

2014

Richmond Journal of Global Law and Business Volume 13, Issue 3 - Prefatory Matter

Follow this and additional works at: <http://scholarship.richmond.edu/global>

Recommended Citation

Richmond Journal of Global Law and Business Volume 13, Issue 3 - Prefatory Matter, 13 Rich. J. Global L. & Bus. (2014).
Available at: <http://scholarship.richmond.edu/global/vol13/iss3/1>

This Prefatory Matter is brought to you for free and open access by UR Scholarship Repository. It has been accepted for inclusion in Richmond Journal of Global Law & Business by an authorized administrator of UR Scholarship Repository. For more information, please contact scholarshiprepository@richmond.edu.

RICHMOND JOURNAL OF GLOBAL LAW AND BUSINESS

Volume 13

Fall 2014

Number 3

ARTICLES

THE PENUMBRA OF THE UNITED STATES' FOREIGN CORRUPT PRACTICES ACT: BRAZIL'S CLEAN COMPANIES ACT AND IMPLICATIONS FOR THE PHARMACUETICAL INDUSTRY *Beverley Earle and Anita Cava* 439

UNIVERSAL ANTI-BRIBERY LEGISLATION CAN SAVE INTERNATIONAL BUSINESS: A COMPARISON OF THE FCPA AND THE UKBA IN AN ATTEMPT TO CREATE UNIVERSAL LEGISLATION TO COMBAT BRIBERY AROUND THE GLOBE *Lindsey Hills* 469

WILL WHAT HAPPENED IN ECUADOR STAY IN ECUADOR? HOW THE EXISTING INTERNATIONAL DUE PROCESS ANALYSIS MAY BE INEFFECTIVE IN KEEPING FRAUDULENT FOREIGN JUDGMENTS OUT OF U.S. COURTS..... *Christopher Lento* 493

A NEW AFFIRMATIVE DEFENSE TO THE FCPA FOR COUNTRIES EXITING MAJOR INTERNAL STRIFE *Chris Rohde* 545



**Information About the
*Richmond Journal of Global Law and Business***

The *Richmond Journal of Global Law and Business* is published annually by the University of Richmond School of Law, 28 Westhampton Way, University of Richmond, VA 23173. Comments and suggestions regarding the content of this publication are invited at the above address or at (804) 287-6639.

Subscriptions: The cost per issue for a subscription to the Journal is \$12.00. Detailed subscription information is available on the Journal website at <http://rjglb.richmond.edu/>. Regular mail or phone calls should be directed to the attention of the Executive Editor who can be reached at the *Journal* address or phone number listed above.

Copyright: Copyright © 2014 by the *Richmond Journal of Global Law and Business*, unless noted otherwise. Articles herein may be duplicated for classroom use, provided that (1) each copy is distributed at or below cost; (2) the *Journal* is notified of such use; (3) proper notice of copyright is affixed to each copy; and (4) the author and the *Journal* are identified on each copy.

Manuscripts: The *Journal* invites the submission of unsolicited articles, comments and essays. Manuscripts should include the author's biographical information under separate cover. Manuscripts will not be returned unless specifically requested and accompanied with proper return postage. Editorial operations of the *Journal* are conducted with Microsoft Word software. Send manuscripts to *Richmond Journal of Global Law and Business* at University of Richmond School of Law, 28 Westhampton Way, University of Richmond, VA 23173.

Citations: The text and citations of the Journal conform to *The Bluebook: A Uniform System of Citation* (19th ed. 2010) copyright by the *Columbia Law Review*, the *Harvard Law Review*, the *University of Pennsylvania Law Review*, and *The Yale Law Journal*.

CITE AS RICH. J. GLOBAL L. & BUS.

OFFICERS OF INSTRUCTION AND ADMINISTRATION
UNIVERSITY OF RICHMOND
SCHOOL OF LAW

Administration

Edward L. Ayers, B.A., M.A., Ph.D. President of the University of Richmond
Wendy C. Perdue, B.A., J.D. Dean and Professor of Law
James Gibson, B.A., J.D. Associate Dean of Academics, Professor of Law
Kristine M. Henderson, B.A., J.D. Associate Dean for Student Services
and Administration
Timothy L. Coggins, B.A., M.S., J.D. Associate Dean, Library and
Information Services and Professor of Law
Janet D. Hutchinson, B.S., J.D. Associate Dean of Career Services
Michelle Rahman Associate Dean of Admissions

