

International Corporate Counsel College



9 - 10 November 2017 Hilton Amsterdam Amsterdam, Netherlands

21st Century Government: Friend or Foe? How to Work With It and Around It

Program Highlights

- Lunch Speaker: The Honourable Justice Jamie K. Trimble
- Act of State Expropriation and Interference
- Business and Human Rights
- Enforcement of Foreign Judgements and Arbitral Awards
- Social Media

- Dinner Speaker: Edgar du Perron
- Whistleblowing
- African Trade Law and the Impact on Foreign Investment
- Dawn Raids by Competition Authorities
- "Follow-On" Actions
- Rt. Hon. Dominic Grieve Q.C., M.P.: A Brexit Field Guide

2017 International Corporate Counsel College

The International Corporate Counsel College brings together in-house counsel and their law firm counterparts for two days of education and discussion on the latest legal issues affecting global companies. The event is modelled on the highly successful IADC Corporate Counsel College that is held each year in the United States. This distinctive meeting format creates an intimate environment, providing the opportunity for inhouse counsel and their advisors to gain knowledge together and spend time with others who face similar issues. The IADC is pleased to invite you to the annual International Corporate Counsel College in Amsterdam on 9 - 10 November 2017.

Who may attend?

The event is designed primarily for in-house counsel of corporations. Outside counsel also are welcome, provided they come with one or more in-house counsel.



The International Association of Defense Counsel (IADC) has been serving a distinguished membership of corporate and insurance defense lawyers since 1920.

Its activities benefit the approximately 2,500 invitationonly, peer-reviewed members from around the world and their clients, as well as the civil justice system and the legal profession. In addition, the IADC takes a leadership role in many areas of legal reform and professional development.

Programming

THURSDAY, 9 NOVEMBER

11.45 - 13.00

WELCOME LUNCHEON - GUEST SPEAKER: THE HONORABLE JUSTICE JAMIE K. TRIMBLE, JUDGE OF THE SUPERIOR COURT OF JUSTICE OF ONTARIO, CANADA

Justice Trimble was appointed to the Ontario Superior Court (Canada), Ontario's highest trial court, in December 2013. He sits in Brampton but circuits throughout the Central West Region.

Justice Trimble articled with, then practised with, Hughes Amys following his call to the Bar in Ontario in 1989. In his 25 years as a member of the Bar in Ontario, Justice Trimble had a broad litigation practice focusing on disputes involving insurance policy wording and coverage (first and third party) tort, negligence, professional negligence, construction, and contracts. He appeared in all levels of Court.

From 2009 to 2013, Justice Trimble was President of The Arc Group Canada, an affiliation of firms across Canada serving the insurance and risk management communities. In 2001, he became a certified Risk Manager, and was certified by the Law Society of Upper Canada as a Specialist in Civil Litigation. For his last ten years of practice, Justice Trimble was recognized by *L'Expert* as a leading litigator in commercial insurance. In 2011, Justice Trimble became a member of the IADC.

Trimble's extra-curricular activities focussed on professional excellence. He has been a member of the Ontario Bar Association (OBA) since his days at law school. The Ontario Bar Association is the Provincial chapter of the Canadian Bar Association, and the largest such association in Canada. Trimble has held many positions within the OBA, including Chair of the Civil Litigation section 1998-08, Chair of Continuing Legal Education 2005-07, and OBA President, 2008-09. He has chaired numerous committees. He has also been a member of the Board of Directors of the Advocate's Society.

In practice, Justice Trimble was a regular speaker on insurance, litigation, and practice issues at the OBA, Law Society, Advocate's Society, numerous county and district law associations, Ontario Risk Management Society, and for clients and client focussed groups such as The Arc Group. He continues to speak at most of these organizations.

13.00 - 13.15

BREAK

13.15 - 13.30

OPENING REMARKS

William J. Perry, 2017 International Corporate Counsel College Director, Carter Perry Bailey LLP, London, United Kingdom

Introduction to the IADC

Andrew Kopon, Jr., IADC President, Kopon Airdo, LLC, Chicago, IL USA

13.30 - 14.30

ACT OF STATE - EXPROPRIATION AND INTERFERENCE: WHAT DO YOU DO?

