

# INTERNATIONAL LAW

QUARTERLY

[www.theILQ.com](http://www.theILQ.com)

*Special Focus: Women and International Law*

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	<b>eco@ecostrats.com</b>

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Contact: Yara Lorenzo at [yara.lorenzo@hoganlovells.com](mailto:yara.lorenzo@hoganlovells.com)



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# Message From the Chair

## Women in International Law: Thank Goodness We Have Them!



E. PALMER

As chair of the International Law Section of The Florida Bar (ILS), it is my pleasure to introduce this edition of our *International Law Quarterly (ILQ)* with its focus on *Women and International Law*. Can you imagine how less vibrant and interesting our work would be if we didn't have women actively

engaged in the practice of international law? Consider all the talent we would be missing out on! Women bring so many important skill sets to the table in their work as lawyers. Studies repeatedly show that women excel in writing and listening skills, and women often pay more attention to detail and have the patience needed to analyze complicated legal concepts before coming to a conclusion. Similarly, women typically score very high on standardized tests measuring verbal skills, and their passion in advocating for their clients is second to none. Women are also adept at building consensus and are extremely resourceful and creative when it comes to problem solving. They are, in short, ideally suited to the practice of law. That's why I say thank goodness we have them.

Though women have made great strides in the practice of international law, we must recognize that more work remains to be done in order for all women who are interested in this field to be able to reach their full potential. Ironically, in some ways the progress that has been made can serve to hinder further advancements because we may become complacent by falsely thinking "mission accomplished." Of course, this is certainly not the case. Historical prejudices and barriers do not fade from the collective consciousness overnight. For example, it was less than 100 years ago, in 1925, that the Florida Legislature enacted legislation allowing

women to enroll at the University of Florida Law School. And Harvard University did not admit women at its law school until after 1950. What's more, just this March The Florida Bar revealed the results of a study where roughly 400 women were surveyed and approximately 43% of them said they had experienced some form of gender discrimination during their career.

So, what can we do in our field? I certainly don't have all the answers, but I think a good starting point is to recognize that inequities exist and to make a conscious effort to overcome them. For example, it can start with something as simple as recognizing young, talented female lawyers and taking an interest in mentoring them and providing them opportunities to gain experience and to prove themselves. Within the ILS, we elevated three women to our executive council last year, which is the prime vehicle in the section to groom future section leaders. Advancing leadership opportunities for women in the section will also be a paramount consideration this June when the ILS nominates additional members to the executive council and proposes its slate of officers for election. Naturally, women who have developed successful careers in international law despite the obstacles can and should serve as important examples as well as inspiration for other women to do the same. And of course, we all need to be willing to stand up, no matter what the setting, and stop any form of gender discrimination in its tracks. Working together, we can build on the many advancements that have been made and help ensure that we continue to dismantle any remaining barriers that hold women back from fulfilling their true potential in the field of international law.

Eduardo Palmer, Chair  
Eduardo Palmer, P.A.

## From the Editor . . .



Y. LORENZO

**D**ear Readers,  
This issue of the *International Law Quarterly* has been a long time in the making. When the International Law Section (ILS) of The Florida Bar celebrated its thirtieth anniversary, I worked with my predecessor, Alvin Lindsay, to put

together a special commemorative edition of the *ILQ* that featured all thirty of the former section chairs on the cover. Sadly, the majority of the former ILS chairs were men. In fact, all but three ILS chairs in the section's history have been men. I saw this as a great opportunity to reengage in a discussion about women practicing international law and the importance of ensuring that more women actively integrate into not just the ILS's leadership structure... but into bar leadership in general.

Given the above, with the help of Melissa Cabral and Clarissa Rodriguez, who graciously agreed to serve as special issue editors, we dedicated this issue to women in international law. Our goal was twofold: 1) to highlight some of the women members of our section who have

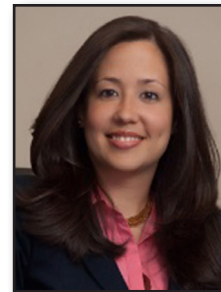
been a force in the international law space; and 2) to continue the discussion on how we can elevate and recognize women who practice in the international arena.

After reviewing the final product, I know that readers will enjoy learning about the fantastic work that many of our section members are doing across the world, ranging from the work that Julie D. Recinos is doing at the Inter-American Court in Costa Rica to a piece highlighting some of the women who for a long time have been paving the way in Florida, among others. I hope that this special focus on women elevates the discussion surrounding this issue and that our readers find it useful and informative. As always, your feedback and comments are appreciated.

Regards,  
Yara Lorenzo  
*ILQ* Editor-in-Chief  
yara.lorenzo@hoganlovells.com



M. CABRAL



C. RODRIGUEZ



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# Women Practicing International Law in Florida

By **Melissa Cabral, Miami**

**G**ender inequality is an awkward subject for those who do not accept the diverse vices and virtues of both men and women. Thankfully, Florida's international legal market has accepted this diversity—to a certain extent. It's no secret that Florida is an ideal hub for international law due to its geographical advantage, cultural diversity and foreign investment. But what role do women play in the growth and prosperity of international law? To what fields are women gravitating? Is it litigation, arbitration, criminal law or business law? And in which leadership positions are women attorneys excelling?

According to the 2015 Ninth Annual Survey of the National Association of Women Lawyers (NAWL survey), the breakdown of women in law firms is as follows: 44% are associates, 34% are of counsel attorneys, 28% are non-equity partners and 18% are equity partners.<sup>1</sup> There is a distinct pattern—the higher the position, the lower the representation of women.

Additionally, there are disparities in income as well. Recent studies by the Institute for Women's Policy Research show that Florida is predicted to be the first state to reach equal pay between men and women—but not until the year 2038.<sup>2</sup> What makes Florida such a unique professional environment for women? How have female lawyers in international law taken advantage of Florida's unique advantages?

To find out, let's examine the experiences of three successful women practicing international law in Florida.



## **Jenelle La Chuisa**

Jenelle La Chuisa is a star in international commercial litigation and arbitration. She focuses her practice on resolving international and domestic business disputes in state and federal courts and in arbitrations before the International



Aleksander Ryzhov

Chamber of Commerce, the International Centre for Dispute Resolution and the American Arbitration Association (AAA). She is also admitted to the AAA's roster of commercial arbitrators and is qualified by the Florida Supreme Court to serve as a court-appointed arbitrator. Additionally, since 2009, La Chuisa has been recognized various times as a "Future Star" in Florida's *Super Lawyers Magazine*, and in 2014 as a Florida Legal Elite "Up and Comer." Today, she manages La Chuisa Law.

When La Chuisa began practicing law fifteen years ago, she began noticing differences between the way men and women litigated. Her suspicions were confirmed when one employer cautioned her that as a female lawyer she would need to walk a fine line between being "effective" and "b-tchy." Yet when male associates showed the same assertiveness, they were typically perceived as effective and confident litigators. Today, La Chuisa believes things have changed, but there are still remnants of this conduct in courts and in firms. So, why are men praised while women are criticized—and even chastised—for acting the same way? It could be argued that these reactions are strongly embedded in society's old-fashioned ways of raising girls to be "good" and boys to be "competitive."

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# Arbitral Women's Role in the International Dispute Resolution Arena and a Discussion on Unconscious Bias

By Mirèze Philippe, Paris



M. PHILIPPE

Arbitral Women (AW) is an international not-for-profit organisation dedicated to the promotion of women in dispute resolution around the world.<sup>1</sup> AW is a network of women from diverse backgrounds and legal cultures active in international dispute resolution in many roles,

including inter alia, arbitrator, mediator, expert, adjudicator, marine surveyor, facilitator, lawyer, neutral, ombudswoman and forensic consultant. AW strives to promote such women practitioners, as the organisation is firmly convinced that the number of women in international dispute resolution is a matter of inclusiveness and expanding the pool of available talents.

AW promotes the role of women in dispute resolution through (1) mentoring schemes that put together a junior member with an experienced member; (2) providing financial assistance to female moot competition teams from developing and emerging nations; (3) ensuring equality of representation on conference panels, as underrepresentation is often unintentional; (4) sponsoring events and projects aimed at supporting women practitioners and promoting members among their peers, both men and women; (5) organising networking events and conferences around the world; (6) publishing a newsletter;<sup>2</sup> and (7) publishing articles on the Kluwer arbitration blog.<sup>3</sup> AW is, therefore, an effective tool to advance and support the interests of women in dispute resolution, enhancing their involvement and improving their visibility.

AW has established an active voice in dispute resolution because its members, collectively or on their own, actively contribute to international law in various parts of the world, and contribute to the UNCITRAL Working Group II on Arbitration and Conciliation in its role as observer.<sup>4</sup>

The group has grown to nearly 1,000 members from more than 40 countries. AW is a source of practitioners from jurisdictions around the world, and a source of referrals for both women and men. AW has been increasing, mainly since 2010, in strength, relevance and significance. “Remaining relevant is in one sense sad,” remarked Rashda Rana, AW’s president, “since it shows there is still a need for AW to continue its work. But remaining relevant is also significant in a positive sense, as we are helping more and more women find a voice and make their presence felt on the world stage. The biggest achievement is our ability to promote and celebrate the significant contribution and greatness of women in dispute resolution.”<sup>5</sup>

## Unconscious Bias: Is the subject taboo?

One of AW’s objectives is to raise awareness about the place of women in international dispute resolution through its activities, conferences and publications. In this respect, AW co-published with Transnational Dispute Management a Special Issue on Dealing with Diversity in International Arbitration,<sup>6</sup> with a series of articles dealing mainly with gender and diversity. As Louise Barrington, co-founder of AW, said, “Twenty-five years ago, no one was talking about ‘diversity’ in international arbitration.”<sup>7</sup> This subject is no longer taboo; however, in a world where women outnumber men and are active in almost all business and legal fields—and where women remain underrepresented in key positions—is the underrepresentation a question of discrimination or unconscious bias, or a question of sharing power?<sup>8</sup> AW also started organising conferences to discuss issues related to biases, being convinced that by debating on such issues publicly and in various forums it may contribute to raising awareness about unconscious biases affecting perceptions and decision-making processes, with the hope of succeeding in a move from unconscious to conscious thought and modifying our process of thinking.



## Arbitral Women's Role, continued

The first conference on this topic was held in Miami on 3 November 2015 at the 13<sup>th</sup> ICC Miami Conference.<sup>9</sup> The ICC conference was a huge success with 572 participants from 41 countries. The AW Breakfast and Panel Discussion also registered a record attendance with more than 100 attendees, both women and men. Highlights of the discussions that took place at this conference are hereafter reported.

In her introduction to the panel discussion, Katherine Gonzalez Arrocha, director for the Americas, ICC International Court of Arbitration, recognised that she has three jobs—two of which are full time, the first one being a mother and the second one being her professional position with the ICC—and the third being an arbitrator when her first two jobs permit. Gonzalez Arrocha stressed the need for children to have good working mother examples.

When asked whether she is a feminist, she answered that she is in favour of meritocracy.

The author presented the subject by stating that unconscious bias is a multifaceted topical issue that practitioners have dared to discuss publicly only in the last few years. Unconscious bias refers to the notion that, despite our best efforts, our rational faculties are often overruled by preferences and prejudices that we are not aware of, as defined by Paul Cohen.<sup>10</sup>

People may deny that they are acting in a biased way because they may lack awareness and may honestly believe they are neutral. They may be influenced without

being conscious of such influence. Edna Sussman in her article on arbitrator decision-making<sup>11</sup> cited Lord Goff, who said, “The simple fact that bias is such an insidious thing, that even though a person may in good faith believe that he was acting impartially, his mind may unconsciously be affected by bias.” The biased person is the person having a preference or an inclination, especially one that inhibits impartial judgment, and bias typically influences an unfair decision. Computers function only on logic; luckily, human beings function in a human way with their emotions; biases; preferences; and

cultural, educational and social backgrounds, in addition to personal experiences.

Unconscious bias is part of being human, and we can do nothing to change this, but acknowledging our perceptions is a first step toward overcoming biased actions.

The author excluded from the debate the lack of impartiality of arbitrators and bias, which may appear

during the conduct of the procedure, the deliberations or the drafting of the award, while referring to the work of Doak Bishop and Edna Sussman on arbitrators' decision-making.<sup>12</sup> She indicated that the panel's debate would focus rather on other facets of unconscious bias related to diversity, gender and age, and would discuss situations where a bias is present in the way of thinking or in behaviour, sometimes in a conscious way, but often in an unconscious way. She noted that we would be naïve to think that bias does not exist in any decision-making process, whether in our private or our



Gorosi

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# The Corner Office: Impressive General Counsel of 2016

By Clarissa A. Rodriguez, Miami

**M***ad Men* is over, and along with it, the notion that only a few good men can make it to the corner office. In 2013, women represented more than 20% of attorneys employed as general counsel for Fortune 500 companies, with 108 women general counsels and chief legal officers reported in 2012<sup>1</sup>. Nearly 25% of the top seventeen companies headquartered in the United States employ women as general counsel, including Honeywell International, United States Steel Corporation, FedEx, Lockheed Martin and Walmart.<sup>2</sup> By 2014, female CEOs ran twenty-five Fortune 500 companies and twenty-eight Fortune 501-1000 companies, and between 2009 and 2013, the percentage of executive positions held by women in Fortune 500 companies was 14.6%.<sup>3</sup> The numbers show room for growth, but the lawyers highlighted below compose a special group of attorneys already looking out from executive suites.



**Michelle H. Browdy**  
**Senior Vice President, Legal and Regulatory Affairs, and General Counsel**  
**IBM**

Ms. Browdy is responsible for IBM's global legal, security, privacy and compliance activities and policies, as well as IBM's environmental, and government and regulatory affairs functions. She most recently served as secretary to IBM's board of directors from 2012 to 2014. Previously, she served for five years as IBM's worldwide head of litigation. Before joining IBM, Ms. Browdy was a partner with the law firm Kirkland & Ellis LLP, trying a variety of complex cases across the United States. She has also acted as a special assistant attorney general for the State of Illinois and taught trial advocacy as an adjunct professor at Northwestern University School of Law.



