

IT Group Of The Year: Kelley Drye

By Eric Kroh

Law360, New York (January 6, 2016, 3:55 PM ET) -- Kelley Drye & Warren LLP's advocacy on behalf of U.S. manufacturers in trade remedy cases over that past year, including filing a series of major anti-dumping and countervailing duty petitions on behalf of domestic steel producers, has earned the firm a spot among Law360's International Trade Groups of the Year.



One of the oldest firms in the country, Kelley Drye is no stranger to trade remedy cases, with a practice that dates back to the 1960s. The firm has filed more than 220 such cases since the mid-1980s and it has an exemplary success rate in anti-dumping and countervailing duty petitions brought before the U.S. International Trade Commission.

Kelley Drye's international trade practice consists of 15 attorneys, almost all of whom are based in the firm's District of Columbia office. The group also relies on Georgetown Economic Services, an economic analysis subsidiary that gives the group an edge among competitors.

Partner Paul C. Rosenthal attributes the group's success to the extensive experience of its members and its deep bench.

"A number of us have been working in this area for decades," Rosenthal said.

2015 saw the group filing anti-dumping and countervailing duty petitions on behalf of U.S. manufacturers at an almost unprecedented rate. In June, Kelley Drye joined with four other law firms to file trade remedy petitions on behalf of U.S. corrosion-resistant steel manufacturers alleging some steel from China and elsewhere is subsidized and sold in the U.S. at less than fair value.

The petition led to the U.S. Department of Commerce last month levying initial tariffs of more than 255 percent on Chinese steel, while also issuing smaller margins for companies in Italy, South Korea and India.

The firms again teamed up to lodge a massive trade complaint with the U.S. government in July and August, demanding remedial tariffs on cold-rolled steel used in the automotive and construction industries originating from eight trading partners.

In September, the ITC said the U.S. steel industry was likely being harmed by cheap imports of cold-rolled steel and last month the Commerce Department unveiled a preliminary set of duties on the products from China, Brazil, India and Russia.

While Kelley Drye's international trade group regularly goes to bat for major U.S. industries, it also advocates on behalf of smaller producers, as it did when it filed a petition in 2014 on behalf of Chicago-based Edsal Manufacturing Co. Inc. claiming that Chinese companies have sold steel shelving units in the U.S. at unfairly low prices and also received illegal government subsidies.

In October, the ITC concluded that the domestic steel shelving industry was being materially harmed by the Chinese imports, paving the way for the Department of Commerce to issue a series of anti-dumping duties to even the playing field.

The win highlights the profound effect on domestic industries that trade remedy cases can have and the importance of Kelley Drye's successes in the area. Partner Kathleen W. Cannon said that as a result of the determination, Edsal opened a new manufacturing facility.

The company was able to "hire people that really had been out of work from a long time," Cannon said. "It was a nice success story."

Eric R. McClafferty, who chairs Kelley Drye's international trade practice, said that while trade remedy cases are the group's bread and butter, it also has a strong presence in the export control, sanctions and customs arena. At the moment, the firm is working on an important Office of Foreign Assets Control sanctions disclosure matter for a large financial services company and is doing exciting work in the unmanned vehicle area, he said.

McClafferty also highlighted the contributions of Georgetown Economic Services, which analyzes complex data sets to help the trade group strengthen their cases and identify key areas of concern for clients. The group includes several former senior analysts from across key federal international trade agencies.

"They're a real competitive advantage for us," McClafferty said.

Cannon said a core asset of the group is the effort made by members to gain a comprehensive knowledge of their client's industries. Attorneys go the extra mile to better understand how their products are produced, such as by going on tours of manufacturing plants, she said.

"We can understand and articulate to agencies and the courts what's really driving these businesses," Cannon said. "That's been a crucial part of our success."

--Editing by Kelly Duncan.
