UNIVERSITY of HOUSTON | LAW CENTER

Center for U.S. and Mexican Law

POWERING MEXICO-US RELATIONS

REPORT 2017

UNIVERSITY of HOUSTON | LAW CENTER
Center for U.S. and Mexican Law

2017 Annual Report

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1. ABOUT THE CENTER FOR U.S. AND MEXICAN LAW (US-MEX LAW): GOALS AND OBJECTIVES

The Center for U.S. and Mexican Law's research programs aim to increasing the understanding of Mexican laws and legal institutions in the United States, and of U.S. laws and legal institutions in Mexico.

The Center's principal goals are:

- *To improve understanding in the United States of Mexican laws and legal institutions, and to improve understanding in Mexico of U.S. laws and legal institutions;*
- *To study Mexican laws and legal institutions, with the goal of providing independent, objective analysis of the development of Mexican laws and legal systems;*
- *To undertake independent research and educational programs to further the development of laws and policies that will improve U.S. – Mexico relations;*
- *To promote cross-border education of law students, lawyers, judges and other professionals from Mexico and the United States;*
- *To promote cross-border understanding and cooperation in North America generally, including understanding of Canadian law and cooperation with Canadian institutions*

2. US-MEX LAW MISSION STATEMENT

a. The Center for U.S. and Mexican Law keeps on being the first research center in any U.S. law school devoted to the independent, critical study of Mexican law and legal aspects of U.S. – Mexico relations. Based at the University of Houston Law Center, the Center for U.S. and Mexican Law capitalizes on Houston's position as a gateway between the United States and Mexico.

b. In carrying out projects, the Center works in partnership with other organizations, to combine the Center's expertise on Mexican law and U.S. – Mexican relations with the resources of partner organizations. The Center's goal is to provide sophisticated, balanced analyses that take into account differences between the legal cultures of Mexico and of the United States.

c. The Center's **four main pillars** of engagement are the following: 1. **Academic research.** The Center for U.S. and Mexican Law is the only research center dedicated to the systematic study of legal issues that U.S. and Mexican actors confront. Our research projects are central to the Center's agenda, and lead to related programs, such as those described below; 2. **Academic conferences and symposia to increase U.S. – Mexico understanding.** Through the Center's program of Mexico Briefings, and through symposia, lectures and conferences, the Center promotes U.S. – Mexico dialogue, and greater understanding of Mexican law and legal institutions. 3. **Educational programs designed to prepare law students for careers that engage U.S. – Mexico relations.** The Center places UH law students in summer internships in Mexico, and also in semester exchange

programs with Mexican law schools. In addition, through the efforts of the North American Consortium on Legal Education (NACLE), the Center promotes student exchanges by Canadian, Mexican and U.S. law students enrolled in the member law schools. 4. **Professional Training and Development.** The Center has successfully conducted, in collaboration with the EENR Center and with ITAM University, training programs for Mexican lawyers and other professionals to understand the international oil and gas market and the new legal and regulatory measures that Mexico faces under energy reform.

3. US-MEX LAW PROJECTS ACCOMPLISHED (LAST 5 YEARS)

➢ **GULF OF MEXICO PROJECT - 2016**

This was a binational study of U.S.-Mexico Exploration of Offshore Transboundary Hydrocarbons. The two members of the project were, ***Guillermo J. Garcia Sánchez*** (Mexico) and ***Dr. Richard McLaughlin*** (USA), both were country co-directors for the Gulf of Mexico Project. Garcia Sánchez is an Associate Professor of Law at Texas A&M. Dr. McLaughlin is Endowed Chair for Coastal and Marine Policy and Law at the Harte Research Institute for Gulf of Mexico Studies (HRI) at Texas A&M University-Corpus Christi. In 2016, a Symposium took place in Galveston, TX – under the topic "Improving Cooperation for a Sustainable Gulf of Mexico after the 2014 Mexican Energy Reforms"

(to know more: https://www.harteresearchinstitute.org/news/hri-co-hosts-mexican-energy-reform-symposium-galveston). Upon completion, symposium article is to be published by the *Sea Grant Law & Policy Journal*.

➢ **THE RULE OF LAW AND MEXICO'S ENERGY REFORM (2016)**

The Center for U.S. and Mexican Law, in conjunction with *The Mexico Center of Rice University's Baker Institute*, carried out in 2015 in collaboration with the *Baker Institute's Mexico Center*, directed by Dr. Tony Payan, a major research effort to examine rule of law issues arising under the Mexico energy reform. It was an analysis of key issues in its transition to competitive energy markets. Experts included scholars, professors and researchers from both U.S. and Mexican institutions. A book was published in 2016 on this project: "*Estado de Derecho y Reforma Energética en México*".

