The World Jurist Association’s Conference on Law and Technology: Innovation in the Digital Age was held April 22–24, 2012 in Washington, D.C. USA. The conference was an interactive discussion that brought together distinguished delegates and speakers from 17 different countries, representing every region of the world. The DC 2012 conference was co-located with the International Municipal Lawyers Association’s (IMLA’s) Mid-Year Seminar at the Omni Shoreham Hotel.

**Sunday April 22—Conference Opening**

Prof. Dr. Alexander Bělohlávek (Czech Republic), President of the World Jurist Association, welcomed all the distinguished guests, and introduced the Conference’s theme of Law and Technology as a topic that is of great and increasing interest to legal professionals around the world. Prof. Bělohlávek reminded delegates that the WJA publishes the Law/Technology Quarterly Journal, one of the few journals focused on law and technology issues worldwide.

**Keynote Address**

Mary Ellen Iskenderian (USA), President & CEO, Women’s World Banking (WWB) introduced WWB as a global network of microfinance institutions and banks, created with the common goal of empowering women financially. She discussed the specific goals of empowering women worldwide, providing access to finance for women, credit, insurance, sustaining social impact of supporting women in all aspects of their financial lives.

Mary Ellen added that the WWB facilitates programs that allow women to make sustainable life savings including family medical care, children education, and safe family housing. The key focus on women is because when a woman generates her own income and has discretion over it she reinvests that money to a far greater degree for longer lasting impact as proven around the world.

Innovations such as sustainable micro insurance, mobile banking, and easily digested, real world financial education are proving to increase the quality of life of many of the world’s women, their families, and communities. Technology is a primary factor in making this possible, and so, the protection, promotion, and growth of these virtual resources and assets is essential to this endeavor.

*continued on page 3*
President’s Message

Dear Members and Friends of the WJA,

At the 2012 Washington, D.C. Conference, the World Jurist Association hosted various panel sessions which attracted international legal, technology and business professionals to a successful interactive discussion on Law and Technology: Innovation in the Digital Age. Mary Ellen Iskenderian, President and CEO of Women’s World Banking (WWB) delivered the opening keynote address. In her presentation, Women’s World Banking and the Role of Innovation and New Technologies in Increasing Women’s and Girl’s Economic Security, Mary Ellen addressed key issues in micro-finance and provision of basic access to financial services for women in developing countries. She explained that financial institutions were using current technologies such as mobile banking for the financial empowerment of women.

Technology has become the very essence of our day-to-day activities with rapid developments and innovations. The Internet, for instance, which operates on a global platform, has increasingly raised questions to the international community on how each jurisdiction can enforce applicable laws in times of breach; whether new laws need to be created or existing ones modified. This and a myriad of law and technology related issues were discussed during the D.C. Conference. Distinguished and compelling speakers expounded on the protection of corporate data, what policies should be incorporated by businesses/organizations to prevent employees from abusing social media in the work place, freedom of expression and data privacy, courtroom technologies, cloud computing and cybercrime vis-a-vis cyber security, legal education using current technology such as online classrooms, internet service providers, infringement of copyright works, and freedom of speech in the technology era.

This report contains a summary of the above discussions. A comprehensive report is available on our website at www.worldjurist.org.

The WJA continues to provide unique forums such as the Washington, D.C. Conference, where legal and business professionals convene to discuss and share ideas that foster the Rule of Law. We are currently working on the next event, and also request that you make a note of the 25th Biennial Congress which will also be WJA Golden Jubilee celebration in the fall of 2013. Venue and event details will be provided to you shortly.

We encourage you to continue in support and participation of WJA activities.

Warmest regards,

Prof. Dr. Alexander Bělohlávek

Renew Your Membership!

Your continued support and participation as a member of the World Jurist Association is important to us. Don’t forget to renew your membership for the current year. Members receive free subscription to The World Jurist Bulletin, discounted rates to other publications and discounted registration to all WJA events. We invite you share your achievements with your colleagues around the world.

Please send us your current email addresses to receive regular email updates from the WJA to wja@worldjurist.org.

