



**NEW YORK
CITY BAR**



International Bar Association
the global voice of the legal profession

Ten Years On: What the UNGPs Mean for the Legal Profession

June 25th, 2021

The tenth anniversary of the United Nations Guiding Principles for Business and Human Rights marks a decade of attention and progress in the involvement of the private sector alongside government in addressing the persistence of human rights violations. As we mark this, we realize as well how far we still need to go. Notably, the International Association of Lawyers, the International Bar Association, and the American Bar Association has joined the New York City Bar Association in hosting this event. This one-day conference highlights the strides made and challenges that remain and focuses on the key role assumed by lawyers in effectuating and implementing the Guiding Principles.

8:30 a.m. Welcoming Remarks: **Sheila Boston**, NYCBA

8:45- 10:00 **Trends in HRDD Legislation and Implications for Lawyers**

The Principles were not meant to be aspirational, but to provide a framework for legislative action. This roundtable discussion will address the trends in Human Rights Due Diligence legislation and what these laws mean for lawyers.

Moderator: **Amol Mehr**, The Laudes Foundation

Speakers: **Sandra Cossart**, SHERPA, **David McKean**, International Corporate Accountability Roundtable, **Corrine Lewis**, Lex Justi

10:10- 11:45 **Jorge Martí Moreno**, President, International Association of Lawyers

Litigating Human Rights Violations – Opportunities and Challenges in the Europe and North America.

This roundtable discussion will hear from lawyers in the field.

Moderator: **Amy Lin Meyerson**, ABA Deputy Alternate Representative to the UN

Speakers: **Charity Ryerson**, Corporate Accountability Lab, **Daniel Leader**, Leigh Day, **Tamara Morgenthau**, Human Rights Lawyer, **Terry Collingsworth**, International Rights Advocates

12:00 – 12:20 Introduction **Steven Richman**, Clark Hill PLC

Keynote address by **Anita Ramasastry**, UN Working Group on Business and Human Rights

12:30-1:45 **Sternford Moyo**, *President*, International Bar Association

The United Nations Perspective

With a mandate that relies on State governments to act, the UN nevertheless promotes the UNGP's and access to remedy through a variety of projects and initiatives. This discussion focuses on a few of those ways.

Moderator: **Nancy Stafford** ABA International Law Section

Speakers: **Dr. Isabella D. Bunn**, University of Oxford, **Renee Dopplick**, American Bar Association, **Ben Shea**, OHCHR Accountability and Remedy Project

2:15 – 3:15 **Patricia Lee Refo**, *President*, American Bar Association

Business and Human Rights Practice for Lawyers – How to support your corporate client

For many lawyers in private practice, human rights has too long been seen as an esoteric area limited to human rights specialists. Over the past ten years, that has changed. Human rights are the business of all lawyers, including private sector practitioners representing commercial entities. This panel focuses on the specific role of lawyers in advising corporate clients.

Moderator: **Viren Mascarenhas**, King & Spalding (NYCBA WG Co-chair)

Speakers: **Suzanne Knijnenburg**, White & Case, **Elise Groulx**, Doughty Street Chambers, **Steve Nickelsburg**, Clifford Chance

3:30 -4:45

Ethical Considerations for Lawyers on BHR – Norms vs. Compliance

Beyond the business rationale for commercial attention to human, rights, there are also ethical obligations of lawyers advising those corporate entities. This roundtable discussion focuses on the ABA model rules as well as the IBA core values of the profession, and provides as comparative approach of the rules of professional conduct of other countries and the CCBE ethical rules

Moderator: **Steven Richman**, Clark Hill PLC

Speakers: **Jonathan Drimmer**, Paul Hastings, **Jacqueline Scott**, Fortney & Scott, LLC, **John Murray**, Foley Hoag

5:00 – 6:30

Latest News on the Alien Tort Statute

The American Alien Tort Statute, in existence for some 250 years, has seen challenges by the United States Supreme Court in limitations on jurisdiction of U.S. Courts. The panel will discuss the impact of those decisions on implementation of the Principles.

