



# Gateway to the U.S. — The Hinshaw Advantage



With a strong presence in Miami and offices located throughout Florida, **Hinshaw & Culbertson LLP** is well positioned to assist clients in the United States and Latin America with their cross-border needs. Our ties to the various countries throughout Latin America and the Latin American communities in Florida, through languages and cultures, enable us to connect our clients with business and investment opportunities many other firms can't offer.





## Our Strengths, Your Needs

### U.S. Regulation of International Trade and Anti-Corruption Compliance

We are uniquely positioned as former Assistant U.S. Attorneys and SEC Enforcement attorneys to understand the issues that corporations and individuals doing business in Latin America and elsewhere face involving complex import and export controls and corruption issues. We are regularly called upon to conduct independent investigations and handle representations before the U.S. Department of Justice, U.S. Securities and Exchange Commission, and various other federal agencies in matters involving the Foreign Corrupt Practices Act, Export Control violations, and other serious allegations of federal law. Our team of highly-experienced, former senior-level government attorneys knows how to effectively prevent, investigate, and resolve these issues efficiently and in a manner that seeks to minimize client exposure.

When problems arise, Hinshaw & Culbertson's Government Practice Group is ready to counsel and assist corporations and individuals with navigating their way through government investigations and the complex legal regime that regulates foreign trade. Corporations and individuals seeking to do business in Latin America, as well as those already doing business there, need to have strong Export Control and Anti-Corruption Compliance programs in place. We assess, design, and implement robust anti-corruption and export control compliance programs that are built to withstand the most demanding business environments. Our team is multi-lingual, and has multiple Spanish speakers. When clients have an issue that calls for in-country experience and boots on the ground, Hinshaw & Culbertson has the experience and deep bench to meet the challenge.

### Insurance

Miami is a strategic meeting point for U.S. and E.U. insurers and their Latin American insurer affiliates and divisions. As a top-tier insurance and reinsurance firm providing practical advice across the entire spectrum of insurance products, claims, and regulatory issues, Hinshaw is well situated to assist in further developing Latin American markets.

We have represented insurers in every facet of insurance law, in every domestic forum, and in the global market since Hinshaw's founding in 1934. With this tradition of service comes an understanding of the insurance business, a respect for the needs and expectations of insurers and the professionals employed by them, a mastery of legal precedent, and an ability to place current and future challenges into context. The firm's expertise spans all internationally significant coverage – maritime, aviation, reinsurance, regulatory, D&O, cargo, surety, fidelity, and trade credit insurance.

In Florida and across the United States, Hinshaw offers a deeply experienced team of leading insurance lawyers. Our diversified roster of lawyers' bench strength is virtually unparalleled when it comes to representing insurers across the full range of their legal service needs.



## Admiralty and Maritime Claims in Latin America

Admiralty and maritime law encompasses wide-ranging legal matters but is also a specialized field. Businesses and individuals involved in seafaring and maritime-related businesses therefore are best served in their legal matters by attorneys who are experienced in, and devote their practices to, this area of law.

Providing comprehensive legal services, our Admiralty and Maritime Practice Group helps clients negotiate and draft advantageous contracts; defend against litigation and other claims; ensure regulatory compliance; buy and sell marine assets; and manage risk. The wide spectrum of legal issues we handle includes:

- ◆ the application of state and federal maritime statutes
- ◆ cargo damage
- ◆ collisions and allisions
- ◆ international arbitrations
- ◆ marine insurance coverage
- ◆ marine reinsurance
- ◆ marine subrogation
- ◆ oil and gas claims
- ◆ oil pollution
- ◆ personal injuries
- ◆ products liability
- ◆ purchase and sale of vessels
- ◆ regulatory issues
- ◆ treasure salvage
- ◆ yachts

We are especially skilled and experienced in defending against maritime workers' personal injury claims, including those brought by seamen (under the Jones Act) and longshoremen. This includes defense of:

- ◆ seamen's claims for the unseaworthiness of the vessel on which they worked; maritime negligence under the Jones Act; and maintenance and cure
- ◆ actions by longshoremen, who can claim generous benefits from their employers under the Longshore and Harbor Workers' Compensation Act, and also sue vessels for the same injuries, thereby "double dipping."



A leading firm in the area of insurance law, Hinshaw represents many of the world's leading insurance companies, including those offering all types of marine insurance. Indeed, much of the world's marine insurance is underwritten by our clients in the London insurance market. However, yachts, tugs, fishing boats and smaller vessels are insured domestically, and all types of marine risks are also underwritten in Mexico, Central America and Asia.

## Immigration

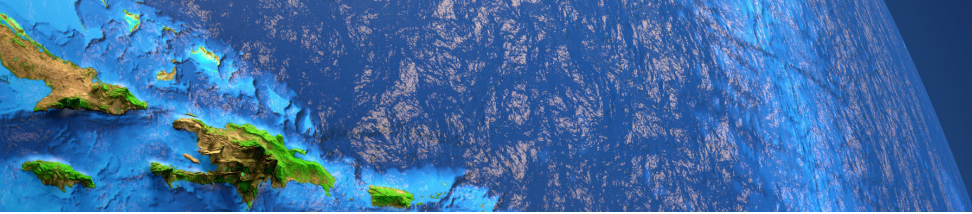
Hinshaw offers a robust immigration law practice, especially within the Latin American region. As companies in the United States continue to compete on a global scale, they are looking more and more to Latin America to bolster their human talent, and then they look to us to make it happen.

