CROSS-BORDER DISPUTE RESOLUTION:
THE PERSPECTIVE FOR RUSSIA AND THE CIS

The Lotte Hotel, Moscow | 8 bld.2, Novinskiy Boulevard
SEPTEMBER 14, 2010

- Judicial Assistance and Enforcement Proceedings
- International Asset Recovery
- Business and Corporate Raiding
- Disputes Involving Russian State and State Entities
- Late-Breaking Developments
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American Chamber of Commerce in Ukraine, Association of Russian Lawyers, Moscow Oblast Advocates Chamber, International Association for Asset Recovery, Russian Chamber of Commerce and Industry (MKAS), London Court of International Arbitration (LCIA)
Cross-Border Dispute Resolution: The Perspective for Russia and the CIS

PROGRAM AGENDA

All events to be held at the Lotte Hotel, Moscow located at 8 bld.2, Novinskiy Boulevard, unless otherwise indicated.

Welcome:
Salli A. Swartz, Chair, American Bar Association Section of International Law, Phillips Giraud Naud & Swartz, Paris, France

Introductions:
Andrew Somers, President and Chief Executive Officer, American Chamber of Commerce in Russia, Moscow, Russia

Opening Remarks:
The Honorable Aleksander Vladimirovich Konovalov, Minister of Justice of the Russian Federation, Moscow, Russia (Invited)
The Honorable John Beyrle, U.S. Ambassador to the Russian Federation, Moscow, Russia

8:30 AM                  Opening Remarks

Proceedings that are ancillary to the main case are a mainstay of modern cross-border litigation and arbitration, as in the following situations:

• The claimant in a Russian lawsuit or arbitral proceeding is concerned that the defendant will dispose of its assets prior to the conclusion of the case. Where those assets are located overseas, it will be necessary to petition a foreign court for interim relief, such as an attachment or garnishment of property or injunction.
• A successful claimant may need to have a final court judgment or international arbitral award recognized by a foreign court in order to recover against assets of the defendant located outside of Russia.
• A party may need evidence or information from a foreign country in order to prosecute or defend a case pending in Russia. This will often require the assistance of a foreign court.

Program Chair:
Glenn P. Hendrix, Arnall Golden Gregory LLP, Atlanta, Georgia USA

9:00 AM – 10:30 AM
Judicial Assistance and Enforcement Proceedings in Cross-Border Litigation and Arbitration: A Little Help, Please?

10:30 AM                  Networking Break

11:00 AM – 12:30 PM
Show Me the Money: Recovering Assets Abroad

“Winning” the case is great, but did you prepare upfront for the hard part -- actually collecting the money? While never easy against a recalcitrant debtor, recovery is especially difficult if the assets are tucked away offshore. The use of offshore vehicles and banks has long been common among businesses in Eastern Europe (and also serves as a means of mitigating tax and political risks), but with the advent of the financial crisis, an understanding of the pitfalls, challenges and techniques of cross-border asset recovery has become even more critical.

An experienced panel of international and domestic experts will cover some of the basics, as well as advanced lessons on piercing the corporate veil, pursuing beneficial owners of trusts and other offshore vehicles, and other tools in this area.

Speakers:
Andrew Durant, FTI Consulting, London, United Kingdom
Lisa Korologos, U.S. Attorney’s Office, Southern District of New York, New York, New York USA
Jeremy Scott, Withers LLP, Tortola, British Virgin Islands

Program Chair:
Ilya Nikiforov, Egorov Puginsky Afanasiev & Partners, St. Petersburg, Russia

12:30 PM                                              Luncheon

1:45 PM – 3:15 PM
“Terrorization” of Business and Corporate Raiding

President Medvedev has called for an end to the “terrorization of business.” What does this mean? What is the government doing to protect businesses? How can businesses protect themselves against corporate raids? To what extent can international arbitration and litigation be used as remedies in cases of corporate raiding? Is U.S. civil RICO an option? How can businesses victimized by raids seek compensation through the Russian legal system?

This panel will address these and other questions related to the risks of conducting business in contemporary Russia. Panelists will include a Russian expert on corporate raiding, a representative of Russian law enforcement with experience in raiding cases, and lawyers with experience litigating issues related to raiding in international fora.