How can a company respond to a foreign government expropriating or otherwise interfering with the company's operations or investments in that government's country? The "Act of State" doctrine is essentially that the courts of the company's home country will not accept jurisdiction over the executive acts of a foreign government in its own territory. So what solutions are there? Resolving by arbitration? Commercial or diplomatic pressure?

What precautions can a company take when setting up or investing abroad? Is political risk insurance for physical asset loss or for foreign government default a solution? What are the countries of current concern? What if a change of government (democratically or not), or just a capricious change of will, leads to a state dishonouring its obligations?

Moderator: Richard Eveleigh, Financial Lines Innovation Leader, AIG Europe Limited, London, United Kingdom

<u>Presenters:</u> Vlad Bobko, Head of Crisis Management, Aon Global Broking Centre, London, United Kingdom; Rodman Bundy, Director,

Dispute Resolution Group, Eversheds Harry Elias, Singapore

14.30 - 14.45

BUSINESS AND HUMAN RIGHTS

The impact of business on society has given rise to an increasing focus on the responsibility of corporations to respect the human rights of those impacted by their business operations. This is being reflected in an increasing amount of both "hard" and "soft" law, corporate social responsibility guidelines and activism from, amongst others, civil society and socially responsible and ethical investors. This session will examine what corporations are required to do, what is expected of them, how realistic those expectations are, and what role in-house and external counsel can play.

Moderator: Peter J. Rees, Q.C., 39 Essex Chambers, London, United Kingdom

<u>Presenters:</u> Richard Harvey, Legal Counsel, Campaigns and Actions, Greenpeace International, Netherlands; Barrister, Garden Court

Chambers, London, United Kingdom; Suzanne Spears, Partner, Volterra Fietta, London, United Kingdom; Andrew Vickers,

Communications Director, Chrysaor, London, United Kingdom

15.45 - 16.00

BREAK

16.00 - 17.00

Enforcement of Foreign Judgements and Arbitral Awards

The panel will discuss whether a successful party can enforce a foreign judgement or a foreign arbitral award abroad with a special emphasis on Brazil, China, Russia, and the United Kingdom (after Brexit). Can the successful party enforce a foreign judgement in Brazil, China, Russia, or the United Kingdom, and can a judgement rendered in Brazil, China, Russia, or the United Kingdom be enforced in the EU? Will it be easier to enforce an arbitral award abroad, especially in our focus countries, and will such enforcement depend in which country the award was made? Will it be necessary to reconsider existing jurisdiction and arbitration clauses? What has a company to consider when it discusses whether to include a jurisdiction clause or an arbitration clause in a contract?

Moderator: Dr. Anton G. Maurer, Attorney and Managing Director, Anton Maurer International Legal Services

Rechtsanwaltsgesellschaft mbH, Stuttgart, Germany

<u>Presenters:</u> Simon Bai, Managing Partner, ChenYi Law Firm, Tianjin, China; Wendy J. Miles, Q.C., Partner, Debevoise & Plimpton,

London, United Kingdom; Fernando Serec, Head of Litigation and Arbitration, Tozzini Freire, São Paulo, Brazil; Maxim

Zgodko, Head of Legal Practice, Ackermann Bellmer, Moscow, Russia

17.00 - 17.15

BREAK

17.15 - 18.15

SOCIAL MEDIA

Who would not be proud to see the comments and appraisals from the enthusiastic followers and customers on your company's blog? But what if one of your customers who happens to have a large number of followers starts to write about the 'horrible product experience'? Or the 'arrogance of your customer care staff'? And how do you react to comments of your employees insulting your customers? And what do you expect from the social platform operator if the dialogue escalates? Do you get engaged in your employees' private activities on social media? What are the limits of freedom of speech? And with all these risks does social media actually allow you to successfully communicate?

Moderator: Volker Weisshaar, General Counsel and Board Member, EMEA, Sonos Inc., Hilversum, Netherlands

<u>Presenters:</u> Sedge Beswick, Managing Director, SEEN Connects, London, United Kingdom; Tobias Haar, General Counsel & EVP

Corporate Functions, Gameforge Group, Karlsruhe, Germany; Tom Harding, Associate Director, Osborne Clarke,

London, United Kingdom

18.30 - 19.30

COCKTAIL RECEPTION

19.30 - 21.30

DINNER - GUEST SPEAKER: "Too BIG TO FAIL": EDGAR DU PERRON, NOW A DUTCH SUPREME COURT JUSTICE, SHARES PERSONAL REFLECTIONS ON HIS TIME AS A FINANCIAL SERVICES OMBUDSMAN AND INVESTIGATOR OF TWO BANK COLLAPSES - AND THE LESSONS THEY TEACH!