**Stephanie Pare Sullivan**  
**General Counsel and Chief Administrative Officer**  
**Charlesbank Capital Partners**

Ms. Sullivan's role includes legal, compliance and regulatory review of THL Credit's business operations, investing transactions and strategic initiatives. Previously, Ms. Sullivan was a partner in the law firm of Goodwin Procter LLP, where she worked from 1997 to 2010 and primarily focused on mergers and acquisitions, private equity transactions and the representation of early- and later-stage growth companies.



**Jan Stern Reed**  
**General Counsel, Senior Vice President and Corporate Secretary**  
**Walgreens Boots Alliance**

Ms. Reed served Walgreens in 2013 as corporate vice president and deputy general counsel. Previously, she was executive vice president of human resources, general counsel and corporate secretary for Solo Cup Co. Prior to Solo, Ms. Reed served as associate general counsel, chief governance officer and corporate secretary for Baxter International Inc. She started her legal career at the law firm of Bell, Boyd and Lloyd in Chicago, before moving to an in-house position at Waste Management.



**Maryanne Lavan**  
**General Counsel**  
**Lockhead Martin**

Ms. Lavan joined Lockhead Martin as associate general counsel for litigation compliance and served as general counsel for one of Lockhead's businesses for the next eight years. She worked in ethics, business conduct and internal auditing outside of the legal department before becoming general counsel.

## The Corner Office: Impressive General Counsel, continued



**Deborah P. Majoras**  
**General Counsel**  
**Procter & Gamble (No. 31,**  
**Fortune 500)**

Following a federal clerkship, Ms. Majoras joined Jones Day and was named partner in the firm's antitrust practice. She then served as the deputy assistant attorney general at the U.S. Department of Justice's antitrust division, and was later appointed chairman of the Federal Trade Commission.



**Genevieve Kelly**  
**Vice President, General**  
**Counsel and Corporate**  
**Secretary**  
**Dole Food Company Inc.**

Ms. Kelly is responsible for leading Dole's legal department, with 2014 corporate revenues of over \$4 billion and more than 28,500 employees and staff individuals worldwide. Prior to Dole, Ms. Kelly worked as a corporate attorney for the international law firms Sidley Austin LLP and McDermott Will & Emery, as legal counsel for multinational corporations Occidental Petroleum Corporation and Starwood Hotels & Resorts Worldwide Inc. and for the investment bank Houlihan Lokey.



**Lucy Helm**  
**General Counsel**  
**Starbucks**

Leading the Starbucks Global Law & Corporate Affairs Department, Ms. Helm oversees 210 legal and compliance partners in more than 16 offices worldwide. As executive vice present, general counsel and secretary since 2012, Ms. Helm also serves as a member of the Starbucks leadership team and supports the company's board of directors.



**Sandra Leung**  
**General Counsel**  
**Bristol-Myers Squibb**

Ms. Leung serves as legal advisor to the board of directors and company executives, and is responsible for shaping the company's legal strategy, both currently and prospectively. She is also responsible for environment, health and safety, corporate security and philanthropy. Ms. Leung joined

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# The Inter-American System of Human Rights Protection—One Lawyer’s Role in the Secretariat of the Inter-American Court

By Julie D. Recinos, San Jose, Costa Rica

It comes as a surprise to many within the United States that the nations of the Americas—North, Central and South—have, since 1948, created a regional system for the protection of human rights in our hemisphere. In that year, the states on this side of the globe established the Organization of American States (OAS), an international organization that seeks to achieve peace, justice and the consolidation of democracy in the region, among other goals. The charter of the OAS, which has been ratified by all thirty-five nations of the Americas (its “member states”), establishes the fundamental rights of the human person as one of its founding principles. Thus, through the charter, the nations of the Americas set out the foundations for what would later become the Inter-American System for the Protection of Human Rights.

The Inter-American System is regulated by two main legal documents: 1) the American Declaration of the Rights and Duties of Man;<sup>1</sup> and 2) the American

Convention on Human Rights. The first document, the American Declaration, was not considered to be, nor was drafted as, a formal treaty.<sup>2</sup> It was adopted in 1948, however, together with the OAS Charter, and set out the “fundamental rights” that member states agreed to observe. The second document, the American Convention, adopted in 1969, is a formal treaty with binding legal force over the nations that sign and ratify it. It is worth noting that as a member state of the OAS that has ratified its charter,<sup>3</sup> the United States is bound to observe the rights set out in the American Declaration, at a minimum.

The Inter-American System also has two main bodies that oversee the implementation of human rights standards. The first is the Inter-American Commission on Human Rights. This body, headquartered in Washington, D.C., monitors and reports on the human rights situation in the hemisphere and serves as a consultative organ of the OAS. It may monitor a general situation or receive

claims alleging that a member state has violated a particular person’s or group’s fundamental rights. Because its mandate comes from the OAS Charter,<sup>4</sup> the Inter-American Commission on Human Rights has the authority to monitor the human rights practices of all thirty-five member states, including the United States of America.

The second oversight body is the Inter-American Court of Human Rights, located in San Jose, Costa Rica, where the author is part of the Secretariat, serving as a senior coordinating attorney.



Julie D. Recinos

## The Inter-American System, continued

Composed of seven judges from OAS member states, each with a six-year mandate, the Inter-American Court primarily hears cases brought to it by the Inter-American Commission. The court has authority to hear cases against the twenty nations<sup>5</sup> that have signed and ratified the American Convention on Human Rights (the treaty) and accepted its jurisdiction. Since it was established in 1979, the Inter-American Court has heard cases from across the American continent relating to a vast range of issues. Some of these cases originated during the dictatorships that plagued much of Central and South America in the 1970's, 1980's and 1990's, and included such issues as enforced disappearance, the massacre of entire peasant or indigenous communities, torture, forced adoption and state-sanctioned impunity for these crimes. Other cases are much more recent and demonstrate the types of human rights violations most common in democratic states: structural inequality and discrimination, including discrimination for reasons of gender, sexual preference, physical capacity or ethnicity; prior censorship and other infringements upon freedom of speech; undue limitations on sexual and reproductive rights; and violations of private property rights, due process, migrants' rights and collective indigenous rights, to name a few. Once a judgment has been issued, the court also monitors states' compliance with its rulings.

The court can also issue advisory opinions, upon the request of the commission or a member state of the OAS, on any issue relating to the interpretation of treaties that implicate the protection of human rights in the Americas. Furthermore, in situations of extreme gravity and urgency, it can order the states under its jurisdiction to implement provisional measures of protection where necessary to safeguard against irreparable harm.

It should be noted that the Inter-American Court's jurisprudence has had a considerable impact on the region. In compliance with the court's orders, states such as Chile, Mexico and Nicaragua have changed their constitutions and their laws in order to make them compatible with the American Convention on Human Rights, and domestic high courts in states such as Peru,

## How did I get to the Inter-American Court?

By Julie D. Recinos

As a Guatemalan-American, I became very interested in the human rights situation in both the United States and Latin America during my undergraduate days at the University of Florida. While a law student at the University of Notre Dame, I became a research assistant to one of my professors, Paolo Carozza, who was, at the time, president of the Inter-American Commission on Human Rights. My work with Professor Carozza deepened my interest in regional and global legal mechanisms for the protection of human rights, and I thus focused the rest of my law school career on international, comparative and human rights law. I was fortunate in that the law school at Notre Dame is home to the Center for Civil and Human Rights, which provides specialized courses in international human rights law. After my second year as a law student, I became a summer intern at the Inter-American Court, and upon graduation, I joined one of its legal teams as an attorney.

During my time at the court, I have worked on a wide variety of legal issues, analyzing violations of the rights of child detainees, human rights defenders, peasant communities, indigenous peoples, labor unions and women, among many others. I have specialized in gender rights and have had the opportunity to work on cases involving sexual violence, violence against women in general, gender discrimination and the effects of stereotyping on women's access to justice. I have also taught courses and written on gender rights, including sexual and reproductive rights, the rights of indigenous persons (including women) and the death penalty. Through these endeavors, I have had the privilege of working toward greater justice and peace in our hemisphere, for all its peoples. It is my hope that more U.S. lawyers will look toward the Inter-American System of human rights protection—its legal instruments and its jurisprudence—in their own advocacy. After all, the United States is a member state of the OAS and is bound to uphold international human rights standards.

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# Equality for Women Means Progress for All

By Rebekah J. Poston, Miami

Women account for half of the world's working population. Gender inequality is not just a social and moral issue, but also a critical economic handicap. In a recent capital market report distributed by U.S. Trust, managing director and chief market strategist Joseph P. Quinlan said that women are "the most underutilized and under-leveraged resource in the world."<sup>1</sup> Advancing the nontraditional agenda of *women* as the next big source of growth, he wrote, "Thanks to rising educational levels, greater labor force participation rates and rising incomes, the global purchasing power of women has never been greater," thereafter recognizing that policies are being put into place worldwide that ensure women are treated more equally.

Quinlan further lamented/noted that it is a "colossal waste of talent and a huge forfeiture of demand/spending" that about only 50% of the total female population is formally contributing to the economy.

If women in the world played an identical role in labor markets as men, the global GDP would increase by US\$28 trillion, or 26%, by 2025. This is roughly equivalent in size to the current GDP of China and the United States combined.<sup>2</sup> This staggering statistic suggests that women are not only major players in the global market, but also may very well be the catalyst for the next economic boom. Or, as Quinlan wrote, "[T]hat's very China-like in terms of impact."

Often, change needs to come from the top down. This year's Fortune 500 list tied last year's results for the highest recorded number of female CEOs, with 24.<sup>3</sup> For women leaders, it has been a slow climb to the top. In 1998, only one woman led a Fortune 500 company. By 2009, the number had risen to fifteen, fell to twelve in 2011 and then doubled to twenty-four in 2014 and 2015. A sobering fact is that while 45% of the S&P 500 labor force is composed of women, only 4.2% of these women

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## Progress for All, continued

are at the CEO level.<sup>4</sup> And for the past decade, there has been little to no change in the number of female members of corporate boards, with women holding approximately 17% of board seats.<sup>5</sup> The question is how do we increase the number of women in the pipeline to ensure a continued and growing presence at the executive level?

The day will come when men will recognize woman as his peer, not only at the fireside, but in councils of the nation. Then, and not until then, will there be the perfect comradeship, the ideal union between the sexes that shall result in the highest development of the race. — Susan B. Anthony

In the book *Women as Global Leaders*,<sup>6</sup> Susan Madsen and Faith Wambura Ngunjiri argue that “we have yet to fully grasp what women can bring to society as global leaders.” Their research showed that, of the 126 women who have served as president or prime minister of a country, 30 have come into power in the past 4 years of this decade. To comprehend women’s roles as global leaders, the authors write that “it is important to understand the approaches that women use to lead effectively as global leaders, such as utilizing multiple intelligences and authentic leadership.”

A number of studies have concluded that an increased number of women on boards and in leadership positions is directly correlated to improving financial performance, strengthening the organizational climate, increasing corporate social responsibility and reputation, leveraging talent and enhancing innovation and collective intelligence.<sup>7</sup> Global leaders need to be adept at possessing multiple intelligences—language, cultural, political, social, economic and emotional—and women are naturally well positioned to excel across these borders.

A strong woman understands that the gifts such as logic, decisiveness, and strength are just as feminine as intuition and emotional connection. She values and uses all of her gifts. — Nancy Rathburn

How does a woman balance who she is as an individual with her expectations as a professional? The answer is by having emotional intelligence, described by



ByEmo

*Psychology Today* as the “ability to identify and manage your own emotions and the emotions of others.”<sup>8</sup> To be a successful leader goes beyond educational degrees or experience. *New York Times* behavioral science columnist Daniel Goleman identified the five pillars of emotional intelligence as self-awareness, self-regulation, motivation, empathy and people skills. Women tend to be very good listeners, are adept at team building and promoting cohesion, and possess an innate sense of insight and compassion—all qualities in a strong leader. Emotional intelligence may be the key to causing the gender wage gap to narrow. The rising generation of women moving into positions of power are bringing with them new and unique ways of implementing their own influential leadership styles.

So, how do we get from where we are to where we want to be?

In an interview with *Harvard Business Review*, Facebook chief operating officer Sheryl Sandberg said that women

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# Women Helping Women — How Microfinancing Is Empowering Women

By Alexa Battisti, Miami, and Jennifer Diaz, Miami

**M**icrofinancing has played a significant role over the last few decades in helping poverty-stricken communities throughout the globe alleviate and overcome extreme levels of financial distress by providing them with initial monetary stepping stones that would otherwise be unavailable to them. This article will focus primarily on the impact of nonprofit organizations, such as the major players in the industry—Kiva, Pro Mujer and WEConnect International—while examining effects microfinancing has had on women of Central and South America and the resulting empowerment that is slowly helping to reshape these regions.

## What is microfinancing?

Microfinancing is the supply of small loans using alternative, non-traditional suppliers to those in need that formal banking institutions will not supply. Traditional banking institutions assist individuals and businesses ingrained in mainstream society where the verification of income and the availability of secured collateral and other safeguards provide traditional banking institutions with sufficient traction to comfortably lend larger amounts of money. Moreover, those seeking financial assistance from traditional banking institutions are generally in pursuit of larger sums of money due to the fact that they tend to be more firmly established. In contrast, those targeted by microfinancing have little to no available income or collateral that would normally be required to safeguard the interests of banking institutions, consequently barring

them from receiving traditional funding. Further, those who benefit from microfinancing are generally looking to obtain only small amounts of money that ideally can assist them in breaching the barriers imposed by extreme poverty and can provide the initial stepping stones into mainstream financial society.

## Major Organizations

### Kiva & OWIT

By microfinancing a women-owned business venture, a lender or a donor can empower women entrepreneurs

and business owners to create sustainable businesses. Microfinancing creates small lenders out of individuals and companies that would otherwise not be able to provide a large enough loan to be considered a traditional lender. By broadening the market of



kaprik

who can and cannot become a lender, microfinancing creates more available financing than traditional lenders. Microfunding is by nature a smaller type of funding than the funding available from traditional bank lenders. Organizations such as Kiva.org provide a platform to donate microloans to business owners around the world. Through Kiva's website, donors can choose the type of business to fund and view the funding page for additional information on a particular business. Kiva is a nonprofit organization that connects people with a mission to alleviate poverty through lending. The Kiva website is a platform through which lenders can donate



## Microfinancing, continued

as little as US\$25 to create opportunities around the world.

