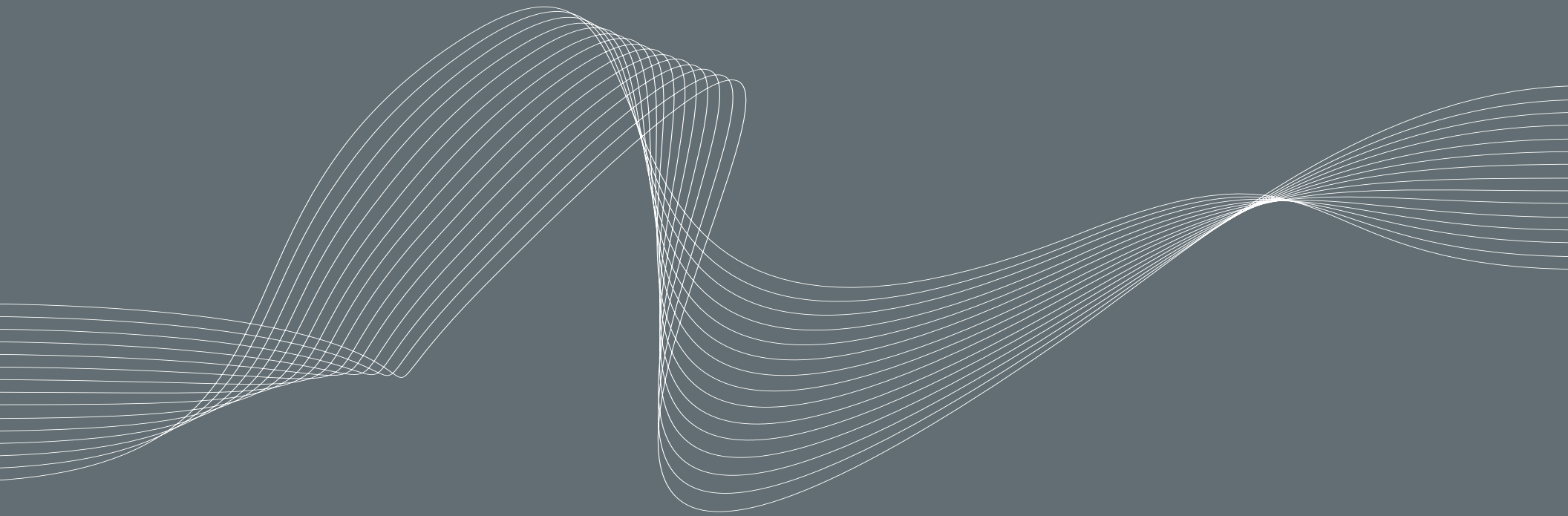




International Trade *The Practice*



Baker Hostetler
Counsel to Market Leaders



Counsel to Market Leaders

International Trade

Baker Hostetler represents foreign and domestic companies, associations, and governments from every continent in all manner of international trade, customs and immigration proceedings before U.S. and foreign regulatory agencies, courts, and international dispute resolution panels, especially NAFTA. We advise governments, private enterprises and associations in international trade negotiations. Our attorneys also participate in and advise foreign governments in WTO proceedings.

Practice Highlights

Our lawyers are well known and respected in all of the agencies involved in international trade, including: the Department of Commerce; the International Trade Commission; Customs and Border Protection; the Office of the United States Trade Representative; the White House; the Bureau of Citizenship and Immigration Services; the Consumer Products Safety Commission; the Federal Trade Commission; the Office of Management and Budget; and the Departments of State, Homeland Security, Agriculture, Justice, the Treasury, Defense, Transportation and Labor.

Representative Clients

- *Domtar Inc.*
- *D.A. Fehr Company*
- *Free Trade Lumber Council*
- *Greif, Inc.*
- *Manildra Milling Corporation*
- *New York Lighter Co., Inc.*
- *Ontario Forest Industries Ass'n.*
- *Tembec Inc.*



Comprehensive International Trade Services

Attorneys in the Washington office represent clients in antidumping, countervailing duty and other investigative proceedings before the Department of Commerce and the International Trade Commission (including the full range of softwood lumber battles between Canada and the United States); Section 201 safeguard actions (steel, wheat gluten) involving multiple federal agencies and the White House; and Section 301 actions before the U.S. Trade Representative (beer, lumber). They also represent clients in customs, immigration, export controls, investor-state disputes, international arbitration, and economic sanctions matters before the Departments of the Treasury, Commerce, Homeland Security, State, and Defense.

Solutions For Countries and Corporations

A half dozen different sovereign governments have engaged Baker Hostetler international trade lawyers to solve their problems. Baker Hostetler's lawyers handled all international matters in the United States for the Gouvernement du Québec for a decade, achieving unparalleled dismissals of subsidy claims during the most demanding years inaugurating the Free Trade Agreement Between Canada and the United States, and NAFTA. Those lawyers defeated claims against more than two dozen government programs in nearly a dozen different government agencies. Similar favorable outcomes have been achieved for other foreign governments, and for many international enterprises.

