The 40th Annual
International Trade Update
Co-sponsored by CITBA, IIEL, and WIIT

March 7-8, 2019  ▪  Georgetown University Law Center, Washington, DC

Up to 11.67 CLE credit hours (based on a 60-minute credit hour), including 2.0 hours of ethics
Up to 14 CLE credit hours (based on a 50-minute credit hour), including 2.4 hours of ethics

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Greenwald Memorial Lecture:
Commissioner Cecilia Malmström
European Commissioner for Trade, European Commission

Why Attend?
As established global and regional trade regimes continue to be questioned, it is more important than ever to gain the key insights necessary to navigate the challenging and constantly-shifting trade landscape. Learn from, and network with, leading regulators, policy-makers, lawyers, and thought-leaders, as you become part of one of the preeminent forums for discussing cutting-edge trade and customs law and policy. Stay ahead of the curve and stand out in your day-to-day practice.

At the 2019 Update, you will:

- Gain insight into the Administration’s trade priorities and philosophy from a top Administration official
- Hear the European Commissioner for Trade speak about the EU perspective on the EU-U.S. trade relationship, the multilateral trading system, and the prospects for continued leadership by both trading partners in promoting rules-based trade
- Understand the implications of NAFTA 2.0 and other new and evolving trade deals
- Earn up to 2 hours of Ethics CLE credit in sessions tailored to trade attorneys
- Network with key stakeholders in the trade and customs areas

With 15 sessions, and two concurrent tracks in Trade and Customs, you can customize your learning experience to target the topics most relevant to your practice. Whether you work as a lawyer, regulator, policy-maker, or academic, this annual Update is for you.
11:00 am - 12:00 pm

Trade and Presidential Authority: A Constitutional Law Debate

David J. Ross (Moderator), WilmerHale
Prof. Alan B. Morrison, Lerner Family Associate Dean for Public Interest and Public Service Law & Professorial Lecturer in Law, George Washington University School of Law

Additional Debater, to be Named
• Examine the scope of presidential authority under discretionary statutes such as Section 232 and the International Emergency Economic Powers Act (IEEPA)
• Discuss the circumstances under which the President’s discretionary decisions can be subject to judicial review
• Consider possible discretionary actions that the President can take to enforce trade policies

12:00-1:05 pm

Lunch (on your own)

CITBA Young Lawyers Luncheon
Sponsored by Kelley Drye & Warren LLP
(Pre-registration required)
• The CITBA Young Lawyers Committee (YLC) Luncheon is designed for attorneys with fewer than 15 years of experience to connect with more senior members of the bar who can provide advice and mentorship

1:05-2:05 pm

Avoiding Conflict of Interest Pitfalls

Stuart I. Teicher, Professor and Lead Educator, Teicher Professional Growth, LLC
• Join the “CLE Performer” Stuart Teicher, Esq. as he demystifies the rules of conflicts of interest
• Understand direct adversity under ABA Model Rule of Professional Conduct (MRPC) Rule 1.7(a)(1) (Conflict of Interest: Current Clients)
• Learn about personal conflicts, and how MRPC Rule 1.7(a)(2) (Conflict of Interest: Current Clients) intersects with the rule on advising (MRPC Rule 2.1) (Advisor)
• Explore key elements of former client conflicts under MRPC Rule 1.9 (Duties to Former Clients), Comment [3]
• Discuss important changes to the rule on prospective client relationships under MRPC Rule 1.18 (Duties to Prospective Client)

2:20-3:20 pm

WTO Year Ahead

Prof. Jennifer A. Hillman (Moderator), Professor from Practice, Georgetown University Law Center
Matthew Kronby, Borden Ladner Gervais LLP
Juan A. Millan, Assistant U.S. Trade Representative for Monitoring and Enforcement, Office of the U.S. Trade Representative
Clarisse Morgan, Director, Rules Division, World Trade Organization Secretariat
• Explore key WTO cases and rulings from 2018
• Learn about the implications of WTO disputes for trade remedy practice
• Anticipate new developments in WTO dispute settlement for the coming year

