

International Trade Group Of The Year: Akin Gump

By **Dan Packel**

Law360, Philadelphia (January 24, 2013, 3:31 PM ET) -- Playing a key role in opening up China's auto insurance market to international players and preventing Samsung Electronics Co. Ltd. from facing hundreds of millions of dollars in anti-dumping duties were just two of the major achievements landing Akin Gump Strauss Hauer & Feld LLP among Law360's International Trade Practice Groups of the Year.

While the practice's big victories in the past year touched on four continents, the 43-member group — concentrated in Akin Gump's Washington office — is intent on growing its influence even further.

"Our vision is to globalize what we're doing and help our clients do business in the place that they're located and to offer greater services on local laws," said partner Edward Rubinoff, the head of the firm's export control and economic sanctions practice.

"We're also looking to expand our footprint and continuing to build our presence in the Middle East. We've got an active WTO and trade policy practice that we're looking to build out internationally," added Valerie Slater, the head of the practice group.

The practice demonstrated its mettle in China's growing market when Vice President Xi Jinping announced on a visit to the U.S. in February that the country had decided open up its mandatory third-party liability Insurance for motor vehicles to foreign-invested insurance companies.

The team had been working for Liberty Mutual Insurance on the issue for several years prior to the decision, and after the announcement, Liberty became the first foreign company to secure a license to sell the insurance in China.

"The car insurance market in China is a big deal for a lot of companies, with the growth of auto industry and the number of cars on the road," said partner Stephen Kho.

According to Kho, the country prevented international entry into the market because of pressure from domestic champions and state owned enterprises.

But with formal WTO negotiations not set for the issue for several years, Liberty Mutual was eager to gain a quicker foothold into the market, and Akin Gump's attorneys engaged directly with China.

"Trying to get China to open the market without a formal negotiation is very hard," Kho said. "Essentially we were unilaterally trying to get a country to open the market up without getting anything in return."

But the team's research revealed that domestic operators in China were failing to provide sufficient third-party insurance and consumers in China were not happy with their options. Armed with this knowledge, the firm reached out to other countries with major players in the insurance market, including the U.S. and South Korea, and worked to bring a range of these interests together with China.

"It's a good example of where national trade policy can generate win-win outcomes," Kho said.

Lawyers in the practice also successfully defended Samsung from anti-dumping penalties in front of the U.S. International Trade Commission, ultimately securing a unanimous vote from the body's commissioners in April.

The decision came in response to a move by Whirlpool Corp., the world's largest home appliance maker, to file petitions against Samsung in front of both the ITC and the U.S. Department of Commerce in March 2011. The company had been accused of selling its popular French-door refrigerators, which have the freezer drawer mounted on the bottom of the unit at artificially low prices, and Whirlpool sought to impose additional tariffs on the units.

"This was a very tough case, brought by a name-brand company," said Slater. "It even included bringing sample refrigerators into the committee room."

As a consequence of the ruling, the Department of Commerce declined to issue an anti-dumping duty order allowing imports of bottom mount combination refrigerator-freezers to enter the U.S. free of any dumping or countervailing duties.

The practice had another major victory in front of the ITC in January 2012, when the commission elected to revoke 20-year old anti-dumping and countervailing duty orders that were issued in 1991 on fresh and chilled Atlantic salmon from Norway. According to Slater, the tariffs were the only anti-dumping or countervailing duties imposed in the world against the Norwegian products.

The firm represented and worked closely with the Norwegian Seafood Export Committee in the battle.

"It was remarkably interesting to learn about the industry," Slater said. "We convinced the commission to overcome anti-dumping over stiff opposition from very small U.S. industry, which is actually owned by Canadian producers."

The ITC's decision was again unanimous, and there was no appeal.

The surging international trade practice at Akin Gump traces its roots to 1980, when Robert Strauss, the U.S. trade representative under President Jimmy Carter, returned to the firm, bringing with him Richard Rivers, general counsel of the Office of the Special Trade Representative.

According to Rubinoff, who has been with the firm since that point, the group continues to thrive.

"We've been going gangbusters and growing in the last four years," he said.

--Additional reporting by Stewart Bishop. Editing by Lindsay Naylor.