Faculty

Stephen Allred, B.A., M.P.A., J.D., Ed.D. Vice President and Provost
Margaret I. Bacigal, B.A., J.D. Clinical Professor of Law and
Administrative Director, Clinical Placement Program
Ronald J. Bacigal, B.S., LL.B. Professor of Law
W. Wade Berryhill, B.S., J.D., LL.M. Professor of Law, Emeritus
Carol N. Brown, A.B., LL.M., J.D. Professor of Law
W. Hamilton Bryson, B.A., LL.B., LL.M., Ph.D. Blackstone Professor of Law
Tara L. Casey, B.A., J.D. Director of Pro Bono Services
Dale Margolin Cecka, B.A., J.D. Associate Clinical Professor of Law
and Director of the Family Law Clinic
Henry L. Chambers, B.A., J.D. Professor of Law
Christopher A. Cotropia, B.S., J.D. Professor of Law
Carle E. Davis, C.P.A. Professor of Law, Emeritus
John G. Douglass, B.A., J.D. Professor of Law
Joel B. Eisen, B.S., J.D. Professor of Law
David G. Epstein, B.A., LL.M., LL.B. Allen Professor of Law
Jessica M. Erickson, B.A., J.D. Associate Professor of Law
William O. Fisher, A.B., J.D., M.P.P. Associate Professor of Law
David Frisch, B.S., J.D., LL.M. Professor of Law
Chiara Giorgetti, Laurea in Giurisprudenza, M.Sc,
LL.M., J.S.D. Assistant Professor of Law
Meredith J. Harbach, B.A., J.D. Assistant Professor of Law
Mary L. Heen, B.A., M.A.T., J.D., LL.M. Professor of Law
Azizah Y. al-Hibri, B.A., M.A., Ph.D., J.D. Professor of Law, Emeritus
Ann C. Hodges, B.S., M.A., J.D. Professor of Law
Melanie C. Holloway, B.A., J.D. Visiting Assistant Professor of Law
J. Rodney Johnson, B.A., J.D., LL.M., C.L.U. Professor of Law, Emeritus
John P. Jones, B.A., J.D., LL.M. Professor of Law, Emeritus
Timothy M. Kaine, B.A., J.D. Senior Distinguished Lecturer on
Law and Leadership
Corinna Barrett Lain, B.A., J.D. Associate Dean for Faculty Development,
Professor of Law
The Hon. Hannah M. Lauck, A.B.,
J.D. John Marshall Professor of Judicial Studies
Julie E. McConnell, B.A., J.D. Assistant Clinical Professor of Law
and Director of the Children's Defense Clinic
André A. Moenssens, J.D., LL.M. Professor of Law, Emeritus
Shari Motro, B.A., J.D. Professor of Law
Daniel T. Murphy, B.A., J.D., LL.M. Professor of Law, Emeritus
Kristen R. Osenga, J.D., M.S., B.S.E. Professor of Law
John R. Pagan, A.B., M.Litt., J.D., D.Phil. University Professor of Law
John F. Preis, B.S., J.D. Associate Professor of Law
Emmeline Paulette Reeves, B.A., J.D. Associate Professor of Law for

Academic Success

Kimberly J. Robinson, B.A., J.D. Professor of Law
 Noah M. Sachs, B.A., J.D., M.P.A. Professor of Law and
 Faculty Director, Merhige Center in Environmental Law
 Andrew B. Spalding, B.A., J.D., Ph.D. Assistant Professor of Law
 Jonathan K. Stubbs, B.A., B.A., J.D., LL.M., M.T.S. Professor of Law
 Peter N. Swisher, B.A., M.A., J.D. Professor of Law
 Mary Tate, B.A., J.D. Director of the Richmond Institute for Actual Innocence
 Carl W. Tobias, B.A., LL.B. Williams Professor of Law
 Adrienne E. Volenik, B.A., J.D. Clinical Professor of Law
 Director, Education Rights Clinic
 Margaret A. Walker, B.A., J.D. . . . Visiting Assistant Professor for Academic Success
 Kevin C. Walsh, A.B., M.A., J.D. Associate Professor of Law
 W. Clark Williams Jr., B.A., J.D. Professor of Law

