our Section, and this year we hope to have an even greater level of engagement and

### CHAIR’S COMMENT

Dear ILS Members:

With the seasons changing to Summer, it is time for our Section to solidify plans for the 2020 CLA Annual Meeting, to be held from September 24-26th. We had been looking forward to getting some sun in San Diego, but now like similar organizations in much of the rest of the world, we are preparing for the first time ever for this event to be totally virtual. As much as we are disappointed we won't be able to get together with our Section members in person, which is always enjoyable, we are equally excited for the possibilities an entirely virtual meeting makes possible. What we



attendance as a result of shifting to a virtual platform, on this one-time basis. As always, this reception will be open to members of both ILS and visiting foreign attorneys, and though we will not be able to replace the satisfying sound of clinking wine glasses together in person, it should be well attended online and an event very much worthwhile.



We hope to see as many CLA ILS members as possible during our September Annual Meeting, and as always we encourage anyone interested in participating or being involved to get in contact with us, as this meeting provides truly excellent opportunities for meaningful engagement and interaction with and

amongst our members. I welcome anyone interested to reach me at [josh@surowitz.com](mailto:josh@surowitz.com).

Josh Surowitz

June 2020

## BOB'S OP

### *THE LEGAL PROFESSION'S ROLE IN PRESERVING AND ADVANCING THE RULE-OF-LAW*

The Covid-19 pandemic is international in scope and impact, and possesses potential dire consequences for the legal profession globally, as countries are employing emergency measures purportedly to address the virus to limit the role and function of the

legal profession among other citizen civil liberties. Some of these State actions were evidenced even before the onset of the cruel virus, but now they seem energized by it. Here I contend there is a special global role for the legal profession (and, in particular, for Section of International Law members, the International Law Section, and the CLA) in vigilantly preserving and advancing the international norms of justice and the independence of the legal profession upon which justice depends, and in preventing and holding States and non-State actors accountable for their abuse. Key to institutions that provide the foundation and sustain the role of justice in society is the legal profession, which operates to safeguard and support the *rule-of-law*—society's belief and commitment that the rule of laws, not of men, shall prevail. The independence of lawyers and the legal profession are indispensable to providing equal access to justice and building effective, accountable institutions.

Yet on this 30<sup>th</sup> Anniversary of the "Basic Principles on the Role of Lawyers"<sup>1</sup>, there is "[A]n increasing frequency, globally, of attacks and interferences both of the independence of the legal profession, and against lawyers individually, including threats, intimidation, retaliation, harassment and interference in the discharge of lawyers' professional functions. [And ]lawyers are exposed to arbitrary sanctions, including arrest, prosecution or deprivation of licence to practice law, and/or to situations in which governments fail to safeguard lawyers adequately where their security is threatened as a result of engaging in their profession."<sup>2</sup>

In the last issue of the *ILS NEWS*, I reported about the Day of the Endangered Lawyer (January 24), which honors the legal profession and its importance to the sustenance of the rule-of-law while sounding

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<sup>1</sup> Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August 1990. For the text of the Basic Principles, see: <https://www.un.org/ruleoflaw/files/UNBasicPrinciplesontheRoleofLawyers.pdf>

<sup>2</sup> "Call to Action (Preamble)" on the occasion of the 30<sup>th</sup> Anniversary of the Basic Principles, by the International Association of Lawyers (UIA), the International Bar Association (IBA), and the Japanese Federation of Bar Associations (JFBA).



alarms about its suppression and abuse in certain countries. Tragically and despite a culture of respect for judicial institutions and the legal profession in the U.S., both face their share of challenges. In recent years, the judiciary and individual judges were openly mocked and attacked for their decisions, inspectors general—legally mandated to investigate corruption and wrongdoing in government—were harassed and vindictively removed from their offices for doing their jobs, and special prosecutors and Congress were impeded in their legitimate investigations seeking information and evidence.

In other countries, the situation for lawyers and judges, and for the legal profession generally, is even more grim. For all of these, the International Law Section of the CLA should use its voice to call out offending countries and such actions, and urge States globally to fully recognize, support and protect, in accordance with the [Basic Principles](#), the vital role lawyers, judges and the legal profession play in upholding the rule of law, and promoting and protecting human rights.