For example, the Organization of Women in International Trade (OWIT) has worked with Kiva.org to provide microfinancing for a women-owned business venture named En Dios Haremos in Nicaragua.<sup>1</sup> This small loan from OWIT enabled the four women that formed En Dios Haremos to purchase Avon cosmetics, Arabela products, slippers and construction materials to sell to patrons in their hometown of Managua, Nicaragua. Without microfinancing, it would be much more difficult for En Dios Haremos to find financing at all. Kiva.org bridges the gap from business owner to lender, bringing together organizations like OWIT and En Dios Haremos.

OWIT has twenty-six chapters that stretch across international borders, operating in the Americas, Western Europe, Asia and Africa.<sup>2</sup> OWIT is a premier global trade association with a united mission of

fostering international trade and the advancement of women in business. It has a constantly growing network that provides a forum to facilitate information exchange, education and networking. OWIT focuses on providing a rewarding volunteer environment, staying at the forefront of trade and technological developments and building partnerships and alliances with peer organizations and associations. With such a global reach, OWIT is just one of many organizations that are instrumental in providing microfinancing to women-owned businesses.

In Nicaragua, women have fewer job opportunities and earn much less than men, as was pointed out in a recent study conducted by the United Nations Development Program (UNDP).<sup>3</sup> The gender and equality gap is clear in Nicaragua, as only 12% of individual exporters are women and only 16% of board seats are held by women.<sup>4</sup> Organizations such as OWIT support

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**Daniel E. González**  
Global Head, International Arbitration  
Miami, T +1 305 459 6649  
daniel.gonzalez@hoganlovells.com

**Mark R. Cheskin, Partner**  
Miami, T +1 305 459 6625  
mark.cheskin@hoganlovells.com

**Alvin F. Lindsay, Partner**  
Miami, T +1 305 459 6633  
alvin.lindsay@hoganlovells.com

**Richard C. Lorenzo, Partner**  
Miami, T +1 305 459 6652  
richard.lorenzo@hoganlovells.com

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# A Case Review of Recent International Law Opinions Authored by Women Judges in Florida

By Alisa P. “Paige” Mason, Washington, D.C.

Women in Florida have a long and revered history of trailblazing, exceptional leadership and tenacity. Julia Tuttle is widely regarded as the only woman to have founded a major city—that city being Miami—in the United States, following a rather legendary railroad and citrus negotiation. In the mid-1800’s, Maria Andreu became the first woman to serve as an official lighthouse keeper in Florida and the first Hispanic-American woman to lead a federal shore installation. Mary McLeod Bethune, an African-American woman who founded the Daytona Normal and Industrial Institute for Negro Girls in Daytona, Florida, in 1904, was one of the nation’s most prominent educators and civil rights leaders. Dorothy Dodd was Florida’s first archivist and later became the state librarian. In fact, much of Florida’s archival collections exist today because of Dorothy’s efforts.

Women lawyers in Florida have similarly made significant contributions since Florida’s fascinating and occasionally tumultuous evolution from a settlement to a territory to a state of the union. The first elected woman judge in Florida, Edith Meserve Atkinson, was elected in 1924 to the Juvenile Court of Dade County. Mary Lou Baker, the first woman elected in Pinellas County to serve in the Florida House of Representatives, helped lead a charge to revise Florida laws affecting the property rights of married women. Gwendolyn Sawyer Cherry, the first African-American woman in the Florida House of Representatives, introduced the Equal Rights Amendment in the House in 1970. Stella Biddle Fisher, another attorney, advocated changing the law to allow women to enroll at the University of Florida College of Law, which did not admit women close to twenty years after its creation.

In the 1970’s, the Women in the Law Committee of The Florida Bar’s Young Lawyers Section actively worked in support of Florida ratifying the Equal Rights Amendment. At one time, the committee, led by Patricia

Seitz (later Judge Patricia Seitz), hosted a panel with Martha Barnett, the first woman hired by Holland & Knight; Susan Black, then a state circuit court judge from Jacksonville; Janet Reno, who went on to become the first female U.S. attorney general; and Eleanor Hunter, the first black woman clerk for the Florida Supreme Court. These women, along with countless others, helped to shape the legal landscape.

When it comes to the development, interpretation and application of international law in Florida, one can trace this rich heritage to Florida’s geographic location; its multicultural population; its reliance on international trade; and the significant legal contributions made by Florida’s jurists, practitioners, legislators, bar organizations and law schools. Female jurists sitting in district courts, trial courts, appellate courts and the highest state court in Florida have written a multitude of opinions over the last decade on issues of international law in Florida.

While it is certainly impossible to be comprehensive, this article strives to discuss several opinions written since 2000 by female judges in Florida on issues of international law. The international law issues facing these judges varied widely in scope, were often fraught with emotion and controversial history, and involved a wide range of famed international instruments.

In 2000, Justice Barbara Pariente wrote the opinion in *State v. Stepansky*, 761 So. 2d 1027 (2000). The issue faced by the Florida Supreme Court was whether Florida could prosecute burglary and attempted sexual battery allegedly occurring on a Liberian cruise ship in waters outside the territorial jurisdiction of Florida. *Id.* at 1029. With respect to the question of jurisdiction, the Court looked at whether Florida is constitutionally prohibited from entering into a treaty with Liberia pursuant to Article I of the Constitution. *Id.* at 1030-31. Justice Pariente reasoned, however, that the exercise of

## Case Review, continued

jurisdiction over the defendant under the relevant Florida statute was not an attempt by Florida to enter a treaty. *Id.* at 1031.

In the *Stepansky* opinion, Justice Pariente also cited the Restatement (Third) of Foreign Relations for the proposition that “whether a State may exercise jurisdiction that the United States is entitled to exercise under international law is, therefore, generally a question of United States law.” *Id.* at 1032. Justice Pariente noted that international law is not concerned with the question of whether the defendant is prosecuted by Florida or the federal government. *Id.* Justice Pariente ultimately concluded that the principles of federalism, in certain circumstances, allow a state to prosecute crimes without offending international law, just like the federal government has similar authority. *Id.* at 1037.

In 2002, Judge Elizabeth Kovachevich for the U.S. District Court for the Middle District of Florida wrote the opinion in *U.S. v. Mosquera*, 192 F.Supp.2d 1334 (2002). In this case, the issues before the court were numerous and mostly linked to questions of international law. The defendant argued a number of violations of international law, including but not limited to arguing that the “indictment violated international law because the United States does not have subject matter jurisdiction over foreign nationals aboard flag vessels in foreign waters unless jurisdiction is permitted under the ‘protective principle’ of international law jurisdiction.” *Id.* at 1339. Judge Kovachevich explained that the vessel at issue was stateless and that stateless vessels are subject



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to jurisdiction in any nation under international law. *Id.*

Moreover, under the protective principle of international law, “a nation is permitted ‘to [citation omitted] assert jurisdiction over a person whose conduct outside the nation’s territory threatens the nation’s security.’” *Mosquera*, 192

F.Supp.2d at 1339-40. According to the judge, the statute at issue, the Maritime Drug Law Enforcement Act, did not violate international law because trafficking is a serious international problem and presents a security threat to the United States. *Id.*

Judge Joan Lenard for the U.S. District Court for the Southern District of Florida ruled on a motion to dismiss filed in *Cabello Barrueto v. Fernandez Larios*, 205 F.Supp.2d 1325 (2002), which sought to dismiss a complaint alleging a number of violations of international law. For example, the plaintiff included claims for extrajudicial killing; torture; crimes against humanity; and cruel, inhuman or degrading treatment or punishment, all in violation of customary international law and some in violation of international covenants and the Torture Victim Protection Act (TVPA). *Id.* at 1328-29. The plaintiffs argued that individuals who “indirectly participate[d] in human rights violations may be held liable under international law.” *Id.* at 1329. Judge Lenard reasoned that the TVPA is intended to apply to those who directly participated, i.e., ordered, abetted or assisted in the violation, as international law

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# Gender Equality and Women at Law in Cuba

By Karin Paparelli, Tampa

When our revolution is judged in future years, one of the matters on which we will be judged is the manner in which our society and our homeland solved the problems of women. — President Fidel Castro, 30 November 1974<sup>1</sup>

It's really embarrassing that we have not solved this problem in more than half a century. — President Raúl Castro, 16 April 2011<sup>2</sup>

## Revolution Within a Revolution

Gender equality, and more specifically the role of women in the legal profession in Cuba, presents a paradox of cultural restraint amid progressive policies. Despite a traditionally patriarchal society, Cuba has actually outpaced the United States and other nations when it comes to gender equality.<sup>3</sup> Cuban women are found in staggering numbers in the legal profession, politics and high-level ministerial positions.<sup>4</sup> When evaluating the overall treatment of women in Cuba, Cuba is often near the top among similarly situated countries. Save the Children has consistently rated Cuba first among developing countries for its treatment of women and children, and the World Economic Forum ranks Cuba 20<sup>th</sup> out of 135 countries with respect to the literacy, economic status, health and political participation of women.<sup>5</sup>

Gender equality in Cuba can actually be credited to Fidel Castro and the revolution. According to Sarah Stephens, executive director of the Center for Democracy in the Americas, a Washington-based nonprofit, “Fidel Castro called for women’s rights as a ‘revolution within a revolution’ and this commitment became tangible through changes in legislation and policy,” the result of which is seen today.<sup>6</sup> The 1976 Constitution guarantees equal rights to women and men in economic, political, cultural and family matters, including health care, education and rights in the workplace.<sup>7</sup> Gender equality



Victor Maschek

and women’s rights have also been bolstered by the relentless work of the Federation of Cuban Women (FCW) and other similar organizations.<sup>8</sup>

The FCW was the first mass organization created by the Castro regime in 1960.<sup>9</sup> Raúl Castro’s late wife, Vilna Espín, a revolutionist in her own right, was the first Cuban woman to graduate with a degree in chemical engineering, as well as a post-graduate degree, from MIT in Boston.<sup>10</sup> Vilna served as president of FCW for forty-seven years, until her death in 2007.<sup>11</sup> The FCW was known as the “governing body” for policy on women in Cuba and was entrusted with the task of women’s emancipation.<sup>12</sup> Emancipation came in the form of basic education, stipends and support aimed at lifting women out of domestic service and prostitution.<sup>13</sup> Ileana Fuentes, a Miami-based advocate for women, in her obituary for Vilna Espín said:

From the feminist perspective, she [Vilna] empowered women in a home to say to a husband, “It’s my national, patriotic duty to work [and] to volunteer in the community.” Whether you are for or against Castro, that’s an empowering tool for women. *The Washington Post*<sup>14</sup>

Today, the FCW consists of four million members

## Gender Equality, continued

(*federadas*), 1,600 paid employees and 150,000 volunteers who carry out its mission: the guarantee of justice for women at home and in the workplace.<sup>15</sup> The FCW is not the sole champion of gender equality; its efforts have been complemented by other organizations. For example, the Christian Reflection and Dialogue Center (CCRD) promotes social activism based on Christian principles.<sup>16</sup> The Martin Luther King Memorial Center (CMMLK), an NGO in Havana, also promotes Christian social responsibility and non-violent methods for social change.<sup>17</sup> The Association of Women Communicators (known as Magin), founded in 1993 by journalist Mirta Rodríguez Calderón, promotes gender awareness through journalism.<sup>18</sup>

Despite all of this effort to attain and promote gender equality, gaps between legal equality and reality still exist, and they create what is referred to as the “double day.”<sup>19</sup> Women are expected to maintain the traditional role of keeper of the home in addition to pursuing a career.<sup>20</sup> In 2003, Cuba’s Family Code was amended to include a provision that protected the rights of parents, regardless of gender, who decided to stay at home and

raise their children. According to a report filed by the Committee on Elimination of Discrimination against Women in 2009, however, “only 18 men took advantage of this right and stayed home.”<sup>21</sup> Changing the law does not necessarily change minds. As long as cultural bias is perpetuated, gender equality remains stunted. This is evidenced when such laws requiring equal division of household chores are simply not enforced.<sup>22</sup> Even though women and men have been granted equal rights as a matter of law, responsibilities in the home, such as rearing children, remain primarily a woman’s burden.<sup>23</sup> To compound this issue, balancing home and work is a daily challenge, as Cuban women often lack access to necessities and modern conveniences like washing machines, microwave ovens, fully stocked supermarkets and privately owned automobiles, unlike their American counterparts.<sup>24</sup>

**A Well-Educated Work Force**

When it comes to education, women have come a long way since pre-revolutionary Cuba.<sup>25</sup> Before the

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# WORLD ROUNDUP

## AFRICA



**Richard A.C. Alton**  
racaesq@gmail.com

### United States leans hard on South Africa over importing of chickens.

An agreement has been reached after a terse period of dispute between the United States and South Africa over the exportation of chickens from the United States to the southern African nation. The two countries are working under the auspices of the African Growth and Opportunity Act (AGOA), a United States program designed to help African exporters. South African veterinary officials raised health concerns about the importation of chickens, specifically relating to the avian flu outbreak in the United States that purportedly killed nearly 50 million birds. On 5 November 2015, however, President Obama informed South Africa that if a deal could not be reached under AGOA, the United States would strip the duty-free protections enjoyed by South African agricultural exporters. As such, with all parties either satisfied regarding health concerns or the added pressure to reach a resolution being sufficient, a deal has now been reached to allow for the importation of 65,000 chickens into South Africa.

### Egypt to appeal decision awarding Israel \$1.76 billion in gas fallout.

International Arbitrators, via the International Chamber of Commerce, awarded the state-owned Israel Electric Corp (IEC) \$1.76 billion, resulting from Egypt's halting of the sale and supply of natural gas to Israel for the past three years. Egypt and the IEC had been operating under a twenty-year agreement when, in 2012, Egypt elected to halt its supply of natural gas after numerous militant terrorist attacks on the pipeline. The IEC sought up to \$4 billion from various Egyptian state agencies involved in the supply chain. Egypt will appeal the decision, and the resulting confrontation and drawn-out process may have long-term ramifications on several private fossil fuel negotiations underway within the region.

