

22nd Judicial Conference

U.S. Court of International Trade
Thursday, October 10th, 2024
Westin Newport Hotel
Jersey City, NJ



AGENDA

TRANSPARENCY, TRADE, AND TECHNOLOGY

7:30 AM	Registration / Breakfast Reception	Newport Foyer
8:30 AM	Opening Remarks by Mario Toscano, Clerk of the Court National Anthem Performed by Lewis Leibowitz, John Magnus, Scott McBride, Matthew Nicely and Performance by The Queens Guard, Rutgers University Army ROTC Scarlet Knight Battalion	Newport Ballroom
	Welcome and Commencement of the Conference by Mark A. Barnett, Chief Judge	

MORNING PLENARY SESSIONS:

9:00 AM	Agencies Speak Principals from the government agencies (Commerce, ITC, & CBP) will address the current priorities of, and challenges faced by their agencies. <u>Moderator:</u> Mary Jane Alves, <i>Partner</i> , Cassidy Levy Kent LLP AnnMarie R. Highsmith, <i>Executive Assistant Commissioner</i> , U.S. Customs and Border Protection Ryan Majerus, <i>Performing the non-exclusive duties of the Assistant Secretary for Enforcement & Compliance</i> , Department of Commerce Rhonda K. Schmidlein, <i>Commissioner</i> , International Trade Commission	Newport Ballroom
9:30 AM	Two Agencies, Two Enforcement Regimes: Scope, EAPA, and Circumvention Issues before Customs and Commerce This panel discussion will provide important updates on agency and court decisions concerning both of these statutes, as well as a robust discussion of the many issues that arise in both types of proceedings. <u>Moderator:</u> Jamie Shookman, <i>Senior Counsel</i> , Husch Blackwell Chase Dunn, <i>Associate</i> , Cassidy Levy Kent LLP Hardeep Josan, <i>Attorney</i> , U.S. Department of Justice Tamari Lagvilava, <i>Attorney</i> , U.S. Customs and Border Protection Nithya Nagarajan, <i>Partner</i> , Husch Blackwell	Newport Ballroom 1 CLE Credit
10:30 AM	BREAK - Transition to Breakout Rooms	

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MORNING BREAKOUT SESSIONS:

10:45 AM

APO Rules: Protecting Business Proprietary Information while Striving for Transparency

The panelists will examine the most recent Court of International Trade cases relevant to this issue and discuss how the court's decisions may impact firms' expectations regarding business proprietary information and their cooperation in providing information to the administrative agencies.

Moderator: Irving Williamson, *Former Chairman*, International Trade Commission

Laura El-Sabaawi, *Partner*, Wiley Rein LLP

Deanna Okun, *ITC Section 337 & Trade Remedies Practice Group Chair*, Polsinelli

Daniel Porter, *Partner*, Curtis, Mallet-Prevost, Colt & Mosle LLP

Liberty Breakout
1 CLE Credit

10:45 AM

Forced Labor: Framework, Supply Chain Issues, and Remedies

This panel will examine and discuss an evolving issue in trade, namely import prohibitions on goods made with forced labor. The panel will include discussion of the statutory and administrative framework and government enforcement efforts, the collection and reporting of information globally, supply chain and compliance issues faced by private sector participants, and an overview of judicial remedies. Panelists include both government and private sector participants.

Moderator: Padideh Ala'i, *Professor*, American University, Washington College of Law

Micole Allekotte, *Senior Attorney*, Forced Labor and Trade Enforcement, Department of Labor

Lesleyanne Kessler, *Deputy Associate Chief Counsel*, Enforcement, U.S. Customs and Border Protection

Heather Litman, *Partner*, Grunfeld Desiderio Lebowitz Silverman & Klestadt LLP

Monica Triana, *Senior Trial Attorney*, U.S. Department of Justice

Newport Breakout
1 CLE Credit

11:45 AM

CITBA Pre-Lunch Networking Reception

Newport Foyer

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TRANSPARENCY, TRADE, AND TECHNOLOGY