Bob Lutz<sup>3</sup>

June 2020



Bob Lutz and Tiffany Heah

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<sup>3</sup> Treusch Distinguished Professor Emeritus of International Legal Studies, Southwestern Law School; Member, CLA-ILS Executive Board; Editor-in-Chief, *California Lawyers Association-International Law (CLA-ILS) Newsletter*; Former Chair, ABA

## INTERNATIONAL PRIVATE (COMMERCIAL) LAW DEVELOPMENT HIGHLIGHTS

### 2019 Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters-

In the last issue of the *ILS NEWS*, this new instrument, which States are asked to ratify, will go into force when the requisite number of States do in fact ratify it. In the meantime, the debate is taking place of whether it is good for U.S. enforcement of foreign judgment law. To aid that discussion, the following discussion of the Convention is worth reading: David Stewart, *The Hague Conference Adopts a New Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters*, 113 *AMERICAN JOURNAL OF INT'L LAW* 772 (2019). For the Convention's text, [click here](#).

### Cases & Developments of Interest and with International Practice Implications

#### ***Rockefeller, the California Supreme Court, and the Hague Service of Process Convention-***

The California Supreme Court decided *Rockefeller Technology Investments v. Changzhou Sinotype Technology Co.*, on April 2, 2020. In an unanimous decision authored by Justice Corrigan, the Court held that the Hague Convention on Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (to which the U.S. is a party) does not apply when parties have agreed to waive formal service of process in favor of a specific type of notification. The Defendant, in an arbitration in California that awarded Plaintiff \$415,000,000, sought to set aside a default judgment for insufficiency of service, arguing that Plaintiff failed to comply with the Hague Service Convention and

Section of International Law and EIC, *The International Lawyer*; Current Co-chair, ABA-Senior Lawyers International Committee; and Member, U.S. State Department Advisory Committee on International Law.



rendered the judgment confirming the arbitration award void. [The argument upon which the Court decided the case--that contractual waiver of the Hague Service requirements of service was applicable-- was supplied by California International Arbitration Council (CIAC) as Amicus Curiae. The CIAC is a newly organized effort of international arbitrators in California, to promote international arbitration in California. ed.] You can find the text of the decision at [www.law.justia.com/cases/](http://www.law.justia.com/cases/). The homepage of the CIAC is <http://ciac.us> .

### ***U.S. Revocation of Hong Kong's Special "Autonomous" Status***

The U.S. Executive (i.e., President or his agent) must certify annually Hong Kong's autonomous status vis-à-vis China, pursuant to the "Hong Kong Human Rights and Democracy Act." The "one country, two systems", and thus a degree of autonomy, was guaranteed for Hong Kong by Beijing when Hong Kong (then a British colony) was transferred to Peoples Republic of China in 1997.

On May 27, 2020, U.S. Secretary of State Michael Pompeo declared he would not certify Hong Kong as being autonomous. This action was taken in the wake of the Chinese Government's announcement it would pass a national security law curtailing the rights and freedoms of Hong Kong citizens. Pompeo stated, "Hong Kong does not continue to warrant treatment under U.S. laws in the same manner as U.S. laws were applied to Hong Kong before July 1997." This opens the door to a range of sanctioning options by the U.S., e.g., visa restrictions, freezes of top Chinese officials' assets, and possibly tariffs on goods coming from Hong Kong. [Ed.]

### ***The Regulation of Foreign Investment in the U.S.***

Regulations were issued on January 13, 2020, effective February 13, 2020, expanding the Committee on Foreign Investment in the U.S.'s ("CFIUS") authority to review foreign investments in

U.S. businesses for national security concerns, mandated by the Foreign Investment Risk Review Modernization Act ("FIRRMA").

Where formerly CFIUS was limited to foreign acquisitions of controlling interests in U.S. companies, these new regulations give CFIUS authority to review acquisitions of even non-controlling interests. In addition, parties must now obtain clearance from CFIUS. [Ed.]

