



PROTECTING CORPORATE ASSETS IN THE MILLENNIUM
What In-house Lawyers Need to Know to Safeguard Their Company's Bottom Line
In-house Counsel CLE Conference

September 23, 2010
Ft. Lauderdale Marriott North
Ft. Lauderdale, Florida

Presented by Platinum Sponsor Diaz Reus



2010 ACCA
Southeast Educational
In-House Counsel Conference

WORKSHOPS

CONDUCTING INTERNAL INVESTIGATIONS
& RELATED ISSUES

An effective internal investigation is a company's first line of defense. It can help a company facing off against government investigators to quickly determine whether there has been a violation of the law, and effectively address the problem in order to place itself in the best position to resolve potential criminal charges. Likewise, internal investigations can help quickly identify fraud or other violations of corporate policy by employees. Both types of investigations share certain common factors which this presentation will review. Attendees will be provided with an in-depth review of the newest legal and investigative trends governing internal corporate investigations. From recent developments in the law regarding *Upjohn* Warnings (a.k.a. "The Corporate Miranda Warning"), to the use of social networking sites to conduct effective investigations, attendees will stay abreast of the latest developments in this important field. In addition, attendees will evaluate and critique a fictional investigation in order to develop best practices for a corporation preparing to launch an internal investigation.

* * *

FOREIGN CORRUPT PRACTICES ACT –
A 21ST CENTURY PERSPECTIVE

The U.S. Justice Department has dramatically increased its investigation and prosecution of violations of the Foreign Corrupt Practices Act ("FCPA"). Corporations, especially those operating across international borders, must be vigilant to ensure that their employees – from senior executives to front-line sales teams – are not potentially violating the FCPA. In today's environment, even something as common as a business dinner can trigger an inquiry and, if the company is not prepared to respond, a full-blown, criminal investigation. To help in-house counsel manage the risks of the current regulatory environment, this presentation will review the text of the statute, with emphasis on how courts around the United States have interpreted its key provisions. Attendees will be presented with numerous case studies highlighting the limits imposed by the FCPA on corporate conduct at home and abroad.

Both programs will be led by partners Michael Diaz, Jr., Robert I. Targ and Carlos F. Gonzalez, and retired FBI Agents, Robert Jones and Alejandro Garcia

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CONFERENCE INFORMATION

CLE Procedures

- ✓ Fill in your contact information: name, address, company, phone, and e-mail on the CLE Attendance Form.
- ✓ Place the number of CLEs on the line provided, next to each session you attended on the CLE Attendance Form.
- ✓ Go to the registration desk at the end of the conference sessions to have your CLEs tallied and the form signed by ACCA staff.
- ✓ Keep the yellow copy of the CLE Attendance Form for your records (white copy remains with ACCA).
- ✓ Complete the evaluation form and turn in to the registration desk.
- ✓ You will need to process your CLEs directly with the Florida Bar.
- ✓ Please direct questions to Jody Rosen, at ACCA, or by e-mail at: jrosen@associationsource.com.

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Official Silent Auction Guidelines

Who Can Bid? All attendees may participate in the auction.

How Do I Bid? Silent auction bidding will commence at 8:00 a.m. All bids will close precisely at 7:15 p.m. Each Silent Auction item will have its own bidding sheet with a description of the item, its fair market value, the minimum opening bid and the required incremental bid.

What Are the Payment Policies? All Silent Auction winning bidders must pay for and claim their items September 23 at the Registration Desk, prior to 8:00 p.m. Checks should be made payable to the ACCA South Florida Chapter. Cash, as well as Visa, MasterCard and American Express, will also be accepted.

General Information Silent Auction items WILL NOT be mailed to you at a later date. If the winner of the item is not present or does not claim his/her item, it will go to the next highest bidder. The opening bid for an item must be at least the minimum amount posted on the bid sheet. All following bids must be in the increments specified on the bid sheet to qualify. Everything is sold "as is." Please read all donation information carefully. No refunds will be made and the purchaser waives any claims for liability against ACCA South Florida.

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CONFERENCE AGENDA

	Salon D Exhibit Hall	Salons A-C	Atlantic & Gulfstream	Intercoastal
8:00 - 9:00 a.m.	Breakfast			
9:00 - 11:00 a.m.		Conducting Internal Fraud Investigations & Related Issues	<p>The Benefits of Developing a Working Relationship with Outside Labor and Employment Counsel</p> <p>Seven Things Corporate Counsel Must Know About IP</p> <p>Cyberspace Lies: Representation of the Corporate Client and Ethical Considerations Ethics</p>	Protecting Corporate Assets Through Trade Secret Law and Restrictive Covenants
11:00 - 11:30 a.m.	Break			
11:30 a.m. - 12:30 p.m.		Foreign Corrupt Practices Act – A 21st Century Perspective	Parameters, Scope and Strategy for Handling Corporate Representative Depositions	Maximizing the Value of Legal Services in a Cost-Conscious Environment
12:30 - 1:45 p.m.	<i>Lunch in the Royal Palm Ballroom</i>			
1:45 - 2:45 p.m.		Words Matter – Drafting Enforceable and Effective Dispute Resolution Clauses	Social Media Concerns and Issues: How an Effective Social Media Policy Can Reduce a Company’s Exposure to Liability Ethics	
2:45 - 3:45 p.m.		Ethical Considerations for In-House Counsel Regarding Workplace Law Ethics	Covering Your Assets through Intellectual Property Audits and Due Diligence	
3:45 - 4:15 p.m.	Break			
4:15 - 5:15 p.m.		E-Discovery and Cost Reduction Strategies	My Space Your Space- Social Networking Sites and the Workplace	Don’t Get Mad, Get Even – Practical Strategies for Dealing with Retaliation Claims
5:15 - 7:15 p.m.	Reception			

