citba.org
Customs and International Trade Bar Association

Quarterly Newsletter
Summer 2011
Volume 9, Issue 2

CITBA & Related News

UPCOMING PROGRAMS

What's New at the ITA

On September 20, 2011, CITBA will host an informal discussion of timely issues in antidumping and countervailing duty law with Chris Marsh, the new Deputy Assistant Secretary for AD/CVD operations at the ITA. Issues such as preventing circumvention of orders, possible changes in AD and CVD methodologies for non-market economy countries, zeroing, and new shipper reviews are just a few of the topics that will be discussed.

5:30 p.m.-6:00 p.m. -- Remarks by Chris Marsh
6:00 -7:00 -- Reception

RSVP to Roslyn Stewart at Kelley Drye rstewart@kelleydrye.com -- including your name and firm, agency, or organization.

The Beginning and End of Borders

On Thursday, October 6, 2011, Alan Bersin, Commissioner, U.S. Customs and Border Protection, will give a lecture from 5:00-6:00pm at Brooklyn Law School in New York regarding cross-border trade and travel. RSVP by Thursday, September 29, 2011 to: www.brooklaw.edu/belfer.

ANNOUNCEMENTS

President Obama Has Nominated Judge Evan J. Wallach of the U.S. Court of International Trade to the U.S. Court of Appeals for the Federal Circuit.

SAVE THE DATE

Bench and Bar

On October 27, 2011, a Bench and Bar Program will be held at the CAFC. The program will include lunch with the judges of the CIT and other guests. Additionally, two CLE programs featuring Government, Trade and Customs attorneys will follow lunch. Finally, CITBA will host a cocktail reception that evening. Further details regarding this event will be announced.

In this issue:

Links of interest:

CITBA Homepage
US CIT Homepage
US Court of Appeals for the Federal Circuit Homepage
US Customs and Border Protection
Bureau of Industry and Security
Office of Foreign Assets Control
International Trade Administration
US International Trade Commission

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Feature Articles

Increased Enforcement Activity by the Consumer Product Safety Commission

By Lee L. Bishop*

Introduction

Importers and their lawyers need to pay close attention to a new player in the world of customs regulation: the U.S. Consumer Product Safety Commission (CPSC). The CPSC has not only been given new authority regarding imports of defective products, but has also taken concrete steps to exercise that authority. This article summarizes this new role for the CPSC and suggests compliance strategies for importers and their counsel.

The Consumer Product Safety Improvement Act

In 2007, the news media was consumed with reports of numerous recalls of children's products containing excessive amounts of lead and ingestible magnets. The so-called "Summer of Recalls" resulted in the 2008 enactment of the Consumer Product Safety Improvement Act (CPSIA), which directed the CPSC to put renewed focus on the safety of imported products, particularly children's products. Since then, the CPSC has done the following:

- Signed a Memorandum of Understanding with U.S. Customs and Border Protection (CBP) giving the CPSC access to CBP's National Targeting Center, allowing the CPSC to identify potentially non-compliant shippers and shipments independently.

- Hired 19 new compliance investigators and deployed them to the ports to inspect and detain non-compliant shipments.

- Entered into agreements with foreign countries, particularly China, to exchange information and facilitate enforcement. The CPSC even established an office in the U.S. embassy in Beijing.

CPSC Chairman Inez Tenenbaum has spoken on numerous occasions to industry groups in Asia and Europe about the CPSC's new "get tough" policies. In a speech to the Hong Kong Chamber of Commerce in January 2011, she stated that, in 2010, "[the CPSC] determined that more than 55 percent of the products that we sampled at U.S. ports were violative or dangerous to consumers" and that "the CPSC is committing more resources and more sophisticated technologies to our import surveillance effort."

Recent Enforcement Has Focused on Importers

It's not all talk. Take a look at the reports of recalls and civil penalties on the CPSC's website (http://www.cpsc.gov/index.html). In 2011, the list of companies announcing recalls includes the "usual suspects," as Inspector Louie Renault would say—known brands of appliances, outdoor power equipment, and the like. However, many firms simply identified as "importers" have also announced recalls, and not just of children's products. In addition, most of the civil penalties in the last few years have been assessed against non-manufacturing importers of foreign made goods or U.S. manufacturers selling products produced for them by offshore suppliers.