## **INTERNATIONAL PUBLIC LAW DEVELOPMENT HIGHLIGHTS**

### **Anything New at the ICJ? Gambia v. Myanmar?**

In this case [reported in the *ILS NEWS* (February 2020), Ed.], brought by Gambia on behalf of the Organization of Islamic Cooperation against Myanmar (a Buddhist dominant country) arguing that the mainly-Muslim Rohingya had been subjected to genocide. On the request of the Gambia for provisional measures against Myanmar, the Court ordered Myanmar to "take all measures within its power" to prevent the killing of Rohingya, or causing bodily or mental harm to members of the group, including by the military or "any irregular armed units." Myanmar also is ordered to report regularly about its compliance with the order "until a final decision on the case is rendered by the Court." See [www.icj-cij.org](http://www.icj-cij.org).

### **What's happening at the International Criminal Court?**

#### ***Update of International Criminal Court Activity (January-May 11, 2020)***<sup>4</sup>

**Cases currently with hearings:** Ongwen (accused of war crimes and crimes against humanity as part of the Lord's Resistance Army [LRA] in Uganda); Ntaganda (on appeal after conviction of war crimes and crimes against humanity as part of the Patriotic Force for the Liberation of Congo [FPLC] in the Democratic Republic of Congo; and Gbagbo and Ble

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<sup>4</sup> Contributed by Sean Butler of the Alliance in Support of the International Criminal Court and California attorney at law.





Goude cases (on appeal after acquittals of crimes against humanity alleged committed in Cote d'Ivoire.) Briefings and exchanges of information continue in other cases.

Selected Proceedings of other Cases:

*Afghanistan:* On November 20, 2017, the Office of the Prosecutor ("OTP") requested authorization from Pre-Trial Chamber II to initiate an investigation into allegations of war crimes and crimes against humanity committed on the territory of Afghanistan since it joined the ICC. The request for authorization by the Prosecutor included allegations regarding the conduct of all parties to the conflict alleged to have committed war crimes or crimes against humanity, including allegations regarding conduct of personnel of the United States of America (US.)

On April 12, 2019, Pre-Trial Chamber II rejected that request, finding that an investigation would not be in the "interests of justice", primarily based on concerns of lack of cooperation from any of the participants in the conflict which formed the factual bases for the allegations of war crimes and crimes against humanity. [Decision on Authorization, paragraphs 91-95.](#)

On March 5, 2020, the Appeals Chamber of the International Criminal Court (ICC) amended the April 12, 2019 decision of Pretrial Chamber II. The Appeals Chamber authorized the Prosecutor "...to commence an investigation 'in relation to alleged crimes committed on the territory of Afghanistan in the period since 1 May 2003, as well as other alleged crimes that have a nexus to the armed conflict in Afghanistan and are sufficiently linked to the situation and were committed on the territory of other States Parties in the period since 1 July 2002'" The authorizations extend to so-called "black sites" on the territory of state parties to the Rome Treaty.

The Appeals Chamber reasoned that the Pre-Trial Chamber should not have reviewed the "interests of justice" determination of the Prosecutor for a case initiated by the prosecutor *in proprio motu* (on her own initiative) as opposed to cases initiated by referrals from state parties or the UN Security Council.

*Palestine:* On April 30, 2020, the Prosecutor submitted her brief in response to the observations of others regarding the request to authorize an investigation into the situation in Palestine. The Prosecutor requested authorization regarding the territorial jurisdiction of the ICC. On December 20, 2019, the Prosecutor concluded there was a proper basis to proceed but made the unusual request because of the dispute over whether or not Palestine is a "state" for purposes of the Rome Treaty. If the investigation proceeds, it would include allegations of crimes against humanity on the territory of Palestine, by all actors, including conduct of individuals who are part of Israeli forces.

In March 2020, the government of Comoros requested reconsideration of the decision of the Prosecutor not to further proceed regarding allegations of war crimes or crimes against humanity by individuals of Israeli forces involved in the interception of a flotilla of humanitarian aid on vessels registered in Comoros. In February 2015, the Prosecutor concluded the events did not rise to the level of sufficient gravity and did not proceed. This is the second request for reconsideration by Comoros. On May 11, 2020, the Prosecutor filed her response that there was no basis for further reconsideration.