Speakers:
Gene Burd, Marks & Sokolov, LLC, Philadelphia, Pennsylvania USA
Kirill Kabanov, National Anti-Corruption Committee, Moscow, Russia
Ivan Marisin, Dechert LLC, Moscow, Russia
Nick Marsh, DLA Piper, London, United Kingdom
The bankruptcy of Yukos Oil exploded in a myriad of proceedings involving the Russian State and state-owned enterprises. The Energy Charter Treaty arbitration, the European Court of Human Rights proceedings, parallel arbitrations under bilateral investment treaties brought by the Spanish and UK investors, and numerous commercial arbitrations and domestic litigations keep the story alive and the Russian government busy. Unparalleled in its magnitude, Yukos remains only an example in a growing pool of disputes where Russia itself or a Russian-owned enterprise claims or defends its interests. GAZPROM, ROSNEFT and other major players increasingly resort to arbitration, often facing CIS governments and state entities as respondents. What are the pros and cons of arbitration from Russia’s perspective? Does a claim against Russia mean the end of the game for a foreign investor? This panel will discuss the critical challenges faced by Russia and those opposing it in courts and tribunals, from filing a claim to procedural tactics by the sovereign, to counterclaims against foreign investors, and to executing an award or judgment against state assets.

Speakers:
Marya Baranova, Ministry of Economic Development of the Russian Federation, Moscow, Russia
Professor Alexander Komarov, International Commercial Arbitration Court at the Chamber of Commerce and Industry of the Russian Federation (MKAS), Moscow, Russia (Invited)
Marina Kaldina, Basic Element Company, Moscow, Russia (Invited)
Peter Wolrich, Curtis, Mallet-Prevost, Colt & Mosle LLP, Paris, France
Graham Coop, Energy Charter Secretariat, Brussels, Belgium

Program Chair:
Yulia Andreeva, Debevoise & Plimpton LLP, New York, New York USA

What are the most pressing issues on today’s legal agenda? Which cases are making the headlines? Who is calling the tune for the tomorrow of legal practice? This panel will identify and discuss new developments in litigation and arbitration as they happen, today and now. It will engage the audience in an interactive debate about the most troubling and promising topics on our minds, from the signs of crisis in the legal profession to alternative dispute resolution. The debate will conclude with electronic voting that will put to test the most critical questions that will emerge in the course of the day. Don’t miss your chance to contribute, support, disagree, vote, and make a difference.

Moderators:
Vladimir Khvalei, Baker & McKenzie LLP, Moscow, Russia
Irina Paliashvili, RULG-Ukrainian Legal Group PA, Kiev, Ukraine and Washington, DC USA
Noah Rubins, Freshfields Bruckhaus Deringer LLP, Paris, France

NOTE: Simultaneous translation in Russian and English will be provided for all sessions.
SECTION CHAIR 2010-11
Salli A. Swartz • Phillips Giraud Naud & Swartz • Paris, France

SECTION CHAIR 2009-10
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Firm/Organization: ____________________________________________

Address: _____________________________________________________

City: _______________________________________________________

State/Province/Region: _______________________________________

Postal Code: ___________________ Country: ___________________

Telephone: ______________________ Fax: ______________________

E-mail: ____________________________________________________

II. Conference Registration Fees

Fees include admission to the Closing Reception at Spaso House (subject to availability on a first come, first served basis), the luncheon and to all CLE/CPD program sessions.

Check one of the following: Early Bird by 8/13 After 8/13

☐ ABA Member $ 495 $ 550

☐ Young Lawyer (35 years and under) $ 325 $ 350

☐ Full-time Law Student $ 95 $ 100

☐ Full-time Government / Academics / NGOs $ 95 $ 100

☐ CIS-only Practitioners * $ 395 $ 450

☐ Non-Member ** $ 595 $ 650

* Practitioners practicing only in the Commonwealth of Independent States (CIS) and not licensed as a member of the Bar of any non-CIS country.

** Non-members of the ABA who are licensed to practice law in a jurisdiction outside the CIS.

IMPORTANT DEADLINE

Due to security reasons, only those registered before August 27, 2010 will be admitted to the Closing Reception at Spaso House.

NOTE: A VISA is necessary for entry into Russia from the United States and many other countries. Further information can be obtained from the Russian Embassy (http://www.russianembassy.org/) or through a commercial VISA service.

III. Guest Social Events Fees

Guest Social Events include all coffee breaks, the luncheon, and the Closing Reception at Spaso House, but not CLE/CPD programming sessions. Only one guest is allowed per regular conference registrant. The deadline for guest registration is August 27, 2010. Security procedures for entry to the Spaso House do not permit any exceptions to this deadline.