Our Latin American immigration experience spans industries far and wide. We have worked with hospitals to bring in physicians, religious organizations to place priests/nuns/deacons, and universities to hire professors. We assist clients in obtaining the authorization to hire the engineers, computer programmers, nonagricultural workers that they need to help their businesses succeed. Hinshaw handles those cases from start to finish, including working with the foreign worker's immediate family members to assist in their journey to the U.S. as derivatives of the primary visa holder. We handle all forms of visa cases, including:

- ◆ B (visitor)
- ◆ E (treaty)
- ◆ F (student)
- ◆ H-1B (specialty occupations)
- ◆ H-2B (nonagricultural worker)
- ◆ J-1 (physician)
- ◆ K-1 (fiancée)
- ◆ L (intra-company transferee)
- ◆ O (extraordinary ability)
- ◆ P (athletes, amateurs and professionals)
- ◆ R (religious workers)
- ◆ TN (NAFTA)

We have also handled matters involving asylum and refugee status.

When a Latin American client wishes to expand its operations in the U.S., we are with them every step of the way. We help with obtaining a visa for the business owner or his or her designee, developing a business plan, tracing capital to ensure from proper source, and finding U.S. employees.



## Commercial Litigation

Hinshaw offers one of the premier litigation practices in the United States. Our Commercial Litigation Group consists of more than 200 lawyers in offices from coast to coast. With additional resources in our bankruptcy, catastrophic litigation, employment, intellectual property, professional liability, eminent domain and other practice groups, the firm numbers more than 300 litigators. We have successfully tried thousands of cases to verdict and efficiently managed class action, multi-district and international litigation, including appeals. We represent high-profile individuals, national and international companies, government agencies and individuals in complex civil and commercial matters.

## Bankruptcy & Creditors' Rights Practice

Bankruptcy laws in the United States are among the world's most complex, and we help Latin American clients navigate them with ease. Hinshaw's Bankruptcy & Creditors' Rights Group attorneys represent secured and unsecured creditors, creditors' committees, bankruptcy trustees and other parties affected by financial insolvency issues. More specifically, we represent banks, companies, credit unions, individuals, insurers and other financial institutions with regard to matters occurring before, and after, the commencement of a bankruptcy case. We afford forceful and resourceful counsel regarding the varied issues that arise under the unique circumstances of each case, while providing our clients creative and practical solutions.

## Commercial Transactions

Hinshaw's Commercial Transactions Practice Group attorneys assist companies and individuals in developing and implementing far-ranging business solutions. Our clients come from a range of industries, including construction and real estate, distribution, financial services, food service, health care, hospitality, long-term care, manufacturing, retail, technology and transportation. We also counsel governmental entities, non-profits of all kinds, and professionals and their organizations.

## Real Estate

Perhaps nowhere is Miami's reputation as the gateway from Latin America to the United States as obvious as in real estate. South Florida has long been one of the most active real estate markets in the world, with many international investors choosing Miami as the location for investment properties. The trend penetrates the business market too, as many international companies select Miami as their U.S. base. Hinshaw's attorneys represent many of the largest real estate investors, banks and other real estate secured lenders, insurance companies, and real estate developers in their South Florida businesses.

In total, over the past five years our South Florida attorneys have represented financial institutions and insurance companies in nearly \$5 billion of real estate secured and mezzanine loans ranging from \$10 million to \$108 million, secured by a multitude of collateral ranging from office buildings to shopping centers.

In the United States, we have successfully guided clients from inception to conclusion, and beyond, through countless local, regional, national and international real estate projects. The focus of projects we handle includes casinos, condominium developments, hotels, industrial facilities, office parks and shopping centers.



## **Corporate Formation and Tax Planning**

The United States is a major investment destination for foreign investment. The business-friendly atmosphere, quality of life, largest consumer market base and transparent and predictable legal and tax system make the United States an easy choice for foreign investors. Hinshaw has deep experience in guiding international clients with their investments in the United States.

When expanding businesses into the United States, we analyze the different structures available and identify the advantages and disadvantages of each. Keeping our client's business goals as top of mind, we help to decide the most effective way to do business in the United States. We also offer advice about the U.S. aspects of the tax law.