SESSION ABSTRACTS

Conducting Internal Fraud Investigations & Related Issues (9:00AM-11:00AM, Salons A-C)

**Michael Diaz, Jr., Robert I. Targ, Carlos F. Gonzalez,
Robert Jones, Alejandro Garcia
Diaz Reus**

An effective internal investigation is a company's first line of defense. It can help corporations facing off against government investigators to quickly determine whether there has been a violation of the law, and effectively address the problem in order to place itself in the best position to resolve potential criminal charges. Likewise, internal investigations can help quickly identify fraud or other violations of corporate policy by employees. Both types of investigations share certain common factors which this presentation will review. Attendees will be provided with an in-depth review of the newest legal and investigative trends governing internal corporate investigations. From recent developments in the law regarding Upjohn Warnings (a.k.a. The Corporate Miranda Warning"), to the use of social networking sites to conduct effective investigations, attendees will be able to stay abreast of the latest developments in this important field. In addition, attendees will evaluate and critique a fictional investigation in order to develop best practices for a corporation preparing to launch an internal investigation.

Fox Rothschild Education Sessions (9:00AM-11:00AM, Atlantic & Gulfstream)

The Benefits of Developing a Working Relationship with Outside Labor and Employment Counsel

Jerold Glassman

This presentation will discuss why a dedicated outside labor and employment counsel representing management can be a helpful partner to an in-house legal department. Discussion will include defining and locating competent outside labor and employment counsel and how to fully utilize the wide range of services that such outside counsel can provide.

Seven Things Corporate Counsel Must Know About IP

Robert Sacco

This session is specifically designed to provide corporate counsel with key practice pointers relating to intellectual property issues they are most likely to encounter. The presentation will reveal hidden risk areas that are frequently overlooked by corporate counsel, and best practices for keeping your company out of trouble.

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conventional wisdom, where can you find a
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SESSION ABSTRACTS

Cyberspace Lies: Representation of the Corporate Client and Ethical Considerations

Ethics

Amy S. Rubin

With increasing frequency, corporations are becoming the target of lies and misrepresentations spread in cyberspace. This session will focus on what can be done about and how to deal with those who engage in these tactics. The presentation will also include a discussion about working to use such a situation to the client's advantage. Finally, the presentation will address some of the ethical issues that may arise in connection with this type of situation.

Protecting Corporate Assets Through Trade Secret Law and Restrictive Covenants (9:00AM-11:00AM, Intercoastal)

Stuart Singer, Esq., Carlos M. Sires, Carl Goldfarb Boies, Schiller & Flexner LLP

This presentation will discuss the scope of trade secret protection, corporate protection plans for trade secrets, and plaintiff and defense strategies when trade secret litigation commences. Focus will be on the Uniform Trade Secrets Act, adopted in Florida, but will include other common law and statutory protections available. Closely related to trade secret law, and often used to protect trade secrets, is the law of restrictive covenants. States vary

widely in the degree to which they will uphold non-compete agreements restricting an employee's competition after leaving the job. This session will discuss the substantive requirements under Florida Statute and the case law, prudent steps to take in drafting restrictive covenants, and in hiring employees from a competitor. Litigation strategy is important for non-compete cases, which includes moving for or defending against a temporary injunction, expedited discovery, and potential rival actions in different courts.

Foreign Corrupt Practices Act – A 21st Century Perspective (11:30AM-12:30PM, Salons A-C)

Michael Diaz, Jr., Robert I. Targ, Carlos F. Gonzalez, Robert Jones, Alejandro Garcia Diaz Reus

The U.S. Justice Department has dramatically increased its investigation and prosecution of violations of the Foreign Corrupt Practices Act ("FCPA"). Corporations, especially those operating across international borders, must be vigilant to ensure that their employees – from senior executives to front-line sales teams – are not potentially violating the FCPA. In today's environment, even something as common as a business dinner can trigger an inquiry and, if the company is not prepared to respond, a full-blown criminal investigation. To help in-house counsel manage the risks of the current

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SESSION ABSTRACTS

regulatory environment, this presentation will review the text of the statute, with emphasis on how courts around the United States have interpreted its key provisions. Having established a foundational understanding of the FCPA's requirements, attendees will be presented with numerous case studies that will allow them to understand the limits imposed by the FCPA on corporate conduct at home and abroad. Concrete examples will be given of actions that were deemed to violate the FCPA, and those that were seen as permissible. The presentation will conclude with tips for implementing an effective internal compliance program. The recent amendments to the United States Sentencing Guidelines have noted the potential benefits of a compliance program to corporations facing criminal charges.

Parameters, Scope and Strategy for Handling Corporate Representative Depositions (11:30AM-12:30PM, *Atlantic & Gulfstream*)

Robert Peltz, Esq. and Robert Weill, Esq.
McIntosh, Sawran, Peltz, & Cartaya, P.A.