3:30-5:00 pm

Networking Break

3:30-5:00 pm

Trump Administration and Supply Chain

Vanessa P. Sciarra (Moderator), Vice President for Legal Affairs and Trade and Investment Policy, National Foreign Trade Council
Richard M. Belanger, Sidley Austin LLP
Lynlee Brown, Senior Manager, Ernst & Young, LLP
Jill Franze, Senior Director, Global Customs/Trade, Finance Cisco Systems Inc
Steven Gardon, Vice President Global Indirect Taxes and Customs, Lear Corporation
Brooke M. Ringel, Kelley Drye & Warren LLP
• Hear how companies are grappling with Sections 201, 301 and 232 tariffs and quotas, tariff retaliation by trading partners, and other challenges to supply chains and global sourcing
• Evaluate the pros and cons of options for clients to mitigate the effect of tariffs, such as supplier changes and exclusion requests
• Assess the impact of tariff uncertainty in the Trump trade era, including the effect on private sector investment and supply chain due diligence

5:00-6:00 pm

Cocktail Reception
Sponsored by Hughes Hubbard & Reed LLP

Friday, March 8
7:45-8:15 am

Networking Breakfast

8:15-9:15 am

Keynote Address

Ambassador Robert E. Lighthizer, U.S. Trade Representative, Office of the U.S. Trade Representative (Invited)
• Gain insight into the Administration’s top trade priorities, as well as its overall trade philosophy
• Engage with a top Administration official on NAFTA renegotiation, trade relations with China and the EU, and the WTO
• Discuss how trade policy fits into the Administration’s overall economic and foreign policy agenda

9:20-10:30 am

Views from the Hill

Theodore R. Posner (Moderator), Weil, Gotshal & Manges LLP
Angela P. Ellard, Chief Trade Counsel, Republican Staff, U.S. House Committee on Ways & Means
Katherine C. Tai, Chief International Trade Counsel, Democratic Staff, U.S. House Committee on Ways & Means
Jayme R. White, Chief Advisor on International Competitiveness and Innovation, Democratic Staff, U.S. Senate Committee on Finance
• Engage with the four top trade attorneys on Capitol Hill
• Delve into hot topics in a rapid question and answer format
• Gather information to help steer your clients’ next moves
• Explore legislative responses to executive trade actions and the outlook for trade agreements in Congress

10:40-11:40 am

NAFTA 2.0 and Other New Deals in Trade

John M. Melle, Assistant U.S. Trade Representative for the Western Hemisphere, Office of the U.S. Trade Representative
Joanne E. Osendarp, Hughes Hubbard & Reed LLP
Kenneth Smith Ramos, Director of the Trade and NAFTA Office, Embassy of Mexico (Invited)
• Examine key issues in the U.S.-Mexico-Canada Agreement (USMCA) affecting stakeholders and the U.S. economy
• Hear negotiators’ reflections on modernizing NAFTA, the future of U.S. trade agreement strategy, and lessons from the USMCA talks for future trade negotiations
11:40 am-12:00 pm
Lunch Service

12:00 - 1:00 pm
Lunch Networking (Optional)

12:00 – 1:00 pm
ጨ ℹ Ethics, Cybersecurity, and the Law (Optional)

Hon. Leo M. Gordon (Moderator), U.S. Court of International Trade
David A. Cass, Chief Information Security Officer, Cloud and SaaS Operational Services, IBM
Daniel Garrie, CEO, Law & Forensics
Rhea Siers, Executive Director for Cybersecurity and Information, Risk Assistance Network and Exchange

• Learn the basics of cybersecurity, the parameters of cybersecurity law, and the related ABA Model Rules of Professional Conduct 1.1 (Competence), 1.4 (Communications), 1.6 (Confidentiality of Information), and 4.4 (Respect for Rights of Third Persons)
• Explore ethical practices in connection with recent hacks on law firms and government offices
• Understand how to successfully and ethically secure sensitive information in your law firm or government office

1:10-2:10 pm
CONCURRENT SESSIONS

TRADE TRACK
 mktime ℹ Session A: Commerce Year Ahead

Timothy C. Brightbill (Moderator), Wiley Rein LLP
Tara K. Hogan, Senior Trial Counsel, Civil Division, U.S. Department of Justice (Invited)
Diana Dimitriuc Quaia, Arent Fox LLP
P. Lee Smith, Deputy Assistant Secretary for Policy and Negotiations, U.S. Department of Commerce International Trade Administration (Invited)