World Jurist Association

2011–2013

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Special Membership Categories:
WJA offers 3 levels of lifetime membership to persons interested in supporting the mission of the organization. All lifetime members receive the full benefits of membership and additionally are recognized in the WJA official newsletter. Patron Membership is available upon donation of $5000.00. President’s Circle is available at $15000.00. And Benefactor Membership is $25000.00. Life members may upgrade their level of membership by donating the difference in fees. Donations made in the name of a deceased person allow for election posthumously.

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Please address all inquiries, announcements, reports, and articles to: World Jurist Association, 7910 Woodmont Avenue, Suite 1440, Bethesda, MD 20814 USA or via e-mail to wja@worldjurist.org
Panel Session 1: Privacy and Data Protection—Evaluating Obligation Under Applicable Laws and Regulations

**Moderator:** Kim G. Quarles (USA), WJA Second Vice President & Senior Vice President Executive Risks, Willis of New York

Dr. Els De Busser (Germany), Senior Researcher and Head of Section European Criminal Law at the Max Planck Institute, discussed how countries, states and regions cooperate in sharing information in criminal matters, specifically the European Union (EU) and the United States. Dr. De Busser drew attention to the particular interest in how they work together to fight crime and how computer related crime—which generally involves both fraud and theft—is addressed by each.

Prof. Cláudio Simão de Lucena Neto (Brazil), Professor in the Private Law Department of the Legal Sciences Center at Paraíba State University, discussed the reflects of lawsuit automation in a labor court and in a common justice court. Prof. Lucena discussed how Information systems and lawsuit processing software applications were regulated in Brazil making the practice of procedural acts, as the sending of an electronic petition and other procedural communications, possible through the internet.

Lillie Coney (USA), Associate Director for the Electronic Privacy Information Center (EPIC), focused on the issue of Big Data in the United States as seen through surveillance, legislation, connectivity, and social networking/cloud computing. Ms. Coney discussed the number of Acts attempting to perfect the balance between a right to personal privacy and a governmental need for information usually active in times of crisis such as after the attacks on Pearl Harbor and 911.

Jasmine McNealy, Ph.D. (USA), Assistant Professor of Communication, S.I. Newhouse School of Public Administration at Syracuse University, spoke about the emerging conflict between newsworthiness and the right to be forgotten (the right to remove information from public consumption after a certain time). Using the case of Puritz v. Srinivasan as an example, Ms. McNealy unwrapped the legal and ethical implications behind free expression and data privacy. Ms. McNealy gave the broad definition of personal data to include any information by which a person can be identified, which might also include articles in newspapers. She explained that while the EU honors personal data privacy, there is no right to be forgotten in US law. The closest privacy tort is the public disclosure of private fact, which prohibits the publication of truthful, private information about an individual that is highly offensive to a reasonable person.

Panel Session II: Data Privacy and Risk Management

**Moderator:** Sona N. Pancholy (USA), WJA Executive Vice President

Kim Quarles (USA), WJA Second Vice President and Senior Vice President for Executive Risks at Willis of New York, examined the corporate perspective on data privacy and risk management. Ms. Quarles explained that the global economy requires that information be current, accurate and protected and countries have responded to this need by enacting data security specific legislation. Ms. Quarles stressed that preparedness and prevention of a breach—with proper background screening of new hires and vendors, extensive staff training and certification, and accountability measures—is paramount, and so is breach-crisis-management which involves timely notification, effective investigation, and investment in insurance.

M. Jerome Leonard (USA), CEO and President, Taylor-Leonard Corporation, provided an overview of privacy protection and the law, and discussed key aspects of data privacy and risk management. Mr. Leonard noted four aspects of data privacy include protection from unreasonable intrusion upon one’s isolation, from appropriation of one’s name or likeness, from unreasonable publicity given to one’s private life, and from publicity that places someone in a false light. Key technologies...
used to enforce privacy and anonymity issues are data encryption, and use of private and/or public key encoding and decoding systems. On the other hand, technologies on consumer profiling that potentially compromise privacy include cookies—that store browsing data which can be easily be retrieved. In addition, internet bots, spamming, personalization software pose a threat. Mr. Leonard discussed the business world of managing the loss of private data as a rapidly growing concern. He added that lost data can be recovered through encryption but this process is very costly and time consuming so setting a system in place to protect data before it is lost is the best risk management strategy. He added that setting up and enforcing privacy policy and regulations is pivotal.

