

Law and Business Review of the Americas

Volume 19 | Number 1

Article 1

2013

Front Matter

Recommended Citation

Front Matter, 19 LAW & BUS. REV. AM. i (2013)

<https://scholar.smu.edu/lbra/vol19/iss1/1>

This Front Matter is brought to you for free and open access by the Law Journals at SMU Scholar. It has been accepted for inclusion in Law and Business Review of the Americas by an authorized administrator of SMU Scholar. For more information, please visit <http://digitalrepository.smu.edu>.

Law and Business Review of the Americas

VOLUME 19

WINTER 2013

NUMBER 1

TABLE OF CONTENTS

PERSPECTIVE

- Statement Before the Subcommittee on the Western Hemisphere of the Committee on Foreign Affairs..... 3

ARTICLES

- Speed Bumps, Potholes, and Roadblocks on the North American Superhighway
Dr. Robert A. Pastor 9
- Geo-Political Insignificance, Information Sharing, and Economic Survival: An Unofficial Perspective from within the Caribbean Region
Dr. Christopher Malcolm 23
- Constitutional Challenges of the Mexican Insolvency Law (Ley De Concursos Mercantiles)
Luis Manuel C. Méjan 35
- Electric Vehicles, Energy Efficiency, Taxes, and Public Policy in Brazil
José Marcos Domingues and Luiz Artur Pecorelli-Peres ... 55

CASE NOTE

- Developments in Anti-Corruption Law in Mexico: Ley Federal Anticorrupción en Contrataciones Públicas
Allie Showalter Robinson..... 81

UPDATES

- Argentina's Economic Troubles: Debt and the IMF
Fernando Avelar 95

Canada Update: Recent Changes to Canada’s Immigration
Laws; R v. Prokofiew: Are Fundamental Rights Really
Fundamental Rights?; Canada v. GlaxoSmithKline Inc.:
Transfer Pricing Agreements
David Paulson 103

NAFTA Updates and American Trade News Highlights for
Fall 2012
Sarah Bridges..... 113

DOCUMENT

President Obama’s Blueprint for a Clean and Secure Energy
Future 127

Editorial and Submission Policies:

This journal is a quarterly, professional peer-reviewed publication produced by the Southern Methodist University Dedman School of Law's International Law Review Association (and its Law Institute of the Americas), as well as the Section of International Law and Practice of the American Bar Association). The journal relies on the ongoing cooperation of the SMU School of Business, the SMU Departments of Economics and Political Science, and the London Forum of International Economic and Financial Law at the Centre for Commercial Law Studies at Queen Mary College, University of London.

Aims and Publication Policy:

This journal addresses the legal, business, economic, political and social dimensions of Western Hemispheric integration efforts (e.g., NAFTA, FTAA, MERCOSUR, etc), their implementation, their future evolution and expansion, and their overall impact on doing business in the Americas. The journal will combine practical and policy implications of these integration processes. As such, it will cover not only matters of immediate concern and interest, but also matters respecting reform of legal, business, economic, political and social structures (including human rights, gender, labor, and environmental issues) within the various countries in the Western Hemisphere. Subject matter concerning other regional integration efforts in the world and various other comparative topics in the international trade and investment areas will also be addressed, from time to time.

However, topics of *particular concern* to the journal will include: (1) free trade, direct investment, licensing, finance, taxation, labor, environmental, litigation and dispute resolution, and organizational aspects of NAFTA and other specific integration efforts and their specific implementation. For practical reasons, English is used as the language of communication; (2) subject matter involving economic, legal, political and social integration, and reform effects in Latin and Central America and in the Caribbean Basin; and (3) FTAA implications.

Article Submission:

The editors will consider for publication manuscripts by contributors from any country. Articles will be subjected to a professional peer-review procedure. Authors

should ensure that the significance of a contribution would be apparent to readers outside the specific expertise. Special terms and abbreviations should be clearly defined in the text or notes.

