

This is your Release #15 (March 2020)

International Corporate Practice

A Practitioner's Guide to Global Success

Edited by Carole Basri

This release for Carole Basri's *International Corporate Practice* expands and updates your book with new material designed to enable lawyers, whether in-house or outside counsel, to operate efficiently on the global stage. Topics discussed include the following:

The future of in-house counsel in international corporate practice: Chapter 1 is expanded with a new section highlighting twenty trends that will likely have an impact on in-house counsel—from automation to diversity, from skills training to management structure, from partnering with outside counsel to corporate social responsibility, and much more (new § 1:9).

International attorney-client privilege: Chapter 2 updates the discussion of the privilege in Colombia, emphasizing the penalties that may be imposed for a breach and the factors that are weighed in assessing the seriousness of the breach (§ 2:2.4[D]).

International law firm networks: Chapter 3 is updated with current information about major international law firms (§ 3:2) and new discussion of lawyer referral services (new § 3:5.1).

Foreign legal consultants: Chapter 4 includes new coverage of the New York Court of Appeals' amended Rules for the Licensing of Legal Consultants (§ 4:3.3).

Corporate compliance—frameworks for compliance programs: Chapter 6 adds treatment of U.S. government guidance, published in 2019, that can be useful to those developing compliance programs. To help prosecutors evaluate the adequacy and effectiveness of compliance programs, the Department of Justice, Criminal Division, released "The Evaluation of Corporate Compliance Programs." It includes the hallmarks of a well-designed compliance program, features of effective implementation of such a program, and metrics for whether a program is operating effectively. For narrower, "siloes" compliance as part of a company-wide program, the U.S. Department of Treasury's Office of Foreign Assets Control (OFAC) published "A Framework for OFAC Compliance Commitments," and the Department of Justice, Antitrust Division published the "Evaluation of Corporate Compliance Programs in Criminal Antitrust Investigations" (§ 6:4).

International internal investigations: Chapter 9 provides updated coverage of the legal professional privilege in the United Kingdom, noting that the

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first component thereof, the litigation privilege, attaches to an attorney's interview notes when a civil or criminal enforcement agency, such as the U.K. Serious Fraud Office, seeks their disclosure; whereas the second component, the legal advice privilege, will not attach in such situations (§ 9:5.2).

Money laundering and terrorism financing: Chapter 19 updates include discussion of the Indian Cosmos Bank cyberheist, in which hackers broke into its servers, stealing nearly \$2 million through fraudulent bank transfers and \$11.5 million in unauthorized ATM withdrawals in more than two dozen countries (§ 19:4.1[A]); the regulation of cryptocurrencies, including the lack of a common approach among regulators around the world and the various views that have emerged in the United States as to appropriate regulation (§ 19:4.2); and the trend for law enforcement to prosecute individuals responsible for the money-laundering violations of their employers, not just the employer corporations, imposing on the individuals not only monetary penalties but career bars, suspensions, and more (new § 19:8).

Immigration considerations for international assignments: Chapter 22 is revised throughout, with discussion of topics like proposed U.S. regulations that would broaden government authority, when adjudicating the admissibility of certain foreign nationals, to determine whether those individuals might become a public charge (§ 22:2.2); the European Union's creation of a European Labour Authority (ELA) with the aim of supporting compliance and coordination among Member States in the enforcement of EU legal acts regarding labor mobility and social security coordination (§ 22:3); and whether same-sex spouses can qualify as dependents for work authorization purposes (§ 22:4.5).

International environmental law: Chapter 27 provides expanded treatment of international efforts to reduce greenhouse gas emissions from ships, as well as to require use of approved ballast water management systems (§ 27:2.5); cleanup of contaminated sites in the United Kingdom, including criminal penalties for failure to comply with a remediation notice (§ 27:4.1[A]); and environmental regulation in China, including the Law on Soil Contamination Prevention and Control, effective in 2019, which requires certain "key" sites to strictly control the discharge of toxic substances, submit annual monitoring reports, and implement risk management plans (§ 27:4.8).

International insolvency and bankruptcy: Chapter 29 adds new material on the cross-border insolvency system created by the Recast EU Regulation, including treatment of an interrelated "group of companies" (§ 29:12.2) and the key principles of the 2019 Directive, whose purpose is to create a harmonized legal framework for EU Member States, both in terms of prevention of corporate crisis, through preventive restructuring procedures, and in terms of discharge of debt (new § 29:12.3).

The **Index** has also been updated for this release.

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FILING INSTRUCTIONS

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