Given the rapid shift to Asian suppliers by U.S. manufacturers, particularly toy makers; it is not surprising that most recalls involve imported products. However, the recall notices feature increasing numbers of independent importers—stand-alone companies who

serve as brokers for their U.S. clients and rely on international networks of suppliers to provide suitable products. Some of these companies are substantial operations with hundreds of employees, while others are much smaller. What is common to all of these importers is that they are being ensnared in the ever more complicated web of product safety requirements administered by the energized and empowered CPSC.

Product Safety Compliance Strategies

The first thing that counsel for importers should do is recognize this new enforcement environment and assess their clients' ability to identify product safety compliance requirements for their products. Most large manufacturers have developed systems and processes to follow the rapidly evolving mix of regulatory requirements and industry standards for their products and to impose these requirements on their offshore suppliers. Importers with a broad range of products or with small staffs of innovative designers for a specialized product offering also need to understand the requirements that apply to their products. Do not assume that your existing "quality" functions will identify these compliance hurdles, or that your supplier will know what rules apply and ensure that you receive compliant products. Product safety compliance is its own specialty and requires its own procedures, reviews, experts, and contractual protections.

It is also dangerous to rely on testing labs for legal advice regarding the applicable requirements. Both the European Union and the CPSC require certified test lab approvals for many products, and it is comforting to see that a product comes with a certification of compliance by an independent lab. But are the tests really necessary, and which are the right ones? Test labs are in the business of testing products, so you should expect that they will prescribe more tests to cure any compliance ills. They are not lawyers, so do not assume that they have correctly interpreted the law and regulations. Plus, certification for one market is not necessarily adequate for others. For example, the European Union and the CPSC do not agree on the standards applicable to children's products.

Some requirements are not even apparent from the regulations. For example, the easiest way to have a shipment detained at a U.S. port is to attempt to import children's apparel with hood drawstrings, even though there are no published rules proscribing drawstrings, nor any related test requirement. The CPSC's enforcement policy against drawstrings has been in place since the late 1990s, but it has not been codified in a regulation.

Importers also need to guard against importing products that have been recalled. Given the large number of recalls (427 in 2010 alone) and the complexity of the supply chain for manufactured products, this is not an easy task. Importing noncompliant or recalled products is a violation of federal law, and the CPSIA substantially increased the cap on civil and criminal penalties for corporations, officers, and directors.

Finally, if products are detained, importers must deal with the appropriate regulator

to get them released. Only a CPSC compliance officer can release a CPSC-issued detention notice, even though the detained products will be under the supervision and control of CBP. Moreover, the CPSIA switched the statutory preference from returning noncompliant products to destroying them, so a delay in responding to the CPSC compliance officer can result in substantial losses to the importer. *See, e.g.*, 15 U.S.C. § 2066(e).

Conclusion

As a rule, the CPSC is responsive and reasonable in resolving a product safety compliance concern for an imported shipment. Nevertheless, the CPSC expects that importers know the rules and want to comply with them. When importers fall short of that expectation, the CPSC does not hesitate to bring the full force of its regulatory authority to bear, including penalties. In one case, the CPSC became so exasperated with an importer's repeated noncompliance that it imposed a $2 million penalty and obtained a court order prohibiting any further imports until the company hired a suitable product safety expert and instituted the necessary review procedures. Do not get caught in a similar trap. Ensure that your clients have appropriate product safety compliance procedures and that their products comply with all applicable safety requirements.

*Lee Bishop is Counsel in Miles & Stockbridge P.C.'s Products Liability Practice Group. Lee can be reached at lbishop@milesstockbridge.com. This article is for general information and is not intended to be and should not be taken as legal advice for any particular matter. The opinions expressed and any legal positions asserted in the article are those of the author and do not necessarily reflect the opinions of Miles & Stockbridge, its other lawyers, or CITBA.

Later Discovered Claims As A Result of Customs' Late Production of Documents and CIT's Jurisdiction under 28 U.S.C. § 1581(i).

By Aykut L. Ozger, Esq.*

The Court of International Trade ("CIT") has exclusive jurisdiction on disputes related to international trade. There is both an advantage and a disadvantage to this exclusivity. On the one hand, this is an advantage because as an exclusive Court, the CIT judges are experts on the complex legal issues in international trade; this creates efficiency. On the other hand, because the CIT has exclusive jurisdiction, the failure of the court to grant jurisdiction seems to bar a party from obtaining a remedy in any other forum.