12:30 PM

LUNCHEON

Newport Ballroom

Memorial Roll and Update from the Advisory Committee Chair, Thomas Beline

Keynote Speaker: Joshua Meltzer, *Senior Fellow*, Brookings Institute

AFTERNOON BREAKOUT SESSIONS:

2:30 PM

Can You Hear Me Now? Principles Affecting Getting Arguments Heard, including Jurisdiction, Intervention, and Exhaustion

Liberty Breakout
1 CLE Credit

The panel will discuss potential barriers to having the merits of an argument heard in court, such as whether the court's jurisdiction has been properly invoked, whether administrative remedies have been exhausted, and whether intervention is permitted and proper. The panel will focus on the main bases for jurisdiction before the CIT – sections 1581(a), (c), and (i) – and highlight recent cases addressing which basis for jurisdiction is appropriate for particular kinds of claims.

Moderator: Daniel Witkowski, *Counsel*, Akin Gump Strauss Hauer & Feld LLP

Emma Bond, *Senior Trial Counsel*, U.S. Department of Justice, Civil Division

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

Jonathan T. Stoel, *Partner*, Hogan Lovells LLP

2:30 PM

Static Rules and Evolving Business Information: The Ethics of Confidentiality in Trade Proceedings

Newport Breakout
1 CLE Credit

The panel will discuss the tensions that exist between the stakeholders who submit client's proprietary information in trade proceedings, the agencies tasked with protecting that information, and the Court's obligation to the public to ensure openness and transparency in trade proceedings.

Moderator: Leo M. Gordon, *Judge*, U.S. Court of International Trade

Evangeline Keenan, *APO/Dockets Unit*, U.S. Department of Commerce

Tracy Kepler, *Risk Control Director*, CNA Insurance

Neal Reynolds, *Senior Counsel*, King & Spalding LLP

Devin Sikes, *Counsel*, Akin Gump Strauss Hauer & Feld LLP

3:30 PM

BREAK - Transition to Ballroom

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AFTERNOON PLENARY SESSIONS:

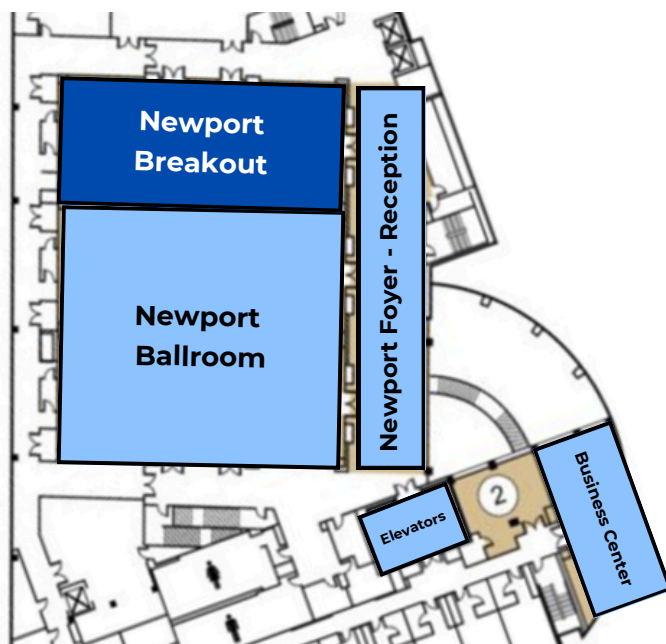
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| 3:40 PM | <p>Is Trade Special? Trade Law and Judicial Deference After Loper Bright</p> <p>The Supreme Court's June 2024 decision in <i>Loper Bright Enterprises v. Raimondo</i>, which overturned the long-standing precedent of <i>Chevron v. NRDC</i>, is recognized as one of the most important administrative law decisions in decades. In cases involving the interpretation of statutes, <i>Loper Bright</i> promises to remake the relationship between the Courts, Executive Branch agencies, and Congress. How will this impact the Court of International Trade's practice? This engaging panel will place <i>Loper Bright</i> in the context of international trade law. Expect a lively discussion!</p> <p><u>Moderator:</u> Tara Hogan, <i>Assistant Director</i>, U.S. Department of Justice</p> <p>Thomas M. Beline, <i>Partner</i>, Cassidy Levy Kent LLP</p> <p>Neil Ellis, <i>Partner</i>, Law Office of Neil Ellis PLLC</p> <p>Ron Kendler, <i>Counsel</i>, White & Case LLP</p> <p>Brooke Ringel, <i>Partner</i>, Kelly Drye LLP</p> | <p>Newport Ballroom</p> <p>1 CLE Credit</p> |
| 4:45 PM | <p>A "Fireside Chat" with Members of the Bench</p> <p>A panel of judges from the United States Court of International Trade</p> <p><u>Moderator:</u> Elizabeth Drake, <i>Partner</i>, Schagrin Associates</p> <p>Jennifer Choe-Groves, <i>Judge</i>, U.S. Court of International Trade</p> <p>Gary S. Katzmman, <i>Judge</i>, U.S. Court of International Trade</p> <p>Claire R. Kelly, <i>Judge</i>, U.S. Court of International Trade</p> | <p>Newport Ballroom</p> |
| 5:30 PM | <p>Closing Remarks</p> <p>Delivered by Mark A. Barnett, <i>Chief Judge</i></p> | |
| 5:45 PM | <p>Post-Conference Reception</p> <p>Co-Sponsored by the Customs and International Trade Bar Association</p> | <p>Newport Foyer</p> |