This session is intended to serve as a primer for corporate counsel in responding to and handling corporate representative depositions. This session will focus on the legal, practical and strategic issues inherent in such depositions from the standpoint of corporate counsel. The purpose of this session is to assist corporate counsel to better understand the process in order to fulfill the critical role in the necessary collaboration between outside counsel and the corporation to insure the best possible result from such depositions. The presentation begins with an explanation of the permissible scope of corporate representative depositions, the obligations of the corporation to provide information and documentation and the consequences of the failure to meet these legal requirements. The presentation then moves to practical considerations, such as the need to object to notices and subpoenas and the manner for effectively doing so, factors to consider in choosing the most appropriate corporate spokesperson, the proper preparation of the witness well in advance of the scheduled deposition and the strategy for the deposition itself.

Maximizing the Value of Legal Services in a Cost-Conscious Environment (11:30AM-12:30PM, *Intercoastal*)

Mark Arnold, Edwards Angell Palmer & Dodge LLP
Robert Powell, Warren Steel Holdings LLP
Charles A. Volkert, Esq., Robert Half Legal

Law firms and legal departments have been compelled to face head-on issues that had been simmering below the surface for years. While not the primary cause, the economic crisis has added urgency to the need for fundamental changes in the legal field. It has become increasingly clear

that traditional approaches to obtaining and delivering legal services are no longer viable. To realize maximum efficiency and cost-effectiveness, legal organizations must address these issues and, in some cases, dramatically alter the way they operate. Some approaches that we will discuss include: Managing the relationship with outside counsel; alternative billing methods and cost-effective staffing practices.

Words Matter – Drafting Enforceable and Effective Dispute Resolution Clauses (1:45PM-2:45PM, *Salons A-C*) **Raquel (“Rocky”) Rodriguez, Esq. and B. Ted Howes, Esq.** **McDermott Will & Emery**

This session will provide both practical and legal insights into dispute resolution clauses. Among the topics covered will be: whether arbitration is always a better alternative to litigation; meeting the requirements for enforceable arbitration clauses; identifying and choosing the best forum and procedural rules for your client; practical considerations in drafting; avoiding potential traps for the unwary; choosing arbitrators; recent case law and its impact on dispute resolution clauses.

Social Media Concerns and Issues: How an Effective Social Media Policy Can Reduce a Company’s Exposure to Liability (1:45PM-2:45PM, *Atlantic & Gulfstream*)

Eugene Pettis, Esq.
Haliczer Pettis & Schwamm

Although social media is a powerful tool for branding and creating new grass-roots channels for connecting with consumers, companies are struggling to find ways to manage and limit their exposure to liability resulting from the free-flowing communications. Social media offers many benefits for companies but also requires monitoring and clear policies and procedures to protect companies and their employees alike. A critical first step to reducing exposure to liability is to work with experienced legal counsel to establish a social media policy and handbook tailored to fit the company’s specific needs and culture. This presentation will provide a basic framework of the risks inherent in the use of social media by employees, both in the workplace and at home. Moreover, it will set out guidelines that companies may use for liability control by clearly delineating their responsibilities as well as those of their employees.

SESSION ABSTRACTS

Ethical Considerations for In-House Counsel Regarding Workplace Law (2:45PM-3:45PM, Salons A-C) Ethics

David Block, Esq.
Jackson Lewis LLP

The following ethical issues will be addressed in this session.

Twenty First Century Ethics Issues

1. Issues with reviewing employee's e-mails, text messages and social network activity conducted on the company's server or using company equipment.
2. Text messages to witnesses and other prohibited communications.
3. GPS tracking of employees.
4. Document Retention Policies / Document Preservation

Protecting the Attorney Client and Work Product Privileges

1. The application of the attorney-client privilege to e-mails to and from in-house counsel and e-mails prepared with the intent to seek advice of counsel.
2. The authority of administrative agencies to request privileged information and legitimate grounds for objecting to these requests.
3. Internal Investigations

In-House Counsel's Duty to Report

1. In-house counsel's obligation to report

2. What to do when management does not agree with or follow legal advice offered.
3. When is a claim reportable event under Sarbanes-Oxley?

Joint Representation Concerns

1. What to do when the company and its employees are named as co-defendants.
2. The need to identify potential complications & conflicts at the outset of litigation.

Issues Involving Employees Represented By Counsel Contacting Potential Class Members

1. Concerns about pretext and subterfuge in investigations.
2. Questionable practices by Plaintiff's law firms to be aware of.
3. The ability to contact potential class members in a EEOC led discrimination lawsuit and how it applies to RPC 4.2.

Complex Settlement Issues

1. Using settlement offers to pit one plaintiff against another.
2. Requesting restrictions on representation of other non-represented employees as part of a settlement.

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Covering Your Assets through Intellectual Property Audits and Due Diligence (2:45PM-3:45PM, *Atlantic & Gulfstream*)

Michael J. Keller, Esq. and Jeremy T. Elman
McDermott Will & Emery

This session will provide both practical and legal insights into establishing intellectual property policies auditing your intellectual property and conducting appropriate intellectual property due diligence. Among the topics covered will be: an overview of patent, trademark, copyright and trade secret law, capturing intellectual property through agreements, freedom to operate and how to approach these subjects in transactions.

