

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

By Jennifer Doherty

*Law360 (December 4, 2020, 5:20 PM EST)* -- From disproving forced labor allegations against a Malawi tobacco company to helping a nonprofit combat tuberculosis in North Korea and providing real-time COVID-19 advice to clients across the globe, Crowell & Moring LLP has successfully navigated uncharted territory, earning it a spot among Law360's 2020 International Trade Groups of the Year.

Crowell & Moring attorneys began thinking about COVID-19 in early January, well before anyone had used the word "pandemic" in relation to the novel coronavirus, when the firm's office in China had to confront the business impacts of the disease, practice group co-chair Nicole Simonian told Law360.

"Everything was just very green-field new, and our team really had to understand all of the issues when it came to the closure orders, whether it was employment, the doing business, the tax and how it would affect just daily business," said Simonian, who divides her time between the firm's Shanghai and Los Angeles practices.

That early introduction to the disease that came to define 2020 allowed the firm to develop playbooks to help clients manage shifting policies not just in their home countries but in states and provinces around the world.

"As we're seeing the second, third waves and the closures, we're starting to see very similar types of questions. 'How do we now stop again?' 'How do we make sense of having one factory open in one country but not having sales offices open in others?'" Simonian said.

But COVID-19 closures weren't the only new regulatory hurdles the firm's clients faced. New York-based counsel Frances Hadfield engaged with U.S. Customs and Border Protection's fledgling Forced Labor Division throughout the first half of the year to win a partial reversal of CBP's withhold release order on tobacco imported from Malawi.

As with its pandemic response, the firm's success in overturning the WRO came in part from preempting it. Hadfield foresaw an import ban three years ago, when she was brought in for a meeting between North Carolina tobacco companies and CBP agents.



"Following that meeting, what I said to the company is, 'I anticipate what we're going to see is a countrywide ban similar to Turkmenistan,'" Hadfield recalled.

She had Alliance One conduct an internal audit to determine what evidence it could produce to prove it didn't rely on forced labor for either growing or processing its tobacco, so when the countrywide WRO landed in November 2019, it was just a matter of producing the necessary records. Six months later, CBP modified the order specifically to allow Alliance One's tobacco into the U.S.

Partner David (DJ) Wolff led a pro bono push on the other side of the world on behalf of the Eugene Bell Foundation, which provides tuberculosis treatment in North Korea, where the multidrug-resistant form of the disease remains a public health emergency.

Organizations usually strive to ensure their supply chains avoid any contact with the hermit kingdom, since doing business in North Korea is prohibited as part of the Trump administration's "maximum pressure" campaign against Pyongyang's nuclear weapons program. But to help the foundation continue its humanitarian work, Wolff and his colleagues were tasked with forging a legal path into the country that would satisfy not only the U.S. government but international authorities as well.

Most international aid organizations withdrew from North Korea after the U.N. Security Council expanded sanctions against the country in 2017, according to Wolff. But after years of negotiations between the nonprofit and U.S. government agencies, including the Office of Foreign Asset Control, and later the U.N. itself, the security council finally granted the Eugene Bell Foundation an exemption in June 2020. The foundation's success also led to a partnership with the Global Fund, which announced it would return to North Korea in 2020 and consolidate its work there with EBF.

Crowell is keeping its eyes on the horizon as 2020 winds down. The firm recently expanded its team in Brussels amid growing tension between the U.S. and the EU over dumping and trade practices.

Stateside, the international trade team is preparing for the arrival of the Biden administration, which will need time to unwind many of the protectionist policies instated by the Trump administration, group co-chair John Brew told Law360.

"It's been busier than ever in the trade space, and we expect that to continue at least for the next two or three years," Brew said. "We're ready to handle whatever comes next."

--Editing by Gemma Horowitz.