4. US-MEX LAW INTERACTIONS:

A. CENTER PROJECTS IN COURSE

➢ **TEXAS ONEGULF CONSORTIUM LEADERSHIP (TOCL), TEXAS ONEGULF SCIENCE ADVISORY COMMITTEE (TOSAC) AND TONE (TEXAS ONE GULF NETWORK OF EXPERTS)**

Texas OneGulf Center of Excellence *is a consortium of nine top state institutions led by the Harte Research Institute (HRI) for Gulf of Mexico Studies at Texas A&M University-Corpus Christi with wide-ranging expertise in the environment, the economy and human health.*
US MEX LAW at UH Law Center is one of these nine institutions. During 2017 US MEX LAW has contributed to maintain and update the Texas OneGulf Network of Experts (TONE) list. As of today, US MEX LAW ***Texas OneGulf Network of Experts (TONE)***, nominated by US MEX LAW are:

- ***Guillermo Garcia Sánchez****, Associate Professor, Texas A&M School of Law*
- ***Tracy Hester****, Lecturer, UHLC*
- ***Allison Winnike****, Adjunct Faculty, UHLC, Health Law and Policy Institute*
- ***Gina Warren****, Associate Professor, UHLC*
- ***Alfonso Lopez de la Osa Escribano****, Director, Center for US and Mexican Law*

In the frame of this project, US MEX LAW Law drafted a proposal presented in June 2017, to answer a Request for Proposal from the Texas OneGulf Center of Excellence (TOGCE) for a project to develop a Communication and Engagement plan to help Texas OneGulf interact effectively with Gulf of Mexico policy- and decision-makers, as well as other stakeholder

groups. This US MEX LAW proposal, was the **COMENTO-GULF INTER DIALOG project (COMmunication and ENgagement Plan between decision makers and stakeholders of the Texas One GULF: promoting INTERaction and DIALOG)**, that seek to develop a plan to promote effective and reliable communication, interaction, and dialog between stakeholders and decision-makers, to obtain information within the Texas One Gulf Center of Excellence (TOGCE) project. The main target is looking for sustainability and monitoring the Gulf of Mexico, in a healthy environment; safe offshore energy resources; and strong economic and commercial development interests and growth. There were 14 researchers. US MEX LAW didn't get the grant project, but we expect to be able within the next 5 years to adapt it to new TOGCE need in order to bring again this indispensable Project promoting communication between interested parties. This grant wasn't awarded to the US-MEX LAW Center and remains not awarded.

B. OTHER PROJECTS

The US-MEX LAW answered a RFP from the Borders Trade and Immigration Institute at UH on April 2017. The project proposal was named: **US-MEXBORDIM (US- MEXico BORder and Immigration project)**. This proposal wasn't awarded, but the rationale of it seeks to be projected in future researches. The rationale of the project was:

"*To implement new ways of measuring the efficacy of the security and immigration control in the border area can be a solution to avoid danger and face illegal activities. It is a fact, the notion of borders that blur in certain countries, endangers the homeland security of adjacent countries with unequal economic, social, and political situations. Threats arise: illegal immigration, human trafficking, drug trafficking, terrorism. Open border cannot be an option in these cases. Notions such as sovereignty, diplomacy, or the principles of International Law worth to be study with a new approach, surrounded more than ever by technological, legal, social and political elements. The US and Mexican administrations take decisions that have deep legitimate roots in their Principle of Sovereignty to control and face the situations. Thus, in certain cases, loyal cooperative actions by means of binational agreements, maintaining always both countries their respective jurisdiction and legal powers, is a solution to fight common threats. Diplomacy come then into play. Besides, information of immigration flow (legal and illegal) is key to assess the proportionality of the actions that need to be taken, in order for law enforcement and decision makers to act with discernment in each ones best interest. To consider data and metrics, becomes essential. A multidisciplinary and proactive research from the various stakeholders' part of the project, looking to educate and disseminate knowledge on border security and immigration control by publishing of guidelines and conclusions would be of great value*".

C. MEXICO CITY EVENTS WITH UHLC DEAN LEONARD BAYNES

The University of Houston Law Center along with the Center for US and Mexican Law (US-MEX LAW), respectively represented by Dean Leonard Baynes and Alfonso Lopez de la Osa Escribano, celebrated the 25th anniversary of the inter-agency agreement existing between the Mexican foreign ministry and the University of Houston law center on July 12th of 2017.

In 2016 this event had to be cancelled due to the passing of Former Executive Director and Founder of the US-MEX LAW, Professor Stephen T. Zamora.

Four events took place during one week in Mexico: The first one, accepting **an invitation of Ambassador Carlos Sada Solana, under-secretary of foreign affairs for North America**. The Mexican foreign ministry hosted a luncheon which celebrated the mutual cooperation agreement between the University of Houston Law Center. Director Alfonso Lopez de la Osa Escribano made a presentation of the goals and objectives of the US-MEX LAW center. Also a moment was reserved to honor the memory of Professor Zamora. Professor Stephen Zamora family, his wife Professor Lois Zamora, and their daughter and son, Camille and Peter Zamora, and their grandchild Nate, were among the invitees.

The second successful event partaken in Mexico in July 2017 was an **alumni lunch** organized by the Department of Alumni relations at UHLC. 40 alumni resident in Mexico City or in the whole country. Dean Baynes made a presentation of UHLC, its exponential growth, and the rankings of its degrees and LLM, among others. The event was also a moment of gathering and networking for alumni.

