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► **in focus:**

REAL ESTATE

inside

Trends
in Real
Estate

Special
Economic
Zones
Recovery

Potential
Limitations on
Construction

Company Act
of Ukraine
(part 2)

2006 IBA
Conference

AND MORE...

YOUR PERSONAL LEGAL GUIDE

Dr. Irina Paliashvili,

Russian-Ukrainian Legal Group, Ukraine

1. Which session was of the most interest to you and why?

For me the main value of such a large conference is not in sessions, but in the opportunities for networking, attending various social events, refreshing old contacts and establishing new ones. When there are thousands of delegates with varied interests at a conference (INTA annual meetings is another example), the sessions are quite generalized. Under these circumstances it is difficult to have a deep discussion on a specific subject, and to me a generalized discussion does not represent a particular value. A session on a specific subject (for example, international arbitration), which is attended by a hundred people, deserves to be a separate two-day conference, but

because it is held within the framework of a larger conference, it is marginalized, and its participants cannot concentrate because they have many other sessions and events in their schedule for the same day. The networking experience, on the other hands, is invaluable.

2. What tendencies in the legal profession do you observe?

The main tendency, which cannot be missed, is globalization. The world is getting smaller, and we see the emergence of global investors, who view the world not by countries, but by larger regions. The borders are becoming less significant for international business, and the task of the law is to catch up with these tendencies. This is in general, and with regards to specific tendencies, I am happy to note active development of such a progressive and business-friendly method of dispute resolution as mediation (there was a special session devoted to this subject at the IBA conference

Tom McNamara,

Davis Graham & Stubbs LLP, USA

1. What session was the most interesting for you and why?

The sessions I actually found most interesting were the "informal sessions" (not part of the actual formal program) during which practitioners from various countries had an opportunity to frankly discuss current developments and cases of special note in their respective jurisdictions. We discussed topics as diverse as: nascent class action developments in Japan; civil rights litigation in El Salvador; Indonesian civil procedure; law firm practice in Malawi; and discovery of evidence in France. One of the strengths of the IBA is that it is one of the only places in which practitioners from so many different legal perspectives gather to share their own unique viewpoints. With respect to more formal programming, I found the presentation "The State of Dispute Resolution in Today's World" (to be one of the more valuable sessions for many of the same reasons. During the session, practitioners from the US and Europe discussed the similarities and differences of both litigation and arbitration practice in many different nations. For me, the main lesson is that no one nation has the "best" system; instead, we can

all learn and develop as lawyers by more fully understanding different legal environments.

2. What trends in the global legal world could you point out?

At least in the area of dispute resolution, my perception is that there is a trend toward more uniformity or convergence within various legal systems. At the State to State level, there are more and more bilateral and multilateral treaty regimes that address and harmonize various areas of law, both procedural and substantive. The *Hague Conventions on Service, Evidence and Choice of Court* are examples of such procedural regimes. Substantively, treaties like the *United Nations Convention on Contracts for the International Sale of Goods* and *World Trade Organization Agreements* establish a solid and accepted substantive framework for international trade that is based upon both common law and civil law systems. These efforts at harmonization, which often require compromise, continue at many other levels between legal organizations and practitioners. For example, some years ago, the IBA developed a set of *Rules for the Taking of Evidence in International Arbitrations*. These Rules follow a middle ground between different discovery approaches in different nations. Also, many national courts are starting to refer to decisions from foreign jurisdictions in their own legal reasoning.

Andrew Mac,

Magister & Partners, Ukraine

1. What session was the most interesting for you and why?

There were a number of sessions devoted to private equity investments in Eastern Europe. It appears that leading private equity firms in Eastern Europe have focused their attention on the Ukrainian market and will be looking for legal counsel who is familiar with their culture and requirements. Judging by the historical trend in Eastern Europe once the first private equity investments hit a market countless more follow. For Ukrainian law firms it is important that we are able to provide quality and cost-effective services for these clients and as such I found these sessions to be most useful.

2. What trends in the global legal world could you point out?

It seemed to me that rising energy costs around the world seem to be the most pervasive topic at virtually each session. Whether it was legal implications surrounding the construction of cross-border pipelines, tax incentives for development of alternative energy sources or high profile energy dispute currently before or pending arbitration, energy law and related topics were definitely at the forefront.

Kamar Raji,

Delaw Chambers, Nigeria

1. What session was the most interesting for you and why?

I think I mostly enjoyed workshops — "Turning contacts to clients", "Rainbow Strategy" and "Give a Winning Presentation".

2. What trends in the global legal world could you point out?

The new trends I see in global legal practice are:

Virtual library, outsourcing of legal research and technology, borderless lawyers or law practice and more alliances amongst law firms.