Prof. Edgar du Perron (1965) was appointed professor of private law at the University of Amsterdam in 1999 and was one of the youngest tenured law professors in the Netherlands. From 2006 to 2016, he served as Dean of the Amsterdam Law School. He was appointed to the Dutch Supreme Court per 1 April 2016. Prof. du Perron is an expert in the field of financial law, tort law, and contract law. Prior to his appointment to the Supreme Court, he served from 2007 to 2016 as Chairman of the Financial Services Complaints Commission at the Financial Services Consumer Complaints Institute (Kifid); a specialized ADR body to deal with financial consumer disputes. In 2005, he was appointed by the Dutch Minister of Finance as member of a committee set up to address the disputes relating to Lease Shares Consumer Investment Contracts. In 2009, he was appointed by the Dutch Minister of Finance as a member of the "Commissie Scheltema," which investigated the fall of the DSB Bank in The Netherlands. He is also co-author of a report commissioned by the Dutch Ministry of Finance addressing the role of the Dutch financial regulator (Dutch Central Bank) in the demise of Icesave (Landsbanki) in the Netherlands.

FRIDAY, 10 NOVEMBER

8.00 - 9.00

WHEN THE WHISTLE BLOWS

Whistleblowing is on everyone's lips. It is a continuous relevant topic that keeps in-house legal and compliance departments, public authorities, and private practitioners busy. This panel, composed of specialists both from common law and civil law countries, will introduce the audience to whistleblowing legislation and the different approaches that Europe and the US have taken on this subject. They will address best practices, including recent developments, difficulties, legal and practical boundaries, and recent court cases.

Moderator: Dr. Jens Burgard, Head of Compliance Case Handling Legal, Siemens AG, Erlangen, Germany

<u>Presenters:</u> Rossana Buzzi, Assistant General Counsel, Compliance & Ethics, Leader South Europe, Schneider Electric SA, Milan,

Italy; Richard E. Glaze, Jr., Partner, Balch & Bingham, Atlanta, Georgia USA; Ronald Steen, Senior Prosecutor,

Prosecutor's Office Rotterdam, Rotterdam, Netherlands

9.00 - 10.00

AFRICAN TRADE LAW AND THE IMPACT ON FOREIGN INVESTMENT

Africa's dire need of foreign investment on a massive scale is a timely topic. Would-be foreign investors are often discouraged by concerns about the capacity of African legal regimes to protect them adequately. Among the reasons for these concerns are laws fixing compulsory minimum equity stakes for citizens in specified sectors and exchange control regulations. Other recurring concerns include the fear of expropriation and other high-handed administrative action as well as risks of immunity, delays, bias, and ineffectiveness in the dispute resolution process. Members of the panel are distinguished litigators from southern, eastern, and western Africa and they will consider the extent to which such concerns may be well-founded and the options for addressing them.

Moderator: Prof. Gbolahan Elias, Principal Partner, G. Elias & Co., Lagos, Nigeria

<u>Presenters:</u> Aisha Abdallah, Head of Litigation, Anjarwalla & Khanna, Nairobi, Kenya; Priyesh Daya, Partner, Webber Wentzel,

Johannesburg, South Africa

10.00 - 10.15

BREAK

10.15 - 11.15

DAWN RAIDS: WHEN THE GOING GETS TOUGH AND THE TOUGH GET GOING

With cartel-busting at the top of the competition law enforcement agenda, competition authorities worldwide are using their dawn raid powers increasingly aggressively. Many authorities have also recently updated their procedures, in particular with respect to IT search, to allow for more effective evidence gathering. Whilst the authorities do not have unlimited powers in relation to dawn raids, companies must be very careful when making any tactical challenges to the exercise of their powers, as any improper obstruction can lead to significant fines. This session includes a mock dawn raid of the room. You will be put through a mock dawn raid procedure and receive a de-briefing from the panelists who will share their experience from a number of different national jurisdictions.