The third event, consisted in a **Breakfast meeting following Dean Baynes leadership with ten (10) Deans of Law of the most relevant Universities in Mexico**. This event was also very well perceived in terms of programing collaborative ways of research, as well as exchange of faculty and students between academic institutions. Dean Baynes discussed the legal education in the United States and in Mexico. The people in attendance were various deans and directors at universities across Mexico including: Dean ITAM, **Jorge Arturo Cerdio Herrán;** Dean UNAM, **Raúl Contreras Bustamante** along with **Gerardo Hierro Molina** also from UNAM**;** Instituto Matías Romero, **Natalia Saltamacchia Ziccardi;** Escuela Libre de Derecho, **Luis M. Díaz Mirón**; Escuela Libre de Derecho, Coordinator ULD abroad, **Ruben Minutti Zanatta;** Escuela Libre de Derecho, Coordinator ULD abroad, **Javier Becerra;** Dean University Panamericana, **Hector Salazar Andreu;** Dean University Iberoamericana, **Jose Luis Caballero Ochoa;** Dean University Anahuac, **Ricardo Sodi;** Dean Universidad Autonoma Nuevo Leon**, Oscar Lugo Serrato;** Decano Universidad de la Américas Puebla, **Marcela Corro.**

The fourth event, was an Advisory Board meeting of the Center for U.S. and Mexican Law that was held in the offices of Holland & Knight in México City on July 14th 2017.

5. PERSONNEL, AFFILIATES, FACULTY AND ADVISORY BOARD

From September, 1st 2016, after the passing of Professor Stephen Zamora on July 2016, and until April 2017, the Center for US and Mexican Law (US-MEX LAW) was led by Assistant

Director Ignacio Pinto Leon simultaneously to the management of his legal practice office in Houston, until Dean Leonard Baynes, from the University of Houston Law Center appointed a new full-time Director. Also, as an Executive Secretary, Mrs. Brisa Gosset undertook during that time the tasks related at the Center for US and Mexican Law.

PERSONNEL

Center Staff (From September 1st, 2016 and until April 2017)

Ignacio Pinto Leon
Assistant Director, Center for U.S. and Mexican Law
Director, Law Office JurisMEx Corp.

Brisa Gosset
Executive Secretary, Center for U.S. and Mexican Law
bgossett@central.uh.edu

Center Staff new appointments (From April 2017 and until August 31st 2017)

Dean Leonard Baynes appointed in April 2017, Alfonso Lopez de la Osa Escribano as Director of the Center for US and Mexican Law (US-MEX LAW).

Professor Lopez de la Osa has been occupying the position of Director of the Center for US and Mexican Law since April 2017.

On May, 25 2017, Professor Lopez de la Osa hired Mrs. Hope Bauman as a Part-Time Program Manager of the Center for U.S. and Mexican Law (*although this reports covers the period from Sept. 1st 2016 until August 31st 2017, due to later need of Mrs. Bauman of a Full-time job position, she quit on September, 27, 2017*).

Professor Lopez de la Osa Escribano was invited by Professor Stephen Zamora to be to be part of the Center for US and Mexican Law at the University of Houston Law Center, to work collaboratively on research projects involving US and Mexican legal systems. He was an Affiliate Scholar from September 2015 and until January 2017. He was appointed Adjunct Professor at the University of Houston Law Center to teach *Comparative Health Law* in January 2017.

> Lopez de la Osa has a PhD in Public Law (using a Comparative Law method) from the *Université de Paris I Panthéon-Sorbonne*. He is a Professor of Administrative Law at the Complutense University of Madrid since October 2003 until February 2012 (actually on leave of absence), and former Associate Professor at the Law Center of the University of Pau et des Pays de l'Adour (from September 2013 until June 2015). Law Degree (1995) and Master in European

Union Law (1996) by that same University. He made his doctoral studies (Ph.D) at the University of Paris I Panthéon-Sorbonne where he studied a DEA (*Diplôme d'Etudes Approfondies*) on *Droit public comparé des Etats Européens* (1997). He defended his thesis in May 2003 under the direction of Professor Franck MODERNE on a comparative study of the convergence of hospital liability legal systems in France and Spain, *Magna Cum Laudae* (original title: *La convergence de la responsabilité hospitalière en France et en Espagne*). During his doctoral period he was a Parliamentary Assistant to a Member of the European Parliament in Brussels and Strasbourg (1999-2001)

He joins the Administrative Law Department of the University Complutense of Madrid as Professor of Administrative Law (2003), to teach topics as *Administrative Law*; *Introduction to French Public Law*; *Civil Servants Law*; and *European Union Law*. He also taught as an Associate Professor at the *Instituto de Empresa* (ie) Business School (between 2007 and 2012) the topic *Legal Issues in Global Business and Finance* in the Master on Biotechnology and Management.