Library Faculty

Paul M. Birch, B.A., M.A.L.S., J.D. Computer Services Librarian
 Heather E. Casey, B.A., M.S., J.D. Reference and Research Services Librarian
 Suzanne B. Corriell, B.A., J.D., M.L.I.S. Head, Reference and Research Services
 Joyce Manna Janto, B.S., M.L.S., J.D. Deputy Director
 Amy L. O'Connor, B.A., M.L.S. Digital Resources Librarian
 Sally H. Wambold, B.A., M.S.L.S. Technical Services Librarian
 Andrew M. Winston, B.A., J.D., M.S.L.I.S. Research
 and Instructional Services Librarian
 Gail F. Zwirner, B.A., M.S.L.S. Head, Access Services

Adjunct Faculty

Hugh E. Aaron, B.S., M.H.A., J.D. Adjunct Associate Professor of Law
 John Adams, B.A., J.D. Adjunct Assistant Professor of Law
 Farhad Aghdami, B.A., J.D., LL.M. Adjunct Assistant Professor of Law
 The Hon. Michael Allen, B.A., M.A., J.D. Adjunct Professor of Law
 Tessie Bacon, B.S., J.D. Adjunct Assistant Professor of Law
 Katherine B. Bain, B.A., J.D. Adjunct Assistant Professor of Law
 Edward D. Barnes, B.A., J.D. Adjunct Assistant Professor of Law
 David E. Boelzner, B.A., M.A., J.D. Adjunct Assistant Professor of Law
 Kevin Bennardo, B.A., J.D. Adjunct Assistant Professor Law
 William Benos, LL.B., J.D. Adjunct Professor of Law
 Robert Best, B.A., J.D. Adjunct Assistant Professor of Law
 S. Virginia Bondurant, B.A., J.D. Adjunct Assistant Professor of Law
 Thomas O. Bondurant, Jr., B.A., J.D. Adjunct Associate Professor of Law
 Claudia Brand, First Legal State Examination (Germany),
 Second Legal State Examination (Germany),
 J.D. Adjunct Assistant Professor of Law
 The Hon. Lynn S. Brice, B.A., M.S.W., J.D. Adjunct Professor of Law
 Craig M. Burshem, B.S., J.D. Adjunct Assistant Professor of Law
 Jack W. Burtch, Jr., B.A., J.D. Adjunct Professor of Law
 Claire Cardwell, B.A., J.D. Adjunct Professor of Law
 Michael P. Chiffolo, B.A., J.D. Adjunct Associate Professor of Law
 Christopher Collins, B.A., J.D. Adjunct Professor of Law
 Nancy D. Cook, B.S., J.D. Adjunct Associate Professor of Law
 James C. Cosby, B.A., J.D. Adjunct Professor of Law
 Eden Darrell, B.S., J.D. Adjunct Assistant Professor of Law
 Ashley Davis, B.A., J.D. Adjunct Assistant Professor of Law
 Marla G. Decker, B.A., J.D. Adjunct Professor of Law
 William J. Dinkin, B.A., J.D. Adjunct Associate Professor of Law
 Morna P. Ellis, M.Ed., J.D. Adjunct Assistant Professor of Law
 Andrea S. Erard, B.A., J.D. Adjunct Associate Professor of Law
 Stephen Faraci, B.A., J.D. Adjunct Assistant Professor of Law
 Bennett J. Fidlow, B.F.A., J.D., M.F.A. Adjunct Assistant Professor of Law