Name of Guest: ____________________________________________

Firm/Organization: __________________________________________

Qty:_______ Guest Social Events Registration @ $140.00 each

IV. Purchase Extra Conference Materials

Conference Materials will be provided to registrants on CD-ROM at no extra cost. If you would like to purchase an additional CD-ROM or are unable to attend the meeting but would like to purchase the CD-ROM, please indicate the number below and submit payment.

☐ Yes, I would like to purchase an additional CD-ROM @ $80 each

Qty:_______ Total Amount: $ __________

V. Make Your Payment

Refunds will not be issued for cancellations received after August 27, 2010.

PAYING BY CREDIT CARD:

Please include the following information when making payment via credit card.

Credit Card Type: ☐ Visa ☐ MasterCard ☐ American Express

Total Payment: $ __________________

Card Number: _______________________

Expiration Date: ___________________

PAYING BY WIRE TRANSFER:

Please include the following information when making payment via wire transfer:

- Name of Section: American Bar Association, Section of International Law
- Meeting type: 2010 Moscow Dispute Resolution Conference
- Bank name: Bank of America
- Bank Address: 730 Fifteenth Street, NW, Washington, DC 20009
- Bank Routing #: 054001204
- Account Name: American Bar Association
- Account Number: 002086136405
- SWIFT Code: BOFAUS3N

PAYING BY CHECK:

Please make check payments payable to the American Bar Association in USD.

PAYING IN RUBLES:

The Section is working with a local partner, ICC Russia, to offer the option to make payment in Rubles. For further details, please visit http://iccwbo.ru/actions/311/.
VI. Refund Policy

Cancellations must be made in writing and received by the Section office by **August 27, 2010**, for a full refund of fees, less a $100 administration fee. No refund of registration will be granted after that date except in the case of medical emergency or extenuating circumstances approved by the Section in its sole discretion.

When a completed registration form and payment have been submitted to the Section office either by mail, email or fax, the registration is considered to be a firm commitment and you will be expected to pay the registration and any ticketed event fees, unless a written cancellation is received as set forth above. Any refunds issued will be processed to the credit card on file for individuals who made registration payment via credit card.

VII. Travel Information

Please note that a **VISA** is necessary for entry into Russia from the United States and many other countries. Further information can be obtained from the Russian Embassy (http://www.russianembassy.org/) or through a commercial VISA service.

Should you require overnight hotel accommodations, a block of rooms is being held at the Lotte Hotel, Moscow at a special low per night group rate of **9,500 RUB for single occupancy** and **10,500 RUB for double occupancy**. Rates are subject to VAT of 18%. For additional information about the hotel, visit [http://www.lottehotel.ru/](http://www.lottehotel.ru/) and to obtain the online link to complete your hotel reservations, please contact Jessica Smith via email at smithj@staff.abanet.org.

You are encouraged to make your airline reservations online via the American Bar Association (ABA) travel site where you automatically receive specially negotiated ABA airfare and car rental discounts from a variety of carriers. This site makes it easy to view and purchase low fare options including web fares. Simply visit [www.abanet.org/travel](http://www.abanet.org/travel) to make your travel arrangements. If you have not used this site before, it only takes a few moments to establish a username and password allowing you to immediately book your reservations.

VIII. MCLE/CLE Credit and CPD Hours

**MCLE/CLE credit has been requested.** For delegates where MCLE/CLE is mandatory, a Certificate of Attendance will be provided onsite.

**CPD hours have been requested:** For delegates from countries where CPD hours is mandatory, a Conference Certificate of Attendance will be provided onsite.

*For questions regarding MCLE/CLE credit and CPD hours please visit the Registration Table at the Meeting.*

IX. Let Us Know If You Require Assistance

Please indicate if, under the Americans with Disabilities Act, you require specific aid or service during your attendance at the 2010 Moscow Dispute Resolution Conference:  □ Audio   □ Visual   □ Mobile

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**Online registration is strongly encouraged. Pre-registration closes on Friday, August 27, 2010.**

*Please allow up to three (3) weeks for processing.*

**Mail to:**

ABA Section of International Law  
2010 Moscow Dispute Resolution Conference  
Attention: Jessica Smith  
740 Fifteenth Street, NW  
Washington, DC 20005 USA  
or fax to 202.662.1669

*If you are completing the hard copy registration form and require a receipt please contact the Section office via email at smithj@staff.abanet.org. Receipt and confirmation of registration will not be available until payment is received and processed.*