Moderator: **Irit Tamir**, Oxfam America (NYCBA WG Co-Chair)

Speakers: **Paul Hoffman**, Schonbrun, Seplow, Harris, Hoffman & Zeldes, LLP, **Tyler Giannini**, International Human Rights Clinic, Harvard, **Diana Kearney**, Oxfam America

Closing Remarks: **Irit Tamir**

Speaker Bios

[Amol Mehra](#)

Amol Mehra is the Director of Industry Transformation at the Laudes Foundation where he oversees programmes relating to transformation of the fashion and built environment sectors to address the dual crises of inequality and climate change. Previously, Amol served as Managing Director of the Freedom Fund, a leader in the global movement to end modern slavery, and as Executive Director of the International Corporate Accountability Roundtable (ICAR). In addition, Amol serves as a Founding Member of Funders Organized for Rights in the Global Economy ("FORGE"); as a Council Member of the World Economic Forum Global Future Council on Human Rights; as a Board Member of EarthRights International; on the Advisory Council for the Center for Business and Human Rights at NYU Stern and as a Commissioner on the United Nations Financial Sector Commission on Modern Slavery and Human Trafficking ("Liechtenstein Initiative").

[Amy Lin Meyerson](#)

Amy Lin Meyerson is the President of the Connecticut Bar Association, and Past Chair of the American Bar Association's Solo, Small Firm and General Practice Division (2014-2015), a Past President of the National Asian Pacific American Bar Association (NAPABA) (2005-2006), and a Past President of the NAPABA Law Foundation (2016-2018). Ms. Meyerson is the Vice-Chair of the American Bar Association's Representatives and Observers to the United Nations and serves in the ABA House of Delegates and on its Scope and Correlation of Work Committee. Martindale-Hubbell awarded her with an AV rating, which identifies a lawyer with high to preeminent legal ability, integrity and overall professional excellence (2004 to present).

[Anita Ramasastry](#)

Anita Ramasastry is the Henry M. Jackson Professor of Law and the Director of the Sustainable International Development Graduate Program at the University of Washington School of Law. She is an expert in the fields of anti-corruption, commercial law, sustainable development and business and human rights. She is one of the leading academics and a pioneer in the field of business and human rights, and currently serves as the Vice Chair of the United Nations Working Group on Business and Human Rights, having been appointed as a rapporteur by the United Nations Human Rights Council in 2016. She is also a founding co-editor in chief of the *Business and Human Rights Journal*, published by

Cambridge University Press, and the Co-President of the Global Business and Human Rights Scholars Association.

Ben Shea

Ben Shea is an Associate Human Rights Officer at the Office of the United Nations High Commissioner for Human Rights (OHCHR). For the past decade, he has worked on business and human rights issues with numerous organizations. Since joining OHCHR in 2017, he has worked for each team covering that subject (the thematic team, and the teams supporting the special procedures Working Group on Business and Human Rights and the treaty process). He currently leads the office's Accountability and Remedy Project, which seeks to enhance accountability and access to remedy in cases of business-related human rights abuse.

Charity Ryerson

Charity Ryerson is the Executive Director and Founder of Corporate Accountability Lab. Before CAL, Charity litigated complex international human rights cases under the Alien Tort Statute, Torture Victim Protection Act and state tort law. She has extensive experience in labor and human rights monitoring, anti-union violence investigations, and support for labor organizing in Central and South America, including spending years in Colombia, supporting banana workers and their demands for better conditions.

Corinne Lewis

Dr. Corinne Lewis, a partner in Lex Justi in Brussels, Belgium, provides legal advice, consultation and training on the human rights protection of persons adversely impacted by business activities. She brings to her work both a corporate law background, as in-house counsel with a major multi-national company, and three decades of international human rights law experience. Dr. Lewis has served as an Expert to the Council of Europe in connection with the drafting and presentation of training for lawyers on business and human rights. She currently leads a book project for the International Human Rights Committee, of the American Bar Association's Section on International Law, on human rights due diligence. In addition, she is Co-Chair, of the International Human Rights Committee of the American Bar Association's International Law Section and active in its Business and Human Rights Sub-committee.