### Libya remains destabilized.

Libya remains in a state of disarray several years after the commencement of NATO and U.S. operations that

sought to aid rebel forces in the region and end the humanitarian crisis. The military operations led to the collapse of authority structures in the region, thus creating a vacuum of power between Western-backed leadership and various opposition and militant groups, including ISIL. A November 2015 joint report from the U.N. Office of the High Commissioner for Human Rights and the U.N. Support Mission in Libya found that all sides of the conflict continuing in Libya have breached their obligations under international law by committing war crimes, including abductions, torture and killing of civilians. The legal community has begun to take a more concentrated look into the potential destabilizing impact of international intervention in light of situations such as the one in Libya.

## BRAZIL



**Quinn Smith**  
quinn.smith@smintl.com

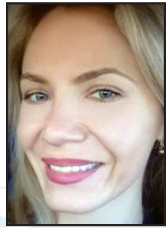
### STJ refuses to enforce award annulled at the seat of arbitration.

In a case of first impression, the Superior Court of Justice (STJ) cited Article V of the New York Convention and refused to enforce an award annulled at the seat of arbitration, even though the request for enforcement met all of the administrative requirements for enforcement. The decision is particularly important because it comments on the interpretation of the word *may* in Article V(1) (e) and makes clear that other treaties dealing with the same subject matter can form the basis for a request to enforce an award pursuant to Article VII. The case is *Sentença Estrangeira Contestada* nº 5.782/AR.

### New Brazilian Civil Procedure Code enters into force.

As of mid-March 2016, the revisions to the Brazilian Civil Procedure Code of 1973 took effect. The new Civil Procedure Code aims to bring significant changes to the amount and type of appeals, to accelerate the speed of reaching a final decision and to bring other important changes. Many scholars and practitioners have hailed the changes as an important step forward.

## RUSSIA AND THE CIS



**Anna V. Tumpovski**  
justanna@hotmail.com

### Russia brings US\$3 billion Eurobond claim against Ukraine in High Court of London.

On 17 February 2016, the Russian government announced that it is filing an action against Ukraine in the High Court of London due to Ukraine's failure to pay off the US\$3 billion Eurobond. Russia bought Ukraine's debt in December 2013 as part of Russia's \$17 billion bailout attempt of Ukraine, just months before the Ukrainian government toppled. These notes were priced to yield only 5%, which was less than half the rate on other Ukrainian notes at the time. After numerous attempts between Russia and Ukraine to renegotiate the terms of the Eurobond, Ukraine ultimately defaulted on the debt in December 2015.

Russia claimed that the debt was sovereign, while Ukraine claimed that it was commercial and should have been renegotiated under the same terms as its other commercial debts (20% principal write down and maturity extensions). Ultimately, the International Monetary Fund (IMF) sided with Russia and recognized this debt as sovereign. Ukraine subsequently claimed that regardless of the verdict of the IMF, Ukraine could not offer Russia better terms than the ones given to its commercial creditors. Russia proposed to provide a reprieve on the debt for one year and an opportunity to pay \$1 billion a year, starting in 2016. But Ukraine disagreed with this proposal, claiming that it would give Russia more favorable terms than those provided to Ukraine's commercial lenders.

The net present value (NPV) is the evaluation of all future discounted cash flows from the investment. New Ukrainian bonds to commercial creditors amounted to about 70% of the NPV of the securities, while it was claimed that Russia's NPV of the restructured loan was 80% or higher. Both parties tried to mediate informally with the Ministry of Finance of Germany, but to no avail, as Russia's and Ukraine's ministers of finance were not even able to meet face to face. Russia ultimately brought court proceedings against Ukraine in the English High Court to enforce its obligations under the terms of the defaulted Eurobond.

### Court Proceedings v. Arbitral Proceedings

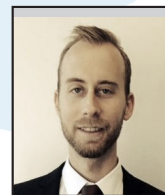
Under the terms of the Eurobond issue, Russia could bring a claim to enforce its rights in the High Court of London (English national court) or initiate arbitral proceedings at the London Court of International Arbitration (LCIA). While arbitral proceedings would have

allowed for more flexibility and expertise, and would have maintained the confidentiality of the hearings, the materials, and even the decision itself, Russia decided in favor of an "open and transparent" process in the English court. On 17 February 2016, the Russian minister of finance told journalists that "the trial in an English court will be open and transparent and protecting the rights of the Russian Federation as the creditor will be independent, credible court that will consider impartially a dispute between two sovereigns concerning default in debt obligations for Eurobonds."

"Russia intends to prove the fact of default and expects that the process will not be politicized," said another government official. "The judge is a professional lawyer, the debate is on economic issues. Why would he have political-investigative reasons to find out? He doesn't need it. He establishes the fact of default and shall render the verdict." The official said that Russia is not going to close the process from the public and therefore did not use the option of arbitration, saying, "We have nothing to hide."

One cannot ignore the fact that this decision comes from the Russian government after the Permanent Court of Arbitration's (PCA) infamous decision in *Hulley Enterprises v. Russian Federation*. The PCA tribunal decided that Russia was liable for damages in excess of \$50 billion. Russia has vigorously opposed this decision as being politicized, and has filed an action to set it aside.

## SOUTH AMERICA NORTHERN CONE



**Grant Stanton Smith**  
gsmith@vivancoyvivanco.com

### Colombia experiences first investment treaty claims.

Swiss mining company Glencore International AG (Glencore) and Canadian companies Tobie Mining & Energy, Inc., and Cosigo Resources Ltd. have filed claims against Colombia related to mining disputes.

Glencore claims that the Colombian government has sought to revoke certain provisions of a coal mining concession held by Glencore. This claim was filed in the International Centre for Settlement of Investment Disputes in Washington, D.C. Colombia, in contrast, argues that Glencore should pay larger royalty fees after it acquired several Colombian mining companies in order to reduce costs.

Tobie Mining & Energy, Inc., and Cosigo Resources Ltd. claim that Colombia violated a United States-Colombia

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# SECTION SCENE

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# SECTION SCENE

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## World Roundup, from page 23

free trade agreement by establishing a national park within the mining zone. The effect of the national park rendered a mining concession impossible. Colombia allegedly fast-tracked the national park in order to thwart the mining operations from taking place.

### Argentina will cease to be a shareholder in TV news station created by Hugo Chavez.

Telesur, a 24-hour leftist news station that focuses on Latin American politics, was created by former Venezuelan President Hugo Chavez. The purpose of Telesur was to combat capitalist-style Spanish language stations such as CNN en Español.

Telesur will no longer qualify as a “state backed” TV station in Argentina. This new decision essentially means that Argentine cable networks will no longer be obligated to provide this station. Critics claim that the decision is the result of the station criticizing new Argentine President Mauricio Macri.

Argentina is allegedly a 16% stakeholder in the channel and a founding member, along with Venezuela, Cuba, Ecuador, Bolivia, Nicaragua and Uruguay.

## UNITED STATES



**Peter A. Quinter**  
*peter.quinter@gray-robinson.com*

### TPP goes to national legislatures for review.

The Obama administration has signed a multinational treaty of countries bordering the Pacific Ocean (with the intentional exception of China) allowing for the largest free trade agreement to date. It is the Trade Pacific Partnership, known more commonly as the TPP. Although agreed to by several countries, each country, including the United States, must obtain approval from the national legislatures before the trade agreement goes into effect. The idea is that the eleven member countries will allow Made in America products to enter their countries without any assessment of duties or

taxes, thereby increasing U.S. exports. It is likely to be 2017 before such an agreement goes into effect.

### New regulations will ease commerce with Cuba.

The Obama administration has issued a few sets of regulations by the U.S. Office of Foreign Assets Control (OFAC) of the U.S. Department of the Treasury and the Bureau of Industry and Security (BIS) of the U.S. Department of Commerce making it easier for Americans to travel to Cuba, allowing for certain business activities (e.g., telecommunications) to take place in Cuba and permitting the sale of certain products and services to Cuba. The latest aviation industry change is only one step away from allowing commercial air carriers to fly scheduled nonstop flights to Cuba without having to use a special third-party travel agent and charter airline. American Airlines, Delta, JetBlue, Eastern and others are ready to go.

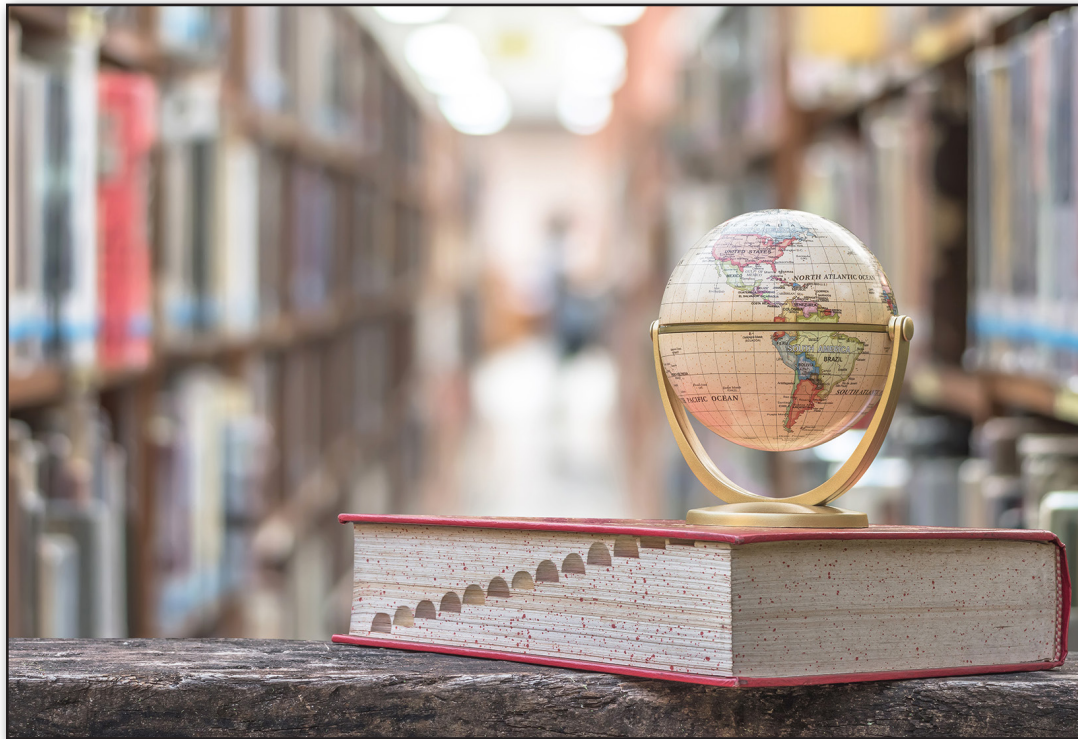
### U.S. Customs assesses penalties for ADD/CVD.

U.S. Customs and Border Protection (CBP) continues to assess millions of dollars in penalties against U.S. importers for attempting to avoid anti-dumping duties (ADD) and/or countervailing duties (CVD) on various products, especially from China. Importers should be very careful to evaluate whether an imported product is subject to such additional duties, and if so, be able to identify the particular factory, manufacturer or supplier that produced the imported product to obtain the lowest margin rate. CBP offices in Miami and Tampa have issued numerous Requests for Information (CBP Form 28) and Notices of Action (CBP Form 29) demanding information from importers, and then have concluded that the importers owe ADD and/or CVD. Additional penalties against importers for false declarations to U.S. Customs are common.

### United States limits embargo against Iran, continues Russian sanctions.

While the United States has created a new agreement with Iran to limit the U.S. embargo (Iranian Asset Control Regulations at 31 CFR Part 535), it has continued its U.S. sanctions program against numerous persons and companies in Russia because of the Russian invasion of the Crimea.

## Women Practicing International Law in Florida, from page 7



P. Chinnapong

La Chuisa believes that certain social idiosyncrasies between men and women do influence the potential success of women in law firms. For example, she has noticed that men, at times, appear to be more business driven than women at networking and professional events. She says that some women may try to make a personal connection first when they meet someone new while men may instead focus their initial interaction on selling.

Additionally, in reaction to the current low numbers of women in leadership roles at firms, La Chuisa states that while law firms appear to be closing the gender gap in hiring practices, a far lesser number of women are reaching equity or leadership partnership roles in comparison to their male counterparts. This is likely attributable, at least in part, to conscious or unconscious biases of both men and women. She compares female attorneys to women in sports to illustrate this bias. She argues that while female athletes in some sports make millions in sponsorships and endorsements—think tennis or figure skating—in other sports, female

athletes achieving at the highest level, even higher than their male counterparts, are barely making ends meet—think boxing. So, while during the 2012 Olympics, the U.S. Olympic Gymnastics team was covered almost daily, few media outlets were talking about Clarissa Shields, a female boxer on the first U.S. women's boxing team. Clarissa was *the only U.S. athlete*—male or female—to earn a gold medal in the 2012 Olympics. But she was

a boxer, not a gymnast, and so her success was not as widely reported.

Beyond bias, throughout La Chuisa's career she has seen many women move to small firms or solo practices for practical reasons after having children. She believes that if these women work for firms that are less receptive to women telecommuting or having flexibility in their work schedule, they are likely to move on to a firm that will accommodate their new roles as parents. She further believes that this reluctance to accommodate women lawyers after they have children results in a law firm culture where many male lawyers have children while many female lawyers do not, noting that some but not all of this culture can be explained by personal choice.

La Chuisa argues that high-achieving female lawyers who seek equity and managing partnership roles generally accept that they *cannot* have it all. So, many women lawyers make sacrifices that their male counterparts may not necessarily have to make. For example, women more often than men take on the primary caretaking role, not only with children but also with aging parents. Thus, women are also likely to leave law firm partnership

## Women Practicing International Law in Florida, continued

opportunities to care for an ill or dying parent in far greater numbers than men.

