

International Trade Group Of The Year: Akin Gump

By Jennifer Doherty

Law360 (January 21, 2022, 2:02 PM EST) -- Akin Gump Strauss Hauer & Feld LLP led a coalition of importers and distributors through a successful defense of blueberry imports last year, which saved the billion-dollar industry from tariffs and set a strong precedent for seasonal imports facing government-initiated probes, earning the firm a spot among Law360's 2021 International Trade Practice Groups of the Year.

As counsel for the Blueberry Coalition for Progress and Health, Akin Gump represented a number of foreign and domestic firms that produce, import and distribute the popular fruit across the U.S. through a safeguard investigation triggered by the Trump administration. The probe kicked off in September 2020 as part of a broader policy push targeting a rise in perishable imports. Produce items including strawberries, squash and cucumbers also came under scrutiny.

"It looked as if one domino fell then the rest of them were also going to fall," partner Matthew Nicely, an attorney for the coalition, told Law360 in a recent interview.

The high-stakes investigation culminated in a marathon 10-hour hearing before the U.S. International Trade Commission last January for which Akin Gump's team helped coordinate its fellow respondents to successfully persuade the commissioners that foreign blueberries were not a threat to U.S. growers, who have reported rising profits in recent years even as imports have risen.

The blueberry investigation reinforced the firm's reputation for coordinating counsel across multiple parties, a role Akin Gump is currently reprising as lead counsel for vinyl flooring importer HMTX Industries LLC.

The flooring company's suit has been selected as the test case amid a flood of litigation brought by more than 7,000 importers who say the Trump administration abused Section 301 of the Trade Act of 1974 to turn a measured response to China's adversarial intellectual property and technology transfer policies into an out-and-out trade war.

Nicely, who is also president of the Customs and International Trade Bar Association, is leading Akin Gump's work on the Section 301 litigation in tandem with Pratik A. Shah, co-head of the firm's Supreme Court and appellate practice. The partnership is an example of the cross-sector collaboration that



elevates the group's practice, he told Law360.

"Trade is integrated into the fabric of the firm at Akin Gump in ways that I have not seen at the other law firms that I've been at during my career," said Nicely, who joined the firm from Hughes Hubbard & Reed in 2020.

The practice has also undergone considerable growth over the last decade-plus, growing its bench from approximately 15 attorneys in 2007 to more than 70 lawyers spread across three continents today, according to partner Hal S. Shapiro.

That growth has been driven by individual partners who are allowed great autonomy to build their sub-practices within the international trade group, he explained.

"It's really connecting a bunch of very entrepreneurial, highly talented, highly energized folks, but having them really all working together, and actually having a pretty good time along the way," Shapiro told Law360.

At the center of Akin Gump's network of trade experts is Practice Head Thomas J. McCarthy. He credited the firm's expanded international presence — the website lists attorneys in 13 offices from Beijing to London — for its success in meeting contemporary trade challenges.

"That gives us advantages for continuity of work for clients because people in those different offices can be doing work during other people's nighttime," he told Law360. "[Our] coordination is driven in part by the need to continue to accelerate and advance projects toward deadlines."

The other factor driving the group's intercontinental collaboration is clients' growing need for global coverage as geopolitics have come to shape trade, McCarthy added.

In another 2021 win, Akin Gump attorneys helped a leading sportswear brand continue its sponsorship of Venezuela's Olympic team despite broad sanctions the U.S. imposed on the country's government in 2019 following a controversial presidential election.

Spotting potential trouble for their clients ahead of the Tokyo games, the practice group was able to secure a license from the Office of Foreign Assets Control that allowed the company to continue supplying the athletes without jeopardizing its good standing in the U.S.

Global politics are likely to remain at the forefront of their work for the coming year, the trio told Law360, most immediately with oral arguments coming up in Section 301 China tariff litigation on Feb. 1.

"Zooming out, the great power struggle between the U.S. and China will continue to define this practice for a while," McCarthy said. "That's going to be something that unfolds over years, and it's clear that it's not a single administration; it's a deeply held U.S. concern on a number of fronts."

--Editing by Ellen Johnson.