## International Trade

### *GATT Art. XXI and the WTO*

[In a 2019 Panel Report of the World Trade Organization in a dispute brought by the Ukraine against Russia](#), the Panel for the first time by a WTO Panel discussed the security exception in Article XXI of the 1994 GATT, which was asserted, but not argued, by Russia. That Article in relevant part provides (i.e., GATT Article XXI (b) (iii)):

*"Nothing in this agreement shall be construed...*

*(b) to prevent any Member from taking any actions which it considers necessary for the protection of its essential security interests...*

*(iii) taken in time of war or other emergency in international relations..."*



Russia claimed that under this provision it had the sole discretion to determine its “essential security interest” and any action “necessary” to protect its security interests. The Panel decided that determination was not a matter solely for Russia to decide whether it is taking action in time of war or other emergency in international relations. Rather the Panel determined it must review whether the facts support the claim.

The report has been considered “seriously flawed” by the U.S., arguing that Russia itself had provided no argument on Art. XXI; instead the Panel improperly had made its case. Understanding that such WTO Panel reports are binding only on the parties to the dispute and only in relation to the particular dispute, they are and should be taken into account to ensure the security and predictability of a multilateral trading system dispute-settlement process as the GATT. Thus, the Panel Report’s interpretation and application of Article XXI should interest many countries because of its systemic implications. The U.S., for example, recently invoked XXI to justify tariffs imposed on steel and aluminum imports from many trading partners pursuant to Section 232 of the Trade Expansion Act of 1962. See [Ukraine v. Russia \(measures concerning traffic in transit\)](#) [Ed.].

### **The “new” NAFTA or USMCA: ATTENTION JULY 1ST**

The USMCA, a comprehensive trade agreement replacing NAFTA, comes *into force July 1, 2020* with respect to all three countries—the U.S., Mexico and Canada! A CLA-ILS webinar, moderated by Professor Emeritus Robert E. Lutz and featuring VP for Legal Affairs of the National Foreign Trade Council, Vanessa Sciarra, will address the topic,

“What’s New about the ‘New-NAFTA’: July 1<sup>st</sup> and the USMCA’s” will take place on Wednesday, June 17, 2020 at 11:30am.

See also Librarian David Mc Fadden’s bibliography on “NAFTA and the USMCA” of this *ILS NEWS*.

### **What about Brexit?**

**Facts:** The United Kingdom left the European Union on January 31, 2020 after 47 years of membership. 27 countries remain in the European Union.

**Facts:** The United Kingdom voted to leave the European Union by 52% to 48% in June 2016.

**Facts:** Within the United Kingdom, individual, social and political units indicate the votes regarding Brexit are straining the overall unity of the United Kingdom—England (53%) and Wales (52.5%) voted to leave the European Union; Scotland (62%) and Northern Ireland (56%) voted to remain in the European Union. There are divisions of sentiments between metropolitan and small towns, age groups and social classes.

**Facts:** The transition to a new United Kingdom-European Union relationship ends on December 31, 2020; negotiations toward an agreement are ongoing, but acrimonious, and the British Government rejects calls to extend the transition period [Ed].

### **International Legal Education**

#### ***Remote Learning? Online Law School Exams?***

Most ABA-accredited law schools converted to Zoom delivery of classes from mid-March through the end of the Spring semester in early May. Exams were also administered online.

Many schools have not adopted an online policy of course content delivery for the entire Fall Semester, although some have.

Given law school (private and public) costs, students are requesting tuition reductions. For their part, many law schools are tuition-dependent and the prospect of tuition reductions and, possibly, smaller entering classes, suggest they will face significant financial difficulties in sustaining their faculties and educational facilities.

