



21st Judicial Conference U.S. Court of International Trade

Thursday, October 27th, 2022
The Mayflower Hotel, Washington, D.C.

Agenda

A New Era: Endemic, Executive Orders, and Enforcement

CLE
CREDIT

- 7:30 AM Registration / Breakfast Reception Promenade Foyer
- 8:30 AM Opening Remarks by Mario Toscano, *Clerk of the Court* Grand Ballroom
- National Anthem Performed by Lewis Leibowitz, John Magnus, Scott McBride, Matthew Nicely and Performance by One Joint Armed Forces Color Guard
- Welcome and Commencement of the Conference by Mark A. Barnett, *Chief Judge*

Morning Plenary:

- 9:00 AM **Commerce, Commission, CBP: Priorities and Challenges** Grand Ballroom
- Principals from the government agencies (Commerce, ITC, & CBP) will address the current priorities of, and challenges faced by, their agencies.
- Moderator: Andrea Casson, *Assistant General Counsel for Litigation*, U.S. International Trade Commission
- AnnMarie R. Highsmith, *Executive Assistant Commissioner, Office of Trade*, U.S. Customs and Border Protection
- David S. Johanson, *Chairman*, U.S. International Trade Commission
- Lisa W. Wang, *Assistant Secretary of Commerce, Enforcement & Compliance*, U.S. Department of Commerce, International Trade Administration

- 1.5 9:30 AM **Potpourri of Practice Pitfalls: Ethics Concerns in Customs/Trade Practice** Grand Ballroom
- The panel will discuss ethical concerns involving the practice of law in a virtual work environment; cybersecurity concerns; conflicts of interest; duty of candor to Court in citing caselaw; duty to update documents served on opposition; client engagement, and ethical issues involving supply chains and forced labor/US sanctions/import prohibitions.
- Moderator: Leo M. Gordon, *Judge*, U.S. Court of International Trade
- Tracy L. Kepler, *Risk Control Director*, CNA Insurance
- Stephen P. Vaughn, *Partner*, King & Spalding, LLP
- Simeon Yerokun, *International Trade Associate*, Crowell & Moring, LLP

- 10:45 AM **BREAK**



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Morning Breakout Session:

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| 1.5 | 11:00 AM | <p>The Enforce and Protection Act "EAPA" Update</p> <p>The panel will discuss an overview of EAPA, including a review of administrative procedures and practices, challenges for practitioners during an EAPA proceeding, and an update on the published decisions of the Court's decisions in disputes that have arisen under EAPA.</p> <p>Moderator: Michael E. Roll, <i>Partner</i>, Roll & Harris, LLP</p> <p>Ashley Akers, <i>Trial Attorney</i>, U.S. Department of Justice</p> <p>Brian Hoxie, <i>Director of Enforcement</i>, Operations Division Trade Remedy Law Enforcement, U.S. Customs and Border Protection</p> <p>Greg Menegaz, <i>Of Counsel</i>, deKieffer & Horgan, PLLC</p> <p>Nathan Rickard, <i>Partner</i>, Pickard Kentz & Rowe, LLP</p> | East Ballroom |
| 1.5 | 11:00 AM | <p>Addressing Non-Traditional Issues in Trade Law</p> <p>The panel will discuss how agencies and the Court may engage with non-traditional issues raised in trade law proceedings. Panelists will discuss forced labor allegations and environmental subsidies in CVD law, the enforcement of the Uyghur Forced Labor Prevention Act, national security issues including the impact of war on AD/CVD and the potential use of Section 232 for climate protection, and climate issues arising before the ITC including the use of Sections 332 and 201.</p> <p>Moderator: Emma Hunter, <i>Assistant Chief Counsel</i>, U.S. Department of Commerce</p> <p>Laura El-Sabaawi, <i>Partner</i>, Wiley Rein, LLP</p> <p>Ravi Soopramanien, <i>Attorney</i>, U.S. International Trade Commission</p> <p>Luke Tillman, <i>Associate</i>, Steptoe & Johnson, LLP</p> <p>Stephen Tosini, <i>Senior Attorney</i>, U.S. Department of Justice</p> | Chinese Ballroom |
| | 12:15 PM | <p>CITBA Pre-Lunch Reception</p> <p>Networking Reception for Lawyers Early In their Career, with Special Guests: Ronald Baumgarten, Baker & Hostetler, LLP & Gail Kan, U.S. Customs and Border Protection</p> | East Ballroom |



