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Farewell Letter From The Chair, Constance Kim.....

Articles.....

- *The European Jurisdiction Regulation: No Protection from English Anti-Suit Injunctions in American Courts, April 2012* by Asa Markel, Esq. of Masuda, Funai, Eifert & Mitchell, Ltd, Torrance, California
- *Discovery Abroad: How to Obtain Evidence Located Outside the United States, 2012* by Elizabeth P. Beazley and Tara B. Voss of Keesal Young & Logan, Long Beach, California "This article was previously published in California Litigation, the Journal of the Litigation Section, State Bar of California."

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

- 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 August 8, 2012, at LACBA, 1055 W. 7th Street, Suite 2700, Los Angeles, CA 90017
- July 28, 2012, [Annual U.S.-Korea Law Day Conference re U.S.-Korea Civil Litigation](#) this year at KIA Motors America, Inc., 111 Peters Canyon Road, Irvine, CA 92606
- August 28 to September 1, 2012 – [AIJA 50th Annual Congress](#), Barcelona, Spain
- September 30 to October 5, 2012 – [IBA Annual Conference](#), Dublin, Ireland
- October 16-20, 2012 – [ABA Section of International Law Fall Meeting](#), Miami, Florida
- October 31 to November 4, 2012 – [UIA 57th Annual Congress](#), Dresden, Germany
- April 17-20, 2013 – [IPBA Annual Conference](#), Seoul, Korea

May 3, 2012 Port of Long Beach Program: Report by Constance Kim, Cannon Wood Scheidemantle LLP, and David Griffith, Law Office of David M. Griffith.....

The first panels examined the key environmental issues facing companies engaged in global trade and transportation. The Port of Long Beach (POLB) also discussed its current environmental protection programs, such as the Green Port Policy and Green Flag Incentive Programs. The second panel focused on the latest developments in export/import laws and controls; how impending reform of the export agencies impact government regulations facing local companies; global supply chain security; how to minimize penalties and delays when exporting and importing goods; and the latest strategies for protecting global intellectual property rights. The final panel was a question and answer session with Long Beach City Attorney and Chief Legal Officer of the POLB, Dominic Holzhaus, concerning the POLB's current development programs and the various roles the City Attorney plays in assisting with the administration of the POLB, including advising the Harbor Commission.

After completing the meeting portion of the Section's May 3 Global Trade Conference, participants traveled approximately 10 minutes from the Port HQ offices to Dock #9 at Shoreline Village in downtown Long Beach. There we boarded the *Spirit of Long Beach* for a 90-minute tour of the Port of Long Beach. Our guide was Thomas Jelenic, Assistant Director of Environmental Policy, who was a presenter on the first panel on environmental law issues. During the tour, we visited the Middle Harbor development project which will

combine Piers E and F into a mega pier to serve a major China shipping company in the largest port lease of its kind, a 40-year \$4.6 billion contract. Additionally, we visited the Gerald Desmond Bridge construction site where the Port will expend \$1 billion to replace the existing bridge over the next 5 years. This bridge currently serves as the gateway for 15% of the annual U.S. imports being distributed from the Ports of Long Beach and Los Angeles throughout the United States. Finally, we visited the Pier S redevelopment site, which will be a pioneering pilot site for what the Port of Long Beach intends to be the “greenest port terminal in the world.” We learned that the Port of Long Beach is one of the deepest ports in the world, dredged to a depth of 76 feet to accommodate the newest ‘super panamex’ ships, most of which are too large to travel through the Panama Canal, even after its widening project is completed in 2014. Mr. Jelenic spent quite a bit of time explaining how the Port of Long Beach had quickly modernized itself from 2004 through 2007 to become a “green port” through its Green Port Policy and Clean Air Action Plan. He stated that the Port had been embarrassed in 2004 by severe public reaction against one of its pier redevelopment proposals and acknowledged the need to become more community friendly. In the short period of just seven years, the Ports of Long Beach and Los Angeles have become the top port complex in the United States as well as a global leader in environmentally friendly policies for the international supply chain.



International Legal Updates

- *Asid Mohamad v. Palestinian Authority*, 132 S. Ct. 1702 (2012): Held that the Torture Victim Protection Act of 1991, 28 U.S.C. section 1350, does not impose liability against organizations.
- *Padilla v. Yoo*, 678 F.3d 748 (9th Cir. 2012): Government official was entitled to qualified immunity because it was not clearly established in 2012 that United States citizens detained as enemy combatants possessed the same substantive due process rights as other types of detainees; government official held a detainee as an enemy combatant who claimed that he was subjected to coercive interrogation techniques and detained under harsh conditions of confinement.
- *Rack Room Shoes, et al., v. United States*, -- F.Supp. -- 2012 WL 1983258, Court of International Trade (June 1, 2012): Rack Room Shoes asserted that certain glove, footwear and apparel tariffs violate the Equal Protection Clause of the Constitution. Some items in the Harmonized Tariff Schedule of the United States (HTSUS) are given higher/lower rates based on gender. Rack Room Shoes argued that because the HTSUS uses the gender and age of intended users of certain imported products to distinguish



LOS ANGELES COUNTY BAR ASSOCIATION
International Law Section

E-Newsletter, June 2012

between tariff rates, and because those tariff rates are not equal, the HTSUS therefore unconstitutionally discriminates on the basis of gender and/or age. The government moved to dismiss for failure to state a claim. The courts stated that HTSUS gender references are to the principal or chief use of products by one sex or another. This is different from the use of a suspect classification that requires people to be treated differently depending on their sex. Thus, the HTSUS gender references do not support an inference that the classifications have a discriminatory purpose. Since Rack Room Shoes was unable to show that the legislature was motivated by discriminatory intent, rather than by lawful action, the case was dismissed.

Join the International Law Section Law Journal!

Please note that starting Fall 2012, the Section's E-Newsletter will become the *International Law Section Law Journal*. We encourage members to contribute articles on international law practice and issues. This is a great opportunity for attorneys to develop their international legal career and work directly with the leaders of international community and to "get published." Contact Claire Schmidt at cschmidt@alvaradosmith.com or Ben Gharagozli at ben.gharagozli@gmail.com.

*Do we have your current e-mail address?

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