22nd Judicial Conference

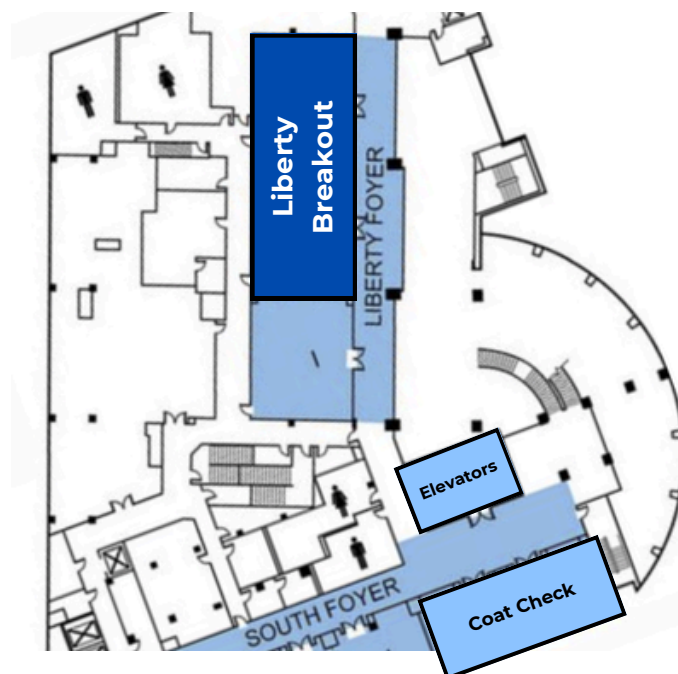
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Third Floor



Second Floor



Newport Ballroom

- 8:30 am Introduction and Welcome by Clerk of the Court, Mario Toscano and Chief Judge, Mark A. Barnett
- 9:00 am Agencies Speak
- 9:30 am Two Agencies, Two Enforcement Regimes: Scope, EAPA, and Circumvention Issues before Customs and Commerce

Liberty Breakout

- 10:45 am APO Rules: Protecting Business Proprietary Information while Striving for Transparency

Newport Breakout

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Newport Foyer

- 11:45 am Pre-lunch Networking Reception

Newport Ballroom

- 12:30 pm Luncheon

Liberty Breakout

- 2:30 pm Can You Hear Me Now? Principles Affecting Getting Arguments Heard, including Jurisdiction, Intervention, and Exhaustion

Newport Breakout

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- 3:40 pm Is Trade Special? Trade Law and Judicial Deference After Loper Bright
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