Daniel Leader

Dan Leader is a barrister and partner at Leigh Day with 20 years of litigation experience. Dan Leader specialises in international human rights and environmental law, with a particular focus on business and human rights. He has extensive experience of cases against parent companies, complex group actions and mass tort claims, as well as cross-border disputes and jurisdictional issues. Dan has a longstanding interest in public policy in business and human rights and was external expert member of the UK Government Steering Board which oversees the implementation of the OECD Guidelines for Multinational Enterprises (2014-17). Since 2018 he has been a Board Member of the Corporate Responsibility Coalition (CORE). He is a member of the Steering Committee of the comparative law project on civil liability for human rights violations at the Bonavero Institute, Oxford University and a member of the Advisory Board of the British Institute for International and Comparative Law's Human Rights Due Diligence Forum.

[David McKean](#)

David McKean is Legal and Policy Director of the International Corporate Accountability Roundtable (ICAR). Prior to ICAR, Mr. McKean worked at Robert F. Kennedy Human Rights, where he led work with a wide range of civil society activists and human rights defenders, primarily in Asia and North Africa. He oversaw legal and advocacy efforts related to combatting closing civic space, including restrictions to freedom of expression, association, and assembly, as well as seeking accountability for mass atrocity crimes and other human rights abuses. David practiced civil rights law at Servicemembers Legal Defense Network (SLDN), an organization dedicated to advancing the rights of LGBT members of the United States military. In his capacity as Legal Director, he worked extensively on the repeal of Don't Ask, Don't Tell and the overturning of restrictive definitions of marriage, including the Defense of Marriage Act, by the United States Supreme Court and lower courts.

[Diana Kearney](#)

Diana Kearney is Senior Legal Advisor at Oxfam America. Her work focuses on corporate accountability, indigenous land rights, protection of migrants and asylum seekers, and other international human rights issues in support of Oxfam's humanitarian work.

[Elise Groulx](#)

Elise Groulx is an Associate Tenant at Doughty Street International providing advice to multinational businesses and other economic actors on how to understand and respect international human rights norms. She provides advice on how to address human rights issues in supply chains, development projects, mining, energy production and other spheres of activity.

Elise Groulx is the Chair of the IBA Business and Human Rights Committee and convenes, since 2013, the Advisory Board of the Business and Human Rights Project of the ABA Center for Human Rights. She provides advice on how to address human rights issues in supply chains, development projects, mining, energy production and other spheres of activity and also focuses on remedy. Elise Groulx a Criminal Defence Lawyer, Legal Advisor on International Criminal Law is the Honorary President of the International Criminal Bar, and an international accredited mediator. In addition, Elise was the President of the International Criminal Defence Attorneys Association (ICDAA) for more than 15 years. She was recently ranked at the top (Band 1) of lawyers practicing in the field of Business and Human Rights by the Global Guide Chambers and Partners (London).

[Irit Tamir](#)

Irit Tamir is the Director of Oxfam America's Private Sector Department in which she focuses on working with companies to ensure that their business practices result in positive social and environmental impacts for vulnerable communities throughout the world. Prior to working at Oxfam, Ms. Tamir was the Director of Government Relations at the Jewish Community Relations Council of Greater Boston, where she successfully lobbied for an extensive federal and state legislative agenda. She co-led the effort to pass the Sudan Divestment Bill in Massachusetts, which required the state pension funds to divest from companies doing business with the Government of Sudan in an effort to halt its human rights violations in Darfur. Ms. Tamir is an attorney with a masters in international law. A devoted human rights activist, she has spoken publicly about human rights, climate resilience, and the food

system. Ms. Tamir has had years of experience in government relations and is a former prosecutor who supervised civil rights prosecutions and hate crimes.

[Isabella Bunn](#)

Dr. Isabella D. Bunn, BSFS, MA, JD, MPhil, PhD, has a transatlantic background as corporate counsel, trade and investment director, and endowed professor of business ethics. Based at the University of Oxford, she is Research Fellow in Governance and Global Ethics at Regent's Park College and Trustee of the Oxford Peace Research Trust. She serves on the International Advisory Council of Oxford Analytica, a geopolitical consulting firm, and as Senior Advisor to its Foundation. Isabella is the Distinguished Fellow for Corporate Social Responsibility at the Washington Institute for Business, Government and Society, a Fellow of the Caux Round Table for Moral Capitalism, and a member of the British Academy's Corporate Advisory Group for the Future of the Corporation program. Throughout her career Isabella has held leadership appointments within the global legal profession, including with the ABA Center for Human Rights, and is currently with the ABA Representatives to the United Nations Committee.