Accepted manuscripts will be edited, if necessary, to improve the journal's effectiveness of communication. If editing should be extensive, with a consequential danger of altering the meaning, the manuscript will be returned to the author for approval before type is set. Alternatively, the manuscript may be returned to the author to address the deficiencies. In all events, the editors reserve the right, after discussion with the author, to change its acceptance decision, or to move a publication from one issue to a later or earlier issue. The editors will not accept unsolicited student-written submissions, nor will they consider articles or reports that have been, or are to be, published elsewhere, or materials prepared for one's clients or business promotion.

Manuscripts submitted for publication should be submitted in duplicate with a cover letter summarizing the contents to:

Editor-in-Chief
LAW AND BUSINESS REVIEW OF THE AMERICAS
Southern Methodist University
Dedman School of Law
P.O. Box 750116
Dallas, Texas 75275-0116
lbra-eic@list.smu.edu.

At the time the manuscript is submitted, written assurance must be given that the article has not been published, submitted, or accepted elsewhere. The author normally will be notified of acceptance, rejection or need for revision within 8-12 weeks.

Manuscripts may range from 6,000 to 10,000 words (approximately 20-30 pages in length). However, longer articles are accepted based upon topic, quality, and space availability. The title of the article should begin with a word useful in indexing and information retrieval. Text and endnotes should be double-spaced. All endnotes should be numbered in sequential order, as cited in the text. Unless for good reason acceptable to the editors, endnotes for legal articles should conform to *The Bluebook, Uniform System of Citation* (18th ed, 2005; online version 2008). For non-legal articles, the citations should be internally consistent within the given article. Authors should submit short biographical data, including his or her affiliation; an abstract summarizing the manuscript (not to exceed 150 words).

ISSN 1571-9537

THE INTERNATIONAL LAW REVIEW ASSOCIATION

An Association of *The International Lawyer* and *Law and Business Review of the Americas*
SOUTHERN METHODIST UNIVERSITY DEDMAN SCHOOL OF LAW
2012-2013 Student Editorial Board

President

SARAH RUSSELL

The International Lawyer

EUNICE YI
Editor-in-Chief

TIM SPRINGER
Managing Editor

Law and Business Review of the Americas

ANA GARZA
Editor-in-Chief

ISAAC BROWN
Managing Editor

Associate Managing Editors

JUSTIN ALLEN
JASON M. BROWN
CHRIS EISENLOHR
CAROLINE JENSEN
MATTHEW KOLODOSKI
JASON LAWRENCE
TYLER LEVY
CONRAD STEELE
SUMMER VANDERBURG

Contents Editor

BRIAN SAWYER

Senior Case Note & Comment Editor

JAMES L. MIERS

Case Note & Comment Editors

MICHAEL L. BOULOS
LAUREN SMYTH
WHITNEY WARREN

Canada Reporter

DAVID PAULSON

NAFTA Reporter

SARAH BRIDGES

Latin America Reporter

FERNANDO AVELAR

Write-On Editor

THUY NGUYEN

Technology Editor

JANELLE BIBER

Citations Editors

COURTNEY BOOTHE
LAUREN HAYES
LAUREN MALUSO

Year-In-Review Editor

BRANDON HAUSER

Articles Editors

LAMAR DOWLING
ERIC HOFFMANN
ALISON HOLLENDER
FARHEEN IBRAHIM
JACQUELINE IHEKWABA

RACHEL KNIGHT LOPEZ
JOSEPH LECHLER
ALEXANDRA LOCASTO
CHASE POTTER
UJAALA RASHID
COLE ROBINSON

CELSA RODRIGUEZ-STORY
BAILEY ROSS
CHRISTOPHER SCIFRES
MAUREEN UFOMADU
RIVANN YU

Staff Editors

MARIA FERNANDA ACEVES
MICHAEL ANDREWS
JENNIFER ARNEL
BRYAN ASSINK
JACOB BERGMAN
JAKE K. BROWN
ZACH BURNETT
BROOKS CASTON
MOIRA CHAPMAN
LAUREN CHASE
FIDAA ELAYDI
COURTNEY EUDY
JOHN FAUBION
JAMES "JT" GAGE

