



DOING BUSINESS IN OR WITH THE UNITED STATES? CHECK OUR CROSS-BORDER SERVICES



DISPUTE PREVENTION

Because we are experienced in dispute resolution and litigation we know how to prevent disputes. Our attorneys have extensive experience in international contracts and understand the key items in your contract that could prevent a dispute in the future.



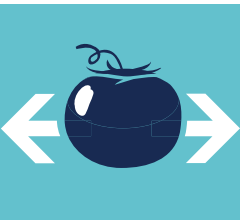
CONTRACT DRAFTING & NEGOTIATION

It is important to draft your international contracts not only in beneficial financial terms but also thinking of the things that can affect your business should something happen between you and your providers, customers, or buyers. It is vital to carefully draw key sections in your invoices, products labels, disclosures or agreements. Important items to pay attention are: Where to litigate if there is a dispute (forum selection clauses); What kind of forum (Dispute resolution clauses); What law will apply (choice of law clauses); Who will decide the dispute (Waiver of jury trial clauses); What is recoverable (limitation of damages clauses). Wrong or absence language on any of these items can be the difference between recovering or not recovering; having a case or not having a case. Our attorneys have many years of experience with international businesses and can provide that knowledge to your business.



INTERNATIONAL LITIGATION

We are small firm equipped to litigate against the largest firms in the United States. We have helped South American small businesses to obtain redress when they were not paid for their exports or were sold defective products. Many of our business-clients believed, prior to learning of our capabilities, that they did not have any options; or that they were not viable. When it comes to disputes with your sellers, buyers, or providers in the United States, we not only have the capabilities, but we can represent you in a cost-efficient, affordable manner. We partner with you through a hybrid flat-contingency fee that makes the case financially viable for your business.



PACA ADMINISTRATIVE ACTIONS

The Perishable Agricultural Commodities Act (PACA) was enacted to promote fair trade in the fruit and vegetable industry. PACA protects businesses dealing in fresh and frozen fruits and vegetables by establishing and enforcing a code of fair business practices and helping companies resolve business disputes. The Agricultural Marketing Service (AMS) is responsible for administering PACA laws and regulations. AMS also offers a forum and procedures to buyers and sellers of produce to resolve their disputes before going to a formal court proceeding. At Ayala we have represented South American sellers of produce in PACA administrative actions in the U.S. Though administrative and expedited in nature, PACA disputes have a lot of similarities to court proceedings and therefore, it is important to have an experienced litigation firm handling the dispute. Foreign South American companies specially, can benefit from Ayala's familiarity with the realities of business practices in both: South America and the United States. We have successfully represented Peruvian companies in PACA disputes; Peruvian companies that prior to learning of us, were tied up in a lengthy dispute with its U.S. buyers.



BUSINESS EXPANSION & INVESTMENT IN THE U.S.

Sometimes there is no dispute at issue and a business just want to expand its brand in a reputable market. We have helped dozens of businesses establish operations in United States. We take on all aspects of the expansion. Entity selection, business formation, incorporation, partnership agreement drafting, asset protection, employee transfers, licensing, and when needed, litigation or dispute resolution. We also have a network of professionals in accounting, information technology, marketing, business development, banking, real estate, and taxation that we put at our client's disposal. Our network has been vetted through over 8-years of experience with dozens of professionals.



EXECUTIVE TRANSFERS TO THE U.S.

It is quite normal that a company relies in its trained, established executives and specialist. Immigration laws provide for this situation and allow many types of business visas for those that come to work in companies expanding in the United States. A prime example is the L-1A visa, where a company is allowed to legally bring one of its executives or managers to run or establish new operations in the U.S. Other options are the H-1B visa for lower ranked executives with bachelor's degrees. For investors/owners the EB-5 immigrant visa is a great option. With a 500k or 1 Million investment, depending on the area of investment, the investor can obtain permanent residency for her and her family in the United States. We have extensive experience in business immigration. We have successfully brought executives and workers from companies worldwide to work in their affiliates or subsidiaries in the United States.



WORLDWIDE DUE DILIGENCE AND CLIENT SCREENING

In today's globalized, digital world it is important not only that your business complies with laws and regulations, but that those that do business with you also do. At the top of the compliance list, especially if you have a large cash flow, is compliance with Money Laundering laws. The U.S. passed legislation like the Money Laundering Control Act of 1986 or the Patriot Act of 2011 (after 9/11 attacks) that require strong, comprehensive record keeping requirements for certain businesses. Without you knowing you may be doing business with an entity who also without knowledge engaged in business with a blacklisted entity. That alone could potentially stain the reputation of your business. At Ayala, we are members of ACAMS, the Association of Certified Anti-Money laundering specialist. We have the expertise to help you screen your business and clients, so you are not blindsided. We have access to the largest data bases like Lexis Due Diligence or Thomson Reuters' World Check, used by the largest banks in the world to screen its customers.