## **Trade Secrets**

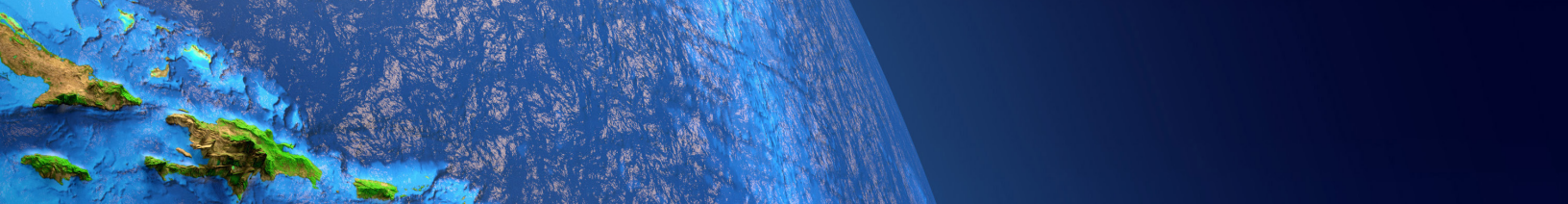
As global competition increases and more businesses operate internationally, business managers must be wary of the increased risk of economic espionage and the potential theft of that business' trade secrets and other confidential information. Businesses often need to share confidential information with third parties as part of their operations as well as strategic growth plans. Before any trade secrets or confidential information is shared, it is critical that the appropriate nondisclosure agreement is signed by the participants and the necessary disclosure protocols are in place. Our attorneys have experience advising businesses on the protocols that should be used to protect trade secrets and other confidential information from misappropriation and drafting nondisclosure agreements to meet the needs of the specific transaction or business relationship contemplated. This includes assuring compliance with the governing laws and addressing litigation strategies in advance should enforcement of the terms be necessary at a later time.

### ***Protections Against Employee Theft***

Employee theft of trade secrets and other valuable confidential information is on the rise. The creation and storage of this data in electronic form has made employee theft easier. Businesses need to protect against employee theft of trade secrets and other confidential information by using the proper agreements with employees, having policies and procedures in place to protect against theft, including employee handbook provisions and educating human resource staff and supervisors about the proper administration of these agreements and the implementation and enforcement of these policies and procedures. Hinshaw attorneys have extensive experience drafting confidentiality agreements and restrictive covenant agreements tailored to a specific business' operations and compliant with the governing laws. We also can draft and help implement policies and procedures which reduce the possibility of theft and enhance a business' ability to pursue legal action if necessary.

### ***Enforcement and Recovery of Trade Secrets***

When theft or improper use of trade secrets or other confidential information is suspected, a response strategy must immediately be implemented to protect against further dissemination and use of that data and to secure the return of the data. In the case of electronic data, the use of forensic experts is often necessary to prove the improper misappropriation and assist



with the return of the data. Not only do our attorneys have experience working with forensic experts to gather evidence of improper use and dissemination, Hinshaw has in-house technical professionals who can interface with the forensic experts in the collection, preservation and presentation of evidence of misappropriation.

In the case of employee theft, actions need to be taken to identify the participants, contain the damage and protect the business from further damage by the employee(s). Should the culprit involve a third party business associate, decisive and often aggressive action to enforce the agreements and protocols is critical.

Court intervention is frequently necessary to prevent further dissemination and use and to secure the return of the trade secrets and confidential information. Our attorneys have experience litigating these types of disputes in state and federal courts throughout the United States, including securing Temporary Restraining Orders and Preliminary Injunctions. These disputes require lawyers skilled in pursuing claims under the Uniform Trade Secrets Act, the Computer Fraud and Abuse Act (as well as state counterparts) and the Economic Espionage Act. Our lawyers have the necessary knowledge and experience to use these laws to a business' advantage.

## **Estate Planning and Wealth Preservation**

At Hinshaw, we provide the sound planning, strategic foresight and creative solutions required to capably manage and preserve assets. In doing so, we help business owners, real estate owners, executives and other individuals comprehensively plan for the present and future. More specifically, we help clients accomplish their goals tax-efficiently; assist in planning for the smooth transition of family businesses and assets; advise trustees and executors who administer trusts and estates of all sizes; and help individuals adequately provide for the care of loved ones, including those with special needs.

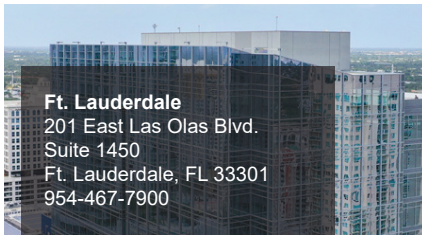
Our cross-border capabilities include personal planning for individuals including non-U.S. residents and non-U.S. citizens. We understand the different rules that apply to different classifications of individuals. We also perform business planning for businesses looking to expand into U.S. markets.

Business owners, real estate owners, senior executives, high net worth individuals, physicians and others frequently require specialized assistance to effectively preserve, and plan for the distribution and transition of, their significant assets and wealth. We help our clients preserve wealth for future generations, protect their beneficiaries, avoid or mitigate the taxable effects of various activities, accomplish effective generational transfers, and facilitate charitable gifting.



## Our Florida Offices

Hinshaw has had a presence in Florida for over 30 years.



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Hinshaw & Culbertson LLP is a U.S. based law firm with offices nationwide. The firm's national reputation spans the insurance industry, the financial services sector and other highly regulated industries. Hinshaw also serves as counsel to the professional services sector, and provides business advisory and transactional services to clients of all sizes. Visit [www.hinshawlaw.com](http://www.hinshawlaw.com) for more information and follow @Hinshaw on LinkedIn and Twitter.