#### ***What about admissions tests—the LSAT?***

Even though many undergraduate institutions are dropping entrance requirements that students take, i.e., the SAT and/or GRE exams (e.g., the California State University system and, in the future possibly, the University of California), the LSAT seems to remain a major requirement for admission to law schools in California, and is not going away. While the LSAT seems here to stay in the near-term, its administration will be online and remotely proctored. The previously scheduled June 8 LSAT will now take



place on June 15, 2020. See [www.lsac.org](http://www.lsac.org) for additional information.

**And What about the Bar?**

Originally scheduled for late-July, the Coronavirus-19 forced re-scheduling to September 9 and 10, 2020. This is planned to be an in-person exam; there are currently no plans to make the Bar Exam online.

**Bar Passage Standard 316**

In May 2019, the Council of the Section of Legal Education and Admissions to the Bar of the ABA adopted law school accreditation standards, in particular Standard 316. That Standard states:

*At least 75 percent of a[n ABA-accredited] law school's graduates in a calendar year who sat for a bar examination must have passed a bar examination administered within two years of their date of graduation.*

In a state like California with extra high-Bar exam passage score requirements, but low passage rates, and almost 20 ABA-accredited law schools, this rule puts substantial pressure on law schools.

[Ed. For those interested in learning more about these issues, join the conference call of the ABA Senior Lawyers Division-International Committee on June 10, 2020 at 8:30-9:30am PDT at which Bob Lutz, ILS NEWS editor, will interview via a zoom Dean Bryant Garth, noted legal educator and analyst of the legal profession-- "THE FUTURE OF INTERNATIONAL LEGAL EDUCATION: A Conversation with Bryant Garth". Connect:

<https://americanbar.zoom.us/j/411793516>; meeting ID= 411 793 516.

**EXECUTIVE COMMITTEE**  
**2019-2020 Executive Committee**

- Chair: Joshua Surowitz
- Vice Chairs: Margret Francisco  
Tiffany Heah
- Secretary: Lance Belsome
- Treasurer: William Gay

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- ILS NEWS: Robert Lutz (Editor-in-Chief)  
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Neil Popovic  
Harumi Hata  
Enrique Hernandez

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CLA Staff: Saul Bercovitch

Section Coordinator: Nikki Smith

Administrative Assistant: Mycah Hetzler

**Sub-Committees**

**Foreign Bar Relations Committee – Chair: Richard Bainter**

The Foreign Bar Relations Committee is in charge of fostering relationships with our friends outside the United States. Currently, we have Friendship Agreements with ANADE, the Czech Bar, the Dai-Ichi Tokyo Bar, the Malaysian Bar, the Marseille Bar, the Osaka Bar, the Shenzhen Bar, the Toulouse Bar, the Vietnam Bar, the Milan Bar and the Barcelona Bar.

**Education Committee – Chairs: Melissa Allain and Agustin Ceballos**

The Education Committee is in charge of organizing webinars, in person programs and career programs at local universities. [Click here for a list of webinars organized by ILS](#). Don't forget to take advantage of



the free monthly CLE program organized by the CLA which is a perk of joining the ILS.

**ILS Journal – Editor in Chief: Cathy Carlisle**

The ILS Journal is one of the biggest perks for joining the ILS. We are constantly looking for articles to be included in the ILS Journal so if you have any topic of interest, please let us know.

**ILS NEWS - Editor in Chief: Bob Lutz; Managing Editor: Tiffany Heah**

The *ILS NEWS* is intended to quarterly update you on the happenings involving California international law practice and CLA-ILS activities. If you have anything of interest to the ILS members, please feel free to reach out to Bob Lutz, *ILS NEWS* editor, at [rlutz@swlaw.edu](mailto:rlutz@swlaw.edu).

**Immigration Law Committee – Chair: Joshua Surowitz**

The world is getting smaller nowadays and immigration lawyers inherently are international lawyers. We are starting a new sub-committee to fill in the gaps. The idea is to organize programs and events that would be of interest to those practicing immigration law. Currently, we have a special offer on webinars for those interested in learning the basics in immigration law. Please check Section 0 for more information.

If you are interested in joining any of the sub-committees, please feel free to reach out to the respective Chairs accordingly.

