

UNDER THE AUSPICES OF THE AMERICAN FOUNDATION FOR INTERNATIONAL UNIFORM LAW

**The Cape Town Convention after 2.5 Years –
participatory seminar on advanced contract, registration and transaction practices**

11 November 2008; Fordham Law School, New York

**In association with the Aviation Working Group and its Legal Advisory Panel,
Aviareto, Ltd., International Registry Advisory Board and Fordham Law School**

(Coordinating sponsors / hosts: Fulbright & Jaworski, Holland & Knight, McAfee & Taft, and Vedder Price)

This participatory seminar is the third program to review the Cape Town Convention since its entry into force. It builds upon a two similar seminars, one in the US, the second in Europe, and will tap into, and internationalise, the experience learned from the high volume of transactions that have occurred under the Cape Town. Many of those involved in the development and practical implementation of the treaty will be involved in this program. All those with an interest in the treaty should attend. CLE Credit will be available at an extra charge noted below.

The specific objective of the seminar is to review contract practices, registration, and legal issues after nearly two and a half years of experience. The seminar will approach these items on an applied, not conceptual, basis.

How have things worked in practice?
What has experience shown?
What should practitioners know?

By extension, what should the International Registry Advisory Board (**IRAB**) take into account in advising Aviareto? What is prudent transactional and professional adviser practice? How should clients be advised?

The format of the seminar will be participatory, not a series of presentations. It will be divided into three sessions:

- (i) contractual implications of the treaty, from commercial as well as legal perspectives on how to structure transactions so as to take full advantage of the convention and how best to convert a non-CT transaction into a CT-transaction (**Advanced Contract Practices**);
- (ii) registration with the International Registry (**Registration**); and
- (iii) closing a deal and coordination of related issues, legal opinions for transactions and registrations governed wholly or in part by the treaty (**Legal Issues**) and discussion of legal issues of preemption and post closing remedies not covered by legal opinions;

Each session will have one framework-setting presentation, lasting one hour (**overview**). It will be given by that session's chair (**session chair**) with one or more of the facilitators (**facilitators**) who will then work with the attending participants (**participants**) through the core session (**core session**). The core sessions will be largely unstructured, save for the review and discussion of basic materials setting out hypothetical examples, concrete problems and the like all couched in terms of transaction settings (**practice examples**).

The session chair and each facilitator will work with a subset of the participants (goal: 50 each) (**break-out exercise**), and will report back to the larger session. The participants are expected to carry the topic discussions (**topic discussions**) and may guide it in any direction that they think appropriate. The conference chair (in consultation with the session chairs) will summarize the views of the seminar and outline topics worth further analysis (and consideration at a possible future event in this series).

A program is attached. Please note that time allocations are approximate.

THE CAPE TOWN CONVENTION AFTER 2.5 YEARS

The non-refundable fee payable by each participant (including speakers) for the seminar is US \$1,000 without CLE Credit and US \$1,100 with CLE Credit, and **all net proceeds go to the American Foundation for International Uniform Law**, a charitable organisation that supports the development of international commercial law, including the work of UNIDROIT. As this is a fund-raising event, all participants (and others) are encouraged to make supplemental contributions to the Foundation. Fees and contributions are deductible to the extent permitted by applicable law.

Registration for the seminar is limited to 200, on a first-in-time basis. *Please register your interest by e-mail to: Laurie.Craig@hkllaw.com*

PROGRAM

08h00: Continental Breakfast

08h30: Chairmans' Comments

- A. Report on Global Ratifications and Implementation
- B. Report on Official Commentary, 2nd, and Volume II of Contracting Practices

09h00: Keynote: State Obligations, Compliance, and Remedies under the Cape Town Convention

09h30: Section I: Contract Practices

- ◆ Presentation on Practice/Current Issues
- ◆ (Session Chair) Open Discussion / Break-Out (Facilitators/All Participants)
- ◆ Review, Summary, and Recommendations (Session and Conference Chairs).

11h30: The Relationship Between the Cape Town Convention and State Law

12h30: Lunch

13h30: Session II: Registration with the IR

- ◆ Presentation on Current Practice / Issues (Session Chair)
- ◆ IR Status, New Procedures and Regulations, Generation Two "Closing Room" Demonstration (Aviareto)
- ◆ Open Discussion / Break-Out (Facilitators / All Participants)
- ◆ Review, Summary, and Recommendations (Session and Conference Chairs)

15h45: Session III: Legal Issues, Closings and Opinions

- ◆ Presentation on Practice/Current Issues (Session Chair)
- ◆ Open Discussion / Break-Out (Facilitators/All Participants)
- ◆ Review, Summary, and Recommendations (Session and Conference Chairs).

18h00: Cocktail Reception

CONFERENCE CO-CHAIRS:

- ◆ Jeffrey Wool (Secretary, AWG; Freshfields; Chair, IRAB)
- ◆ John Pritchard (Holland & Knight LLP; Chair, Legal Advisory Panel)

SESSION CHAIRS:

- I. Donald Gray (Cassels Brock);
- II. Frank Polk (McAfee and Taft); and
- III. John Pritchard (Holland & Knight)

SPECIAL REGISTRY PARTICIPANT:

- ◆ Rob Cowan (Managing Director, Aviareto)

SPECIAL U.S. STATE DEPARTMENT PARTICIPANT:

- ◆ Hal Burman, U.S. State Department

SPECIAL LAW PROFESSOR PARTICIPANT:

- ◆ Susan Block-Lieb, Fordham Law School

FACILITATORS:

- I. James Tussing (Fulbright & Jaworski L.L.P), Member IRAB ;
Marty Jacobson (Simpson Thacher & Bartlett)
- II. F. Scott Wilson (Pratt & Whitney; member, IRAB);
Jack Gilchrist (DeBee and Gilchrist);
and
Robert Peregrin (Daugherty, Fowler, Peregrin & Haught); and
- III. Catherine Duffy (A&L Goodbody);
Dean Gerber (Vedder Price)

For NY attorneys, this program is appropriate for both newly admitted and experienced attorneys. All reasonable efforts will be made to seek CLE credits from other jurisdictions, if needed, for which this program meets approval criteria.

Please contact Fordham Law School to inquire about this program's financial assistance policy at cle@law.fordham.edu.