

**NAFTA 2022 COMMITTEE
OUTREACH SUBCOMMITTEE –UPDATE REPORT
SEPTEMBER 2012**

I. CURRENT CO-CHAIRS:

Canada: Selma Lussenburg

Mexico: Cecilia Flores and José María Abascal

United States: Phil Robbins

Assisting: Steve Andersen, Cristina Castaneda, Cecilia Azar, Bob Lutz and Jim Nelson

Lead co-chair for 2012: Cecilia Flores

II. UPDATES

1) SEPTEMBER 2012 – Summary of the Outreach Symposium held in Mexico City: The outreach program took place over a two-evening period at the Federal Judicial Institute (FJI) in Mexico City. Panelists included NAFTA 2022 Committee Members as follows:

- **MEXICO:** Cecilia Flores, Cecilia Azar and Carlos Loperena
- **UNITED STATES:** Robert Lutz and Philip Robbins
- Appellate Judge Neófito López Ramos of the 3^{er} Tribunal Colegiado en Materia Civil, 1^{er} Circuito of Mexico

The Symposium was filmed by the staff of the FJI and broadcasted live across Mexico. In total, 912 individuals were pre-registered for the Symposium, with 171 in-person participants and 741 live-broadcast participants from Acapulco, Aguascalientes, Aula Campeche, Aula Cintalapa de Figueroa, Aula Coatzacoalcos, Aula Colima, Aula Iguala, Baja California, Cancún, Chiapas, Chihuahua, Chilpancingo, Ciudad Juárez, Coahuila,

Cuiliacán, Durango, Guanajuato, Jalisco, La Paz, Morelia, Naucalpan, Nayarit, Nezahualcóyotl, Nuevo Laredo, Nuevo León, Oaxaca, Pachuca, Poza Rica, Puebla, Puente Grande, Querétaro, Reynosa, San Luis Potosí, Sinaloa, Sonora, Tabasco, Tamaulipas, Tijuana, Tlaxcala, Uruapan, Veracruz, Xalapa, Yucatán, and Zacatecas.

The audience consisted of members of the judiciary although registration was also opened to the legal community of Mexico. Ultimately, approximately 150 attended in 600 through the live broadcast (exact figures are not yet available due to the recentness of this event but will be conveyed at the Annual Meeting).

The program on day-one included an introduction of the NAFTA 2022 Committee's mandate and purpose; an overview of arbitration, mediation and conciliation; and a discussion of the differences between methods for dispute resolution. Panelists took great care in pointing out the overlapping concepts between these methods in the United States and Mexico and identifying their location in both domestic legislation and international agreements. The discussion shifted dynamically between United States law and Mexican law. Day-two the program included an explanation by panelists of the role of the judiciary in alternative dispute resolution; and the differences between the annulment, recognition and enforcement of Arbitral Awards. Justice Neófito López Ramos participated in this portion of the program and provided insightful recounts of cases in Mexico that dealt with these issues. Throughout the entire program, panelists also made many references to Model Laws and the role of the NAFTA 2022 Committee. On both days of the program the audience enthusiastically participated in Q&A sessions.

Day-two finished with a closing ceremony in which the Federal Judicial Institute presented all panelists with certificates of appreciation and highlighted the importance of outreach programs such as this for Mexico's future.

The two-day agenda as well as pictures from the outreach program are attached under Annexes I and II, respectively.

- 2) **APRIL 2012:** Jim Nelson indicated that he would communicate with the Colorado Judicial Institute to coordinate a short program for the State Judiciary. Since then, Jim Nelson has met with the CJI and is working on the design of a 2-hour program and has identified major topics to be addressed during the program.
- 3) **FEBRUARY 2012:** Cecilia Flores and Cristina Castaneda met in Mexico City to work on the details for the Symposium with Mexico's Federal Judiciary and the Federal District Court. Since then, Cecilia has identified the topics that should be addressed during the program. Other logistic items are being discussed with the Judiciary and other collaborating entities.
- 4) **JANUARY 24, 2012 (SUBCOMMITTEE CONFERENCE CALL):** During our last conference call, the Outreach Subcommittee co-chairs indicated and agreed that different audiences will be targeted for outreach and training programs in each of the NAFTA countries.