## CLA-ILS ACTIVITIES AND EVENTS

### Basics in Immigration Law

Interested in learning the basics in immigration law? Take advantage of the [limited time special offer on webinars](#). For \$99, you get access to the following webinars:

- (a) Current Major Immigration Trends Under Trump;
- (b) Immigration Law Basics in the US, Mexico and Canada – Post USMCA;
- (c) A Quick Run Around the Immigration Track – A Survey of Employment-Based Nonimmigration Visas;

(d) Immigration Consequences of Criminal Convictions;

(e) Student Visas – The Basics and Beyond; and

(f) Human Trafficking 101.

You will also be able to earn 6 hours of MCLE; 5 hours in Legal Specialization in Immigration and Nationality Law; 1 hour in Legal Specialization in Criminal Law.

### Memorandum of Cooperation with the American Bar Association International Law Section

We are currently working with the American Bar Association International Law Section to sign a Memorandum of Cooperation. The American Bar Association International Law Section is involved in a wide variety of substantive legal activities and has been involved in the development of policy in the international arena and the promotion of the rule of law and the education of international law practitioners. We believe that this relationship would be beneficial in allowing us to coordinate our efforts to further the knowledge of our members in a wide variety of areas with international dimensions.

### Upcoming CLA and CLA-ILS Events

#### June 10, 2020

#### Webinar: Brexit: Where Are We Now and Where Do We Go From Here? Key Considerations for International Business Lawyers

The impact of Brexit on global economies and international business is far from certain, but it is already significant. Renowned Brexit expert, Dr Vincent Power, will provide an update on the current state of play in relation to the Brexit process and will discuss where things are likely to go from here.

#### June 17, 2020

#### Webinar: What's New about the New-NAFTA? July 1 and USMCA's Impacts on California and Its Lawyers

The program will provide an overview of USMCA focusing on its innovations and setbacks. Discussion points will include analyses of new chapters (imported from the Trans-Pacific Partnership that the U.S. failed





to sign) and introduce a new model that enhances labor obligations, especially for Mexico.

**June 29-July 3, 2020**

### **Joint Conference with the Barcelona Bar Association**

With the cancellation of the Joint Conference, the International Law Section is working to provide alternative online programming. We will post additional details as they become available.

**September 25-26, 2020**

### **2020 Annual Meeting**

Join legal professionals across the 16 Sections and CYLA at the 2020 Annual Meeting for connection, industry insights, and innovative business solutions. Fulfill CLE credits and learn about the trends affecting the future of our industry.

**October 7 to 8, 2020**

### **Solo and Small Firm Summit**

For attorneys who are in a solo or small firm practice, the Solo and Small Firm Summit features content and tools to help you successfully manage your law firm. Topics will include business development strategies, technology, and more!

### **Social Media**

Don't forget to follow us on social media - [Facebook](#), [LinkedIn](#) and [Twitter](#).

## **EVENTS BY OTHER ORGANIZATIONS, INSTITUTIONS AND GROUPS**

**May 26-July 2, 2020:** [ABA Section of International Law Section 2020 Virtual Annual Meeting](#)

**June 10, 2020:** "THE FUTURE OF INTERNATIONAL LEGAL EDUCATION: A Conversation with Bryant Garth" by ABA Senior Lawyers Division-International Committee.

Connect: [https://americanbar.zoom.us/j/411793516;meeting\\_ID=411793516](https://americanbar.zoom.us/j/411793516;meeting_ID=411793516)

**June 20, 2020:** Support the local art scene and check out the [National Arts Drive](#).

## **FOREIGN BAR RELATIONS**

We have a new section where we introduce ILS Members to different foreign bars and how they operate and the issues that they face.

### **Introduction to the Czech Bar Association<sup>5</sup>**

[The Czech Bar Association is one of newest "Friendship" partners of the CLA/International Law Section. The leadership of the ILS signed a Friendship Agreement with the Czech Bar at an event in Prague in October of 2019. Ed.]

The Czech Bar Association is the largest legal professional organization in the Czech Republic with over 13,000 members. It was established in 1996 by the Legal Profession Act, which regulates the admission to the practice of law and the provision of legal services. The Act gives the Czech Bar responsibility for licensing, disciplining, and educating the legal profession within the Czech Republic. The Bar also has authority to regulate attorney fees in situations where fees are not established by contract with the client. The Bar is governed by an assembly and a board of directors, which is led by a president.