[Jacqueline Scott](#)

Ms. Scott is a co-founder of FortneyScott, where her diverse practice focuses on business, international, and workplace matters. Ms. Scott is a frequent lecturer on issues of international labor and employment law, including, overtime, minimum wage, data privacy, worker classification status, secondment, expatriate agreements, international tax and human rights. She holds key leadership positions in international professional organizations. Ms. Scott serves as Co-Director of Human Rights and Protection of Lawyers on the Executive Committee of the Union Internationale des Avocats (the "UIA"), an association of international lawyers. The UIA is committed to the protection of human rights, including workers rights and the defense of their universal nature, including, specifically, the defense of lawyers' human rights in protecting the human rights of others. Ms. Scott is also a member of the ITC Pro-Bono Committee on International Model Contracts for Exporting SME's.

[John Murray](#)

John Murray is a partner in Foley Hoag's Securities Litigation and White Collar Crime & Government Investigations practices. His legal practice over the past two decades, at two global law firms and in the Division of Enforcement of the U.S. Securities and Exchange Commission, has focused primarily on government and corporate internal investigations, securities and commercial litigation and related compliance matters. John has considerable experience in legal issues relevant to the developing world, with a particular emphasis on anti-bribery and anti-corruption. As a former program director for an international non-governmental organization, he managed programs providing pro bono legal representation to governments, civil society organizations and individuals in the developing world.

[Jonathan Drimmer](#)

Jonathan C. Drimmer is a partner in the Investigations and White Collar Defense practice at Paul Hastings. He is a recognized international expert on anticorruption and business and human rights. Prior to his work at Hastings, Mr. Drimmer was Deputy General Counsel and Chief Compliance Officer of Barrick Gold, one of the world's largest mining companies, with operations on five continents. The compliance program he built at Barrick has served as an industry standard, and elements of it have Mr.

Drimmer has designed a variety of human rights remedy programs, and has particular experience in representing companies in non-judicial and quasi-judicial legal proceedings involving human rights and transnational torts, including OECD National Contact Point disputes, claims before international human rights commissions, and inquiries by UN offices and agencies.

[Jorge Martí Moreno, UIA](#)

Jorge Martí Moreno is the President of the International Association of Lawyers (UIA). Jorge was the managing partner of Uría Menéndez's Valencia office. Jorge Martí is Honorary Consul of Belgium in Valencia, head of the firm's Indian Desk and, working closely with local law firms, coordinates the interests of Spanish clients in India. Mr. Moreno has extensive experience in corporate, banking and finance, and M&A, together with a strong background in European and competition law. He also advises on insurance, energy and private equity matters. He has been secretary to the board of directors of several leading companies and has experience as an ad hoc arbitrator. Mr. Moreno is listed as leading lawyer in the 'Corporate/M&A', 'Banking & Finance' and 'Private Equity' sections of Best Lawyers, 2019, 2018 and 2017.

Nancy Stafford

Nancy Stafford is the Chair-Elect of the American Bar Association (ABA) International Law Section, and serves on the Advisory Council for the ABA's Center for Human Rights. After years as a CPA and corporate lawyer, Ms. Stafford currently practices in the area of human rights and women's rights, primarily with a sub-Saharan Africa focus. She has taught International Women's Human Rights Law at both Emory Law School and Georgetown University Law Center. Ms. Stafford is a member of the New York State Bar and is in the process of obtaining a Ph.D. in International Relations from Salve Regina University.

[Patricia Lee Refo, ABA](#)

Patricia Lee "Trish" Refo is president of the American Bar Association. As a partner at Snell & Wilmer in Phoenix, Ms. Refo concentrates on complex commercial litigation and internal investigations. She chairs the firm's Professional Liability Litigation Group. Among her awards and recognitions, she was named to the National Law Journal's list of The 50 Most Influential Women Lawyers in America in 2007. She received the President's Award from the State Bar of Arizona and has been inducted into the Maricopa County Bar Association Hall of Fame.