Moderator: Peter Citron, Counsel, Hogan Lovells LLP, Brussels, Belgium

Presenters: Hanna Danwall, Head of Competition Law, Carlsberg Breweries A/S, Copenhagen, Denmark; Dr. Petra Linsmeier, Partner,

Gleiss Lutz, Munich, Germany; Helene Millenaar, Director, Competition Law, AkzoNobel, Amsterdam, Netherlands

11.15 - 11.30

BREAK

11.30 - 12.30

FOLLOW UP ON "FOLLOW-ON" ACTIONS

Private competition litigation is still rather young in Europe but fast-growing. The implementation of the EU Directive of 26 November 2014 on "certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union" is well underway. This panel of expert practitioners will look at the threats and opportunities for corporations arising from these so-called follow-on actions. They will focus on issues such as passing-on and the shift of the burden of proof, the quantification of damages and the presumption of loss, funding and access to the authorities' file, on the geography of claims in the context of the Brexit and of the rise of collective actions in Europe.

Moderator: Thomas Rouhette, Partner, Hogan Lovells (Paris) LLP, Paris, France

<u>Presenters:</u> Jacques Derenne, Partner, Sheppard Mullin, Brussels, Professor, Liège University and Brussels School of Competition,

Belgium; Laurent Geelhand, Partner, Hausfeld, London, United Kingdom & Brussels, Belgium (formerly General Counsel Europe for Michelin); Sophie Service, Senior Litigation Counsel, Telefonica UK Limited, London, United Kingdom

12.30 - 13.15

A Brexit Field Guide

Speaker: Rt. Hon. Dominic Grieve Q.C., M.P., M.P. for Beaconsfield, former Attorney General for England and Wales and

 $Advocate\ General\ for\ Northern\ Ireland,\ and\ Chairman\ of\ the\ Intelligence\ and\ Security\ Committee\ of\ the\ Parliament\ of\ the$

United Kingdom

13.15 - 13.20

CLOSING REMARKS

William J. Perry, International Corporate Counsel College Director, Carter Perry Bailey LLP, London, United Kingdom Prof. lanika Tzankova, International Corporate Counsel College Director-Elect, Tilburg University, Hansfield, Netherlands

General Information

Location

Hilton Amsterdam

Apollolaan 138

Amsterdam, 1077 BG, Netherlands

Phone: + 31-20-7106000

www3.hilton.com/en/hotels/netherlands/hilton-amsterdam-AMSHITW/index.html

Discover the Hilton Amsterdam hotel, famous for John Lennon and Yoko Ono's 1969 'bed-in for peace' and Hilton's first hotel in the Netherlands. This iconic hotel was famously built on the baseline of Plan Zuid, a district designed by prominent architect Berlage, which highlights the Amsterdam School of architecture and contains boutiques, designer shops and couture houses, in addition to being within walking distance of world-renowned Museum Square.



Reservations and Room Rates

The room rates, which are inclusive of VAT and service charges, per room, per night are:

•€229/Single and €249/Double Occupancy for a Hilton Deluxe Room

Complimentary wireless internet access in sleeping rooms and a buffet breakfast are included in the room rates.

In order to make your hotel reservation, you must first register for the International Corporate Counsel College through the IADC. Once registered, the IADC will send you information that will allow you to secure a hotel room at our group rate. Reservations must be made prior to Monday, 9 October 2017. Unused rooms held for this meeting will be released on this date. Any reservation requests received after 9 October 2017 will be accepted on a space available basis at the group rate. Please note that the room block may fill before that date or the hotel may sell out, so we encourage you to register with the IADC so you can make your hotel reservation early. Cancellations of any guaranteed room reservation received less than one week prior to check-in will be charged the entire stay. Also, any early departures once onsite will incur full accommodation cancellation charges and any no-shows will be charged for the entire stay. Check-in time is 14.00 and check-out time is 12.00.

Transportation

The Amsterdam Airport Schiphol (AMS), located approximately 20 minutes from the Hilton Amsterdam, has daily flights to Europe's leading cities and extensive international connections.