Many commercial and individual parties and trade associations from all over the world have called upon Baker Hostetler's creative services and the firm has helped enterprises large and small. The focus is on quality and service, not size or prestige, although Baker Hostetler lawyers have helped some of the largest corporations with international trade problems.

The Baker Hostetler International Trade Practice displays a decided tilt toward free trade and imported goods and services. However, it is also experienced in assisting domestic companies and associations combating unfair trade, whether in a surge of low-priced wheat gluten; steel tubes restricted by the Steel 201 safeguard; cemented carbide tools and dies; lawn and garden steel fence posts; or even sparklers. Such assistance has been provided under Sections 201 and 332, and in countervailing duty and antidumping cases. The team will help U.S. companies and associations whenever trade, pretending to be free, is clearly not fair.

Solutions For Industries

Our International Trade Practice boasts of having litigated a full course meal—on behalf of imports of wheat gluten (essential for bread) under Section 201; beer (under Section 301); pork (countervailing duties); apples (Section 332), and a variety of other agricultural products including alfalfa, UHT milk, and live swine (under various trade provisions). The team has been equally effective in market and non-market economies, particularly China.

In addition, the team has defended imports in a full range of industrial and other products, including Canada's softwood lumber; pure and alloy magnesium from Canada; various steel products from several countries, including South Africa; Mexican cement; nitrocellulose from Japan; fuel ethanol from Brazil; manganese sulfate from China; oscillating and ceiling fans from China; and cigarette lighters from China. The team has won significant victories assuring the trade flow of all these products.

Leadership in Action

Import Relief

Shaping import relief for a client's special needs

Client: Manildra Milling Corporation

Type of Matter: International Trade

Our Client's Challenge: To stop a surge in European exports to the United States while maintaining or increasing Australian exports, under a legal regime that requires all foreign exporters to be treated the same way.

The Goal: A safeguard measure, requiring a proclamation of the President of the United States, that would restrict European exports of wheat gluten while maintaining or increasing Australian exports.

Our Strategy: We forged alliances with all U.S. producers. We then invoked a then-dormant provision of the trade law and argued it through the many layers of government required to get action. We petitioned the International Trade Commission, briefed and argued through two rounds of hearings.

We lobbied Congress. We made presentations to the participants in the Trade Policy Staff Committee, and then the Trade Policy Committee itself, chaired by the United States Trade Representative and including the Departments of State, Commerce, Labor, the Treasury, and Agriculture, and the Office of Management and Budget. We made presentations to the President's Council of Economic Advisers, the National Economics Council, and White House staff.

Results: Three presidential proclamations, in each of three years, restricting European imports based on a "representative period" that pre-dated the surge and that confirmed Australian levels that were superior to the levels at the time we initiated the action. Manildra Milling enjoyed four years of improved market access and reduced unfair European competition.

Leadership in Action

Negotiation Through Litigation

Originating litigation to break settlement logjam

Clients: Ontario Forest Industries Association; Ontario Lumber Manufacturers Association; Free Trade Lumber Council

Type of Matter: International Trade

Our Client's Challenge: To persuade the United States Coalition for Fair Lumber that it was not entitled to any of \$5.5 billion of Canadian softwood lumber duty deposits and therefore should negotiate in good faith.

The Goal: A decision of a United States court that the Coalition could not receive money from Canadian duty deposits.

Our Strategy: Through an original reading of U.S. law, we determined that the so-called "Byrd Amendment" could not apply to merchandise from Canada or Mexico. The Amendment transfers duties collected from importers of record to U.S. companies supporting petitions against foreign merchandise.

We presented to clients our interpretation of the law and our proposal to file suit against the United States Customs and Border Protection. We prepared a letter to the Government of Canada seeking its participation and advising on standing, and persuaded other affected Canadian industries – steel, magnesium, wheat – to join. We then filed suit in the United States Court of International Trade.

Results: The Court of International Trade found that U.S. law forbids the application of the Byrd Amendment to Canadian and Mexican merchandise. The Coalition was not entitled to any of our clients' \$5.5 billion in duty deposits, nor were any other U.S. industries entitled to any Byrd funds. U.S. Customs and Border Protection ceased immediately all payments to U.S. companies of duties collected on Canadian and Mexican merchandise. Within 20 days of the court decision, the negotiating logjam was broken and Canada and the United States announced they had brokered the "basic terms" of a softwood lumber agreement.

International Trade Experience

Customs & Export Controls

We represent and advise companies in connection with import and export matters giving particular emphasis to customs and trade issues arising from multinational manufacturing operations. We have extensive experience in assisting companies assess and strengthen their procedures for complying with export control, antiboycott, economic sanctions and related regulatory regimes.

Baker Hostetler advises companies on the laws, rules, and regulations of U.S. Customs and Border Protection, and the U.S. Departments of Commerce, State and the Treasury pertaining to customs, export controls and embargoes.