Associate Professor of Public Law at the University of *Pau et des Pays de l'Adour* (UPPA) (between 2013 and 2015), he has taught topics as *European Union Law and Human Rights*; *State Land Organization in France and Spain: a vertical dimension*; or *Social Fundamental Rights*, among others. He has given seminars on *Equality and non-discrimination principle*; *European accession to the ECHR*; *Patient's Rights and end of life*; *Alternative Mechanisms for Conflict Resolution and Administration*; *Conditions for Admissions of Appeals applications to the ECHR*, *i.a.* He is currently an associate member of Centre *Pau Droit Public*, a Research Center at this University.

He regularly directs doctoral dissertations on comparative legal issues involving US and Mexican legal systems. He is the author of a book, several chapters' books, and essays related to comparative legal systems, public law and health law.

Since 1999 he is a practicing lawyer at the Madrid Bar, Spain, doing litigation before civil, criminal and administrative jurisdictions.

He speaks 6 languages: Native Spanish, he is bilingual in French, speaks fluent English, and has an intermediate level of German, Italian and Portuguese.

He is interested in research on Comparative (Mexico, the U.S., Spain and France among others) and International Legal perspectives, as well as European Union Law studies, Public Law (Administrative and Constitutional), Biotechnology and the Law, Life Sciences legislation as well as Medical Malpractice and Medical Risk Management legal issues. Professor Lopez de la Osa currently belongs to several research projects in Europe and in the United States, he is the author of a book, several chapter's book, and articles on Public, Comparative and International Law.

After that appointment, US-MEX LAW Assistant Director, Ignacio Pinto-Leon went back to his legal practice in April 2017. Mrs. Brisa Gosset applied for a position of Program Manager 1 at the Legal Information Technology Department at the University of Houston Law Center, new position that Mrs. Gosset occupied in April 2017.

AFFILIATE SCHOLARS

Affiliate Scholars of the Center for U.S. and Mexican Law (US-MEX LAW) participate actively in research and educational projects undertaken by the Center. The inclusion of Affiliate Scholars expands the reach of US-MEX LAW's programs, and also permits a broad range of viewpoints and expertise in guiding the projects and activities of the Center.

Currently, US-MEX LAW Affiliate Scholars are:

Dr. and Justice José Ramón Cossio, Justice of the Mexican Supreme Court; Distinguished Jurist in Residence, University of Houston Law Center.

Professor Guillermo J. Garcia Sanchez, Associate Professor, Texas A&M University School of Law; Harvard Law School; LLM in International Law

Dr. Robert E. Lutz, Professor of Law at Southwestern Law School in Los Angeles

Dr. Richard McLaughlin, Endowed Chair for Marine Policy and Law at the Harte Research Institute for Gulf of Mexico Studies (HRI) at Texas A&M University in Corpus Christi.

Dr. Amalia Mena-Mora, Chief Operating Officer at Galer Law Firm, PLLC in Houston, Texas, and has been Lecturer in the Department of Finance at the C.T. Bauer College of Business at the University of Houston, and the Department of Political Science at both Rice University and UH.

Dr. Alberto Abad Suárez-Ávila, Associate Researcher C, Sociology of Law Coordinator, at Instituto de Investigaciones Juridicas de la Universidad Nacional Autonoma de Mexico (IIJ-UNAM) in México City.

Ricardo Colmenter, Affiliate Scholar for International Energy Programs at US-MEX LAW and Mexican Law and the Energy, Environment and Natural Resources Center (EENR); Director of Entra Consulting, an international consulting firm in oil and gas industry.

LAW FACULTY

Professor Geoffrey A. Hoffman, Clinical Associate Professor and Faculty supervisor of the University of Houston Immigration Clinic

Professor Michael Olivas, William B. Bates Distinguisehd Chair in Law.n Diretor, Institute for Higher Education Law and Governance, University of Houston Law Center.

Professor Sandra Guerra Thompson, University of Houston Law Center, Law Foundation Professor of Law, Director, Criminal Justice Institute at the UHLC.

Professor Jacqueline Weaver, A.A. White Professor of Law at UHLC, Faculty associated at US-MEX LAW retired in 2017. She would be no more a collaborating Faculty at US-MEX LAW.

COLLABORATING FACULTY

Dr. Jeronimo Cortina, Assistant Professor of Political Science, University of Houston and Research Associate, Center for Public Policy

Dr. Lydia Tiede, Associate Professor, Department of Political Science, University of Houston.

***Dr. Susan Kellogg**, Director, Latin American Studies Program at the University of Houston, Professor University of Houston retired in 2017. She would be no more a collaborating Faculty at US-MEX LAW.*

ADVISORY BOARD

The US-MEX LAW Advisory Board consists of persons who possess valuable experience and expertise in regards to Mexican law and society, or in U.S.-Mexican relations. The Advisory Board provides advice and support in helping the Center to fulfill its mission.