E-Discovery and Cost Reduction Strategies (4:15PM-5:15PM, *Salons A-C*)

Jennifer Mason, Esq.
Mintzer Sarowitz Zeris Ledva & Meyers, LLP

The Discovery of Electronically stored information involves ever increasing volumes of information. Complex litigation in the past may have dealt with millions of pages, however, due to the proliferation of electronically stored information complex litigation today may involve TB (tera bytes), PB (peta bytes) or even EB (exa bytes). 1 TB is equivalent to 500,000,000 typewritten pages. (Special Masters and E-Discovery, Honorable Scheindlin, Shira, Redgrave, Jonathan, Cardoza Law Review 30(2) 338-405 (2008).) "10 TB could hold the printed collection of the Library of Congress. 1PB could hold 20 million 4 drawer filing cabinets full of documents or 500,000,000,000 pages of standard printed text. 5 EB would equal all the words ever spoken by mankind." <http://www.whatsabyte.com/> This seminar will provide techniques and methodologies you and your outside counsel should be considering to help reduce the costs of E-Discovery. These techniques involve reducing the volume of data, utilizing Special Masters, utilizing new but tested computer systems, proportionality arguments, and procedural and rules based considerations. You will walk away with a decision tree which you can implement at each stage of the process to help reduce costs.

My Space Your Space - Social Networking Sites and the Workplace (4:15PM-5:15PM, *Atlantic & Gulfstream*)

Pedro Forment, Esq.
Jackson Lewis LLP

With the dramatic increase in social networking sites, employers are faced with a whole new virtual challenge. While social networking sites give employers unprecedented access to information about potential hires and existing employees, if not used properly or with caution, these resources may add a new layer of potential liability for em-

ployers. This session will discuss employer liability and the use of social networking sites for hiring and the making of employment decisions. Considering the best practices for using social networking sites as a source of information by employers and the parameters of employee use of social networking sites will also be discussed. With record number of employees sharing the details of their daily lives with millions of possible virtual friends, how do employers handle employees who may post information about workplace issues which may include a discussion of clients, co-workers, management and political opinions? We will discuss recent legal cases touching on these issues, including, what, if any, parameters may employers establish with regard to employees use of social networking sites as well as what potential liabilities employers face when establishing codes of conduct which regulate what employees may do when chatting with the virtual world.

Don't Get Mad, Get Even – Practical Strategies for Dealing with Retaliation Claims (4:15PM-5:15PM, *Intercoastal*)

Spencer Silvergate, Esq.
Clarke, Silvergate & Campbell

What happens when the plaintiff suing your company for discrimination is the employee down the hall? What are the companies' obligations to investigate the claim? And what are the best practices for the company to avoid the more dangerous retaliation claim that often follows? In this presentation, corporate counsel will learn practical strategies for dealing with the employee-plaintiff.



Join us in the Exhibit Hall
for a Networking Reception

5:15 PM to 7:15 PM

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SPEAKER BIOGRAPHIES

Mark Arnold is a corporate transactional attorney with Edwards Angell Palmer & Dodge LLP primarily focused on mergers and acquisitions, private equity and venture capital transactions, and general corporate matters. Mark has experience in securities issues and other corporate finance transactions representing both public and private companies in domestic and international matters. He counsels public and private companies through critical stages of their development, including initial corporate formation issues, venture capital financings, recapitalizations, PIPE financings and exit transactions. He is a member of the Corporations, Securities and Financial Services Committee of The Florida Bar.

David E. Block is a Senior Partner of the Miami, Florida, office of Jackson Lewis LLP. David has significant trial experience in federal and state courts and has practiced exclusively in the area of labor and employment law and regularly litigates matters on behalf of the firm's clients. He has been a member of the Executive Council of The Florida Bar Labor & Employment Section for the past ten (10) years. He is one of the firm's internal experts on the FMLA and was the legal editor of a national publication regarding this law. In addition to his FMLA expertise, David counsels clients on a variety of other labor and employment law matters including Alternative Dispute Resolution (David was the lead author for the amicus curiae brief in *Adams v. Circuit City* submitted to the Supreme Court on behalf of the Society for Human Resource Managers), the Older Workers' Benefit Protection Act, sexual harassment and other forms of discrimination, as well as a variety of tort and contract issues. commentator.

Michael Diaz, Jr. is the founding and managing partner of Diaz, Reus & Targ, LLP, where he concentrates his practice on domestic and international trade and investment transactions, financial fraud, corporate governance, including, OFAC, FCPA and anti-money laundering matters, international commercial litigation, asset recovery, white collar criminal defense, and regulatory investigations. Known for representing high-profile individuals, foreign governments, and their officials, and for defending Fortune-level corporations and financial institutions in sophisticated and sensitive regulatory, civil, and criminal matters, Michael counsels and plans preventative litigation strategies, conducts parallel investigations, and represents his clients before all administrative and governmental agencies, arbitral bodies, the courts, and investigative and charging grand juries. He has appeared before state and federal trial and appellate courts throughout the United States and as advisory co-counsel in international matters. He was selected among the top international experts in the anti-money laundering field to join the faculty of the first graduate course on "Money Laundering Prevention" at the University of Salamanca, sponsored by

the Latin-American Banking Federation. He is a Certified Anti-Money Laundering Specialist, registered with the Association of Certified Anti-Money Laundering Specialists.