[Paul Hoffman](#)

Paul Hoffman is a partner in Schonbrun DeSimone Seplow Harris & Hoffman, LLP. His practice has been in the areas of constitutional and civil rights litigation, including First Amendment, discrimination and privacy litigation, and general business litigation; including copyright and trademark litigation, also specializing in civil and criminal appeals. Hoffman has served with many international human rights organizations, including ACLU Foundation of Southern California, Los Angeles, where he served as Legal Director and the Amnesty International's International Executive Committee which oversees their operations throughout the world.

[Renee Dopplick](#)

Renee Dopplick is an international attorney and experienced senior executive who has worked in global nonprofits, the corporate sector, and government in the areas of public policy, technology, and international law. She serves as Co-Chair of the UNA-NCA International Law Committee and in leadership positions within the ABA International Law Section. She previously served as a representative from the ABA to the United Nations, as Editor-in-Chief of International Law News, as a member of the DRI Artificial Intelligence Working Group, and in the legal department of the World Wildlife Fund.

[Sandra Cossart](#)

Sandra Cossart is the Executive Director of Sherpa, whose mission is to protect and defend victims of economic crimes through legal strategy and advocacy. Prior to this position, Ms. Cossart headed the Globalisation and Human Rights Program within Sherpa for almost 8 years. She was a leading voice on the need to change the legal framework so that legal structures would reflect economic reality and contribute to achieving access to justice for victims of corporate violations of human rights. During this period, Sherpa was at the forefront of some of the most important milestones in corporate liability for human rights, bringing new strategic litigation cases and testing innovative legal ground to fight against corporate impunity. Since 2010, she has been an active member of the Steering group of the European Coalition for Corporate Justice and a board member of two French NGOs. For many years, Ms. Cossart has been teaching Business and Human Rights at the Law School of the Institut d'Etudes Politiques.

[Sheila Boston, NYCBA](#)

Sheila S. Boston is the President of the New York City Bar Association. A trial lawyer and litigation partner at Arnold & Porter Kaye Scholer, Ms. Boston defends clients from initiation of the case through trial and/or settlement. Ms. Boston has won several awards for her efforts including the prestigious Chambers Diversity Awards USA 2016 inaugural award for her "Outstanding Contribution to Furthering the Advancement of Diversity in the Legal Profession, Private Practice." An active participant in bar associations and the legal community at large, Ms. Boston was appointed by New York Governor Andrew Cuomo to serve a three-year term on New York's First Department Judicial Screening Committee as well as appointed by Chief Judge Robert A. Katzmann of the Second Circuit Court of Appeals to serve on the Circuit's Attorney Grievance Committee.

[Sternford Moyo, IBA](#)

Sternford Moyo is Chairman and Senior Partner of law firm Scanlen and Holderness and President of the International Bar Association (IBA). Mr Moyo's professional career has seen him hold a variety of leadership positions, including having been a bar leader in Zimbabwe and in Southern Africa, and corporate leader in mining, manufacturing, financial services and leadership development. At Scanlen and Holderness, Sternford provides overall leadership in addition to taking special responsibility for Mining, Commercial and Corporate law. He has advised financial institutions and loan underwriters in most of the large infrastructure projects that have taken place in post independent Zimbabwe in areas such as forestry, energy, water supply and telecommunications. He is a former President of both the Law Society of Zimbabwe and the Southern African Development Community Lawyers' Association and Co-Chairperson of the Human Rights Institute of the International Bar Association.

[Steve Nickelsburg](#)

Steve Nickelsburg is a partner in the disputes and investigations practice at Clifford Chance US LLP, where he focuses on complex civil litigation, government and internal investigations, transactional due diligence, and risk management. Steve represents corporations, financial institutions, sovereigns, multilateral organizations, and individuals in litigation, government and internal investigations, and other proceedings involving civil and criminal law. He has advised multinational clients in matters involving anticorruption, economic sanctions, anti-money laundering, false claims, fraud and conspiracy, racketeering, competition, and tax.

Steve also advises multinational companies in connection with transactional risks and in designing and implementing their compliance programs. Steve is a member of Clifford Chance's Global ESG Board and Business and Human Rights Risk practice.