D. Hayden Fisher, B.A., J.D. Adjunct Assistant Professor of Law
 Jacqueline Ford, B.A., J.D. Adjunct Assistant Professor of Law
 Norman J. Geller, B.S., M.S., Ph.D. Adjunct Educational Specialist
 Frederick R. Gerson, B.A., J.D. Adjunct Assistant Professor of Law
 Michael Gill, B.A., J.D. Adjunct Assistant Professor of Law
 Paul G. Gill, B.A., J.D. Adjunct Associate Professor of Law
 Michael L. Goodman, B.A., J.D. Adjunct Professor of Law
 Carolyn V. Grady, B.A., J.D. Adjunct Professor of Law
 Timothy H. Guare, B.A., J.D. Adjunct Professor of Law
 Steven M. Haas, B.A., J.D. Adjunct Assistant Professor of Law
 Sarah J. Hallock, B.A., J.D. Adjunct Assistant Professor of Law
 Patrick R. Hanes, B.A., J.D. Adjunct Assistant Professor of Law
 Michael N. Herring, B.A., J.D. Adjunct Associate Professor of Law
 Robert L. Hodges, B.A., J.D. Adjunct Professor of Law
 Carlos L. Hopkins, B.A., J.D. Adjunct Assistant Professor of Law
 Melissa Hoy, B.A., J.D. Adjunct Assistant Professor of Law
 The Hon. Henry E. Hudson, B.A., J.D. Adjunct Professor of Law
 Carlos Hopkins, B.A., J.D. Adjunct Assistant Professor of Law
 Vernon E. Inge, B.A., J.D. Adjunct Associate Professor of Law
 John C. Ivins, Jr., B.A., J.D. Adjunct Associate Professor of Law
 Herndon Jeffreys III, B.A., J.D. Adjunct Professor of Law
 Caroline Jennings, B.A., J.D. Adjunct Assistant Professor of Law
 David J. Johnson, B.A., J.D. Adjunct Associate Professor of Law
 Randall Johnson, Jr., B.A., J.D. Adjunct Assistant Professor of Law
 Jessica Sanders Jones, B.A., M.L.S., J.D. Adjunct Associate Professor of Law
 Phyllis C. Katz, B.A., MURP, J.D. Adjunct Assistant Professor of Law
 Laura W. Khatcherssian, B.A., J.D. Adjunct Assistant Professor of Law
 Anna M. King, B.A., J.D. Adjunct Assistant Professor of Law
 Mary E. Langer, B.A., J.D. Adjunct Assistant Professor of Law
 Mary E. Maguire, B.A., J.D. Adjunct Assistant Professor of Law
 Courtney M. Malveaux, B.A., M.A., J.D. Adjunct Assistant Professor of Law
 Bruce Matson, B.A., J.D. Adjunct Associate Professor of Law
 Steven C. McCallum, B.A., J.D. Adjunct Assistant Professor of Law
 James M. McCauley, B.A., J.D. Adjunct Associate Professor of Law
 Kathleen M. McCauley, B.A., J.D. Adjunct Associate Professor of Law
 Patricia C. McCullough, B.S., J.D. Adjunct Assistant Professor of Law
 James V. Meath, B.A., M.U.A., J.D. Adjunct Assistant Professor of Law
 Stephen Miller, B.A., J.D. Adjunct Associate Professor of Law
 Dale G. Mullen, B.A., B.S., J.D. Adjunct Assistant Professor of Law
 Nancy V. Oglesby, B.A., J.D. Adjunct Assistant Professor of Law
 Hillary A. Peet, B.A., J.D. Adjunct Assistant Professor of Law
 Jayne A. Pemberton, B.A., M.A., J.D. Adjunct Assistant Professor of Law
 James Phillips, B.A., J.D., Ph.D. Adjunct Professor of Law
 Cortland Putbrese, B.A., J.D. Adjunct Associate Professor of Law
 Geetha Ravindra, B.A., J.D. Adjunct Assistant Professor of Law
 James Rigler, B.S., J.D. Adjunct Assistant Professor of Law
 Elizabeth Riopelle, B.A., J.D. Adjunct Assistant Professor of Law
 Elizabeth G. Robertson, B.A., J.D. Adjunct Assistant Professor of Law
 John V. Robinson, B.A., B.L., J.D. Adjunct Professor of Law
 The Hon. Frederick G. Rockwell III, B.A., J.D. Adjunct Professor of Law
 Thomas P. Rohman, B.B.A., J.D. Adjunct Professor of Law
 Randy B. Rowlett, B.A., J.D. Adjunct Associate Professor of Law
 Mark Rubin, B.A., J.D. A.L. Philpott Adjunct Professor of Law
 Doron Samuel-Siegel, B.A., J.D. Adjunct Assistant Professor of Law
 Tamar R. Schwartz, B.A., J.D. Asst. Professor of Legal Writing
 Cornelia Savage, B.S., J.D. Adjunct Assistant Professor of Law
 Cullen Seltzer, B.A., J.D. Adjunct Assistant Professor of Law
 The Hon. Beverly W. Snukals, B.A., J.D. Adjunct Professor of Law
 James M. Snyder, B.A., J.D. Adjunct Associate Professor of Law
 Scott Stovall, B.S., J.D. Adjunct Assistant Professor of Law