To qualify as a member of the Czech Bar, a person needs to be awarded a degree in law (equivalent to a LL.M) at a Czech university (or a foreign university recognized as its equivalent in the Czech Republic), has three years' experience as a paralegal, has passed the Bar examination and taken an oath. Attorneys in the Czech Republic are allowed to register in a specialized area of law. The website of the Bar lists more than 60 areas of specialization, from Ecclesiastical Law to Sports Law.

Foreign lawyers, who are not members of a bar of a country in the European Union, can also be registered

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<sup>5</sup> Contributed by Richard Bainter, Executive Committee Member of the International Law Section



to provide legal services within the Czech Republic by submitting a written application, proof of a license to practice law in the applicant's home country, and passage of an equivalency examination, which can be taken in English. Foreign attorneys who pass the examination are permitted to offer legal services in the area of international law and in the law of their home country in any area in which they are recognized as a specialist in their home country.

You can find out more about the Czech Bar Association, including how to register as a foreign lawyer, at <https://www.cak.cz/en/>



Richard Bainter,  
Chair of the  
Foreign Bar  
Relations  
Committee and  
Executive  
Committee  
Member of the  
International  
Law Section.

## NEXUS OF LAW AND LITERATURE: BIBLIOGRAPHIES<sup>6</sup>

This is a regular feature of the *ILS NEWS*, authored by David Mc Fadden, Senior Reference Librarian at Southwestern Law School. With the USMCA entering into force on July 1 and ILS's webinar on June 17<sup>th</sup> on "What's New about the New-NAFTA? July 1 and the USMCA's Impact on California", this bibliography offers some basic legal sources about the old and new NAFTA, with citations and links.

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<sup>6</sup> \*Contributed by Professor David Mc Fadden, Senior Reference Librarian, Southwestern Law School.

## General and Background

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## Canada

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## Mexico

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## Dispute Settlement

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## Economic Impact (Employment and Import-Export)

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## Environment

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## Labor

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[Julia Neusner, Trade Liberation and Labor Bondage: US. Agreements with Mexico and Columbia, 9 J. GLOBAL RTS. & ORGS. 25 \(2018-2019\)](#).



David Mc Fadden, Senior Reference Librarian at Southwestern Law School.

## Other Important Issue Categories for Future Searches:

Other significant categories—auto manufacturing (especially rules of origin), labor rights/unions, dairy, agriculture—are not reported on objectively yet, but some preliminary data and analysis is available from fact-sheets and other documents available from a [United States perspective](#), from a [Canadian perspective](#) and from the [Mexican perspective](#).

## QUARANTINE IDEAS<sup>7</sup>

By this time, you have probably run out of movies and TV shows to stream online. Here are some ideas on what you can do to make the best out of the stay home order.

### Set up your Office Space at Home

Working from home is going to be a permanent feature of working in the future. You may as well set up your own office space at home to create a more conducive environment and increase productivity. [Check out this video from an ergonomic expert on how to set up your desk](#). As an employee, check your company's policy in respect of reimbursement for expenses incurred for working from home.

### Catch up on your MCLEs

Now that you are no longer commuting to work, you can use that time to catch up on your MCLE requirements. The California Lawyers Association is hosting a bunch of webinars where you can earn MCLEs for free. Take advantage of this benefit available to all ILS members.

### Update your Marketing Strategy

If you think that now is the time to cut back on marketing, you are wrong. Whether you are marketing yourself or your firm, now is the best time to take advantage of any downtime to come up with a new marketing strategy. Think about updating your

<sup>7</sup> Contributed by Tiffany Heah, Managing Editor of *ILS NEWS* and Vice Chair of the International Law Section



website, your logo, writing articles for the *ILS NEWS* or the ILS Journal or even updating your resume.