In the case of **Canada**, it was agreed that training would focus on small and medium-sized businesses and possibly to large businesses in the transportation sector. For both **Mexico** and the **United States**, it was agreed that all three audiences (judiciary, legal professionals and businesses) would be targeted. The following are the various programs that have been scheduled (or tentatively scheduled) for Mexico and the United States. Programs for Canada are pending but the Canadian co-chair is working towards identifying a forum for an outreach program, possibly in the topic of ADR for the trucking business sector in Canada.

III. OUTREACH PROGRAMS FOR 2012

1. Legal Community: United States

Discussion Panel and Networking Reception Alternative Dispute Resolution Mechanisms in Private Cross-Border Disputes	
Purpose:	Panel Discussion by members of the NAFTA 2022 Committee hosted at the University of Arizona, James E. Rogers College of Law to reach audiences with a modest level of familiarity in private cross-border dispute resolution. Followed by an open networking reception that will provide an additional opportunity for Committee members to disseminate information on the various work areas of the NAFTA 2022 Committee and foster new working relationships. Reception possibly sponsored by Pima County Bar Association.
Location:	Tucson, Arizona. University of Arizona, James E. Rogers College of Law.
Date:	TBD
Target Audience:	Law Students, Business Students, Professors, Lawyers and Law Associations (especially members of the ABA Young Lawyers' Division).
Collaborators:	NAFTA 2022 Committee, NLCIFT, International Law Society (law student association at the University of Arizona).
Panelists:	Members of the NAFTA 2022 Committee acting as experts and discussing their experience in the field.
Proposed Topics:	<ol style="list-style-type: none"> 1. An introduction of the Panelists and background information on the NAFTA 2022 Committee 2. An outline of the importance of ADR in private cross-border dispute resolution under NAFTA 3. A discussion focused on mediation and arbitration and its impact on cross-border transactions and dispute resolution (including examples and statistics) 4. A question and answer session for all attendees <p>Please Note: The agenda has been purposely drafted in a broad context so as to allow Panelists to steer the discussion in a direction that is most beneficial to the audience.</p>

2. Legal Community: United States (web-cast from any location)

Web-casted Attorney CLE on Alternative Dispute Resolution Mechanisms in Private Cross-Border Disputes	
Purpose:	Continuing Legal Education Seminar to reach attorneys with familiarity in alternative dispute resolution mechanisms in private cross-border disputes and offer insight and training. Hosted by the State Bar of Arizona in their Tucson office AND live Web-cast that can be viewed in Canada, Mexico,

	the U.S. and any other location (fee collected by State Bar).
Location:	State Bar Office of Arizona, Tucson (all equipment provided)
Date:	TBD Ideally, this second event would take place on the same day or the morning following the day of the Panel at the University of Arizona to ensure that members of the NAFTA 2022 Committee can attend both activities during their travels to Tucson.
Target Audience:	Lawyers and Law Associations in Canada, Mexico and the United States.
Collaborators:	NAFTA 2022 Committee, NLCIFT, Arizona State Bar Association.
Panelists:	Members of the NAFTA 2022 Committee acting as experts and discussing their experience in the field.
Proposed Topics:	A more specialized discussion on alternative dispute mechanisms in private cross-border disputes.

3. Judiciary: United States

Seminar on International Arbitration Developments	
Purpose:	The program will be on international arbitration developments that are relevant to the state court system.
Location:	Colorado Judicial Institute.
Date and time:	Fall 2012 – 2-hour program.
Target Audience:	State Court System.
Collaborators:	NAFTA 2022 Committee (in particular Jim Nelson) and the Colorado Judicial Institute.
Panelists:	Members of the NAFTA 2022 Committee and possibly a foreign judge.
Proposed Topics:	The program will be divided in three parts: 1) pre-arbitration (including judicial action to enforce the ADR clause, early preservation of assets, resolution of capacity issues, etc.); 2) during arbitration (including interim relief, continuing preservation of assets, assistance in discovery, etc.); and 3) post-arbitration issues (including enforcement, “manifest disregard” issues, public policy, etc.).