Lin Jinwen (P.R. China), Senior Judge and Vice President of the High People’s Court of the Guangxi Zhuang Autonomous Region, provided examples from recent Chinese court cases to illustrate the defaults and improvements of legal protection on privacy and data in cyberspace. Judge Lin recognized that the Internet is a tool to promote a free flow of information, but can also be a weapon to cause harm to innocent persons. He called for a balance between freedom of speech and the right of data to be free from infringement. This can be done by addressing gaps in existing legal protection of privacy and internet data.

Panel Session III: Cybercrime/Cyber Security— A Global Perspective

Moderator: Iris Jones (USA), President, World Business Associates of the WJA & CEO, Alchemy Business Strategies, LLC.

Donald E. Allison (USA), Senior Security Consultant at Korelogic, Inc., gave insight to the “Law and the data ecosystem” based on his decades of experience as a cyber detective. Mr. Allison described the internet as rapidly out-evolving the law to the point at which it is a “lawless land.” He highlighted the overlap in global transportation and internet connectivity maps. In a discussion of Cloud computing, Mr. Allison explained the system of storing data in a remote location and under someone else’s control where data is processed based on global electricity prices which often splits data sets and sends them to different parts of the world which could leave copies of any piece of data stored in servers around the globe. He explained that while Internet Protocol (IP) addresses are bought and maintained in the US, their data is stored globally by using this whole-sale Cloud infrastructure. Much of the world’s data is now stored in a “hyper giant” server warehouses that control up to 80% of all internet traffic, effectively flattening the way the world communicates.

Mr. Allison also shared statistics in social media advertising and data-mining, pointing out that both are generally unregulated. Criminal and malicious data-mining is now happening through viruses, some of which are transmitted via thumb drives. All these points show the need for a world data organization to regulate the complex trans-nationality of the Internet. Not to regulate “the road” but what’s on “the road,” the value of which is nearly $4 trillion, in Mr. Allison’s estimation.

Welcome Reception
During the joint WJA and IMLA evening welcome reception, Chuck Thompson, IMLA’s Executive Director and General Counsel, gave a warm welcome speech which was echoed by Kim G. Quarles, WJA’s Second Vice President. Delegates had an enjoyable evening of complimentary drinks and hors d’oeuvres where they networked and met their colleagues from various regions of the world.

Monday April 23
Panel Session IV: Emerging Technologies and ADR in Practice

Moderator: Ronald M. Greenberg (USA), WJA Past President & Senior Counsel, Dykema Gosset, PLLC

Joseph Michael Matthews (USA), Attorney-at-Law with Colson Hicks Edison,
P.A. and Joseph M. Matthews, P.A., engaged the audience in an interesting discussion asking them of their level of interaction and conducting business over the internet. He demonstrated that both commerce and personal relationships live more and more in the virtual world. The rapidly changing world of technology has greatly helped speed and solve dispute resolution—simple email being among the most effective tools used by arbitrators, moving the timeframe from months to hours. Mr. Matthews added that the electronic web filing of court documents has made today’s litigation and arbitration foundationally more efficient and effective. He warned of designing an electronic system that is so efficient that it would overlook the ‘right to be heard’.

Mr. Matthews discussed how eBay and PayPal are leading the way in high volume, fast paced, peer deterrence dispute resolution, bridging the gap traditional DR faces when claim amounts are too small, need to happen very quickly, financial costs, and hold language or other barriers. He concluded by stating that as the online world grows to mirror non-virtual life even more, online based disputes will become more complex and require online courtrooms with virtual advocates. Mr. Matthews stated that he intends to be among the first when this happens.

Panel Session V: Role of Technology in Courts

 Moderator: Garry E. Hunter (USA), WJA General Counsel & Attorney at Garry E. Hunter Law Offices, Inc., L.P.A.

Fredric I. Lederer (USA), Chancellor Professor of Law and Director of the Center for Legal Court Technology (CLCT)—formerly the Courtroom 21 Project—and Director of the Legal Skills Program at William & Mary’s School of Law, outlined the ways in which the administration of law can, and is, being improved through technology. Prof. Lederer provided examples where the digital court room, digital case management, video and audio language interpretation can be done in real-time, multi-person/multi-location video conferencing, electronic evidence, and much more. He provided examples of how the CLCT program is leading the way in designing, testing, and implementing features that will be used in the courtrooms of tomorrow. Prof. Lederer explained that each state, district, and locality has very different needs and as such, no two courtrooms will be alike. A large part of any move to a digital foundation must account for the specific needs and particular function of any courtroom to maximize on efficiency and minimize wasted effort.

