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**SUSAN KOHN ROSS**

Chair – International Trade Practice

Co-Chair – Homeland Security and Regulatory Practice

**Legal Expertise**

Represent companies and entities, in both the administrative and commercial setting, regarding the importation and exportation of goods before U.S. Customs and Border Protection, Food and Drug Administration, Depts. of Justice, Commerce and State, Federal Maritime Commission, U.S. Trade Representative and International Trade Commission, as well as the Court of International Trade and various other federal and state courts and agencies which regulate the flow of goods, addressing issues such as corporate compliance programs (creation and maintenance); classification, valuation and admissibility of goods; export licensing determinations and compliance; voluntary disclosures; corporate governance and compliance; cargo security/C-TPAT/AEO; FDA compliance, qualification and labeling/advertising of goods; free trade agreements (e.g., NAFTA, AGOA, GSP, et al); regulatory audits, compliance and licensing; cargo claims (ocean, air, land and truck; misdeliveries; lien rights); intellectual property rights (trademarks, copyrights and patents; ITC exclusion orders); penalties, seizures and liquidated damages cases; antidumping and countervailing duties and related issues; country of origin marking; regulatory investigations (criminal and civil); international contracts; international litigation and alternative dispute resolution; Buy American; and Foreign Corrupt Practices Act compliance.

**Key Professional Accomplishments**

Represented the largest integrated shrimp operation in the world and several of its American buyers against claims by U.S. Customs and Border Protection that the imported goods were transshipped and so subject to antidumping duties, and successfully resolved the matter before the agency in a matter of months without the need for litigation; coordinated the political, diplomatic and commercial efforts brought to bear on the situation.

Represented several clients against claims by Chinese officials that cultural property – dinosaur eggs and other dinosaur geological artifacts – had been stolen, including both civil and criminal charges and allegations; the criminal case was resolved with a plea to a marking misdemeanor.

Represented an arm of the military of an Asian country in a dispute with its U.S. freight forwarder who was holding arms and matériel needed to protect the country in a border war. The arms and matériel were released within a few days and without the need for litigation or any other form of court action.

Represented a seller of health supplements against a claim by the Food and Drug Administration that the packaging, labeling and website claims (of the company and a third party) were improper and successfully concluded those claims in a matter of weeks.

Conducted an audit of a client's export operations and ITAR compliance program and negotiated the acceptance and approval of the results with the Dept. of State in the face of a disclosure of past violations.

Represented a foreign based client who was launching a product in the U.S. on a deadline when the FDA made claims about the impropriety of its product packaging and labeling. The matter was successfully resolved in two weeks and the product launch party was held as originally planned.

Conducted internal audits for various client's of their import operations and coordinated transfer pricing issues reconciliation between the relevant tax and Customs regimes.

Frequently work with clients to determine when and how to qualify their sourcing to take advantage of free trade agreement and/or Buy American opportunities for increased duty savings and/or lowered cost of goods.

Frequently work with clients who are under investigation by government agencies and are facing civil fines and/or criminal prosecution to coordinate the cases and reach favorable outcomes, often including misdemeanor pleas to threatened criminal charges .

Counsel companies of all sizes regarding their international contracts and internal controls so as to ensure compliance with the Foreign Corrupt Practices Act and other anti-corruption and anti-bribery requirements.

#### Professional and Civic Affiliations (partial listing)

- Industry Leadership Council, American Associations of Exporters and Importers (AAEI)
- Vice-Chair, National Security Committee and Customs Law Committee of the American Bar Association, International Law Section
- District Export Council of Southern California, Executive Committee; Vice-Chair; Chair, Education Committee.
- Women in International Trade, Los Angeles and Orange County Chapters
- Director-at-Large and Legislative Advisor - Foreign Trade Association of Southern California
- Advisory Board, International Trade Compliance Institute (ITCI)
- Former member of sub-committee formed by Homeland Security's Departmental Advisory Committee on Commercial Operations of Customs & Border Protection dealing with the Container Security Initiative and C-TPAT

- Former member of the U.S. Treasury Department's COAC Sub-Committee on Border Security, the NAFTA Advisory Committee on Private Commercial Disputes and Customs' NAFTA Advisory Committee
- Member of sub-committee formed by Homeland Security's Departmental Advisory Committee on Commercial Operations of Customs & Border Protection addressing 10 + 2/Importer Security Filing issues
- Former Border Trade Alliance Director and Ports of Entry Chair