Car service can be arranged in advance by emailing the hotel at info.amsterdam@hilton.com. Rates will vary depending on the time of day, number of people, and luggage. Taxi cabs are readily available at the airport and one-way fare to the Hilton Amsterdam is approximately €40.

For more information and public transportation options, visit the hotel's website (address above) and click on "Maps & Directions."

Climate and Dress

When packing for your trip, please note that average temperatures in Amsterdam this time of year range from a high of 10° C/50° F to a low of 4° C/38° F. Business attire is appropriate for this meeting.

Registration Fees and Procedures

In-House Counsel: \$750 USD

The registration fee includes all meeting materials and Thursday's luncheon, reception, and dinner. Credit cards will be charged in U.S. dollars based on the exchange rate the day it is processed. Registration fees are set forth on the registration form.

Outside Counsel and In-House Counsel Package: \$2,500 USD (\$1,750 USD for Outside Counsel and \$750 USD for In-House Counsel)

The registration fee includes all meeting materials and Thursday's luncheon, reception, and dinner for both the outside and in-house counsel. Credit cards will be charged in U.S. dollars based on the exchange rate the day it is processed. Registration fees are set forth on the registration form.

Spouse/Guest: \$250 USD

The spouse/guest registration fee includes Thursday's reception and dinner. Credit cards will be charged in U.S. dollars based on the exchange rate the day it is processed. Registration fees are set forth on the registration form.

CDP Credit (Canada)

The IADC is a Pre-Approved Provider of CDP Credit with the Law Society of British Columbia. The Quebec CDP Committee recognizes courses approved by other Canadian bars as approved in Quebec. 8 CDP credits are available for attendance at the International Corporate Counsel College.

CLE Credit (United States)

Approximately 8 hours of general CLE credit in 60-minute states and 9.5 hours of general CLE credit in 50-minutes states will be requested for accreditation from all mandatory continuing legal education jurisdictions.

Cancellation Policies

Registration Fee: A CASH REFUND, less a \$150 processing fee, will be made if a written notice of cancellation is received by the IADC office more than thirty (30) days prior to the first day of the meeting. No reason for the cancellation need be provided for a timely notice of cancellation.

NO CASH REFUND will be made if notice of cancellation is received by the IADC office thirty (30) days or less prior to the first day of the meeting. However, if special circumstances arise before the meeting which prevent attendance, a member may request a future meeting credit. The request needs to be in writing and submitted to the IADC office. It should be directed to the Finance Committee's attention and note the special circumstances which caused cancellation. The credit request can only apply to meeting registration fees (not air, hotel, activity, tour, or special event fees) and, if approved, will be valid for use toward any IADC meeting for one (1) year from the date of the meeting for which credit is requested. A \$150 processing fee will be deducted from the total future meeting credit. All future meeting credit requests will be considered by the Finance Committee and the decision of that Committee will be final.

Spouse/Guest Fee: Notice of cancellation must be received by the IADC in writing no later than 27 October 2017 in order to receive a full refund. No refunds or credits will be issued for cancellation requests received after 27 October.

Special Needs

If you will have special needs during the meeting (i.e. diet or accessibility), please let the IADC office know in advance of the meeting by sending an email to Rebecca Zurcher, Director of Meetings, at rzurcher@iadclaw.org.

Questions

For up-to-date meeting information, visit www.iadclaw.org. For questions concerning logistics and accommodations, please contact Rebecca Zurcher, Director of Meetings, at rzurcher@iadclaw.org. For all other questions, please contact Amy O'Maley McGuire, Director of Professional Development, aomaley@iadclaw.org.

Tours

FRIDAY, 10 NOVEMBER

PRIVATE DINNER CRUISE

Time: 19.00 - 21.30

Location: The cruise will depart from and return to the landing stage at the Hilton

Amsterdam.

Fee: \$110 USD (includes dinner, wine, and beer)

Join other IADC attendees on a dinner cruise through Amsterdam's beautiful canals. During a canal cruise through the unique UNESCO World Heritage canal district, you will get to see Amsterdam in a different perspective. Admire the elegant merchants' houses that have lined the canals since the Golden Age, the majestic facades and gables, as well as the historic churches and the iconic "Magere Brug" (skinny bridge) while dining and drinking with friends.