Concerning women in arbitration, La Chuisa recognizes that “although women make up approximately half of college and law students, and nearly half of the total private-sector work force in the United States, only around 6% of international arbitrator appointments are women.” She acknowledges that there seems to be more gender equality for appointments in domestic cases while the international scene is severely lagging behind. She also explains that even though domestic arbitration is no longer seen as predominantly “old, white and male,” it is significantly more difficult to break this stereotype in the field of international arbitration. This is true not only for arbitrators, but for advocates as well, although to a lesser extent.

La Chuisa says that organizations such as ArbitralWomen have made great strides in increasing awareness of the gender disparity issue in international arbitration, but the profession still has a long way to go. For example, in her time serving as an arbitrator, she has had several appointments in domestic matters, but fully anticipates greater challenges in obtaining appointments when transitioning onto international rosters in the future.

She believes that women can make it to the top quicker—in any legal field—by seeking out a mentor early in their careers. La Chuisa is a strong believer in empowering women through special professional organizations. In fact, throughout her career she has headed various female organizations that help women break out of their social comfort zones to develop a business-savvy approach to success in law. She is currently president of the Women’s Chamber of Commerce of Miami-Dade County, which has the goals of celebrating the achievements of businesswomen in the community, teaching women to be comfortable self-promoting and helping small businesses grow their bottom line.

Her best advice for women attorneys is “perseverance.” La Chuisa encourages women to challenge their own unconscious biases by standing up straight, taking a seat

at the table and speaking up for what they think they deserve, and then some. She states that it’s important to be comfortable with your own style, even if you are perceived as “pushy” or “aggressive.”



### Rebekah Poston

Another excellent example of a woman excelling in international law is Rebekah Poston. As a partner at Squire Patton and Boggs, Poston focuses her practice on defending complex domestic and international white-collar criminal cases. She

has successfully represented multinational, public and private corporations; banks; airlines and shipping lines; medical device and pharmaceutical companies; and industrial manufacturing and agricultural companies, as well as their officers, directors and employees. Poston has also written Foreign Corrupt Practices Act (FCPA) corporate compliance programs and has led FCPA trainings, audits and internal investigations for Fortune 100 and 500 companies internationally. In 2014 and 2015, she was mentioned in *Who’s Who Legal 100* as one of the world’s top attorneys in business crime defense. Additionally, Florida’s Super Lawyers, The Best Lawyers in America, Florida’s Legal Elite by *Florida Trend* and *South Florida Legal Guide* have recognized her as a leading attorney in her field.

Poston’s incredible career has allowed her to practice in various jurisdictions and countries. Throughout the years she has been able to identify and adapt to the different cultural perceptions of women. For instance, Poston has noticed that in Latin American countries there are few women in criminal law and that most women attorneys occupy in-house, corporate or judicial positions. She recognizes that in Latin America—and sometimes in the United States—women are at a disadvantage when it comes to criminal law because they are not “perceived as powerful as men.” In her experience, most criminal defendants want someone “tough and nasty,” and they seek male attorneys for representation because women seem to be too “soft.”

## Women Practicing International Law in Florida, continued

The truth is that women are perceived as too “soft” for leadership positions, too. According to the Law360’s Glass Ceiling Report of 2015, only 22% of partners at U.S. law firms are women.<sup>3</sup> Poston has practiced law within the most prestigious firms in Florida and is now part of the elite 22% of partners who are female. She believes that the best way to increase this statistic in women’s favor is by targeting the decision makers—that is to say the 78% of partners (men) who are making the “big decisions” regarding promotions. She believes men need to be part of the conversation about gender inequality in the work force.

Poston argues that female associates and partners are too generous, sharing the credit for their achievements with others in their end-of-year performance reviews. While male associates and partners generally speak in first person about their business accomplishments, females tend to redact their reviews in plural even when they were the only attorney on the case. She acknowledges that it is crucial for female attorneys to educate themselves on how to be more boastful and assertive before clients, with partners and in their reviews in order to attain promotions.

To help women develop the social and professional skills needed to succeed in law firms, Poston decided to become an active member of her firm’s Women’s Initiative Group (WIG). During WIG’s first meeting in 1995, the group asked for special advisors to help educate women and men in the law firm regarding women’s issues. Specifically, they asked advisors to develop trainings on international business and client development. Poston asserts that women need to be “brought to the table” to pitch their ideas to clients in order to start building relationships with them. Additionally, the group helped bring awareness about more flexible schedules for women who are mothers.

Poston also states that having women in leadership roles at firms is good for business. She argues that corporations want diversity. It is currently a buyer’s market for legal services, and corporations are dictating with whom they want to do business at law firms. She believes big corporations are driving

the change for diversity. For Poston, women bring a unique perspective to legal and business remedies that corporations truly value. She says that when compared to men, women bring a more pragmatic approach to the negotiating table because of their emotional intelligence.

For women to succeed in international law—or in any field—Poston believes it is essential to understand the business side of everything. Women need to have access to tools that teach them how to be more finance and client oriented, in order to create more opportunities that can lead to new business—which in turn leads to promotions and bigger profits for the law firm.

When asked if women can really have it all, Poston says that they absolutely can—but at a cost to both society and themselves. She definitely sees that for younger generations, work and careers postpone family building, but she wonders whether this focus on careers—for both men and women—is leading to the decay of the family unit. For instance, she argues that the education system is failing society and that parents are probably not noticing because they spend more time at the office than at home. She also acknowledges that young associates are lacking basic analytical skills and mostly copy/paste while drafting documents.



### Francesca Russo

Francesca Russo is a great example of a woman pioneering in international law. Interestingly enough, out of the thirty-nine chairs of the International Law Section, only three have been women—and Russo is one of them.

She is currently a partner at Espinosa, Trueba, Martinez PL, where she specializes in commercial litigation and alternative dispute resolution. Russo has represented domestic and international clients in state and federal courts litigating subject matters such as breach of contract and tort claims, civil theft, trade secrets, trademark litigation, transportation litigation, real estate litigation, corporate and business litigation, directors’

## Women Practicing International Law in Florida, continued

and officers' liability and fraud. Additionally, her fluency in English, French, Italian, Spanish and Portuguese allows her to connect with a wide range of international clients.

Russo recognizes that cultural background does help in the progress of an international law career because most clients prefer to be able to identify and connect on a personal level with their lawyers. She insists, however, that one's cultural association is not what makes one succeed in international law, but it is an individual's affinity and empathy for those other cultures. Thus, women who have an intellectual curiosity regarding other cultures have a predisposition to succeed in international law.

She acknowledges that one of the biggest challenges women face while practicing law in any field is balancing all their obligations, namely the commitment to one's work and family. She says it's a constant juggle between professional and personal responsibilities. Although time constraints are a struggle for both men and women, Russo believes it's tougher for women. One could argue this may be due to children's emotional dependence on their mothers, thus making their presence at home more demanding. It also doesn't help that society's perception is that women are the driving force of the family nucleus while men are still seen as the "bread winners"—which only seems to compound this pressure.

Additionally, Russo believes that time limitations could be one of the many reasons why women have such a low representation in leadership roles at law firms. She explains that most firms have very rigid promotion structures, not only for billable hours but also for hours spent at the office. According to Russo, firms need to be more adaptable. Women should not be punished for being efficient with their time, and there should be more flexibility—especially with today's technical advances—for women to work outside of the office.

Russo believes in "equal work, equal pay" but was not surprised to find that Florida's current gender earnings

ratio is 85%.<sup>4</sup> Even though Florida is predicted to be the first state to close the gender pay gap, Russo points out that wages tend to be lower here than in other states, which could make the statistic flawed. She admits, however, that there is still work to be done in reaching equal pay.

She reminds female attorneys that success at an international law firm is all about relationship building. Businesses are built on relationships, and it's this focus on developing the social skills necessary to obtain and retain new clients, while simultaneously becoming the client's most "trusted business advisor," that keeps you at the top. Russo states that the ability to truly listen to your clients' needs is key to fortifying your client's trust and building the relationship going forward.

When it comes to women having it all, Russo argues that it's possible but says it is important to be mindful that it's a constant juggle. She reminds women to be sensible of the ebb and flow—the scales may tip slightly toward family during some periods and then toward work—but that's OK.



**Melissa Cabral** is an active International Law Section member whose practice in Miami, Florida, focuses on all areas of international law with an emphasis on issues relating to Puerto Rico.

#### Endnotes:

- 1 NAWL 2015 Survey, Report of the Ninth Annual NAWL National Survey on Retention and Promotion of Women in Law Firms <http://www.nawl.org/p/cm/ld/fid=82#surveys>
- 2 <http://statusofwomendata.org/explore-the-data/state-data/florida/>
- 3 <http://www.law360.com/articles/644610/the-best-law-firms-for-female-partners>
- 4 <http://statusofwomendata.org/explore-the-data/state-data/florida/>

## Arbitral Women's Role, from page 9

professional life, considering that every human being has natural inclinations generated by his or her environment and background.

Maria Vicien Milburn, an independent arbitrator, shared brief thoughts about the current status of gender diversity. Citing two articles published by Lucy Greenwood and Mark Baker,<sup>13</sup> she explained that in the first article, in 2012, the authors pointed out that “there has been relatively little comment on the reasons underpinning the lack of gender diversity in international arbitration tribunals; in contrast, there appears to be general acceptance that this is the status quo,” whereas in the second article, in 2015, they noted that “the international arbitration community is becoming less comfortable with that notion and more willing to address the issue.” Milburn pointed to this shift in the international arbitration community's attitude toward

lack of gender diversity from accepting the status quo to becoming willing to address the issue. We are in the midst of a shift in perspectives, but the lack of diversity is due to a multitude of factors: the pipeline leak; an unequal division of responsibility between men and women for child rearing; and part-time work. She concluded by stating that despite the many hurdles, progress has been made and must continue to be made.

Fabiola Medina Garnes, a partner with the firm Medina Garrigo Abogados, referred to Benjamin Davis's work<sup>14</sup> and underlined the existing obstacles relating to colour line, communities, clubs, countries, ethnicities, age and cultural barriers. Perceptions of society toward minorities and women are significantly discriminatory. For instance, mature men are perceived as experienced whereas mature women are perceived as menopausal, men are forceful and women are hysterical, men are



Lumen Photos

## Arbitral Women's Role, continued

assertive and women aggressive. Some minorities are perceived as exotic and unpredictable. Garnes added that bias can undermine respect for other cultures and that taking into account cultural issues in international arbitration is indispensable. For instance, losing face in certain cultures is worse than losing a case. She stressed that women should not be appointed because they are women but because they are good at what they do, commenting that people are mostly hired for what they know and fired for who they are. She recommended that women define their priorities and abide by them, as well as network and communicate more.

Diana Droulers, president of the International Federation of Commercial Arbitration Institutions (IFCAI), pointed to the different ways society educates boys and girls, following stereotypes, and how this unconsciously replicates discrimination that has existed for centuries. Men and women have biological differences and different behaviours, but Droulers questioned whether men and women have that many behavioral differences or if it is the perception of society that is different. She highlighted contrasting media perceptions of ambitious men and women such as Hillary Clinton and Joe Biden, citing a study conducted by Harvard Business School. When Clinton and Biden made the same statement, Clinton was viewed as a "witch," and Biden was perceived as "assertive and strong." Droulers also referred to a 2011 McKinsey report detailing how men were promoted on their potential whereas women were promoted on their past accomplishments, and applied this to gender imbalance in tribunal appointments. Droulers asserted that we are all influenced by social conventions, peer pressure and family expectations. Unconscious bias infiltrates us without us being aware of it.

Ana Carolina Weber, a junior partner with the firm Carvalhosa e Eizirik, Brazil, discussed unconscious bias in the context of younger generations, and the need for doors to remain open to younger professionals, who bring to the arbitration environment different perspectives. She also highlighted the importance of using technology and media to enable practitioners—women and men—to work partly from home in order to manage the needs of spending time with their children.

It was acknowledged during the discussion that a one-size-fits-all approach is inappropriate to overcoming gender bias, and that concerted efforts need to be made by firms to solve the problem of endless working hours so as to achieve a work-life balance. Both women and men need time for their families. Women must not constantly adapt, but must try to change the scenario. If women are convinced of the value of what they are doing, they should do it and persevere.

At a macro-economic developmental level, Eliseo Castineira pointed out that societies in which gender equality is infringed perform very poorly.

Jean-Marie Vuillemin commented that a meeting like the AW Breakfast and Panel Discussion should be mandatory for men. He stated that Froriep is the only law firm in Switzerland with a woman managing partner, and that women have broader perspectives as they "see the world in Technicolor and not in black and white only, like men."

In Klaus Reichert's opinion, the question is about the dignity intrinsic to a person, and any form of discrimination is entirely hostile to that concept. If you have a firm belief in the dignity of humans, he said, all rules, guidelines and initiatives have a much better chance of making this work.

The author commented on two common misconceptions about the ICC in relation to appointing more women and revealing the number of women arbitrators. First, the onus of appointing women arbitrators is not only on institutions (which appoint arbitrators in less than 25% of cases), but rather on all players, especially counsel and parties. Second, statistics were already published in 2013 and 2015<sup>15</sup> and will continue to be published.

The author concluded by stating the positive aspects, which are important to remember, and by praising the initiatives that have drawn awareness to diversity issues. First, it is a victory that these issues are openly discussed and are no longer taboo. Second, speaking about unconscious bias helps in trying to prevent it. Third, there exist several initiatives to overcome the facets discussed by the panel: regarding age, many



## ArbitralWomen's Role, continued

young-practitioners groups have helped in pushing young practitioners onto the stage; women organisations gathering women practitioners such as ArbitralWomen have also contributed to bringing women from backstage to the front stage; today several gender equality pledges are being put in place; and diversity is also an issue discussed, for instance, at the American Bar Association. Therefore, change is possible. Change is taking place, and because much remains to be done, the mission of everyone should be to contribute to make it happen more quickly than in the last thirty years. The longest road starts with the first step. The author stressed that diversity is an economic reality that practitioners should take into account and that it adds value, as everyone contributes something different.