Jeremy T. Elman is a partner at McDermott Will & Emery LLP and is based in the Firm's Miami office. Jeremy focuses his practice on intellectual property and complex commercial litigation. He is a trial lawyer with significant experience across all aspects of intellectual property, including patents, trade secrets, trademarks and copyrights, as well as contract disputes, business torts and arbitrations. Jeremy regularly acts as lead counsel for large companies with intellectual property and technology-related litigation in Florida, and also defends and prosecutes patent infringement actions in federal courts nationwide. He also maintains an active pro bono practice, having recently secured Special Immigrant Juvenile Status (SIJS) for an abused and abandoned child in Miami, and leading a McDermott team in submitting an amicus curiae brief to the Supreme Court on behalf of the Surf Rider Foundation in a dispute related to access to Florida's beaches. Jeremy is a member of the State Bar of California and the Florida Bar.

Pedro Forment is a partner in the Miami office of Jackson Lewis. Prior to joining the firm he was a partner for ten years with a national labor and employment firm and formerly an attorney for the U.S. Department of Labor's Office of the Solicitor. Pedro represents employers throughout the United States and is a frequent lecturer on employment and workplace safety and health issues. Pedro has significant class action experience in multiple jurisdictions and practices before federal and state courts as well as administrative agencies throughout the United States. He is a frequent lecturer, and is a contributor to journals and periodicals dedicated to workplace safety, health and environmental issues. Pedro is admitted to practice in Florida, the District of Columbia, Massachusetts, and Pennsylvania.

Alejandro Garcia is a Certified Fraud Examiner (CFE), forensic specialist, and licensed investigator with nearly 25 years of service as an FBI special agent. Alejandro has participated in complex investigations on behalf of law firms and corporate clients in matters involving corporate and financial fraud, embezzlements, conflict of interest, asset tracing/recovery, and corporate covert investigations. Working closely with private and retail financial institutions and corporate clients, Alejandro has reviewed high-risk accounts, analyzed suspicious transactions and conducted other investigations in connection with Bank Security Act (BSA)/Anti-Money Laundering (AML), OFAC, Foreign Corrupt Practices Act, and Customs regulations. He currently serves as national treasurer of the FBI Agents Association, and is a member of the Association of Certified Fraud Examiners

SPEAKER BIOGRAPHIES

(ACFE), Association of Certified Anti- Money Laundering Specialists (ACAMS), American Society for Industrial Security (ASIS), International Association for Asset Recovery (IAAR) and Society of Former FBI Special Agents.

Jerold Glassman is a Partner at Fox Rothschild LLP. Jerry has practiced extensively in the area of traditional labor law, representing employers throughout the United States and Canada. His practice encompasses all aspects of the labor/management relationship, including collective bargaining, labor arbitrations, the administration of labor contracts, and union avoidance. Jerry advises employers on long-term workforce strategies, including relocations, consolidations, mergers, and acquisitions. He represents numerous multi-employer bargaining associations in a wide variety of industries including hotels/casinos, wholesale liquor, supermarkets, transportation and manufacturing. He was Special Labor Counsel to the New Jersey Sports and Exposition Authority under former Governors Thomas Kean and Christine Todd Whitman and was Special Labor Counsel to the NY/NJ Port Authority under former Governor Kean. Jerry also served as Special Labor Counsel to former Governor Whitman. Before joining Fox Rothschild Jerry was the founder of Grotta, Glassman & Hoffman, P.C. (GG&H), a national labor and employment boutique law firm representing management.

Carl Goldfarb is a partner in the Fort Lauderdale office of Boies, Schiller & Flexner LLP. His practice focuses on complex commercial litigation, often involving antitrust, intellectual property, or unfair competition claims. Carl has also represented defendants and plaintiffs in numerous class actions and has provided pro bono representation in a number of cases. He has appeared frequently in federal and state trial and appellate courts and has significant experience in litigation that has a nexus to Latin America. Prior to joining Boies, Schiller & Flexner LLP, Carl served on the Appellate Staff with the Civil Division of the United States Department of Justice in the District of Columbia for three years. With the Department, he argued more than a dozen cases in the United States Court of Appeals and drafted several Supreme Court Briefs for the Office of the Solicitor General.

Carlos F. Gonzalez is a partner at Diaz Reus & Targ, LLP. An internationally qualified attorney and certified anti-money laundering specialist (CAMS), Carlos focuses his practice on international, civil, commercial, and white collar criminal defense matters. His clients include public and private corporations, financial institutions, government entities, and private individuals. He regularly appears before state and federal trial and appellate courts, as well as international arbitration tribunals. Carlos advises on the application of foreign law in U.S. legal proceedings, and

the effect of U.S. law in foreign jurisdictions, including the USA Patriot Act, OFAC rules and regulations, and the Foreign Corrupt Practices Act. He has experience leading sensitive, internal investigations and representing corporate executives and officers in U.S. and foreign regulatory and law enforcement actions, most recently in Dubai, Mexico, Colombia, and the Dominican Republic.