MEXICAN ADVISORS *(in alphabetical order)*

- Cecilia Azar, Partner, DLA Piper, Gallastegui y Lozano, México City
- Dr. Gabriel Cavazos Villanueva,Associate Dean of the School of Business, Social Sciences and Humanities of the Tecnológico de Monterrey (Campus Monterrey), Monterrey
- Dra. Josefina Cortés, Instituto Tecnológico Autónomo de México (ITAM), México City
- Dr. José Ramón Cossío Díaz, Justice of the Mexican Supreme Court, and Distinguished Jurist in Residence, University of Houston Law Center
- Arturo Dáger, General Counsel, ProMéxico, Mexico
- Dr. David Enríquez, Goodrich Riquelme y Asociados and ITAM law school, México City
- Dr. Héctor Fix Fierro, Director, Instituto de Investigaciones Jurídicas, Universidad Nacional Autónoma de México (UNAM), México City
- Ambassador Miguel Ángel González Félix, Despacho Maney & Gonzalez Félix, Houston, TX – Mexico City
- Alejandro Landa Thierry, Partner, Holland & Knight, México City
- *Dr. Sergio López Ayllón, Chancellor (Director General) of Méxi-co 's Centro de Investigación y Docen-cia Economicas (CIDE), México City (**resigned, July 12 2017**)*
- Rogelio López Velarde, Founding partner and energy law expert, López Velarde, Heftye y Soria, México City
- Cristina Massa, Commissioner, Comisión Federal de Competencia, México City
- Dr. Luis Fernando Pérez Hurtado, Founding Director, Centro de Estudios Sobre la Enseñanza y Aprendizaje de Derecho (CEEAD), Monterrey
- Dr. Luis Rubio, President, Centro de Investigación para el Desarrollo, Asociación Civil (CIDAC), México City
- Dr. Diego Valadés, Instituto de Investigaciones Jurídicas, Universidad Nacional Autónoma de México (UNAM), México City

U.S. ADVISORS (*in alphabetical order*)

- Boyd G. Carano, Partner, Vinson & Elkins LLP, Houston
- Ricardo Colmenter, Director, Entra Consulting LLC, Houston
- Congressman Henry Cuellar, U.S. House of Representatives (D -TX, 28th District)
- Alberto de la Peña, Partner, Haynes and Boone, Dallas
- James A. DeMent, Jr., Partner, Baker Botts, Houston

- David Gantz, Samuel M. Fegtly Professor of Law, University of Arizona, James E. Rogers College of Law
- Lawrence Hanson, LW Hanson and Associates, Houston
- Christina Ibrahim, Executive Vice President, General Counsel & Corporate Secretary, Weatherford, Houston
- Tim Johnson, Partner, Locke Lord LLP, Houston
- David Lopez, Partner, Pulman, Cappuccio & Pullen, San Antonio
- William D. Marsh, General Counsel, Baker Hughes
- Charles E. Meacham, Partner, Gardere Wynne Sewell, Houston
- Judge Margaret McKeown, United States Court of Appeals, 9th Circuit, San Diego
- Ewell E. Murphy, Jr., Former partner, Baker Botts; Distinguished Lecturer, University of Houston Law Center
- Dallas Parker, Partner, Mayer Brown LLP, Houston
- Glenn L. Pinkerton, Partner, Sidley Austin, Houston
- Judge Josefina Rendón, Assoc. Judge, City of Houston Municipal Courts
- Doris Rodriguez, Partner, Andrews Kurth, Houston
- Judge Lee Rosenthal, United States District Court, Southern District of Texas, Houston
- Carlos Soltero, Partner, McGinnis Lochridge, Austin
- Peter K. Taaffe, Of Counsel, The Buzbee Law Firm, Houston
- Judge Vaughn Walker, United States District Court (retired), Northern District of California, San Francisco
- William Wood, Head of Energy and Infrastructure, Norton Rose Fulbright

6. ADVISORY BOARD MEETINGS

JULY 14TH, 2017, MEXICO CITY

In July 2017, The Center for U.S. and Mexican Law held an annual meeting with its Advisory in Mexico City to review ongoing projects and initiatives. The Center's Advisory Board, includes leading U.S. and Mexican academics, judges and professionals. Members of the advisory board met to discuss the promotion of legal culture in US and Mexico in order to improve the recognition as well as the mission about NAFTA, immigration and other topics mentioned. Along with prospective seminars, the advisory board's input on the center's activity opportunities were discussed. Learning how the Law center will sustain itself was one of the key points during this meeting; funding opportunity's with various companies, donations and help with future projects and topics were among the topics discussed pertaining to sustainability. The Center for US and Mexican law has a goal of excellence in all ventures, taking the right steps to achieve our goals is pivotal to the success and sustainability of the office.

The Agenda of this Advisory Board meeting was the following:

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Center for U.S. and Mexican Law

Meeting of the Advisory Board Agenda

Friday, July 14th, 2017
10:15 AM

Holland & Knight
Mexico City, Mexico

I. Welcome Remarks

The Center for U.S. and Mexican Law would like to thank Mr. Alejandro Landa Thierry, International Partner at Holland & Knight for graciously hosting the meeting of the Center's Advisory Board.

II. Center's perspective

a. Appointment Alfonso Lopez de la Osa Escribano as director of the Center for US and Mexican Law.
b. Director statement and Center's areas of interest; students internships
c. Center's role to play in Mexico, to promote the legal culture of US and Mexico; to improve the recognition and mission of UHLC and UH: Dean Baynes trip to Mexico City.