Song Jianli (P.R. China), Senior Judge of the Supreme People’s Court, provided insight into China’s courtrooms, which have rapidly technologically modernized over the last 20 years. Judge Song pointed out that greater efficiency gives rise to greater justice. Tools such as electronic evidence presenters, teleconferencing, information sharing, digital trial management and resource sharing, capability for remote hearings, and real-time audio/video recordings that preserve original testimony enable a system where records are open, transparent, and readily available. Judge Song added that achieving a proper balance to allow for greater justice is the final goal and all involved (judges, lawyers, and police) must understand and properly implement technology.

Shpresa Beçaj (Albania), Chief Justice of the Albanian Supreme Court, described how information technology brings the court closer to the people by affecting their economic, cultural, and social lives. Technology also improves court management and judicial administration, efficiency, speed, accuracy, and transparency. Chief Justice Beçaj

Panelist—Prof. Cláudio Simão de Lucena Neto (Brazil), Dean of the Law Faculty, Center for Legal Studies, at Paraíba State University, in Brazil
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discussed the need for regulation of information technology in Albania. She explained that IT is already in wide use in the private sector, where it increases the awareness of value to business and citizen communities. Chief Justice ëçaj concluded by stating that the creation of a legal database where local organizations and businesses would be registered electronically would be highly advantageous.

Garry E. Hunter (USA), WJA General Counsel and Attorney at Garry E. Hunter Law Offices, Inc., L.P.A., reviewed and reiterated the implications and goals of Information Communication Technology. Mr. Hunter focused on the limitations of cost, existing laws, training, attitudes, maintenance, a unified approach, and access needs. He added that while nearly all these factors are specific to each country/jurisdiction, every legal system should move in a digital direction. Mr. Hunter advised that this should be done in small steps with simple implementations as appropriate to solve an existing problem or meet an existing need and always considering the security aspects, social concerns, and economic implications involved.

Joint WJA/IMLA Luncheon
During the joint Luncheon, IMLA recognized all the dignitaries attending the conference including Chief Justice Mrs. Shpresa Beçaj, Supreme Court of Albania, Mr. Wan Exiang, Justice and Vice President of the Supreme People’s Court, China, Mr. Park Hong-Woo, Chief Judge Supreme Court of Korea, Chief Justice Dahiru Musdapher, C.J.N., G.C.O.N., Supreme Court of Nigeria, Justice Clement Endresen, Supreme Court of Norway, Mr. Mikhail Baskakov, Deputy Head of the Supreme Court of Russia, Judge Zhudro Kirill, Supreme Court of Russia, Mr. Valerian Tsertsvadze, Secretary of the High Council of Justice of Georgia, Judge Besarion Alavidze, Supreme Court of Georgia, and Mr. Mamuka Akhlevdiani, Judge/Chairman of Rustavi City Court.

Guest Speaker, Robert C. (Bob) Springer (USA), Colonel in the United States Marine Corps (Retired) and former NASA Astronaut, discussed the process of trying to prepare for a NASA mission while knowing you are only along for the ride when technology launches you, and thousands of pounds of dynamite, into space. Mr. Springer discussed the recently retired Challenger Program and shared his assessment of the pros and cons of a winged & wheeled, multi-use shuttle and the planned capsule style space travel program that’s now (re)beginning.

He touched on his post NASA career with Boeing to mention the prospects and building of commercial space travel vessels. He also took questions on some of the successes and failures of various NASA missions, as well as, his high hopes for the future of the program.

Panel Session VII—Innovations in Law and Technology

Moderator: Sona N. Pancholy (USA), WJA Executive Vice President

JUDr. Tomas Scerba (Czech Republic), Attorney-at-law, Pokorny, Wagner & Partners in Prague and a PhD candidate at Masaryk University, Brno, analyzed cyberspace and the electronic world of contracting. With so many contractual agreements living exclusively in the digital world, JUDr. Scerba discussed some specific aspects of all e-contracts: archiving (aging hardware, unstable media, and problematic relation to an operating system), effective data storage and accessibility, security issues (corrupted files, transfer of digital information, violated documents, prohibited access, and the data inbox eeing of most particular concern.