Lindsey Stravitz, B.A., M.L.A., J.D.Adjunct Assistant Professor of Law
 John Thomas, B.A., J.D.Adjunct Associate Professor of Law
 Tracey Thorne-Begland, B.A., J.D.Adjunct Assistant Professor of Law
 Brent M. Timberlake, B.A., J.D.Adjunct Assistant Professor of Law
 Ian D. Titley, B.S., J.D.Adjunct Assistant Professor of Law
 Stephen J. van Stempvoort, B.A., M.A., J.D.Adjunct Assistant Professor of Law
 Robert J. Wagner, B.A., J.D.Adjunct Associate Professor of Law
 Kristin P. Walinski, B.A., J.D.Adjunct Assistant Professor of Law
 Michelle Welch, B.A., J.D.Adjunct Assistant Professor of Law
 Thomas Wolfe, B.A., J.D.Adjunct Associate Professor of Law

LAW REVIEW ADVISORY BOARD

FAITH A. ALEJANDRO
 PAMELA B. BECKNER
 STEVEN D. BENJAMIN
 J. EDWARD BETTS
 M. DENISE MELTON CARL
 JAMES B. COMEY
 RICHARD CULLEN
 JOHN P. CUNNINGHAM
 ELIZABETH F. EDWARDS
 JOHN D. EPPS
 DEBORAH LOVE FIELD
 LAURA G. FOX
 SCOTT J. GOLIGHTLY
 J. RODNEY JOHNSON
 THOMAS S. WORD, JR.

PATRICK M. MCSWEENEY
 BARRY T. MEEK
 PETER M. MELLETTE
 LOUIS A. MEZZULLO
 WILLARD J. MOODY, SR.
 JON A. MUELLER
 CARL E. OMOHUNDRO, JR.
 LAURENCE V. PARKER, JR.
 J. WAVERLY PULLEY, III
 MARGUERITE R. RUBY
 C. RANDOLPH SULLIVAN
 WILLIAM A. WALSH, JR.
 PRESTON D. WIGNER
 W. CLARK WILLIAMS, JR.



RICHMOND JOURNAL OF GLOBAL LAW AND BUSINESS

Volume 13

Fall 2014

Number 3

Annual Survey Editor

CHARLOTTE BREEN

Editor-in-Chief

SHANE FRICK

Executive Editor

MICHAEL PETERSON

Senior Manuscripts Editor

REBECCA FAVRET

Manuscripts Editors

MEGHAN HEISTERMAN

ROGER WHITUS

Managing Editors

AMANDA COTTINGHAM

ANNE T.T. JENSEN

Business & Development Editor

JARED MANGUM

Senior Articles Editor

LINDSEY HILLS

Notes & Comments Editors

ANEES AHMAD

JENNY TARASOVA

Articles Editors

BERTRAND TAMALET

XIAOYU DING

Associates Manuscripts Editors

STEPHANIE RICH

OWEN ALBERTI

Senior Associates

CHRISTIAN KRAMAR

Associates

BRAD KENT

CHRIS JACOB

CHRIS ROHDE

DINGCHAO ZHANG

DUSTIN CARTER

EUGENE EFIMOV

KEVIN COTTINGHAM

BROOKE TAYLOR-STREET

JOHN RALSTON

MICHAEL CONNOLLY

NATHAN GREYARD

SAUD ALDAWSARI

SHAUN K. FREIMAN

TEDDY MITCHELL

SABRINA RACKOW



RICHMOND JOURNAL OF GLOBAL LAW AND BUSINESS

Volume 13

Fall 2014

Number 3

EDITORIAL BOARD

Editor-in-Chief

SHANE FRICK

Executive Editor

MICHAEL PETERSON

Senior Manuscripts Editor

REBECCA FAVRET

Annual Survey Editor

CHARLOTTE BREEN

Manuscripts Editors

MEGHAN HEISTERMAN

ROGER WHITUS

Managing Editors

AMANDA COTTINGHAM

ANNE T.T. JENSEN

Business & Development Editor

JARED MANGUM

Senior Articles Editor

LINDSEY HILLS

Notes & Comments Editors

ANEES AHMAD

JENNY TARASOVA

Articles Editors

BERTRAND TAMALET

XIAOYU DING

Associate Manuscripts Editors

STEPHANIE RICH

OWEN ALBERTI

Senior Associates

CHRISTIAN KRAMAR

Associates

BRAD KENT

CHRIS JACOB

CHRIS ROHDE

DINGCHAO ZHANG

DUSTIN CARTER

EUGENE EFIMOV

KEVIN COTTINGHAM

BROOKE TAYLOR-STREET

JOHN RALSTON

MICHAEL CONNOLLY

NATHAN GREYARD

SAUD ALDAWSARI

SHAUN K. FREIMAN

TEDDY MITCHELL

SABRINA RACKOW

