

## International Trade Group Of The Year: Crowell & Moring

By Alex Lawson

*Law360, New York (January 5, 2016, 1:24 PM ET)* -- Crowell & Moring LLP's trade team racked up significant wins at the U.S. Court of International Trade on behalf of Schlumberger Technology Corp. and Meridian Products while also maintaining active active export control, customs and sanctions portfolios, earning a spot among Law360's International Trade Groups of the Year.



The firm boasts over two dozen trade lawyers working across its Washington, D.C., New York and Brussels offices, along with seven additional nonlawyer professionals working as customs brokers, economists and advisers.

In a legal environment where many trade shops are hewing closely to specialized areas of practice, group co-chair John B. Brew said that Crowell & Moring prides itself on offering a wealth of expertise across many practice areas to its multinational client base.

"We have a deep bench in each of those areas and it crosses borders when you're representing global clients," Brew told Law360. "We take a multidisciplinary approach, and our firm likes to say there are no walls between practices or groups. We become deeply familiar with client's business and products, so we can handle issues across practices and across offices."

This collaborative approach is on full display within the firm's work on export control and sanctions matters, where overlapping regulations between different countries can make for a tricky compliance environment.

The firm's presence in Brussels is especially handy when crafting cross-border programs to help prevent its clients from running afoul of a complex web of rules and regulations, according to partner Cari N. Stinebower.

"Because of the focus on data privacy coming out of the European Union, we've been able to help clients set up a practical compliance program or address a government investigation and conflicting legal regulations by

working with our data privacy team to set up rules of the road for the compliance folks that work across multiple jurisdictions,” Stinebower said.

Stateside, Crowell & Moring was hard at work fighting U.S. Department of Commerce and U.S. Customs and Border Protection import tariff decisions at the CIT, spearheaded by a July victory on behalf of Schlumberger, which had taken issue with CBP’s classification of its bauxite proppant imports.

The merchandise at issue is used in the hydro-fracking process to hold open well holes after water has been pumped in, and are a critical component for oil and gas service providers.

Brew, along with a team that included attorneys Alex Schaefer, Joe Meadows, Frances Hadfield, DJ Wolff and Michael Appel, successfully convinced CIT Chief Judge Timothy Stanceu that the proppants should have been given duty-free treatment as "aluminum ores and concentrates," instead of CBP’s classification that charged the goods with a 4 percent duty.

While the government has appealed the decision to the Federal Circuit, Brew said that if the decision holds, it will provide a substantial boost to the company and the industry writ large.

“The U.S. oil and gas production industry has been hit recently with lowering oil prices, so any time you can lower raw material costs by 4 percent that’s going to be very helpful in helping them remain competitive,” he said.

Partner Daniel Cannistra took the lead on another high-profile case for Meridian, which has pushed back against Commerce’s application of an anti-dumping duty order on aluminum extrusions from China.

This past June saw CIT Senior Judge Kenton Musgrave send Commerce back to the drawing board for a third time in the long and winding case, faulting the agency for applying the steep tariffs to Meridian’s aluminum refrigerator trim kits even though they were finished goods that should have been eligible for an exception.

For Cannistra, the Meridian case is emblematic of the increasingly thorny area of legal work on Commerce’s scope determinations, which decide whether or not a given product falls under the purview of an anti-dumping or countervailing duty order.

“There’s been a lot of surprise action by Commerce and Customs that gives rise to these actions,” he said. “It’s a pretty high-risk area because in some cases you are talking about retroactive import duties of 400 percent, so it’s become fairly high-stakes litigation whereas before it was an obscure of trade litigation.”

The firm also remained busy in Commerce’s regular reviews of existing duties, earning sharp tariff reductions for companies including Akron JSC, Jinko Solar and Caterpillar.

Cannistra said that the firm has attempted to ensure that its diverse practice has grown in parallel with the increasingly complex global marketplace.

“It wasn’t that long ago when you did that trade that there were companies that were strictly importers or strictly U.S. producers and so your scope of issues was fairly narrow,” he explained. “It’s no longer good enough to be super-specialized within trade. It’s not a wide enough perspective in order to represent multi-nationals, so all of us cross over into different areas.”

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