Edward C. Wolfe (USA), Senior Counsel at Dykema Gossett, PLLC, discussed social media technology in the business context. Mr. Wolfe explained that
companies the fundamental rights. The protection of both customers and the<br>require a deliberate balancing against<br>end injunctions claimed by IPR holders<br>purely preventative measure, or (3) is<br>to all its customers, (2) constitutes a<br>cannot be required to install filtering<br>fundamental rights. Professor Wolk<br>delicate balance of copyright with other<br>and pointed to filtering as being the most<br>common methods of preventing copyright<br>which give precedence to the most<br>infringement works in Europe. Professor<br>sighted several examples of the complexity of these issues in Europe<br>which give precedence to the most<br>filtering and the blocking of copyright<br>and pointed to filtering as being the most<br>legally complex of the two, demanding a<br>delicate balance of copyright with other<br>fundamental rights. Professor Wolk<br>explained that ISPs and social networks cannot be required to install filtering<br>if it applies indiscriminately to all its customers, (2) constitutes a<br>purely preventative measure, or (3) is<br>done exclusively at the ISP expense. In<br>the end injunctions claimed by IPR holders<br>to protect their rights are not absolute,<br>but require a deliberate balancing against<br>the protection of both customers and the<br>companies the fundamental rights.

Yang Yue (P. R. China), Senior Judge<br>and Vice President of the Intermediate<br>People’s Court of Shenyang City of<br>LiaoNing Province, shared insight into<br>the limited infringement liability of net<br>work service providers, through the<br>perspective of Chinese tort law. Ms. Yang<br>pointed out that rapid development in<br>this area means facing many challenges in<br>intellectual property disputes, especially<br>the issues of copyright and obligation of<br>network service providers. As such, the<br>situations of network infringement cases<br>in Shenyang area have increased rapidly<br>over the past four years. Ms. Yang gave an<br>analysis of analysis of tort liability of network service<br>provider and four elements of tort liability:<br>distinction of the liable persons, technical<br>service providers (accessing, caching, <br>information storage space, searching and<br>linking services), differentiation, and<br>judicial practice for ‘notice delete rule’<br>which disconnects or deletes when receive<br>the notification (within a reasonable<br>period). Ms. Yang suggested that by studying<br>the problems of the tort of network<br>service provider there can be enhanced<br>protection of network copyright and<br>balanced interests to make it a win-win.

Tuesday April 24<br>Panel Session VIII: Legal Education:<br>Technology in the Classroom<br>

Moderator: Garry E. Hunter (USA),<br>WJA General Counsel &<br>Attorney at Garry E. Hunter<br>Law Offices, Inc., L.P.A.

Andrea L. Johnson (USA), Professor<br>of Law and Director of the Center for<br>IP, Technology, and Communications<br>at California Western School of Law,<br>discussed successful distance learning in<br>the American legal education system.<br>Professor Johnson discussed the increase<br>in number of online programs available<br>and the increased emphasis on hands-on<br>clinical experiences and competition<br>for higher rankings is driving the cost of<br>legal education. Due to modern lifestyles,<br>flexibility to adjust to various types of<br>learning, and financial considerations,<br>more students are choosing online degrees<br>each year. This has become problematic on<br>both ends of the spectrum with traditional,<br>brick-and-mortar institutions competing<br>with those exclusively online to meet<br>student’s needs and also for graduates<br>attempting to implement their degrees.<br>For example, graduates of online programs<br>are seeking admission to US state bars<br>and suing the state bars for that right.<br>Professor Johnson shared her<br>experience teaching in both the virtual and<br>physical classroom and concluded there is<br>no advantage to a physical classroom that<br>cannot be met or surpassed by the use of<br>synchronous and asynchronous technology<br>in the virtual classroom. As each new<br>freshman class is increasingly more aware<br>of, comfortable with, and even reliant<br>on technology as a conduit to learning,<br>it is essential that online and traditional<br>institutions keep pace with the needs<br>and wants of students and that the post<br>graduate world recognize the legitimacy of<br>a virtual education.