Support local graphics designers and website designers and hire them to help you revamp your digital image. If you need direction on where to go, check out this website: <https://squaremdesign.com/> If you like what you see, email Matthew Klahorst at [matt@squaremdesign.com](mailto:matt@squaremdesign.com) and tell him that you found him through the *ILS NEWS* and he will cut you a deal.

### Learn a New Skill

Have you ever wanted to learn a new skill, speak a new language or indulge in a hobby? Now is a great time to do that since everyone needs a break from work to do something fun. After all, a happy person results in a happy employee which results in increased productivity. There are many classes or tutorials that you can find online.

As of the date of publication, [Rosetta Stone is offering a lifetime subscription for unlimited languages for \\$199](#). According to the website, offer is valid until June 22, 2020.

### Go Digital

It is time to embrace the future and go digital. There are so many apps available online that you can use to make your work a little easier. Many of us pay a subscription fee for Office365 only to use Outlook and Microsoft Office but Office 365 has more to offer. Here are some apps that comes with Office 365 or integrates well with Office 365:

- [MileIQ unlimited](#) is included with your company's Microsoft 365 Business or Microsoft 365 Business Standard subscription. MileIQ is great for tracking your miles especially if you need to track your miles for tax purposes or even for reimbursements.
- Check out [UberConference](#) which makes it a whole lot easier for Outlook users to organize. You can schedule meetings and organize conferences all from within Outlook. Add-in available for Windows only.

- Use **One Drive** as your document management system. By uploading your documents on One Drive, multiple users can work on the same document without having to email different drafts back and forth so you will know that you are always working on the latest drafts. If you need to go back to a previous draft, no problem... just make sure that you turn on the versioning feature.
- If you have several people working on a case, check out **Microsoft Teams** and **Sharepoint**. Sharepoint is like an online white board that allows you to collaborate seamlessly. You can store, retrieve, search, archive, track, manage and report on digitized documents. It works when everyone is from the same team or share emails using the same domain name.
- If you are old-school and like to use to do lists, check out **Microsoft To-Do**. You can set up reminders, share the list and sync it with your phone so you have no excuse not to miss anything from your to-do list. For tips on how to make Microsoft To-Do a serious task manager, [click here](#).

The same applies to those with a subscription for GSuite for Business. Find out what your subscription service has to offer and exploit it to the fullest. You may find out that you are paying for different subscription services that do the same thing and it is time for you to terminate one service and save some money along the way.

We strongly recommend that you avoid uploading client information on free apps and only use services that provides data security. It is also a good time to look at your insurance coverage to make sure that it covers cyber security.

### Declutter and Reorganize your Digital Space

When you start moving into the digital space, it is important to make sure that you are organized so that you can easily find your documents. The goal is to find documents with as little clicks as possible instead of having a ton of sub-folders. Here is a video on [how you can reorganize your digital filing system](#) and [how to name your digital files](#).





### Go through your Contact List

When was the last time you went through your contact list? Think about setting up some time to go through your contact list. Instead of trying to organize the entire list in one day, break it into smaller chunks and work on an alphabet each time. Update your contact information or remove where appropriate. Review your contacts and figure out when was the last time you reached out to that contact. It might be a good time to give that person a call or even send them a card.

The same goes with business cards, think about inputting the information in your contact list instead of keeping physical cards. If you have way too many business cards, get an app to help you organize your business cards better. For suggestions on which app is right for you, [click here](#).

### Streamline your Operations

There are some things that you do day in and day out. Figure out how to streamline your operations so you do not have to keep reinventing the wheel. Prepare checklists, templates, fillable forms so that the next time you have to do something you have done repeatedly or if you need to gather information from your client, half the work is done and hopefully you did not forget anything along the way.

### Pro-Bono Services

There are so many people who are currently impacted by the pandemic. Whether they are losing their jobs, not having enough money to pay the rent or struggling to keep their business afloat, you can help by providing pro-bono services. You can either advertise your pro-bono services online or by posting it on LinkedIn or sign up with an organization that interests you. For resources on pro-bono services, [click here](#) and [here](#).

### ILS NEWS

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- Free monthly CLE;
- ILS Journal;
- Invitation to visit foreign bars and more.