[Steven Richman](#)

Steven M. Richman practices in the areas of domestic and international commercial law, including mediation, litigation and arbitration, and appellate work, including distributorships, intellectual property, agency, art and photography law, professional responsibility, and contracts. Mr. Richman is president of the Board of Trustees of the New Jersey State Bar Foundation and chair of the New Jersey State Bar Association's International Law Committee. In addition, Mr. Richman is a member of the editorial board of The New Jersey Law Journal. Within the American Bar Association, he is vice-chair of the ABA's Section of International Law and serves in the ABA House of Delegates. He co-chairs the Section's Professional Ethics Committee. Within the International Bar Association, he chairs the IBA's Multidisciplinary Practice Committee, serves on the Bar Issues Commission Policy Committee, and on the advisory council to the IBA's Section on Public and Professional Interest division.

[Suzanne Knijnenburg](#)

Suzanne Knijnenburg is an associate in the International Arbitration Group in New York. She represents states and private parties in international disputes, including in cases before international investment tribunals. She advises clients on whether state actions comply with international law and bilateral investment treaties, as articulated in decisions by international tribunals. Suzanne is also a member of the Firm's Business & Human Rights Interest Group advising clients on compliance with human rights principles. Before joining White & Case, Suzanne worked in public international law and international human rights law, representing the Netherlands in the General Assembly Legal Committee.

[Tamara Morgenthau](#)

Tamara Morgenthau is a Senior Attorney with CIEL's Climate and Energy Program. Ms. Morgenthau's work focuses on protecting human rights in the context of the climate crisis by developing and supporting legal and advocacy strategies related to climate litigation and accelerating the transition away from fossil fuels. She has litigated and supported cases before domestic courts and regional and international human rights bodies. Prior to joining CIEL, Tamara was a Clinical Teaching Fellow at the International Human Rights Law Clinic at UC Berkeley School of Law. Prior to that, Tamara was a Bertha Legal Fellow with EarthRights International, working on litigation to support communities and individuals defending their human rights and their environment and promote corporate accountability.

[Terry Collingsworth](#)

Terry Collingsworth is Executive Director of International Rights Advocates specializing in trade and international labor rights issues. Mr. Collingsworth's primary activities at IRAdvocates are directing litigation strategy, developing legislative proposals to regulate labor rights in the global economy, building coalitions with other groups to address human rights and labor rights issues in international forums, and researching conditions for workers in developing countries. He was General Counsel of the International Labor Rights Fund (ILRF) from 1989 to 2006. He was made Executive Director of the ILRF on September 1, 2001. In April 2007, the litigation practice of ILRF became International Rights Advocates (IRAdvocates), and Mr. Collingsworth decided then to focus primarily on human rights litigation and left the ILRF to head up IRAdvocates as Executive Director. From 2008 through 2015, he was the managing partner of the D.C. office of Conrad & Scherer, LLP.

[Tyler Giannini](#)

Tyler Giannini is a Clinical Professor of Law and Co-Director of Harvard Law School's International Human Rights Clinic. Giannini's work focuses on Alien Tort Statute (ATS) litigation, including corporate cases dating to *Doe v. Unocal*. His expertise also includes business and human rights, human rights and the environment as well as community-centric approaches to human rights. He has extensive experience with Myanmar and South Africa and a strong interest in social entrepreneurship and clinical pedagogy in the human rights context. Giannini received the Albert M. Sacks-Paul A. Freund Award for Teaching Excellence from the Class of 2014. Prior to joining Harvard Law School, he was a founder and director of EarthRights International, an organization at the forefront of efforts to link human rights and environmental protection.

[Viren Mascarenhas](#)

Viren Mascarenhas is a partner in King & Spalding's New York office, and is a member of the International Arbitration Practice Group. He specializes in international arbitration, public international law, and business and human rights. Mr. Mascarenhas is co-chair of the Business and Human Rights Working Group of the New York City Bar Association. He has been recognized as a "Rising Star" by The New York Law Journal for attorneys practicing in New York under the age of 40 (2014); by Law360 for energy disputes (2015); the National South Asian Bar Association (2019); New York Super Lawyers for both international law and alternate dispute resolution (2015 to 2020); Euromoney Legal Media Awards for international commercial arbitration (2019); and Latinvex for Latin American disputes (2019). He has also been recognized in the "40 under 40" list of Crain's New York Business (2020); as a "Next Generation Lawyer" in international arbitration by Legal 500 (2018 to 2020); and as a future leader in international arbitration by Who's Who Legal: Arbitration (2017 to 2021).