Ted Howes is a partner in the law firm of McDermott Will & Emery LLP and is based in the Firm's New York office. Ted is the head of the Firm's International Arbitration practice and the head of the Firm's Chinese Litigation and Dispute Resolution practice. He has significant experience regarding the resolution of disputes with Chinese entities and extensive experience in all aspects of international dispute resolution. Ted has successfully defended both U.S. and foreign companies in a wide variety of international commercial arbitrations, including arbitrations governed by the rules of the International Chamber of Commerce, the London Court of International Arbitration, the Hong Kong International Arbitration Centre and the International Rules of the American Arbitration Association. Ted has arbitrated cases both in the United States and abroad, including in France, England, Switzerland and Hong Kong. He has also presided and served as an arbitrator in international arbitrations, including an arbitration governed by the rules of the Austrian Federal Economic Chamber. Ted is also an authority on drafting arbitration provisions for complex international commercial contracts, and routinely advises clients on this subject.

Robert Jones is a retired FBI special agent with more than 33 years of experience in federal, state, and local law enforcement. He is a three-time recipient of the United States Attorney's Office "Outstanding Law Enforcement Officer" award. Robert has extensive experience in complex criminal investigations and financial crimes involving fraud, Customs, OFAC and Foreign Corrupt Practices Act violations, and money laundering. He has conducted numerous investigations, and provided consulting services on sensitive investigative and compliance issues. Robert has also been an instructor at numerous law enforcement seminars and academies throughout the United States, Canada and the International Law Enforcement Academy in Budapest, Hungary.

Jennifer Keadle Mason is the managing partner of the Pittsburgh, Pennsylvania and Wheeling, West Virginia offices of Mintzer Sarowitz Zeris Ledva & Meyers LLP and the Founder and Chair of the firms E-Discovery Group. Jennifer is a member of the Sedona Conference, The Sedona Conference Working Group 1 on E-Discovery, and the ABA and DRI Technology Committees. Recently, she was published in the Defense Research Institute's Magazine "For

SPEAKER BIOGRAPHIES

the Defense” on the topics of Using Technology to Reduce the Costs of E-Discovery. Jennifer has provided educational programs and presentations on e-discovery to numerous insurance carriers and clients including Erie Insurance Company, Insurance Society of Philadelphia, American Bar Association, Western Pennsylvania Association of Corporate Counsel, DRI (Defense Research Institute), and the Federal Bar Association. Services related to this area include consultations with clients and carriers regarding document retention policies, litigation holds, reviews strategies, preservation, processing, and proportionality arguments related to the same.

Michael J. Keller is a partner in the Intellectual Property Group of McDermott Will & Emery LLP and is based in the Firm’s Miami office. Michael has experience in patent prosecution, counseling and licensing in the fields of therapeutic, diagnostic and medical device products. He routinely handles domestic and international patent and trademark portfolios and due diligence studies for clients and the negotiation and drafting of complex agreements relating to the acquisition and development of biomedical products. Michael’s work has included strategic review of more than 300 drugs for ANDA filing. He has been the lead lawyer for teams developing novel small molecules and biologics in the fields of cancer, diabetes, urology disorders, cardiology, autoimmune disorders, pulmonary, dermatology and erectile dysfunction. He has also assisted teams developing devices for general surgery, cardiology, ophthalmology, spinal cord injury and patient monitoring. Michael is admitted to practice in Florida and Georgia and is a registered patent attorney with the U.S. Patent and Trademark Office.

Robert D. Peltz has represented a wide range of clients in many diverse matters, covering the fields of admiralty, commercial, product liability, aviation, professional negligence, and general tort litigation. Over the past decade, a significant portion of his practice has been devoted to various aspects of the maritime field including extensive experience in litigating both Jones Act and passenger suits, maritime product liability actions, medical negligence claims involving ship’s physicians, yacht damage, cargo loss and physical damage to vessels and their equipment. He has also successfully handled a variety of maritime indemnity actions involving a wide range of different component part manufacturers located throughout the world. In addition to handling litigation matters, Robert has also engaged in extensive work in drafting documents, tickets and contracts as well as developing safety procedures, practices and manuals for a variety of clients.

Eugene K. Pettis is a co-founder and co-managing partner of the Haliczzer Pettis & Schwamm. He focuses his practice in

the areas of medical malpractice, personal injury, commercial litigation and employment law. He co-founded Haliczzer Pettis in 1996 with James S. Haliczzer, adding Richard B. Schwamm as partner in 1999. Mr. Pettis is admitted to The Florida Bar (1985). He is admitted to practice in all District Courts in Florida, including Southern District, Middle District and Northern District. Eugene was elected by his peers in 2005 to The Florida Bar’s Board of Governors and currently serves on its Executive Committee and has chaired the Judicial Independence committee for the past three years.

Robert Powell has served as the General Counsel for the steel company, Warren Steel Holdings, LLC for the past three years. Before his current position, Robert served as General Counsel for the Automotive and Electronics Division of Black & Decker (formerly Vector Products, Inc.) for five years. Prior to going in-house, he was an associate at Steel Hector & Davis, LLC in Miami. Robert sits on the Board of Directors for the Association of Corporate Counsel, South Florida Chapter.