RYAN GRANEY
MICHAEL HEWITT
TYLER HOKANSON
VANESSA HUMM
HELEN HUTTON
KIRSTEN JENSEN
KATHLEEN "KATY" JOHNSON
RACHEL KAKURES
JOHN KAPPEL
KAITLIN KAUFMAN
LYNDA MAJOR
MAX METZLER
RACHEL MICHALEWICZ
ANNE MORETTI
SOO NAM

KENDAL PAYNE
CODY PERLMETER
KELSEY POLLARD
PHILLIP POOL
ALEX PRESCOTT
MICHELLE RICHARD
NICHOLAS J. SHEMIK
ALLIE SHOWALTER
RACHEL THEBEAU
SAMUEL TRAKHTENBROIT
ADAM TUNNELL
HEATHER VENRICK
BRAD WILLIAMS
SARAH WILSON

TALIBRA FERGUSON

Administrative Assistant

—**Editorial Base**—

Southern Methodist University Dedman School of Law
Dallas

Law and Business Review of the Americas

Honorable Editor-in-Chief

PROFESSOR ROBERTO MACLEAN

President, SMU – LIA

Co-Editors-in-Chief

JOSEPH J. NORTON
SMU-Dallas

DIEGO C. BUNGE
UBA-Buenos Aires

Associate Editors-in-Chief

MAURICIO BAQUERO-HERRERA
Colombia

MARTIN L. CAMP
SMU-Dallas

MARCOS AURÉLIO P. VALADÃO
Brasil

—BOARD OF SENIOR PROFESSIONAL EDITORS—

RODRIGO OLIVARES-CAMINAL
London

OMAR GARCIA-BOLIVAR
Washington D.C.-Caracas

JORGE A. GONZALEZ
Dallas

ROSARIO SEGOVIA-HEPPE
SMU-Dallas

GABRIEL GARI
London-Montevideo

ANTONIO PEÑA
Miami

LAWRENCE B. PASCAL
SMU-Dallas

CHRISTOPHER MALCOLM
West Indies

VIRGINIA TORRIE
Toronto

GERARDO VÁSQUEZ CÓMEZ
Mexico City

NARA PORTO
Dallas-Brasil

CLAUDIA CARBALLAL-BENAGLIO
Mexico-Dallas

—SMU FACULTY ADVISORY BOARD—

Chair

LUIGI MANZETTI (POLI.SCI.)

GAIL M. DALY (LAW)
CHRISTOPHER H. HANNA (LAW)
JOHN S. LOWE (LAW)

GEORGE MARTINEZ (LAW)
MICHAEL LUSTIG (POL.SCI.)
DANIEL J. SLOTTJIE (ECON.)

THOMAS OSANG (ECON.)
MARC I. STEINBERG (LAW)
PETER WINSHIP (LAW)

—ADVISORY BOARD—

—ABA Representatives—

Chair

GLENN P. HENDRIX

*Canadian
Committee*

JOHN W. BOSCARIOLI
MARCELA B. STRAS

*International Investment &
Development Committee*

JEAN PAUL CHABANEIX
DANIEL MARIN MORENO

*International Trade
Committee*

KRISTY L. BALSONEK
MATTHEW ROBERT NICELY
AMY STANLEY

*Latin American & Caribbean
Committee*

JEAN PAUL CHABANEIX
MARCOS RIOS

*International Corporate Counsel
Committee*

CAROL BASRI
RICHARD T WALSH

*Mexico
Committee*

PATRICK DEL DUCA
ALEJANDRO SUREZ

—External Representatives—

DR. ERNESTO AGUIRRE
Washington D.C.