SATURDAY, 11 NOVEMBER

VAN GOGH MUSEUM TOUR

Time: 13.30 - 17.30

Location: The tour will depart from and return to the Hilton Amsterdam.

Please meet in the hotel lobby by 13.30 for group departure.

Fee: \$75.00 USD (includes roundtrip transportation, professional tour guide,

and entrance to museum with personal audio guide)

This English speaking tour begins with an overview of Amsterdam by a professional tour guide as the group makes its way to the Van Gogh Museum by bus. Once at the museum, you will be



able to explore on your own with the aid of an audio guide. The Van Gogh Museum is an art museum dedicated to the works of Vincent van Gogh and his contemporaries. The museum opened on 2 June 1973 and houses the largest collection of Van Gogh's paintings and drawings in the world.

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2017 International Corporate Counsel College Registration Form

DATE: 9 - 10 November 2017 • LOCATION: Hilton Amsterdam

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Phone: 1.312.368.1494 • Fax: 1.312.368.1854 • Web: www.iadclaw.org

IN-HOUSE COUNSEL	\$750 USD	\$
NAME	NAME ON BADGE	
FIRM/COMPANY NAME		
BUSINESS ADDRESS		
<u>CITY</u> STATE	ZIP	COUNTRY
BUSINESS PHONE	BUSINESS FAX	
EMAIL ADDRESS		
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US STATE BAR NUMBER(S) FOR ALL STATES WHERE LICENSED		
OUTSIDE COUNSEL AND IN-HOUSE COUNSEL PACKAGE	\$2,500 USD	\$
Outside counsel members are most welcome, but they must come with one or more in-house counsel. The registration fee is \$2,500 USD (\$1,750 USD for the outside counsel and \$750 USD for the in-house counsel). If the outside counsel brings additional in-house counsel guests, there are fee reductions for subsequent guests. The registration fee for one additional in-house counsel is \$700 USD; second additional in-house counsel is \$650 USD; and any other in-house counsel is \$600 USD. Please use additional copies of this form to register multiple in-house counsel.		
OUTSIDE COUNSEL INFORMATION		
NAME	NAME ON BADGE	
FIRM/COMPANY NAME		
BUSINESS ADDRESS		
CITY STATE	ZIP	COUNTRY
BUSINESS PHONE	BUSINESS FAX	
EMAIL ADDRESS		
US STATE BAR NUMBER(S) FOR ALL STATES WHERE LICENSED		
IN-HOUSE COUNSEL INFORMATION		
NAME	NAME ON BADGE	
FIRM/COMPANY NAME	TAME ON DADGE	
BUSINESS ADDRESS		
CITY STATE	ZIP	COUNTRY
BUSINESS PHONE	BUSINESS FAX	COUNTRI
EMAIL ADDRESS	BOSINESS TAX	
EMAIL AUDINESS		
US STATE BAR NUMBER(S) FOR ALL STATES WHERE LICENSED		
SPOUSE/GUEST REGISTRATION FEE	\$250 USD	\$
The spouse/guest registration fee includes Thursday's reception and dinner only. NAME		
TOURS		\$
Code Date Time Event Price/Per		
ACT1 FRI. 10 NOV. 19.00 DINNER CRUISE \$110 USD ACT2 SAT. 11 NOV. 13.30 VAN GOGH TOUR \$75 USD)	
ACT2 SAT. 11 NOV. 13.30 VAN GOGH TOUR \$75 USD	TOTAL AMOUNT ENGLOSED	
	TOTAL AMOUNT ENCLOSED	\$
PAYMENT COMMENT COMMEN		
Complete and email to mjuarez@iadclaw.org or mail to: IADC, 303 West Madison Street, Suite 925, Chicago, IL 60606 or fax to 1.312.368.1854. AMEX		
Number:	Expiration Date:	
Name on Card:		
Signature:		

Please fill out the form and email, mail, or fax it to the IADC. For your convenience, all registration fees may be paid by credit card, wire transfer, or by check. If paying by wire transfer, please contact Jenée Williams at jwilliams@iadclaw.org for details. If paying by check, it must be in U.S. currency and mailed to the IADC.



International Association of Defense Counsel

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9 - 10 November 2017 Amsterdam, Netherlands

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For more information and to register, visit www.iadclaw.org.