III. Projects Status Report

a. Texas One Gulf Center of Excellence Project: First round of Request For Proposals (RFP).
b. Rule of Law and Mexico's Energy Reform Book

IV. New Research Proposals Projects: Grants applied

a. Borders, Trade and Immigration Institute at UH: US-MEXBORDIM project
b. Texas One Gulf: COMENTO-GULF INTER DIALOG project

V. Prospective inclusion in projects existing with MD Anderson and UTMB (*so far in discussion*)

a. In Rio Grande Valley, "Su Clinica" to improve Gynecological care (Drs. Schmeler)
b. Epidemiology of disease in the region affected by environmental aspects coming from both sides of the border (Dr. Susan Fisher-Hoch)
c. HPV vaccination pilot and outreach to the community (Dr. Ana Gonzalez),
d. Long distance learning programs in health (Dr. Ellen Baker and Melissa Lopez)

VI. Prospective Seminars:

a. Banking, Compliance and Securities Seminar and publication (February 2018)
b. Immigration and Development and publication (date TBD)
c. CLE to obtain revenue for the Center

VII. Stephen T. Zamora

a. Memorial Scholarship future: annual.
b. Stephen T. Zamora Festschrift

VIII. Advisory Board input on Center activities and opportunities

a. Future projects and topics
b. Funding opportunities and donations to the Center for US and Mexican Law

IX. Dissemination of activities

a. Center's Webpage update
b. Newsletter publication

7. STUDENT PROGRAMS

The Center for U.S. and Mexican Law assists UH law students to arrange summer externships in Mexico City with one of three prestigious Mexican institutions: **Mexico's National Hydrocarbon's Commission** (CNH); **PEMEX and Mexico's Ministry of Foreign Affairs** (SRE). *The Center also sponsors activities to promote professional cooperation and comparative legal education in North America, through a partnership with the North American Consortium on Legal Education*

MEXICO CITY EXTERNSHIPS

Summer 2017

The Center accepted 4 UHLC students as summer externs. 2 out of 4 Center externs were awarded a Global Fellowships from the University Of Houston Law Center. Two students received academic credit for their summer placements.

- **Mexico's National Hydrocarbon's Commission** (CNH) 0 students
- **PEMEX** 1 students
- **Mexico's Ministry of Foreign Affairs** (SRE) 3 student

The UHLC students names were:

- **Jacqueline del Villar**, Externship at the Mexican foreign Ministry
- **Paige Martin**, Externship at the Mexican Foreign Ministry
- **Michael Amaya**, Externship at the Mexican Foreign Ministry
- **Maria Cristina Ortegon**, Externship at PEMEX.

Center Sponsors and Underwriters

Underwriters	Lead Sponsors	Sponsors
Baker Hughes	Andrews Kurth	Entra Consulting
Foundation	Haynes and Boone	Locke Lord
BHP Billiton	Holland & Knight	Sidley Austin
Norton Rose	Mayer Brown	
Fulbright	Vinson& Elkins	
Weatherford US		

8. PUBLICATIONS

- *El final de la vida y el respeto de la dignidad humana: valores personales, ciencia y derecho*

Alfonso López de la Osa Escribano

Actualidad del Derecho sanitario, ISSN 1136-6869, Nº. 246, 2017, págs. 258-260

- *Objection de conscience et médicament en droit franco-espagnol: utiles éclaircissements du Tribunal constitutionnel espagnol*

Guillaume Rousset,

Alfonso López de la Osa Escribano

Revue internationale de droit comparé, ISSN 0035-3337, Nº. 2, 2017, págs. 407-424

9. FUTURE CHANGES (WITHIN THE NEXT 5 YEARS)

The strategic choices of the Center for U.S. and Mexican Law (US-MEX LAW) within the next 5 years are the following:

A. Build on existing relationships in Mexico and the United States

We plan to develop relations with Law Centers, decision makers and stakeholders in Mexico that could help the US-MEX LAW Center in achieving its mission. Among others to develop cooperation with Mexican public and private institutions that could contribute to reinforce the presence of the US-MEX LAW, through funding scholarship at UHLC to Mexican students. UHLC has a better reputation every year in Mexico as a law school interested in Mexico. We have already students that apply to UHLC precisely because of the existence of the US-MEX LAW Center. We would like to work in strengthening UHLC presence in Mexico, becoming UHLC a partner of Mexican Public and Private Institutions.

B. Continue to develop current research projects and identify new ones

The Center for U.S. and Mexican Law has five fields of interest of Comparative Law between Mexico and the US: *Energy Law*, *Immigration Law*, *Health Law*, *Corporate Law* and *Human Rights*. We would like to develop several research projects in each of these areas, also in conjunction with our colleagues in EENR, HLPI, and the Immigration Clinic, academic centers belonging to UHLC.