Immigration

Globalization requires companies to move personnel frequently across international borders. Baker Hostetler provides comprehensive immigration services to businesses, especially those with complex requirements to fulfill their executive and personnel needs.

Teamwork

Baker Hostetler International Trade, Customs and Immigration attorneys frequently work in teams with other practice specialties to provide clients with the most effective and efficient service. At any given time an International Trade client likely is benefiting from patent or trademark services; is negotiating a merger or acquisition with Baker Hostetler corporate specialists; is lobbying or monitoring legislative or Executive Branch developments with Baker Hostetler's legislative practice. Such comprehensive international capabilities are rare within a single law firm. Baker Hostetler's practices are further distinguished by imagination and creativity. Clients frequently call upon Baker Hostetler to solve the most complex and challenging problems.

About Baker Hostetler

Baker Hostetler lawyers help clients establish, maintain and protect market-leading positions across the United States and around the world.

We offer the strength of 600+ lawyers in a full range of practices, a unique geographic platform of offices in all four time zones, a knowledge of industry issues and a 90-year track record of excellence and achievement.

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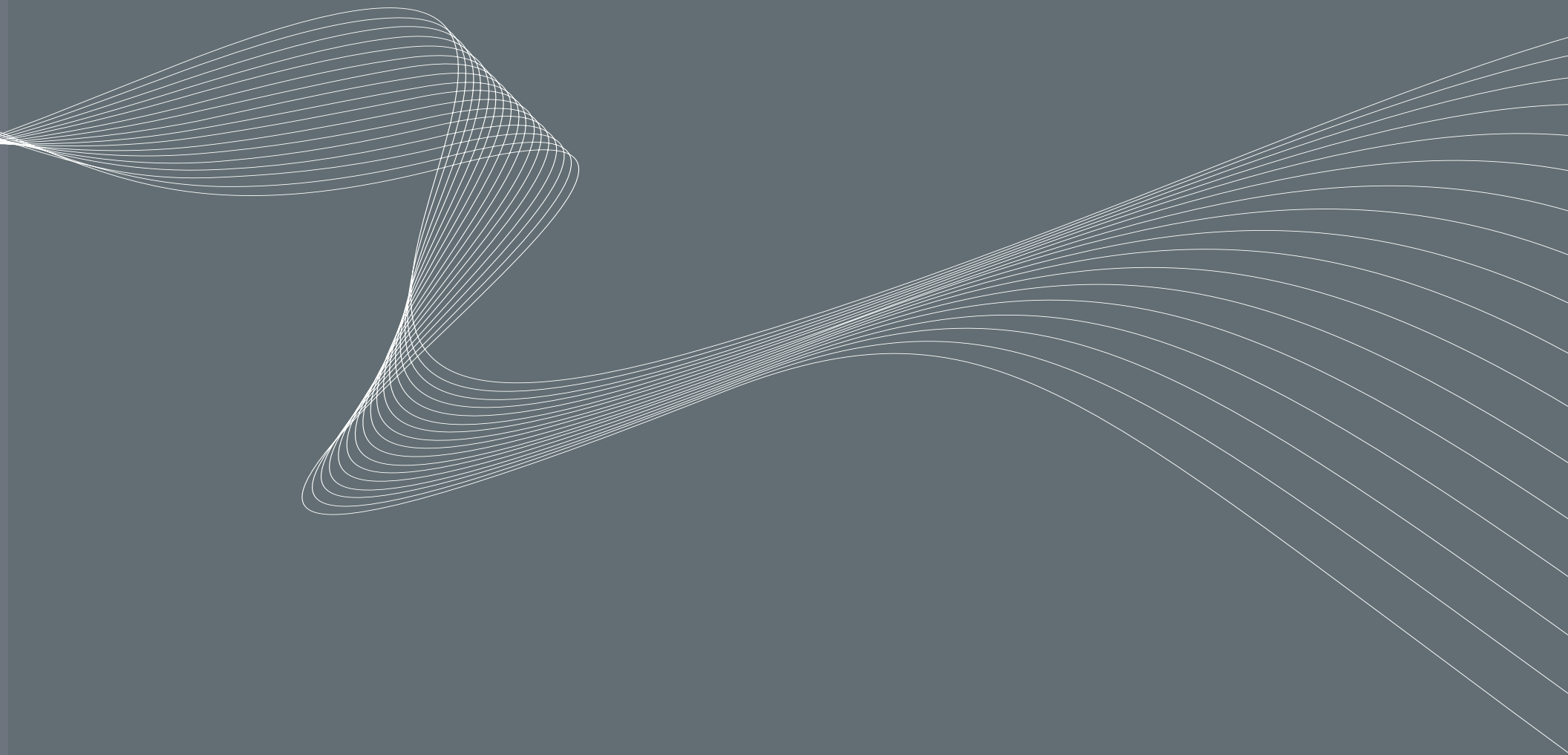
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