Finally, we can overturn unconscious bias if we are willing to change our process of thinking. As suggested by a few authors, ask yourself what you would need to know before you form an opinion<sup>16</sup> about someone or something, be aware of your way of thinking and take into account the way you go about judging<sup>17</sup> and do not jump to conclusions based on limited information.<sup>18</sup>

**Endnotes:**

- 1 For further information browse [www.arbitralwomen.org](http://www.arbitralwomen.org). ArbitralWomen started in 1993 with a small group of women from around the world who were active in dispute resolution. In 2000, it started to become public and in 2005 was formally incorporated as a nonprofit organization.
- 2 Visit [www.arbitralwomen.org](http://www.arbitralwomen.org) and click on "Newsletters" near the bottom of the page to view ArbitralWomen newsletters.
- 3 <http://kluwerarbitrationblog.com/>
- 4 Member states of the commission are elected. All other states that are not members of the commission, as well as interested international organizations, are invited to attend sessions of the commission and its working groups as observers. Observers are

invited to participate in discussions in the commission and its working groups without the right to vote (see [http://www.uncitral.org/uncitral/en/about/methods\\_faq.html](http://www.uncitral.org/uncitral/en/about/methods_faq.html)).

5 Rashda Rana in an interview with LexisNexis on "Promoting the work of women in the arbitration community," 16 July 2014, [www.lexisnexis.com/uk/lexispsl/arbitration/home](http://www.lexisnexis.com/uk/lexispsl/arbitration/home)

6 ArbitralWomen/TDM Special: Dealing with Diversity in International Arbitration, June 2015.

7 See Louise Barrington's introduction to the AW-TDM Special Issue.

8 Mirèze Philippe, *When Did the Doors to Dispute Resolution Open for Women?*, TDM Special Issue on Diversity, TDM Vol. 12, Issue 4, July 2015.

9 AW-ICC Breakfast and Panel Discussion at the 13<sup>th</sup> ICC Miami Conference "Unconscious Bias in International Arbitration," held on 3 November 2015. The author organized this first joint AW-ICC event.

10 Paul Cohen, *Bytes and Prejudice: Technology as a means to address unconscious bias in arbitration*, *Journal of Technology in International Arbitration (JTIA)*, 57, 2015.

11 Edna Sussman, *Arbitrator Decision-Making: Unconscious Psychological Influences and What You Can Do About Them*, 24 AM. REV. INT'L ARB. 487, 2013, see page 490.

12 See Doak Bishop, *The Quality of Arbitral Decision-Making and Justification*, 6 WORLD ARB. & MED. REV. 801, 2012, and Edna Sussman, *Arbitrator Decision-Making: Unconscious Psychological Influences and What You Can Do About Them*, 24 AM. REV. INT'L ARB. 487, 2013.

13 Lucy Greenwood and Mark Baker, *Getting a Better Balance on International Arbitration Tribunals*, *Arbitration International*, Vol. 28, 2012, and *Is the Balance Getting Better, an Update on the Issue of Gender Diversity in International Arbitration*, *Arbitration International*, Vol. 31, 2015.

14 Benjamin Davis, *The Color Line in International Commercial Arbitration: An American Perspective*, *American Review of International Arbitration*, Vol. 14, 2003.

15 Mirèze Philippe, *When Did the Doors to Dispute Resolution Open for Women?*, TDM Special Issue on Diversity, TDM Vol. 12, Issue 4, July 2015.

16 Daniel Kahneman, *Thinking Fast and Slow*, 2011.

17 Doak Bishop, *The Quality of Arbitral Decision-Making and Justification*, 6 WORLD ARB. & MED. REV. 801, 2012.

18 Edna Sussman, *Arbitrator Decision-Making: Unconscious Psychological Influences and What You Can Do About Them*, 24 AM. REV. INT'L ARB. 487, 2013.



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## The Corner Office: Impressive General Counsel, from page 11

Bristol-Myers Squibb in 1992 as a staff attorney in the litigation department. In 1996, she became assistant counsel and one year later was named associate counsel. In 1999, she was appointed to the position of counsel and corporate secretary. In 2006, she was appointed acting general counsel, and in 2007, she was named general counsel. In 2014, Ms. Leung was named executive vice president.



**Sandra Phillips**  
**Group Vice President, Chief Legal Officer and General Counsel**  
**Toyota Motor North America**

Ms. Phillips oversees Toyota Legal One, the legal services function for Toyota's operations in North America. She is responsible for business

operations support, litigation, intellectual property, regulatory law and legal operations, and for managing representation of Toyota's affiliates in North America. Ms. Phillips is the first African-American woman named to this position. Previously, Ms. Phillips served as vice president and deputy general counsel of Toyota Motor Sales, U.S.A. Inc. Prior to joining Toyota in June 2012, Ms. Phillips was a partner at Morgan, Lewis & Bockius. She was also a senior vice president, associate general counsel and chief litigation counsel at Pfizer Inc. and a managing partner of the Houston office of Shook, Hardy & Bacon.



**Marie Oh Huber**  
**General Counsel**  
**Agilent Technologies Inc.**

Ms. Huber heads a global team of 250 people in a dozen countries. In addition to leading the company's worldwide legal and compliance function, she is responsible globally for oversight of communications, enterprise regulatory affairs and quality assurance for in vitro diagnostics and medical devices, customer contracts and administration and government affairs.



**Laura Stein**  
**General Counsel**  
**Clorox**

Ms. Stein is responsible for the company's worldwide legal, ethics and compliance, corporate secretary, corporate communications, crisis

management, risk management and internal audit matters. Ms. Stein serves on the Clorox executive committee, chairs the Clorox women's employee resource group and co-sponsors the company's social responsibility and enterprise risk management programs. She negotiated acquisitions for Clorox in several countries around the world, ultimately becoming assistant general counsel of regulatory affairs. Ms. Stein left Clorox in 2000 to serve as senior vice president and general counsel of H.J. Heinz Company. She returned to Clorox in 2005.



**Rhonda Ferguson**  
**Vice President, Corporate Security and General Counsel**  
**First Energy Corp.**

Mrs. Ferguson's career highlights include being a partner at Baker & Hostetler LLP and an associate of Thompson Hine LLP. She was admitted to the State Bar Association of Ohio in 1994 and has bar admissions to the United States Supreme Court, United States Court of Appeals Sixth Circuit, United States District Court and Northern District of Ohio.



**Sara Moss**  
**General Counsel**  
**Estee Lauder**

Ms. Moss clerked for the first female African-American district court judge, The Honorable Constance Baker Motley, and worked at Davis Polk & Wardwell and the U.S. Attorney's Office. She became a litigation partner at Howard, Smith & Levin (now Covington & Burling). In 2001, she was general counsel of Pitney Bowes in Connecticut. Before serving as Estee

## The Corner Office: Impressive General Counsel, continued

Lauder's general counsel, she was a general counsel of Pitney Bowes for five years. When recruited, there were fewer than ten female CEOs in the United States.



**Nancy Laben**  
**General Counsel**  
**Booz Allen Hamilton**

Ms. Laben heads the firm's law department, which spans numerous functions including corporate governance, government contract law, employment law, securities law and investigations. She joined Booz Allen from the Fortune 500 engineering, design and architecture company AECOM Technologies, where she was general counsel. At AECOM Technologies, Ms. Laben was responsible for all legal support and led a team of fifty-five attorneys as well as contract advisors and outside counsel. She previously served as deputy general counsel at Accenture where she held senior positions supporting Accenture's U.S., Europe and Asia business, and prior to Accenture, she served in the law department at IBM Corporation.



**Susan L. Lees**  
**Executive Vice President and**  
**General Counsel**  
**Allstate Insurance Co.**

Ms. Lees is a member of Allstate's senior leadership team as well as president of the board of directors for the Riverside Foundation. During her extensive tenure at Allstate, Ms. Lees has led a multitude of complex initiatives, including mergers and acquisitions such as the company's purchase of American Heritage Life Insurance Company. As the leader of the corporate law division of Allstate's law and regulation department, Ms. Lees gained extensive experience working with a number of business areas throughout the corporation.



**Christine M. Castellano**  
**Senior Vice President, General**  
**Counsel, Corporate Secretary**  
**and Chief Compliance Officer**  
**Ingredion Incorporated (\$6.5**  
**billion NYSE company)**

Ms. Castellano is responsible for the worldwide management of the company's legal affairs. She provides advice and counsel to the company's board of directors, officers and management, and she directs activities of internal and outside legal counsel around the world. A former litigator, Ms. Castellano has been involved with numerous litigation matters, including a NAFTA Chapter 11 dispute with Mexico, and complex environmental matters in jurisdictions around the world.



**Elisa D. Garcia**  
**Executive Vice President and**  
**Chief Legal Officer**  
**Office Depot Inc.**

Ms. Garcia is responsible for managing legal, regulatory, compliance and government affairs matters for the company worldwide as well as the loss prevention function. Additionally, she serves as general counsel and secretary for the company. Previously, Ms. Garcia served as executive vice president, general counsel and corporate secretary for Office Depot. Prior to joining Office Depot, she was executive vice president, general counsel and corporate secretary for Domino's Pizza Inc. in Ann Arbor, Michigan. Earlier in her career, she served as Latin American regional counsel for Philip Morris International and corporate counsel for GAF Corporation. Ms. Garcia began her legal career as a corporate associate with Willkie, Farr & Gallagher in New York.

## The Corner Office: Impressive General Counsel, continued

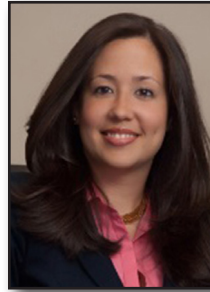


**Chelsea A. Grayson**  
**General Counsel**  
**American Apparel**

Ms. Grayson has more than 15 years of experience in private practice as a corporate attorney with Jones Day and Loeb & Loeb, where she was a partner in the corporate groups of both firms. Her experience includes private placements of equity and debt securities for public and private companies, joint ventures and strategic alliances, and mergers and acquisitions for clients in a variety of industries, including retail.

It is gratifying to note that this list is not exhaustive. In 2006, the National Association of Women Lawyers challenged corporations to double the number of women serving as general counsel from 15% to 30% by 2015. Corporations did. And the result is an amazing pool

of talent with diverse backgrounds making businesses stronger and better equipped to compete globally.



**Clarissa A. Rodriguez, Esq.**, is an associate at Salcedo Attorneys at Law PA, with a focus on international cross border investments, corporate and real estate transactions.

**Endnotes:**

- 1 American Bar Association, A Current Glance at Women in the Law, americanbar.org, page 2 (July 2014), available at <http://www.americanbar.org/groups/women/resources/statistics.html>
- 2 Sue Reisinger, Top Women Lawyers in the Fortune 500, corporatecounsel.com (18 March 2014), available at <http://www.corpcounsel.com/id=1202647358761/Top-Women-Lawyers-in-theFortune-500>
- 3 <http://www.natlawreview.com/article/women-house-counsel-achieve-success>

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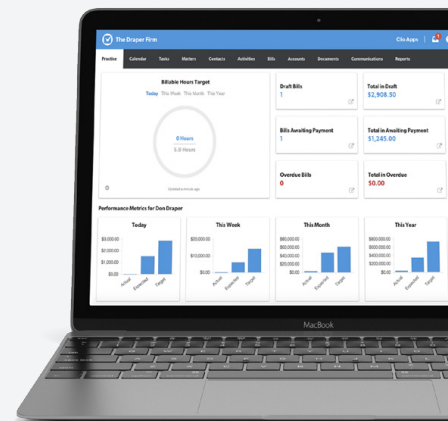
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## The Inter-American System, from page 13

Colombia and Argentina have ruled that the judgments of the Inter-American Court are binding upon state authorities, including members of the judiciary.

The Inter-American Court, whose seven judges do not live permanently at its seat in Costa Rica, carries out its daily functions through its Secretariat. As a senior coordinating attorney at the Inter-American Court, the author is charged with directing and supervising one of the Secretariat's nine legal teams. These teams, made up of lawyers, legal assistants, visiting professionals, interns and secretaries, are tasked with drafting judgments and resolutions for the judges of the court. The legal teams do not serve any one judge as law clerks do in the United States, but are assigned a case load and advise the rapporteur judges for those cases, as well as the plenary of the court.

In order to draft judgments and resolutions, which often include a wide range of legal issues, the court's legal teams research international law, reviewing the judgments of other international courts, such as the European Court of Human Rights and the ICTY, the statements and cases of UN bodies and the laws and jurisprudence of the high courts of OAS member states, comparing trends in judicial opinion. The court's teams

are also tasked with studying the evidence in the case files and informing the judges on their findings so that the judges may decide on the issues under review. The court's legal staff also assists its judges during on-site visits to states for the purpose of gathering evidence, and is charged with organizing the court's public and private hearings, both in San Jose and elsewhere in the region.

The court's attorneys also fulfill other roles. For instance, they routinely lecture in seminars and trainings aimed at ensuring that state authorities such as judges, prosecutors and military and other security officials are aware of international human rights standards and can apply these standards in their work. They are also often asked to speak at universities and other forums organized by civil society, in order to educate various groups on their rights under the Inter-American System.



**Julie Diane Recinos** is a senior coordinating attorney at the Inter-American Court of Human Rights, where she has worked since 2008. She holds a BA in history and political science magna cum laude from the University of Florida and a JD cum laude from the University of Notre Dame.



Jiri Floegel

### Endnotes:

<sup>1</sup> Fortunately, the drafters of later human rights instruments incorporated more gender-neutral language into their proposals.

<sup>2</sup> See I/A Court H.R., Interpretation of the American declaration of the Rights and Duties of Man within the Framework of Article 64 of the American Convention on Human Rights. Advisory Opinion OC-10/89 of 14 July 1989. Series A No.10, paras. 33-34.

<sup>3</sup> The United States deposited its instrument of ratification at the General Secretariat of the OAS on 19 June 1951. The United States has signed the American Convention on Human Rights, but it has not ratified the treaty.

<sup>4</sup> Article 106 of the Charter of the OAS.

<sup>5</sup> Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, the Dominican Republic, Suriname and Uruguay.

## Progress for All, from page 15

“have to be realistic about [our] choices . . . We need to recognize that we can’t do it all, that we face trade-offs every single minute of the day. We have to stop beating ourselves up for not doing everything perfectly.”<sup>9</sup> Behind every successful leader are supportive partners and networks to help a woman face the challenges of often wearing many hats (mother, wife, daughter, etc.) while striving to achieve a work-life balance.