C. Continue professional training

In collaboration with the EENR Center, we will continue to expand our professional training of energy law professionals in Mexico. We plan to do so with PEMEX, among other Mexican companies. There is also this synergy that both EENR and US-MEX LAW would like to exploit – such training programs- and also recruiting applicants for the Law Center's LLM program.

D. Expand the number of underwriters and sponsors

We must expand the number of underwriters, should they be public or private institutions in Mexico and the US. It is a challenge to currently do so with only one person, the director, devoting time to this.

E. Strengthen the Advisory Board

The Center's Advisory Board should be strengthened, by only including individuals – both in Mexico and the U.S. – who are committed to the Center's mission and agenda.

10. NEWS AND PUBLICATIONS

Alfonso López de la Osa Escribano, an affiliate scholar at the University of Houston Law Center's Center for U.S. and Mexican Law, examined the relationship between health law and human rights at a recent lecture.

Sept. 13, 2016 – Collaboration between nations could make for stronger international protections of health as a human right, Alfonso López de la Osa Escribano, a health law scholar, said at a lecture last week at the University of Houston Law Center.

The lecture, "Health Protection and Human Rights: an introduction to International Health Law," was hosted by the Center for U.S. and Mexican Law, in collaboration with the student Health Law Organization.

"More than ever, we need to approach health protection from a perspective of solidarity and community, beyond nationalist and border perspectives," López de la Osa Escribano said.

"Diseases do not respect frontiers as we have recently seen with the Ebola or Zika viruses. We have to work together and international health law can be of help in doing that."
López de la Osa Escribano said he is hopeful that discussing health law as it relates to human rights will create a special system of legal protection of health on a global scale.

Citing the 1950 European Convention of Human Rights and the 2000 Charter of Fundamental Rights of the European Union, López de la Osa Escribano said health is not considered a first-category human right, and is regarded as a second-category human right.

A first-category human right is considered something inherent to human beings like equality, freedom, security and resistance to oppression. Second-category human rights are more economic in nature, and involve a person's right to education and employment.

"Any human right has limits, and those are more obvious in second category human rights," López de la Osa Escribano said. "We should work on avoiding such differences by protecting the essence of health's protection as a human right."

López de la Osa Escribano is an affiliate scholar at the UHLC Center for U.S. and Mexican Law. He will teach Comparative Health Law in the Spring 2017 semester. The course will focus on the analysis of the health foreign legal systems and topics comparing them to the structure and notions existing in the U.S.

NEWS AND PUBLICATIONS (COUNT.)

Adjunct professor Alfonso López de la Osa Escribano and Madhu Purewal, a senior legal officer and director in institutional compliance at the MD Anderson Cancer Center, discuss protections on human research subjects during a recent course at the University of Houston Law Center.

June 19, 2017 – University of Houston Law Center students compared and contrasted U.S. legal health systems with some of its European counterparts this semester in Alfonso López de la Osa Escribano's comparative law class. Lopez de la Osa Escribano is an adjunct professor and the Director of the Law Center's Center for U.S. and Mexican Law.

The course, from the Law Center's Health Law & Policy Institute, featured guest speakers from MD Anderson who specialize in the area where law and healthcare intersect. Students also studied legal and health systems in Belgium, Brazil, France, Italy, New Zealand, Spain and the U.K.

"I'm glad our students were able to take advantage of learning directly from M.D. Anderson experts in HIPPA, end of life and patients' rights, protection of human subjects, human tissues and body parts and medical malpractice in the U.S., as well as learning how other countries legal systems work in issues related to health law," López de la Osa Escribano said.

Krista Barnes, a senior legal officer in institutional compliance at the MD Anderson Cancer Center, was the first visitor to the class. Barnes is an expert in medical records and data protection legislation and discussed legal issues surrounding medical records, data protection, and patients' rights to their own medical information.

Barnes said that the process of de-identifying the patient information of someone who participated in a health study is not a simple task in the U.S., according to legal standards set by HIPPA.
"To piece things back together and identify the patient would be extremely difficult, almost impossible, for someone other than the people with authority to use that data," she said. "Yet, this is the standard we operate under, and it makes it difficult for people to use that data for useful purposes like research without a significant amount of effort and legal burden."

López de la Osa Escribano pointed to how the European Union (EU) adopted recently the General Data Protection Regulation in 2016, that will come into force in May 2018. Part of the regulation is to process and grant the free movement of data throughout the European Union. He said this EU regulation offers flexibility through a pseudonymization process where "personal data can no longer be attributed to a specific human subject".

"Terms such as encryption, codification, and irreversible dissociation of data, are a few examples of the many terms that describe similar data storing and sharing processes," he said. "These terms offer a nuanced and compelling perspective within the context of personal health data regulation because the pseudonymization premise considers health data to be 'any past, current of future physical or mental health status of the data subject.'

"This legislation parallels certain aspects of U.S. legislation on medical records, data protection, and patient's rights and offers a key insight into where we can find convergence in the two systems."

Holly Rumbaugh, managing legal officer for litigation, patient care and hospital operations at the MD Anderson Cancer Center, joined López de la Osa Escribano's class for a discussion on the right to information and informed consent.