Raquel A. (“Rocky”) Rodriguez is a partner in the Trial Group of McDermott Will & Emery LLP, based in the firm’s Miami office. Prior to joining McDermott, she was General Counsel to Florida Governor Jeb Bush. Her combined experience in both the private and public sectors provides Rocky with a unique insight into the legal, business, political and public relations challenges companies face, as well as the ability to develop approaches that go beyond the obvious legal solutions. Rocky’s clients have included government agencies and state-owned instrumentalities, consulates, software developers, technology companies, communications companies, Fortune 500 companies, closely-held companies, and entrepreneurs. She has lectured and/or published nationally and internationally on numerous topics, including the liability of foreign sovereign instrumentalities, selecting and working with foreign counsel, ethical considerations for in-house counsel facing international crises, the USA Patriot Act, money laundering, enforcement of arbitral awards in the US and human rights considerations in international business transactions.

Amy Rubin is a Partner at Fox Rothschild LLP. She is a certified specialist in Civil Trial and Business Litigation Law by The Florida Bar. Amy focuses her practice on complex commercial litigation and has significant experience in handling class action and multidistrict litigation in a variety of areas. Amy’s practice also encompasses contract disputes, real estate and loan workouts, employment litigation and probate matters. She also handles general bank operational litigation matters. Prior to joining the firm, Amy was a partner at Ruden McClosky.

SPEAKER BIOGRAPHIES

Robert Sacco is a Partner at Fox Rothschild LLP. He has a broad range of experience in complex domestic and foreign patent prosecution, licensing and counseling issues in the technical fields of electronics, communications, mechanical systems and physics. Robert has written numerous patents involving RF systems and circuits, computer software and hardware, cryptographic systems and software, radar systems, terrestrial and space-based digital communications systems, wireless telecommunications, consumer electronic devices and components, Internet and business methods, composite materials and manufacturing. He represents clients ranging from leaders in the global communications market to major defense contractors. Prior to joining the firm, Robert was a principal with Darby & Darby.

Spencer H. Silverglate is the Managing Shareholder and co-founder of the law firm Clarke Silverglate & Campbell, P.A. in Miami, Florida. His practice focuses on complex commercial and employment litigation and the defense of catastrophic personal injury claims. Spencer is Past President of the Florida Defense Lawyers Association and is active in the Defense Research Institute and the International Association of Defense Counsel. He writes and speaks frequently on a variety of legal issues, including employment law, trial tactics and techniques, and mentoring.

Stuart H. Singer is the Administrative Partner for the Ft. Lauderdale office of Boies, Schiller & Flexner LLP. Stuart has been counsel in significant trial and appellate matters throughout the country for clients such as Carnival Corporation, Fidelity National Financial, FPL Group, Fresh Del Monte Produce, NASCAR, State Farm, and Tyco/ADT Security Services. His current cases includes serving as lead counsel for investors in Madoff feeder funds, intellectual property litigation concerning the UNIX operating system, prosecution of a class action against pyramid schemes, and coordination of multiple product liability cases. At the appellate level, he has successfully argued cases recently in the Ninth, Tenth and Eleventh Circuits and is also lead counsel in the firm's pro bono representation of a certified class of 1.5 million children seeking to enforce federal Medicaid rights in federal court in Florida.

Carlos M. Sires is a partner in the Fort Lauderdale office of Boies, Schiller & Flexner LLP. His main practice area is complex commercial litigation. Carlos has extensive experience in litigation involving class actions, business torts and other disputes, securities and banking, and real estate. He has represented clients such as the Fresh Del Monte Companies, ADT Security Services, Chase Manhattan Bank, Citibank, Transamerica; Commonwealth Land Title, and Aeropostal Venezuelan Airlines. Carlos has significant experience in

litigation that has a nexus to Latin America, including Costa Rica, the Dominican Republic, Mexico, and Venezuela. He has tried cases in both state and federal courts, including a jury trial in the District of Puerto Rico and has appeared or argued in several of Florida's appellate courts and in the First, Second, Third, and Eleventh Circuit Courts of Appeals.

Robert I. Targ is a named partner of Diaz Reus & Targ, LLP where he concentrates his practice in federal trial and administrative matters involving asset seizures and forfeitures, health care fraud and abuse, OFAC and Foreign Corrupt Practices Act violations, criminal fraud and money laundering, and criminal or civil matters involving Customs laws and regulations. He has represented individual and institutional clients throughout the United States and internationally. Robert is a Certified Anti-Money Laundering Specialist, registered with the Association of Certified Anti-Money Laundering Specialists (ACAMS). He frequently speaks at seminars and conferences concerning these various subjects and topics.

Charles Volkert is Executive Director for Robert Half Legal, a provider of experienced project and full-time professionals for law firms and corporate legal departments. Charles began his staffing industry career when he joined Robert Half in 1999. He has served as Vice President of national accounts for the company and has been instrumental in the national expansion of Robert Half Legal, which has locations in major markets throughout the United States and Canada. Prior to his employment with Robert Half Legal, Charles was with McGrane & Nosich in Coral Gables, and Ford & Sinclair in Miami. He is a member of the Florida Bar, the Dade County Bar Association and the American Bar Association.

