



LOS ANGELES COUNTY BAR ASSOCIATION
International Law Section

E-Newsletter, November 2013

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International Law Section News and Calendar of Upcoming Events.....

- International Weekend Lunch, November 23, 2013, at 12:00 p.m. at Traktir, 8151 Santa Monica Blvd, West Hollywood, Los Angeles, CA.....
- Philippines General Consul Lunch, December 4, 2013 at 12:00 p.m. at Palm Restaurant, West Hollywood, CA.....
- End-of-the-Year Celebration, December 11, 2013 at 7 p.m. at Mari Vanna Restaurant, 8475 Melrose Place West Hollywood, CA.....
- Executive committee monthly meetings take place the second Wednesday of every month. The next scheduled Executive Committee meeting will take place at 6:00 p.m. on December 11, 2013, at Mari Vanna Restaurant, 8475 Melrose Place West Hollywood, CA

International Legal Updates

- *Valenzuela v. Michel* (9th Cir. 2013) --- F.3d ----, 2013 WL 6038240. The court affirmed the district's court denial of a mother's petition under the Hague Convention on the Civil Aspects of International Child Abduction for the return of her children to Mexico. The court found that twin children should not be taken from U.S. to their mother in Mexico because both parents clearly (1) planned to raise them in U.S., (2) had a "shuttle custody" arrangement in which the children had split their time between Mexico and the US, and (3) the father also could have prevailed on the basis that he and the mother shared a settled intention to abandon Mexico as the children's sole habitual residence.
- *Urooj v. Holder* (9th Cir. 2013) --- F.3d ----, 2013 WL 5928264. Pakistan woman maintains asylum status despite lies in application because immigration authorities committed mistakes during her removal proceedings. Ninth Circuit granted petition for review of an order of the Board of Immigration Appeals' (BIA) dismissing their appeal from a final order of removal.
- *Tobar v. United States* (9th Cir. 2013) 731 F.3d 938. The US Court of Appeals for the Ninth Circuit ruled that the United States is liable for damages to an Ecuadorian fishing vessel incurred during a search of that vessel by members of the US Coast Guard for illegal drugs. The boarding had been authorized by the Ecuadorian Government on the condition that, if no drugs were found, compensation was to be paid to the owner for any damages to the vessel resulting from the boarding and search. Claims by individual crew members, though, were not addressed by the Ecuadorian authorization and were thus barred by the discretionary function rule. Reciprocity with Ecuador existed for purposes of federal government's waiver of sovereign immunity under Public Vessels Act.
- *Yaman v. Yaman* (Sept. 11, 2013) 730 F.3d 1. Divorced father who had been granted custody of the parties' two children by Turkish court petitioned for return of the children from mother in the United States, pursuant to Hague Convention on the Civil Aspects of International Child Abduction. Father appealed the decision of U.S. District Court for the

District of New Hampshire declining to return children. The Court of Appeal affirmed the District Court's decision among others on the grounds that as a matter of first impression, one-year period associated with the "now settled" defense under Hague Convention was not subject to equitable tolling and that the Hague Convention does not prevent district court from ordering return of "now settled" children.

- *In Re Temple of Preah Vihear (Cambodia v. Thailand)* (Cambodia v. Thailand) - Judgment of 11 November 2013 *International Court of Justice*. ICJ rules that Cambodia has sovereignty over Preah Vihear Temple and that Thailand is obligated to withdraw its military personnel from the area. Following Cambodia's independence, Thailand occupied the 900-year-old Hindu temple in 1954. The temple and its vicinity have long been a cause of disagreement between the neighbors and have in recent years led to deadly clashes between them. In a June 1962 judgment, the ICJ found that the temple is situated in territory under the sovereignty of Cambodia, and that Thailand is under an obligation to withdraw any military or police forces, or other guards or keepers, stationed at the Temple or in its vicinity on Cambodian territory. In April 2011, Cambodia requested the ICJ to interpret the 1962 judgment, arguing that while Thailand recognizes Cambodia's sovereignty over the temple itself, it does not appear to recognize the sovereignty of Cambodia over the vicinity of the temple. The Court declared unanimously that the 1962 Judgment decided that Cambodia had sovereignty over the whole territory of the promontory of Preah Vihear, and that Thailand is obligated to withdraw its forces from that territory. It also affirmed that the temple, which was inscribed in 2008 on the World Heritage List drawn up by the UN Educational, Scientific and Cultural Organization (UNESCO), is a site of religious and cultural significance for the peoples of the region. In this respect, the Court recalled that Cambodia and Thailand – which are both parties to the World Heritage Convention – must cooperate in the protection of the site as a world heritage. In addition, each State is under an obligation not to "take any deliberate measures which might damage directly or indirectly" such heritage.
- *Ohno v. Yasuma* (9th Cir.2013) 723 F.3d 984. The Ninth Circuit affirmed the enforcement of the money judgment by the trial court against the church in California absent grounds to find judgment or underlying claims repugnant to state or federal public policy. A church in Japan, which is a registered California religious corporation, as well as a man in Japan, who is a resident of Los Angeles, was sued by a Japanese woman in Japan after "they had tortuously induced her to transfer nearly all of her assets to the Church." The Japanese courts awarded her a \$1.2 million tort money judgment. The woman took steps to enforce her Money Judgment here. The church contends the money judgment imposes liability for its religious teachings, in violation of its constitutional right to free exercise of religion and that it is "repugnant to the public policy" to permit enforcement here. The Ninth Circuit stated that "We hold, first, that the district court's recognition and enforcement of the Japanese money judgment does not constitute 'state action' triggering direct constitutional scrutiny and, second, that neither the Japanese judgment nor the cause of action on which it was based rises to the level of repugnance to the public policy of California or of the United States that would justify refusal to enforce the judgment."

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Past Events Photos

LegalPorts Conference, September 26, 2013, Long Beach, CA.



Workshop with USC students, October 17, 2013, Los Angeles, CA.





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Become an International Law Section Reporter!

Contributes articles on international law practice and practitioners for International Law Section e-Newsletter and International Law Journal. This is a great opportunity for attorney to develop their international law legal career to work directly with the leaders of international community and to “be published.” Contact Claire Schmidt at cschmidt@alvaradosmith.com or Katrina Parra at katrina.m.parra@gmail.com.

*Do we have your current e-mail address?

If not sure, e-mail LACBA’s Member Services Dept at msddeptment@lacba.org or call (213) 896-6560 to update your member profile.

*Get involved with Standing Committees:

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