DR. CARLOS GERSCOVICH
Buenos Aires

PROF. ANA MACLEAN
Lima

MR. LEE BUCHEIT
New York

PROF. BENJAMIN GEVA
Toronto

DR. HECTOR MAIRAL
Buenos Aires

ALBERTO SALAZAR VALLE
Toronto

PROF. MICHAEL W. GORDON
Gainesville

PROF. ANTONIO BORGES
Brasília

LOUIS CAPIN
Mexico City

PROF. LUIS MÉJAN
Mexico City

PROF. RICARDO OLIVERA-GARCIA
Montevideo

PROF. EM. BEVERLY MAE CARL
Santa Fe

DR. EVA HOLZ
Montevideo

DANA G. NAHLEN
Dallas

PROF. MARSHA ECHOLS
Washington D.C.

HON. MIGUEL OTERO
Santiago

PROF. JULIO FAUNDEZ
Warwick

ANTONIO FRANCK
Mexico City

PROF. BORIS KOZOLCHYK
Tucson

PROF. JOEL P. TRACHTMAN
Boston

MANUEL GALICIA
Mexico City

PROF. ROSA LASTRA
London

PROF. STEVEN T. ZAMORA
Houston

DR. ALEJANDRO M. GARRO
New York

PROF. RAUL VINUESA
Buenos Aires

OFFICIAL CITATION

LAW & BUS. REV. AM. WINTER 2013

Nothing herein shall be construed as representing the opinions, views or actions of the American Bar Association unless the same shall have been first approved by the House of Delegates or the Board of Governors or of the Section of International Law and Practice of the Association unless first approved by the Section or its Council.

Southern Methodist University Dedman School of Law's Law Institute of the Americas

(formerly SMU Centre for NAFTA and Latin American Legal Studies)*

Established in 1952, the LAW INSTITUTE OF THE AMERICAS at Southern Methodist University Dedman School of Law was originally designed to promote good will and to improve relations among the people of the Americas through the study of comparative laws, institutions and governments respecting the American Republics, and to train lawyers in handling legal matters pertaining to the nations of the Western Hemisphere. Today, in reviving the institution, the Law Institute of the Americas comprises meaningful academic research, teaching and programs pertaining to the "NAFTA/FTAA processes" and other Western Hemispheric integration efforts; to Latin and Central American law and judicial reform, particularly focusing on Argentina, Brazil, Chile, Guatemala, Mexico, Peru and Venezuela; and to a more limited extent, to Canadian legal issues, particularly as they interrelate to the NAFTA/FTAA. The Law Institute of the Americas also is concerned with increasing (regional and hemispheric) legal and economic interconnections between the "NAFTA/FTAA processes" and European and Asia-Pacific integration activities.

The officers of the Institute are as follows: the **Honorable Roberto MacLean**, President; **Professor Joseph J. Norton**, Executive Director; and **Professor George Martinez**, Associate Executive Director. The Institute is also supported by distinguished group of Professorial Fellows, Senior Research Scholars, Professional Fellows, and Student Research Fellows.

As the Institute focuses primarily on issues pertaining to the North American Free Trade Agreement and the pending Free Trade Area of the Americas, and the broader economic, political, legal, and social integration processes underway in the Western Hemisphere, Law and Business Review of the Americas is one of the International Law Review Association of SMU. Other parties of the journal are the Cox School of Business, the SMU Departments of Economics and Political Science, the London Forum, and the American Bar Association Section of International Law and Practice.

* From 1952 through the early 1970s, the name was the Law Institute of the Americas; in 1993, it was reactivated as the Centre for NAFTA and Latin American Legal Studies; and in 1998, it returned to its original name. For further detailed historical information on the Law Institute of the Americas, please refer to the Law Institute of the Americas' website at <http://www.law.smu.edu/lia>.

Perspective