4. Judiciary and Legal Community: Mexico

Symposium on Alternative Dispute Resolution Mechanisms in Private Cross-Border Disputes: National and International Perspectives	
Purpose:	Symposium to address various aspects of alternative dispute resolution in private cross-border disputes, including domestic regulation and judicial assistance in private arbitration.

Location:	Auditorium at the Federal Judicial Institute in Mexico City.
Date and time:	September 25 & 26, 2012 – 5:00p.m. – 8:00p.m.
Target Audience:	Mexican Trial and Appellate-level Judges, Court Staff.
Collaborators:	NAFTA 2022 Committee, NLCIFT, USAID, Poder Federal de la Nación through the Federal Judicial Institute, and Barra Mexicana de Abogados.
Panelists:	Members of the NAFTA 2022 Committee from Mexico: Cecilia Azar, Cecilia Flores and Carlos Loperena. Members of the NAFTA 2022 Committee from the United States: Philip A. Robbins and Robert E. Lutz. Local Magistrate Neófito López Ramos, (3er Tribunal Colegiado en Materia Civil, 1er Circuito, Mexico).
Topics:	The list of topics for the Symposium included: 1) Arbitration agreements (including model clauses); 2) Interim measures; 3) Nullity and Enforcement of Awards; and 4) Case law analysis.

5. Businesses: Mexico

Short Seminar on Alternative Dispute Resolution Mechanisms in Private Cross-Border Disputes	
Purpose:	Brief informational seminar to provide basic information on ADR and its potential benefits for small and medium-sized businesses.
Location:	To be determined.
Date and time:	To be determined.
Target Audience:	Small and Medium-sized businesses. The Subcommittee is working on identifying local partners that will provide support in convening this audience. One idea is to hold it during a week in which there are other activities targeted to small businesses such as the “ <i>Semana Nacional PYME</i> ” coordinated by the Ministry of Economy and local banks.
Collaborators:	NAFTA 2022 Committee, NLCIFT, USAID (pending to discuss with <i>Instituto Tecnológico y de Estudios Superiores de Monterrey</i> , Campus in Mexico City and with the Ministry of Economy, among other possible collaborators).
Panelists:	Members of the NAFTA 2022 Committee.
Proposed Topics:	This seminar would have to be at an introductory level, and should cover several topics such as: arbitration agreements, model clauses, overview of arbitration, advantages and disadvantages, etc.

Annex I
Outreach Program Mexico City
SYMPOSIUM ON ALTERNATIVE DISPUTE RESOLUTION MECHANISMS
MÉXICO D.F., SEPTEMBER 25-26, 2012

Day 1: Tuesday – September 25, 2012

5:00pm – 5:15pm	Registration
5:20pm – 5:30pm	Opening Remarks and Inauguration
5:35pm – 5:45pm	On the NAFTA 2022 Committee By: Philip Robbins (United States)
5:50pm – 6:15pm	Alternative Dispute Resolution Mechanisms By: Cecilia Azar (Mexico)
6:20pm – 6:45pm	Arbitration Agreements By: Cecilia Flores (Mexico) and Philip Robbins (United States)
6:50pm – 7:30pm	Interim Measures and Judicial Assistance - Comparative Law By: Carlos Loperena (Mexico) y Robert E. Lutz (United States)

Day 2: Wednesday – September 26, 2012

5:00pm – 5:15pm	Registration
5:20pm – 6:00pm	Annulment, Recognition and Enforcement of Arbitral Awards - Comparative Law By: Carlos Loperena (Mexico) and Robert E. Lutz (United States)
6:05pm – 6:30pm	Analysis of Jurisprudence By: Hon. Neófito López Ramos (3 ^{er} Tribunal Colegiado en Materia Civil, 1 ^{er} Circuito, México)
6:35pm – 6:55pm	Questions and Answers Session All Speakers
7:00pm – 7:15pm	Closing Remarks
7:15pm – 8:00pm	Reception

Annex II
Pictures from Outreach Program Mexico City