• Analyze key agency decisions, methodological approaches, and notable upcoming decisions
• Forecast important antidumping and countervailing duty margin calculation issues
• Compare agency and court decisions on critical topics
• Discuss the Department of Commerce’s increased role in Section 232 and other legal proceedings

CUSTOMS TRACK
 mktime ℹ Session B: Customs Year Ahead

Lawrence M. Friedman (Moderator), Barnes, Richardson & Colburn, LLP
Vincent Annunziato, Director, Business Transformation & Innovation Division, U.S. Customs and Border Protection
Emily R. Beline, Senior Attorney, FedEx Express
Christine McDaniel, Senior Research Fellow, Mercatus Center, George Mason University

• Explore blockchain (distributed ledger technology) and how CBP is piloting its use for secure, paperless tracking of origin certificates, IP rights and other documentation
• Examine customs issues for e-commerce, including Section 321 de minimis shipments, bonded warehouse operations, and enforcement in e-commerce scenarios
• Review key issues in the July 2018 proposed revision of U.S. drawback rules

2:15-3:15 pm
CONCURRENT SESSIONS

TRADE TRACK
 mktime ℹ Session A: International Trade Commission Emerging Issues

Deanna Tanner Okun (Moderator), Adduci, Mastriani & Schaumberg, LLP
Mary Jane Alves, Cassidy Levy Kent LLP
Julie C. Mendoza, Morris, Manning & Martin, LLP

• Discuss current and emerging issues before the International Trade Commission (ITC), including the relevance of Section 232 duties to AD/CVD injury, resource demands on the ITC of staggered AD/CVD investigations, and cross-cumulation
• Explore the use of Section 337 outside the intellectual property context

CUSTOMS TRACK
 mktime ℹ Session B: The Age of Enforcement

Michael T. Cone (Moderator), FisherBroyles, LLP
Patricia M. McCarthy, Assistant Director, Commercial Litigation Branch, Civil Division, U.S. Department of Justice
Erik D. Smithweiss, Grunfeld, Desiderio, Lebowitz, Silverman & Klestadt LLP

• Learn about new enforcement options used by the agencies and available to practitioners, and hear from CBP about the first generation of EAPA claims, covering challenges, surprises, and logistics
• Compare the False Claims Act with Section 1592 actions, including applications and implications for defendants
• Hear about recent exclusion and embargo cases in the U.S. Court of International Trade

3:15-3:30 pm
Networking Break

3:30-4:30 pm

Claire Reade (Moderator), Senior Associate (Non-Resident), Freeman Chair in China Studies, Center for Strategic & International Studies; Arnold & Porter Kaye Scholer LLP
Philip D. Chen, Chief Counsel for China Trade Enforcement, Office of the U.S. Trade Representative
Erin Ennis, Senior Vice President, U.S.-China Business Council
Prof. Mark Wu, Henry L. Stimson Professor of Law, Harvard Law School

• Examine key questions in U.S.-China trade:
  ➔ What challenges does our trade relationship with China present?
  ➔ What trade policy tools exist under U.S. law to address those challenges?
  ➔ How did USTR apply those tools in the past?
  ➔ How did they succeed or fall short?
• Explore how these tools are being used now, the risks of using them in this way, and the alternative tools that might be needed

4:30 pm
Adjournment
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**WIIT**
The Association of Women in International Trade (WIIT) works to promote the professional development of women in international trade and business, and to raise public awareness of the importance of international trade to economic development. (Learn more at wiit.org)

**CITBA**
The Customs and International Trade Bar Association (CITBA) is comprised of attorneys who are interested in the fields of customs law, international trade law, and related matters. (Learn more at citba.org)

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7. **Discuss** the systemic challenges to the WTO system
8. **Explore** current and emerging trade issues concerning the Department of Commerce and the International Trade Commission
9. **Learn** how to navigate customs issues in the year ahead, including the challenges posed by technology and enforcement
10. **Assess** the impact of tariff uncertainty in the Trump trade era