What use is a career path for female executives if no one follows it? Women need to seek professional development programs, with both female-only and mixed-gender participants, to help cultivate leadership and management qualities. Through programs designed to empower women with tools to become effective global business leaders, such as the Smith-Tuck Global Leaders for Women Program hosted by Dartmouth and Harvard’s Women’s Leadership Forum, participants gain invaluable insight to drive personal and professional performance, to foster innovation and to gain a competitive advantage.

One of the largest hurdles for women on their career path is a lack of mentors. This may be the single most significant factor as to why some women never advance to a leadership or executive position. The benefit of having mentors and sponsors is immeasurable. Not only do they provide support on numerous levels, but they also can make valuable introductions to other networks and introduce new opportunities.

Even with all of the available resources, the current status of women is not going to change if the current lack of awareness and inaction persist. Sandberg commented that “if we start acknowledging what the real issues are, we can solve them. It’s not that hard.” Change can happen within our lifetime if we each play our part in breaking the cycle. The individual can be a powerful being.

We cannot fulfill 100% of the world’s potential by excluding 50% of the world’s people. The evidence is clear: equality for women means progress for all. — UN Secretary General Ban Ki-moon



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**Rebekah J. Poston** is a partner at Squire Patton Boggs (US) LLP and focuses her practice on defending complex domestic and international white collar criminal cases. Prior to entering private practice, she served as assistant U.S. attorney with the U.S. Attorney’s Office in Miami, Florida, and as a special attorney with the Department of Justice’s Organized Crime and Racketeering Section in Cleveland, Ohio.

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## Microfinancing, from page 17

entrepreneurial women-owned businesses through educational events, networking and microfunding.

**Pro Mujer**

Women who are unable to procure credit for their businesses often are discouraged from seeking medical care due to the high cost of losing income by taking time away from work. Many of these women are the heads of their households, caring for multiple children and other family members, and struggling for the most basic necessities. Pro Mujer is an organization that recognizes the struggles these women face, primarily in Central and South America, and works to provide funding, medical care and training for women. Pro Mujer is unique in providing this holistic method of financing combined with health care and education.

Pro Mujer acts as a women's development organization, and in that capacity it provides services to more than a quarter of a million struggling Latin American women. Pro Mujer provides a variety of services to assist these women, such as financial services, life-saving preventive health care, education and business training. In providing these services, Pro Mujer helps women transform their lives by providing avenues of advancement that otherwise would not be available.

Latin America has one of the highest rates of gender inequality and income disparity in the world.<sup>5</sup> Women in Latin America experience poverty at higher levels than men, and more than half of Latin American women are not part of the formal labor force.<sup>6</sup> Women do 70% of the world's work and earn only 10% of the income.<sup>7</sup> Women own one-third of all private businesses and earn only 1% of corporate and government procurement spend.<sup>8</sup> Pro Mujer focuses on alleviating these concerning discrepancies by helping Latin American women access training, manage their health and start new businesses that provide the independent income they need to create a pathway out of poverty. With locations in New York, Nicaragua, Mexico, Peru, Bolivia and Argentina, Pro Mujer's influence spreads across all of the Americas. Through its business and empowerment training, Pro Mujer provides workshops that empower women with the knowledge and training

necessary to become economically independent and to grow confident in their abilities.

In Mexico, one great example of Pro Mujer's impact is Arely Pavon Torres. Ten years ago, Torres was in the grips of an abusive marriage with no means of gaining independence from her husband.<sup>9</sup> She was dismayed by the example she was setting for her two young daughters and by the violence they witnessed. After enduring her abusive relationship of twenty-three years, Torres fled from her home with her children. She took to the streets to sell candy, but often returned home with barely enough money for milk or school transportation for her children. With a US\$300 loan from Pro Mujer, Torres was able to install a greenhouse where she could cultivate plants and paint flowerpots, vastly expanding her capacity for production. With her next loan, she bought more raw materials and developed new varieties of decorative plantings. With another loan, she started creating larger plantings for hospitals and offices, and won regional accounts with major stores, such as Costco.<sup>10</sup>

Torres used her profits and financing from Pro Mujer to attend courses to develop her skills, such as organic gardening and environmental design. She was able to purchase a means to bring her products to market and to broaden her customer base by establishing a storefront. Most important, Torres's success as an entrepreneur enabled her to make improvements to her home, allowing her daughters to focus on their studies instead of their basic safety. Her oldest daughter is now in university studying chemistry, and her youngest is in high school. Torres plans to renovate her store and to support fellow artisans by selling their products.

Last spring, Torres was chosen by her peers and senior staff as the Pro Mujer client in Mexico who had achieved the most personal and financial growth and had become an agent of change in her community. Torres took to the stage before 180 of her fellow entrepreneurial leaders to accept her award at Pro Mujer's Client Leadership Day.<sup>11</sup> The conference brought together some of Mexico's most successful business owners to share ideas and to attend presentations on savings and investment

## Microfinancing, continued



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strategies, insurance and balancing work and family. Sponsorship for the event came from longtime partners Whole Planet Foundation and actress Salma Hayek, who initiated a challenge grant through Chime for Change, Gucci's global campaign for women's empowerment.

"Pro Mujer gave me the opportunity to know that I can do anything anytime I set myself the goal," Torres said during her acceptance speech. "The first step to being successful is to dare."<sup>12</sup>

Currently, Pro Mujer delivers its services through 26,570 communal banks and operates 164 centers across the Central and South American region.<sup>13</sup> By promoting gender equality in Latin America, Pro Mujer operates to raise women out of poverty by focusing on women-owned businesses.

The isolated women of the Uros Islands on Lake Titicaca in Peru, and their lack of resources from the mainland, inspired Zelma Acosta-Rubio<sup>14</sup> to join Pro Mujer almost a decade ago.<sup>15</sup> Acosta-Rubio is proud that Peru has become a success story for female entrepreneurs, thanks largely to the efforts of Pro Mujer in providing funding, education and health care for their clients. She reports that abusive relationships with men are a main issue that precludes women from reaching their full potential in Peru. Pro Mujer's unique business

model provides a group setting that helps women overcome the family constraints some face in a macho abusive society.<sup>16</sup>

Pro Mujer uses microfinancing to fund communal banks, formed by client groups of Pro Mujer comprising approximately twenty women who guarantee one another's loans. They name their group and elect a president, a secretary and a treasurer for the duration of a loan cycle. Each client works closely with a credit officer to develop an informal business plan showing how she will invest her first loan, typically US\$100.

Once loans are disbursed, communal bank members meet every two weeks for two hours to participate in capacity-building programs given by Pro Mujer's credit officers and to make payments toward their loans. In the event that one member cannot make a payment, the group covers the difference. The shared responsibility and camaraderie fostered by communal banks, combined with the supportive learning process of Pro Mujer's programs, creates a powerful support system. The average client repayment rate is more than 96% across all five countries where Pro Mujer operates, underscoring the effectiveness of peer group guarantees.

Microfinancing is an essential pillar of Pro Mujer, helping to empower Latin American women business owners. Pro Mujer has helped more than two million women since it was founded twenty-five years ago.<sup>17</sup> One of the many outstanding women is Adela from Peru.<sup>18</sup> She joined Pro Mujer when she was 22 years old. She lives on a small island made by hand with totora reeds. It is one of nearly one hundred such islands that make up the Uros Islands located on Lake Titicaca, which, at an altitude of more than 12,500 feet, is one of the highest lakes in the world. Prior to joining Pro Mujer, Adela had no income of her own and was dependent upon her family. Through a small loan of US\$75, and by applying everything she learned at Pro Mujer's business



## Microfinancing, continued

and empowerment training sessions, Adela was able to transform her life by creating a small artisan business selling craft items such as mobiles. Adela is now a proud business owner, thanks to Pro Mujer.<sup>19</sup>

While Peru is one of the best countries for female entrepreneurs in Latin America, microfinancing in the country assists women entrepreneurs and business owners in growing their businesses, thus stimulating job creation.<sup>20</sup> In 2008, 98% of all businesses in Peru were micro and small enterprises (MSEs), over 40% of which were owned and operated by women.<sup>21</sup> Microfinancing helps to alleviate the problems these women face in gaining additional funding for their business ventures. Pro Mujer addresses the other issues these women face in the form of education and training, giving them the resources they need to succeed.

### WEConnect International

WEConnect International is another organization that uses microfinancing to empower women-owned businesses. WEConnect helps women-owned businesses succeed in global value chains by identifying, educating, registering and certifying women's business enterprises based outside of the United States that are at least 51% owned, managed and controlled by one or more women, and then connects them with multinational corporate buyers. With the goal of creating a world in which women have the same opportunity as men, WEConnect International empowers women to design and implement business solutions that create wealth and ensure the sustainable prosperity of their communities. The company works to raise awareness by educating the public about women business owners who are key players in global economic development and sustainability among corporate citizens globally. It also trains women business owners in techniques that will allow them to scale their operations and sell successfully to major regional and global corporations. Finally, WEConnect breaks down the barriers that prevent women business owners from thriving by helping them to gain access to growth opportunities with major regional and global corporations.

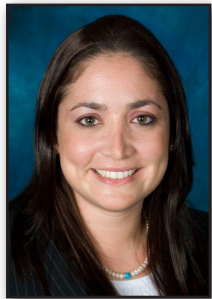
### Conclusion

Over the last few decades, microfinancing programs have directed their efforts to targeting disadvantaged women. Not only have women benefited exponentially from the aid of microfinancing—arguably more so than their male counterparts—but they have also been more reliable in paying back micro lenders. The poverty-ridden locations targeted by microfinancing institutions have traditionally been male-centered societies. With the advent of microfinancing and the subsequent goal of specifically focusing on women, gender equality has gained momentum in these historically male-governed locations. By gaining access to financial assistance through microfinancing, women have improved their status within their families and their homes, empowering them with societal roles that were previously unseen in these locales. Women in these areas now have the ability to own assets, including land, achieving a stronger influence within their societies. Their ability to obtain vehicles to facilitate transportation has also assisted in added visibility throughout their communities—breaking social norms and stigmas, thereby helping to propel women's rights further. Women's ability to start their own businesses and to play a greater role in the financial development of their communities has also added a cultural richness that has only recently been seen, thanks to the assistance of microfinancing entities and their women-friendly endeavors. In addition to providing new avenues for gender equality and societal influence, microfinancing empowers women to support their families and to provide safe and reliable households.



**Alexa Battisti** is completing her law degree at St. Thomas University in Miami, Florida, while working as a law clerk for Diaz Trade Law. She has over ten years of experience as a paralegal and law clerk with various law firms throughout South and Central Florida. She is actively involved with animal philanthropy, fostering for Dade County Animal Services and co-founding the rescue group Battisti's Furry Friends with her sister Niccole.

## Microfinancing, continued



*Jennifer Diaz is the founding partner at Diaz Trade Law ([www.diaztradelaw.com](http://www.diaztradelaw.com)). A board certified international attorney, professor and professional speaker, she is considered an expert in international law by The Florida Bar. She is proud to be part of an elite group of board certified*

*international attorneys in Florida specializing in customs and international trade law. She is a South Florida native, and earned the B.S. at the University of Miami and a law degree at Nova Southeastern University. She is also involved in animal philanthropy, annually participating in the Walk for the Animals for the Humane Society of Greater Miami for the last six years. Additionally, she is the executive vice president/president-elect of OWIT, the Organization of Women in International Trade.*

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- 13 <http://promujer.org/who-we-are/>
- 14 Zelma Acosta-Rubio is a senior executive trained in law and experienced in project finance, corporate governance, compliance and risk dynamics, retail banking, consumer protection, in-house legal team innovation and customer centricity. In April 2007, she joined the executive management team of Interbank as general counsel and board secretary. Interbank is Peru's fourth largest bank with approximately \$11.3 billion in total assets. Acosta-Rubio is also responsible for overseeing Interbank's CSR integrated strategy.
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## Case Review, from page 19

dictates responsibility for torture, summary execution or disappearance to the persons who actually committed the acts, *and* persons “with higher authority who authorized, tolerated or knowingly ignored those acts is liable for them.” *Id.* at 1332.

In the *Cabello Barrueto* opinion, Judge Lenard carefully reviewed various international agreements, including but not limited to Article I of the International Criminal Tribunal for the former Yugoslavia. In sum, Judge Lenard held that “principles of conspiracy and accomplice liability are well established in customary international law, set forth in all of the sources discussed above. The ATCA [(Alien Tort Claims Act)] is the legal means by which individuals who violate well-established international law may be held liable in United States courts.” *Id.* at 1333.

In 2002, Judge Patricia Seitz for the U.S. District Court for the Southern District of Florida ruled on a motion to dismiss filed in connection with a complaint asserting a

claim of international law violations. In *Rosner v. United States*, 231 F.Supp.2d 1202 (2002), plaintiffs brought a class action on behalf of Hungarian Jews who allegedly had personal property and valuables stolen by the pro-Nazi Hungarian government during World War II. The plaintiffs argued that the United States Army’s seizure of said property was a violation of conventional and customary international law. *Id.* at 1204. In response, the U.S. Government argued in part that Congress has not waived sovereign immunity for claims based on conventional and customary international law. *Id.* at 1209.

According to Judge Seitz, the Tucker Act does not act to waive sovereign immunity for claims based on international law violations because a claim based on international law does not fall within the terms of the Tucker Act. *Rosner*, 231 F.Supp.2d at 1210-11. The ATCA, which gives federal courts jurisdiction over tort claims brought by aliens for violations of international law, does not waive sovereign immunity. *Id.* at 1210. Judge Seitz



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## Case Review, continued

did find, however, that the Administrative Procedure Act (APA) can, in fact, waive sovereign immunity for international law claims if the plaintiffs are seeking the non-monetary relief of accounting and return of property. *Id.* at 1212. According to Judge Seitz, in order to effect such a waiver, the plaintiffs must show that the army's actions were not pursuant to the military-authority sovereign immunity exclusion included within the APA. *Id.* at 1218.