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12:45 PM **LUNCHEON** Grand Ballroom

Appreciation of Service Award:
The Honorable Richard W. Goldberg and The Honorable R. Kenton Musgrave

Update from Advisory Committee:
Nancy Noonan, *Chair*, Advisory Committee and *Partner*, ArentFox Schiff, LLP

Keynote Speaker: Dane Chamorro, *Partner*, Control Risks, LLC

Afternoon Breakout Session:

1.5 2:30 PM **The Evolution and Current Status of Substantial Transformation** East Ballroom

The panel will explore the evolution and current understanding of the legal standard for determining country of origin for purposes of the application Section 301 duties, antidumping duties, or other trade remedies.

Moderator: Lawrence Friedman, *Partner*, Barnes, Richardson & Colburn, LLP

Beverly A. Farrell, *Trial Attorney*, U.S. Department of Justice

Derick G. Holt, *Partner*, Wiley Rein, LLP

Jason Kenner, *Member-Litigation Practice Lead*, Sandler, Travis & Rosenberg, P.A.

John M. Peterson, *Partner*, Neville Peterson, LLP

2:30 PM **Roundtable on Practice Points before the Court** Chinese Ballroom

Round table discussion with Mario Toscano (Clerk of the Court), Nancy Noonan (Chair of the Court's Advisory Committee, and Partner of ArentFox Schiff), and Justin Miller (Attorney-In-Charge of the Justice Department's International Trade Field Office) regarding practices before the Court. The Panel will highlight recent developments at the Court and discuss some practice do's and don'ts.

Moderator: Gus Coritsidis, *Legal Advisor*, U.S. Court of International Trade

Justin Miller, *Attorney-In-Charge*, U.S. Department of Justice

Nancy A. Noonan, *Partner*, ArentFox Schiff, LLP

Mario Toscano, *Clerk of the Court*, U.S. Court of International Trade

3:45 PM **BREAK**



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Afternoon Plenary Session:

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| 1.5 | 4:00 PM | Trade Administrative Law and The Separation of Powers Administrative Law including, developments in administrative law doctrines such as the nondelegation doctrine and the major questions doctrine; deference doctrines; standards of review in administrative matters; and whether trade is exceptional within the administrative law landscape. Moderator: Aaron Nielson, <i>Professor of Law</i> , Brigham Young University Law School Kathleen Claussen, <i>Professor of Law</i> , University of Miami School of Law Aram A. Gavoor, <i>Associate Dean for Academic Affairs</i> , George Washington University Law School Kristin Hickman, <i>McKnight Presidential Professor of Law</i> , Distinguished McKnight University Professor, University of Minnesota Law School Patricia M. McCarthy, <i>Director</i> , Commercial Litigation Branch, Civil Division, U.S. Department of Justice | Grand Ballroom |
| | 5:00 PM | A "Fireside Chat" with Members of the Bench A Panel of Judges from the United States Court of International Trade Moderator: Kathleen Cannon, <i>Partner</i> , Kelley Drye & Warren, LLP Mark A. Barnett, <i>Chief Judge</i> , U.S. Court of International Trade M. Miller Baker, <i>Judge</i> , U.S. Court International of Trade Timothy M. Reif, <i>Judge</i> , U.S. Court of International Trade Stephen Alexander Vaden, <i>Judge</i> , U.S. Court of International Trade | Grand Ballroom |
| | 5:45 PM | Closing Remarks by Mark A. Barnett, Chief Judge | Grand Ballroom |
| | 6:00 PM | Post - Conference Reception Co-Sponsored by Customs and International Trade Bar Association | East Ballroom |