"Patients have the right to choose what is best for their body," Rumbaugh said. "The informed consent document is much more than a form. It is a whole process of dialogue and trust between patient and physician, to communicate risks and benefits of the proposed treatment and allow the patient to have questions completely asked and answered, and they can decide freely."

López de la Osa Escribano compared the U.S. system on informed consent and patients' rights to similar regulations in France and Spain. However, there are a number of slight deviations.

"Exceptions to informed consent occur when a public health risk exists, during an emergency situation, in some research situations or if a person is incompetent and unable to contact his or her family or legal representative," he said.

Rumbaugh also examined end of life legislation, and highlighted the significance of patients being able to issue advanced directives – instructions on how to proceed with medical care if a patient is unable to express their wishes.

"To have advanced directives is always a good idea, even if doing so might cause discussions that are not always easy to address," she said. "Down the road if we are in a difficult medical decision and we can't speak for ourselves, they can be valuable."

Rumbaugh explained other end of life medical situations like comfort or palliative care and assisted suicide which is illegal in Texas. López de la Osa Escribano brought up the legal framework of a number of European nations that do perform euthanasia or assisted suicide.

"In Switzerland, according to the Swiss Criminal Code 115, assisted suicide is legal, but not euthanasia," he said. "Euthanasia has been legal in Belgium since 2002 and as recently in 2014 it is also legal for children of any age. In The Netherlands, it is legal for adults and children over the age of 12. Assisted suicide can also be performed in The Netherlands by a physician who meets the requirement of care, and informs the medical examiner. Euthanasia nor assisted suicide are legal in France or Spain."

Madhu Purewal is a senior legal officer and director in institutional compliance at the MD Anderson Cancer Center. She delivered a lecture to López de la Osa Escribano's class on the protection of human subjects in research. She discussed several regulatory agencies that exist in the U.S. that are involved in this area.

"The Office of Human Research Protections, the U.S. Food and Drug Administration and the Office of Civil Rights with their respective statutes regulate the protection of human subjects," she said. "There is also a federal mandate for Institutional Review Boards, which are like an independent research ethics committee. This grants the highest level of protection of human subjects involved in a research trial."
López de la Osa Escribano said the U.S. has gradually become more similar to Europe as regulations protecting human subjects are becoming more protective of people, much like the European regulations.

Dr. Tyron Hoover, the director of the biospecimen research office at MD Anderson, was the fourth speaker in adjunct professor Alfonso López de la Osa Escribano's comparative health law course.
The final speaker was Dr. Tyron Hoover, the director of the biospecimen research office at MD Anderson. Hoover gave a talk on human tissues, organ donations and transplants and a separate lecture on medical malpractice.
López de la Osa Escribano described how the legal status of body parts has dramatically evolved in recent years, due to the interest they arise in research and for treating diseases, the difference between blood, cells, organs and tissues was made, in order to grasp their particularities.

"When it comes to tissues and body parts, legally the notion of ownership needs to be approached with a few questions," he said. "Do patients have a proprietary right on their cells, or do ethical concerns have to be taken into account to avoid that human bodies become a commodity? "

Hoover discussed the 1990 case *Moore v. Regents of the University of California*, a landmark decision made by the Supreme Court of California in 1990. In this case, John Moore was a patient, who was treated of hairy cell leukemia by a doctor that recommended a splenectomy.

"Moore signed an informed consent for medical intervention, but physicians removed parts of the spleen to produce a cell line without the knowledge of Moore," Hoover said. "During that time, Moore gave samples of blood, skin and bone marrow that ended up in developing a cell that valued at $3 billion. Years later, Moore was asked to sign a consent to allow the use of these tissues, blood, and cells. Moore refused to sign and filed a procedure for breach of fiduciary duty, lack of informed consent, and proprietary claim, as we know, for interference with the possessory and ownership interest in personal property, which is a strict liability."

The Supreme Court of California judged that Moore could sue on the basis of lack of informed consent and for breach of fiduciary duty, but not on the basis of proprietary claim. As the Court said, "to recognize and enforce a right to sell one's own body tissue for profit" was asking much.

In the following discussion on malpractice, Hoover provided analysis among other decisions on another landmark case of 1974, the *Helling v. Carey*, from the Supreme Court of Washington . The case involved two physicians who were found to be negligent while treating a glaucoma patient. Patients under the age of 40 rarely suffer from glaucoma, so the doctors neglected to give the patient a routine test.

"Even though the doctors in question followed the standards of care, they were considered negligent when severe damages occurred to the patient because there are precautions so imperative that their universal disregard will not excuse their omission," Hoover said. "In that case, following the standard of care couldn't insulate the defendants from liability of negligence."

López de la Osa Escribano concluded the discussion by examining the development of malpractice regulations in France and in Spain, constructed traditionally under the distinction between best-effort obligation (for curative medicine) vs. a performance obligation (for plastic surgery or comfort medicine). Thus, in 2009 the Supreme Court of Spain, operate a change of jurisprudence after linking a performance obligation with a prior engagement of the physician to grant a specific result.