



## Emerging Trends and Unique Approaches to The Enforcement of U.S. Customs And International Trade Laws

*The Second International Trade Law Fall Update in Cleveland*

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**Date:** *Friday, October 27, 2017; 8:00 a.m. - 12:00 p.m.*

**Location:** *CWRU School of Law, Moot Courtroom*

While the Trump Administration considers the deployment of novel and modified remedies to address unfair international trade practices, domestic industry and importers are reassessing their priorities and adjusting to a new trade enforcement regime.

Organized by Professor Juscelino F. Colares, the Second Annual International Trade Law Fall Update features the Hon. Leo Gordon, U.S. Court of International Trade Judge, and a renowned cadre of customs and trade officials and leading practitioners from Washington D.C., New York City, Kansas City and Los Angeles. These experts will examine the impact of recently enacted trade statutes and significant enforcement policy shifts on Customs and International Trade Law practice and what can be inferred about the future of this field under the Trump Administration.

- **Webcast Live**
- **2.5 hours of CLE credit**
- **Free admission**
- **Advance Registration Requested**



SCHOOL OF LAW

CASE WESTERN RESERVE  
UNIVERSITY

**Case Western Reserve University School of Law—Final Program**

**American Society of International Law and Customs and International Trade Bar Association**

**Second International Trade Law Fall Update—Friday, Oct. 27, 2017**

**Case Western Law Building—Rm. A59 (Moot Court Room)**

A Practitioner-Focused Conference on U.S. Customs and International Trade Law and Policy

**"EMERGING TRENDS AND UNIQUE APPROACHES TO THE ENFORCEMENT OF  
U.S. CUSTOMS AND INTERNATIONAL TRADE LAWS"**

Given the current reassessment of U.S. trade priorities, novel and modified pre-existing remedies that address unfair international trade practices are impacting domestic industry and importers.

In 2016, the Trade Facilitation and Trade Enforcement Act went into effect ("EAPA"). EAPA establishes formal procedures for U.S. Customs and Border Protection ("CBP") to investigate whether merchandise, subject to a trade remedy order, entered into the United States in evasion of applicable duties or other security by virtue of material, false statements or acts by an importer. While EAPA bolstered U.S. trade agencies' authority to enforce U.S. trade statutes, trade and customs officials and practitioners are still sorting out questions, such as importers' notice and opportunity to be heard in the initial CBP proceedings; parties' rights to access and to put information into the record; and the operation of administrative appeal procedures and eventual judicial challenges. Concerns with the truthfulness of entry filings also explain the increased use of "reverse-False Claim Act" ("FCA") actions (i.e., actions based on false statements as to tariff classification; free-trade eligibility; country of origin; entered valuation; or the applicability of AD and CVD orders) that can lead to the award of *qui tam* remedies by federal courts in actions initiated by private parties or the Government. EAPA and reverse-FCA actions signal the rise in customs-based, trade enforcement mechanisms, a topic to be discussed by a panel of distinguished experts.

On separate tracks, "old" trade remedies, including Section 337 of the Tariff Act of 1930 (as amended) (targeting intellectual property infringement that, through the importation of goods, cause injury to a domestic industry); Section 232(b) of the Trade Expansion Act of 1962 (as amended) (targeting imports deemed to threaten national security); and Section 301 of the Trade Act of 1974 (as amended) (providing trade sanctions on foreign countries that either violate trade agreements or engage in other unfair trade practices) have been revived by domestic industry or the Government, each attempting to secure lawful trade action beyond AD and CVD remedies. In another panel, we bring together leading experts to discuss these issues.

Does the remedy expansion currently underway offer an auspicious future for customs and international trade law practitioners? What can be inferred about the predictability and finality of international business transactions in this new period of heightened private and public enforcement?

Besides having the Honorable Leo M. Gordon, Judge of the U.S. Court of International Trade, as Distinguished Speaker, this conference will feature two panels featuring a mix of customs and trade counsel and officials, from Washington, D.C., New York City, Los Angeles and Ohio. Case Western Law Professor Juscelino F. Colares is happy to organize and welcome guests to the Second Trade Update Conference in Cleveland.

Friday, October 27, 2017

8:00-8:30 AM: **Registration and Continental Breakfast**

8:30 AM: **Dean's Welcome:**

**Michael Scharf**, Dean and Director of the Frederick K. Cox International Law Center, Joseph C. Hostetler, BakerHostetler Professor of Law, Case Western Reserve University School of Law

8:35 AM: **Introduction:**

**Juscelino F. Colares**, Professor of Law and Professor of Political Science; Associate Director, Cox International Law Center; Member of the United States Roster of NAFTA (Chapter 19) Trade Panelists

8:40-9:15 AM: **One-on-one Discussion with the Honorable Leo M. Gordon**, U.S. Court of International Trade, on *Some Things Change, Some Things Stay the Same: Trends in Litigation before the U.S. Court of International Trade*.

Following discussion and Q&A mediated **Professor Juscelino F. Colares**

9:30-9:45 AM: **Break**

9:45-10:45 AM: **Alternative Trade Remedies and Customs: EAPA and Other Developments**

Chair: **Justin Miller**, Senior Trial Counsel, Civil Division, U.S. Department of Justice

Speakers:

**Nathaniel M. Rickard**, Partner, Pickard, Kentz & Rowe LLP (DC)

**Emily Simon**, Attorney-Advisor, Office of Trade, U.S. Customs and Border Patrol

**Richard Wortman**, Partner, Grunfeld, Desiderio, LLP (Los Angeles)

10:45-11:00 AM: **Break**

11:00 AM-12:00 PM: **Alternative Trade Remedies, Policy, and Legal Developments: Old Meets New**

Chair: **Tina Potuto Kimble**, Deputy Director of US Gov't'l & Reg Affairs, Tata Steel (Warren, OH)

Speakers:

**Neil R. Ellis**, Partner, Sidley Austin LLP (DC)

**Beau Jackson**, Partner, Adducci, Mastriani & Schaumberg (Kansas City)

**Daniel Calhoun**, Assist. Chief Counsel for Trade Enforcement and Compliance, U.S. Dep't Commerce.

12:00 PM: **Closing Remarks**