In *Saperstein v. The Palestinian Authority*, 2006 WL 3804718 (S.D. Fla. 2006), Judge Seitz analyzed the history and historical interpretation of the Alien Tort Statute and some of its terms, including but not limited to the *law of nations* and *customary international law*. According to the opinion, the law of nations refers to customary international law. *Id.* at 4. Customary law, in turn, is discerned from decisions made in a variety of international and domestic arenas, and it must be interpreted "as it has evolved and exists among the nations of the world today." *Id.* Judge Seitz noted a trend of finding that certain conduct violates the law of nations whether committed by a state or a private actor. *Id.* at 6. Judge Seitz held that the plaintiffs in this case did not sufficiently allege a violation of the law of nations because simply murdering an innocent person during an armed conflict anywhere in the world is not sufficient for purposes of the Alien Tort Statute. *Id.* at 8.

In 2007, in *United States v. Emmanuel*, 2007 WL 2002452 (S.D. Fla. 2007), Judge Cecilia Altonaga<sup>1</sup> for the U.S. District Court for the Southern District of Florida looked at sources of constitutional authority for the Torture Convention Implementation Act. This *Emmanuel* case is actually the first time the Torture Act was used for a criminal prosecution. *Id.* at 4. In reviewing Article I of the Constitution, Judge Altonaga analyzed the distinction between the law of nations (i.e., customary international law) and the concept of *jus cogens*. *Id.* at 9. Customary law, which is derived solely from the consent of states, can ultimately become a *jus cogens* norm. The prohibition against torture has attained this status. According to Judge Altonaga, "[t]he Torture Act also finds constitutional protection as a law enacted by Congress to punish offenses against the law of nations." *Id.* at 10.

In *In re West Caribbean Airways, S.A.*, 619 F.Supp.2d 1299 (2007), Judge Ursula Ungaro of the U.S. District Court for the Southern District of Florida analyzed whether the doctrine of *forum non conveniens* can be considered in a case arising under the Montreal Convention. Judge Ungaro found that "since the doctrine of *forum non conveniens* was firmly entrenched in the procedural law of the United States by the time the Montreal Convention was drafted, the text by implication clearly permits the application of the doctrine in domestic litigation." *Id.* at 1310. Judge Ungaro noted that this construction is consistent with international law because the procedural rules of the forum call for the government's implementation of the treaty in that state, unless there is a "clear and express statement to the contrary." *Id.*

In 2009, Judge Kovachevich for the U.S. District Court for the Middle District of Florida wrote the opinion in *Tomas-Gostas v. United States*, 2009 WL 3232165 (M.D. Fla. 2009). In finding that the Maritime Drug Law Enforcement Act's requirement that a vessel be subject to United States' jurisdiction actually defines the United States' extraterritorial jurisdiction rather than the federal courts' subject matter jurisdiction, Judge Kovachevich carefully explained the five theories of extraterritorial criminal jurisdiction recognized under international law. *Id.* at 4, n.2. These theories include the theory that the territorial principle of international law includes acts occurring outside a nation's borders that have effects within a nation and the theory that some crimes are so universally condemned that the perpetrators of these crimes are enemies of all. Since there is evidence that drug trafficking is universally condemned, the universal jurisdiction principle of international law is implicated. *Id.*

In *United States v. Stirling*, 2012 WL 1200402 (S.D. Fla. 2012), Judge Altonaga emphasized that the Eleventh Circuit Court of Appeals has consistently refused to read a jurisdictional nexus into the Maritime Drug Law Enforcement Act. In discussing the requirement under international law that the U.S. Coast Guard obtain the Canadian government's consent prior to boarding and searching a Canadian-registered vessel suspected of

## Case Review, continued

illegal drug trafficking, Judge Altonaga emphasized that the consent requirement is a courtesy to neighbor states and not to drug smugglers. *Id.* In support of her holding, Judge Altonaga reviewed a 2003 opinion from the 11<sup>th</sup> Circuit Court of Appeals, which discussed how the protective principle of international law allows Congress to assert extraterritorial jurisdiction over vessels in the high seas engaged in conduct that has a “*potentially* adverse effect and is generally recognized as a crime by nations that have reasonably developed legal systems.” *Id.* at 4.

In *Garcia v. Chapman*, 911 F.Supp.2d 1222 (S.D. Fla. 2012), Judge Altonaga dealt with a number of issues involving international law. With respect to claims asserted under the Alien Tort Statute, Judge Altonaga stated that private criminal activity rarely violates customary international law because there is a lack of mutual legal concern. Judge Altonaga also discussed the two elements of customary international law in 1789: (1) the general norms existing in the executive and legislative domains that governed a state’s behavior with another state; and (2) law made by judges that regulated the conduct of persons situated outside of domestic borders. *Id.* at 1233. Further, in the Eleventh Circuit, “a plaintiff may assert secondary liability against individuals who conspired with or aided and abetted the perpetrators of the violations of the law of nations even when such individuals did not personally commit violations of the law of nations.” *Id.* at 1234.

Judge Altonaga found that the plaintiffs in this case had sufficiently alleged that the Cuban government violated the law of nations. In connection with justiciability, Judge Altonaga found that the plaintiffs’ claims did not require the court to render judgments relating to policies, past

or present, of the United States toward Cuba. *Garcia*, 911 F.Supp.2d at 1241-42. Therefore, there were no nonjusticiable political questions presented. Finally, the court analyzed the act of state doctrine and principles of international comity, neither of which were found to bar the plaintiffs’ claims. *Id.* at 1243. For example, a jus cogens norm, like the right to be free from official torture, is exempt from the act of state doctrine. *Id.*

In conclusion, women have long contributed to the social, cultural and legal fabric of the state of Florida. As exemplified by the cases above, female judges in particular have tackled significant and far-reaching issues of international law arising in state and federal courts in this state. Florida and the rest of the world can continue to expect such opinions as customary law norms evolve and other issues of international law arise.



**Alisa P. “Paige” Mason** is a federal contractor at the U.S. Department of Justice in Washington, D.C. Before moving to D.C., she attended the University of Miami School of Law and worked as an associate in the Miami office of Berger Singerman LLP. She is a board member of

the 11<sup>th</sup> Judicial Circuit Historical Society and enjoys writing about international law, the intersection of law and history, and international traveling. The opinions expressed in this article are her own and do not reflect those of the U.S. Government or FSA, LLC.

**Endnote:**

1 Judge Altonaga is the first Cuban-American woman to be appointed as a federal judge in the United States.

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## Gender Equality, from page 21



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revolution, women made up only 5% of university graduates and 12% of the work force.<sup>26</sup> Today, Cuban women enjoy greater access to higher education, employment in all fields and equal pay for equal work. In fact, now more than 80% of all university students and nearly 68% of university graduates in Cuba are women. In contrast, in the United States, 57% of earned bachelor's degrees are earned by women.<sup>27</sup>

### Women at Work

Before the revolution, 13.7% of women aged fourteen and above worked outside the home without pay, and as many as one-third were employed as domestic servants.<sup>28</sup> Today, women in Cuba make up 66% of the labor force and 70% of professionals; however, women remain in the minority of traditionally "male" professions.<sup>29</sup> Curiously, traditionally "male" professions in Cuba include science, engineering, information technology and mathematics, and exclude medicine, education and law.<sup>30</sup> Nearly 70% of health care workers (including doctors), 80% of the education work force and surprisingly, 66% of all lawyers and judges in Cuba are women.<sup>31</sup> In contrast, women practicing law in the United States were recently estimated as only slightly more than one-third of the entire legal work force.<sup>32</sup> Women lawyers in the United States are seldom found in top positions, making up only one-fifth of law firm partners, general counsel of Fortune 500 companies

and law school deans.<sup>33</sup> One reason women dominate the legal field in Cuba is because Cubans perceive careers in law as "helping" professions that are better suited for women.<sup>34</sup> The legal profession in Cuba is also not as highly esteemed as it is in the United States, nor does it require comparable study.<sup>35</sup>

### Women in Public Leadership

Another interesting paradox is the number of Cuban women participating in public leadership. Sixty-five percent of Cuba's mayors and provincial governors are women.<sup>36</sup> Cuban women also make up roughly 43.6% of the 614-member unicameral legislature, an impressive figure compared to women's representation in the 114<sup>th</sup> U.S. Congress, which is only 19.4%.<sup>37</sup>

### Training for Careers in Law

Cubans do not choose a career in law.<sup>38</sup> Law students are selected based on performance scores on a post-high-school national exam administered by the government.<sup>39</sup> Scores, as well as gender, determine placement.<sup>40</sup> Those with an aptitude for law typically begin the five-year legal program at eighteen years of age.<sup>41</sup> Women typically make up 80% of the student body studying law.<sup>42</sup>

The legal education is free, but after passing the bar exam, new lawyers are required to perform three years of public service to repay their education, followed by another three years of service working as either an assistant prosecutor, in a law collective giving free legal advice, in the field of tourism or training to become a law professor.<sup>43</sup> Students at the top of the class are placed in the prosecutor's office, and those at the bottom of the class become judges;<sup>44</sup> however, for everyone who completes the program, passes the bar and serves for six years, a guaranteed position practicing law in Cuba awaits.<sup>45</sup>

The practice of law in Cuba is divided into the judiciary and three practice areas. The prosecutor's office handles matters in criminal law; a corporate law firm called the

## Gender Equality, continued

International Legal Consultancy deals with Cuban-owned companies, import/export and tourism; and the national organization of Collective Law Offices in Cuba works with the largest of law firms called *Bufete Especializado (BES)* consisting of approximately 1,600 lawyers. This last group is responsible for assisting Cuban citizens with family, criminal, personal injury and estate matters.<sup>46</sup> Regardless of the legal practice area chosen, a Cuban lawyer's salary is roughly US\$25 per month.<sup>47</sup>

**Conclusion**

Women have come a long way since the pre-revolution days. Yet Cuba is still largely a patriarchal society. While women have enjoyed greater access to education and employment, domestic responsibilities continue to be considered "woman's work," creating a "double day" with women expected to work inside the home as much as in the workplace. With the rise of women to positions of leadership in politics, education and law, there is hope for future gains in gender equality, especially as Cuba moves closer to a free market economy.



Photo by Vickie Vaughan, Nashville

**Karin Paparelli** is a law clerk at Weber, Crabb and Wein in St. Petersburg, Florida, and will graduate from Stetson University College of Law with a concentration in international law in December 2015. Prior to law school, she worked in investment banking, franchising and the music business.

**Endnotes:**

1 *Women's Work: Gender Equality in Cuba and the Role of Women Building Cuba's Future*, 2011, CENTER FOR THE DEMOCRACY IN THE AMERICAS, see <http://www.democracyinamericas.org/cuba/cuba-publications/womens-work-gender-equality-in-cuba-and-the-role-of-women-building-cubas-future/> [hereinafter *Women's Work*].

2 *Id.*

3 Luisita Lopez Torregrosa, *The Cuban Woman, A Rising Power*, 9 June 2015, WOMEN IN THE WORLD IN ASSOCIATION WITH THE NEW YORK TIMES see <http://www.caribbeandigitalnetwork.com/the-cuban-woman-a-rising-power/> [hereinafter Torregrosa].

4 *Id.*

5 *Women's Work* at 4.

6 Torregrosa *supra* note 3; *Women's Work* at 21.

7 *Women's Work, supra* note 1 at 32.

8 *Id.* at 22, 27-29.

9 *Id.* at 22.

10 *Id.* at 21.

11 *Id.*

12 *Id.* at 22.

13 *Id.* 23.

14 *Id.* at 21.

15 *Id.* at 23.

16 *Id.* at 28-29.

17 *Id.*

18 *Id.*

19 *Women's Work, supra* note 1 at 3; AAUW, *Gender Equality and the Role of Women in Cuban Society*, February 2011 AMERICAN ASSOCIATION OF UNIVERSITY WOMEN, see [www.aauw.org/files/2013/01/Cuba\\_whitepaper.pdf](http://www.aauw.org/files/2013/01/Cuba_whitepaper.pdf) [hereinafter AAUW].

20 Torregrosa, *supra* note 3.

21 *Women's Work, supra* note 1 at 33.

22 AAUW, *supra* note 19 at 2.

23 *Id.*

24 *Id.* at 3.

25 Torregrosa, *supra* note 3.

26 *Id.*

27 AAUW *supra* note 19 at 4-5, statistics taken in 2008.

28 *Women's Work, supra* note 1 at 16.

29 AAUW, *supra* note 19 at 3.

30 *Id.*

31 *Id.*

32 Deborah L. Rhode, *Law is the least diverse profession in the nation. And lawyers aren't doing enough to change that.* 27 May 2015 THE WASHINGTON POST, see <https://www.washingtonpost.com/posteverything/wp/2015/05/27/law-is-the-least-diverse-profession-in-the-nation-and-lawyers-arent-doing-enough-to-change-that/>

33 *Id.*

34 AAUW, *supra* note 19 at 3.

35 *Id.*

36 Torregrosa, *supra* note 3.

37 Jennifer E. Manning and Ida A. Brudnick, *Women in Congress, 1917-2015: Biographical and Committee Assignment Information, and Listings by State and Congress*, 1, 27 April 2015, Congressional Research Service, see <http://fas.org/sgp/crs/misc/RL30261.pdf>; Not including delegates, women hold 84 (19.3%) seats in the House of Representatives and 20 (20%) seats in the Senate, totaling 104 (19.4%) of the 535 voting seats in the 114<sup>th</sup> Congress. Including delegates, that percentage rises to 20%.

38 Steven M. Harper, Esq., *Op-Ed: Here's What One U.S. Lawyer Learned About Cuba's Legal System*, 10 November 2015, CUBA JOURNAL [hereinafter Harper].

39 *Id.*

40 *Id.*

41 Bench and Bar of Minnesota, *Cuba's Legal Composite: A Blend of the Familiar and the Foreign*, 11 January 2012, <http://mnbenchbar.com/> [hereinafter Bench and Bar].

42 *Id.*

43 *Id.*

44 Harper, *supra* note 38.

45 Bench and Bar, *supra* note 41.

46 *Id.*

47 *Id.*

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