Robert C. Weill specializes in appellate, extra-contractual and coverage matters and also provides litigation support to all practice areas of the firm. He was admitted to the Florida Bar in 1994 and is also admitted to practice in the United States Supreme court, the United States Court of Appeals for the Eleventh Circuit and the United States District Court for the Northern, Middle and Southern Districts of Florida. At Nova Southeastern, he served as a senior staff member for the Nova Law Review, taught appellate brief writing to second- and third-year law students, and served as Academic Editor of the Moot Court Society. Upon graduation from law school, Robert worked as a Staff Attorney for the Honorable Harry Lee Anstead in the Supreme Court of Florida. He serves as an editorial board member of the Trial Advocate Quarterly. Robert has authored numerous articles on extra-contractual issues, and Amendment VII to the Florida Constitution and recently published an article in the Trial Advocate Quarterly on the rule against stacking of inferences in negligence cases.

Join the ACCA South Florida Chapter Board of Directors!

Now Accepting Applications for 2011

The ACCA South Florida Chapter has an active and diverse Board. The bylaws call for a consistent rotation of members, and it is anticipated that there will be open Board seats for 2011.

Board members assist in determining the goal and focus for the Chapter for the year, develop relationships with law firm sponsors, and lead committees that help determine topics for educational programs, community services activities and networking events.

In electing new directors, the Nominating Committee will consider appropriate representation of types of organizations, size of departments, minorities and women and practice areas, so that the Board reflects the diversity of the members of the chapter. Additionally, the Committee will consider whether a prospective board member (1) has demonstrated a commitment to the Chapter and a willingness to work on its behalf, or (2) is a recognized leader within the in-house practice of law or community service.

As provided by the Chapter Bylaws, if any member of the chapter presents to the nominating committee, within 15 days of the date of this request for director nominees, a request signed by three members, the nominating committee shall include the name of such member on the final slate of director candidates proposed to the Board for consideration. This procedure allows a member to have his/her name included on the list of nominees presented to the Board for consideration without the recommendation of the nominating committee and is an alternative to the procedure discussed above.

If you are interested in becoming a member of the Chapter Board, please contact the Chapter Executive Director Jody Rosen at jrosen@associationsource.com for an application form.

All forms must be submitted by October 31, 2010.



McIntosh, Sawran, Peltz & Cartaya, P.A.
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McIntosh, Sawran, Peltz & Cartaya is pleased to sponsor the Association of Corporate Counsel South Florida Chapter 2010 Southeast Educational In-House Counsel Conference. Miami Partner Robert Peltz, who oversees the firm's Admiralty & Maritime Division, and Fort Lauderdale Senior Associate Robert Weill, who heads up the firm's Appellate Division, will collaborate to discuss Corporate Representative Depositions. At McIntosh Sawran, our mission is to provide client service of the highest caliber in a timely and cost-effective manner. We utilize a team approach among our four statewide offices which blends the talents of our highly competent personnel combined with leading edge technology. Areas of expertise include: Medical Malpractice, Insurance Coverage, Bad Faith Litigation, Admiralty & Maritime Law, Appellate Matters, Aviation Law and Construction Defect Litigation.



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Upcoming ACCA South Florida Events

These events are open to in-house counsel and the respective event sponsors.

October 15, 2010 / 8:30 - 11:30 a.m.

Breakfast Seminar (2 CLEs applied for)

sponsored by Boies, Schiller & Flexner LLP, Ft. Lauderdale

**What General Counsel Need to Know About the Supreme Court's Recent Decisions
and in Handling Appellate Matters?**

Stuart H. Singer, William Dzurilla, Sigrid Stone McCawley

November 4, 2010 / 8:30 - 11:30 a.m.

Breakfast Seminar (2 CLEs approved)

sponsored by Jackson Lewis LLP, Miami

2010 Legislative Update

**Entering into Agreements with Employees from Non-Competes to ADR
Retaliation Claims, New Threats and Challenges**

Devand "Dave" Sukhdeo, Jenna Rinehart Rassif, Tasos C. Paindiris

December 9, 2010

Holiday Party - Wine Tasting/Art Auction

JM Lexus, Margate

Featuring wines from the Silver Oak Winery

Art Auction to benefit a local charity

For more information on all these events visit the ACC web site
at www.acc.com/chapters/sfl/

MANAGING LEGAL RISKS IN THE INTERNATIONAL MARKETPLACE

During these difficult economic times, businesses everywhere have expanded their search for new markets and sources of capital. As more money pours into Latin America and the Caribbean from the Far East and points in between, local entrepreneurs, businesses, and government entities can expect an increased demand for their goods and services.

While this increased investment in new markets provides enormous opportunities, it also increases the risks of doing business. U.S. entities must understand the legal risks and options involved when working with a foreign partner.

Whether entering the global arena for the first time, partnering with a new foreign distributor, or celebrating yet another year of business success, local producers, companies, and governmental entities should routinely review their written agreements to determine whether they properly manage their risks. Well-drafted agreements, for example, will at a minimum contain carefully worded choice of law and forum selection clauses designating a particular jurisdiction for resolving potential disputes between the parties, and require compliance with current U.S. Customs, OFAC, FCPA, and anti-money laundering regulations.

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Experienced and quick to respond, Diaz Reus' attorneys, solicitors, and counselors provide their international and domestic clients timely and sophisticated advice and representation in high-stakes international business and corporate transactions, regulatory and government investigations, and international arbitration and litigation.

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