Moderator: Ronald M. Greenberg<br>(USA)<br>WJA Past President & Senior<br>Counsel, Dykema Gosset,<br>PLLC

Ethia Simha (Israel), President of the<br>World Association of Lawyers of the WJA<br>and Attorney at Ethia Simha Law Office,<br>analyzed freedom of expression in the<br>digital age through the lens of justice and<br>the media. Ms. Simha noted that all<br>democratic societies have cherished the<br>value of freedom of expression as a supreme<br>value in the life and liberties of people<br>and that freedom, and that for citizens<br>to effectively participate in government,<br>and execute their civil rights, they must<br>be informed, it is essential to have an<br>unbiased, objective source of information<br>for the facts and information. While<br>also recognizing freedom of the Press to<br>woo, Ms. Simha added that in the era

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of mass communication, however brave and imaginative, has little impact unless broadcasted through the great engines of public opinion and that freedom of the press allows for a market of ideas that should be heard for the benefit and health of society.

In claiming free Press, a state expresses that government should not act as a censor and must then, through its courts, strike a balance between the freedoms to express opinions no matter what the impact may be and preventing an airing of views that may injure the public, no matter what the injury may be. The controversial issue is that a court may consider in its deliberation also the imperative for the public interest, foe in the digital era sometimes overlaps with defamation, if it is in the interest of public interest it may be beneficial.

Simha concludes that the internet per se neither creates a conflict. It does allow expression of already existing problems and brings to the surface what might otherwise remain dormant and so, does more good than harm as advances in the digital era enhance democracy but also the conflicts between foe and security, privacy, defamation, must be balanced by the court in a vibrant and ever changing society. It’s the duty of the law to maintain balance between high value and equality of the stats and opportunity to strengthen dignity of person and fraternity amongst all by responding to the needs of the people to the changing world.

Iris Jones (USA), President of the World Business Associates of the WJA and CEO of Alchemy Business Strategies, LL.C. considered the scope of the conference and asked the question: Is Libel dead, has the Internet rendered libel obsolete? While the digital era has created opportunities where none existed, transforms societies, and lifted people out of poverty, it also poses a huge threat to personal and business livelihood. If someone wants to attack you or your brand or company they are easily able to do so using the internet. The most effective ways to utilize the internet without being used by it are to educate yourself and your business, know your digital profile from multiple sources, then boost and manage profile.

Jones surmises that the Internet has changed the way we behave on a daily basis and will continue to do so. We, as individuals, business people, and legal professionals, must do our part to keep pace as best we can with the ever-changing digital world and do our part to ensure it reflects the best of humanity and not the worst.

Closing Remarks

Ronald M. Greenberg (USA), WJA Past President and Of Counsel at Dykema Gosset PLLC, gave the closing remarks thanking all delegates, speakers and moderators for their participation during the three day conference. Special gratitude was extended to the International Municipal Lawyers Association (IMLA) as a partner and co-host, particularly to Charles W. Thompson and Veronica Kleffner, and the entire IMLA staff. He also thanked Sona N. Pancholy, WJA Executive Vice President, Folake Ogunyemi, WJA Programs and Operations Manager, Aaron Brinckerhoff, WJA Spring Intern, Jennifer Gardiner, WJA Event Planning Associate, Ariel Brandt-Lautman, Conference Rapporteur, and Anthony and Alvin from Access AV for taking care of the sound system and PowerPoint presentations throughout the conference.

Welcome, New Members!

We would like to welcome the following new members to the WJA family and encourage them to actively participate in the activities of the association:

Christopher Archer, Attorney-At-Law, Archer & Archer and Co. GHANA
Oluseto Franklin Oluwaseto, Barrister, Oluwaseto E Oluseto & Co Ltd., NIGERIA
Hon. Sulaiman Abubakar Olorunfemi, Grand Kadhi, Sharia Court of Appeal–Kogi State, NIGERIA
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Prof. Lyudmila Konstantinova Ayvar, Moscow Bar “Trunov, Aivar & Partners,” RUSSIA
Donald E. Allison, Senior Security Consultant, KaleLogic, Inc., USA
Joseph Michael Matthews, Attorney-At-Law, Arbitrator & Mediator, Colson Hicks Eidson, P.A., USA