Under 19 U.S.C. § 1514(a), a party has to file a timely protest in order to prevent the finality of a Customs' decision. Under this section, filing an administrative protest serves two purposes: first, by filing a protest, a party challenges Customs' decision and opens it up for review and thus, prevents the decision from becoming final. Second, filing a timely protest allows a party to challenge Customs' possible future denial of the protest at the CIT under 28 U.S.C. § 1581(a). Case law suggests that once a party fails to bring an issue

in a timely protest, and hence guarantee jurisdiction under 28 U.S.C. § 1581(a), then that party is barred from bringing the same issue at the CIT by invoking 28 U.S.C. § 1581(i), since the CIT is reluctant to grant jurisdiction under 28 U.S.C. § 1581(i) in cases where the issue could have been first brought administratively. *See Duferco Steel v. United States*, 29 CIT 1249, 1255 (2005), *Hartford Fire Insurance Co. v. United States*, 31 CIT 1281 (2007), *Parkdale International Ltd. v. United States*, 581 F. Supp. 2d 1334 (2008). The key language appears to be: "if the issue could have been brought in a valid protest." There are instances, however, where, at the time a party is supposed to file an administrative protest, the party does not yet have all the facts to be able to raise in a valid protest. This is particularly a problem for surety companies, which do not have copies of entry documents as they are not the ones filing entries with Customs. Due to the nature of the relationship, a surety's involvement in an importer's filing an entry with Customs does not usually go beyond issuing a continuous and/or a single entry bond. As such, a surety will, under normal circumstances, not have copies of entry documents, such as the 7501 entry summary, commercial invoice, or other pertinent information filed by the importer at the time of the entry.

The lack of this information becomes a problem for a surety when Customs makes a demand against the surety's bond due to the importer's failure to respond to a Customs' claim. As the liability is joint and several, the surety has to take action. However, in order to file a protest against Customs' action, the surety has to know what is at issue. Without the information, the surety would have to make up an argument just for the sake of filing a protest. This would be both impossible and frivolous. Furthermore, the importers and their customs brokers have no legal obligation to provide surety companies with this information. As such, there is only one solution for the surety company: a Freedom of Information Act ("FOIA") request, directed at the Customs port in which the entry was made, to receive the copies of entry documents. Therefore, 5 U.S.C. § 552(3)(A) becomes the surety's savior, assuming that Customs provides the surety with all the documents before the protest period expires.

Sometimes, however, Customs fails to provide the surety with the necessary information before the surety's protest deadline expires. Or, Customs may have provided the surety with some, but not all, of the information, which the surety may have used to file a protest. In these circumstances, Customs occasionally provides the surety with supplemental information, but only after Customs has denied the surety's protest. This new information may give the surety a valid defense. However, since the surety did not know about this defense before Customs' denial of its protest, the surety did not raise (and could not have raised) this argument in its protest. Because the surety did not raise the defense in its protest, the issue is barred from review at the Court of International Trade under 28 U.S.C. § 1581(a). The only alternative for the surety then is to invoke the Court's jurisdiction under 28 U.S.C. § 1581(i). No matter how strict the CIT has been in terms of interpreting 28 U.S.C. § 1581 and refusing to grant jurisdiction under § 1581(i), the Court's possible refusal to grant jurisdiction under 28 U.S.C. § 1581(i) has due process implications.

In such circumstances, *St. Paul Fire & Marine Ins. Co. v. United States*, 959 F.2d 960 (Fed. Cir. 1992) may come to the sureties' rescue. In St. Paul, St. Paul brought a claim at the CIT, appealing the dismissal of the protests filed by its principal, Opera. *St. Paul* at 961.

During the discovery, however, St. Paul learned that the government was investigating Opera for fraud. Id. As a result, St. Paul wanted to amend its complaint to seek nullification of its bonds based on the fact that the government breached its duties against St. Paul, and failed to require Opera to deposit full duties. Id. The CIT ruled that it did not have jurisdiction over St. Paul's new claim under 28 U.S.C. § 1581(i). "Per the court, jurisdiction in the Court of International Trade would exist if St. Paul had protested the demand for payment under the bond and appealed the denial of such protest thereby establishing jurisdiction under 19 U.S.C. § 1514(a)(3) (1988) and 28 U.S.C. § 1581(a) (1988)." Id. at 961-962. In reversing the CIT and finding that the trial court had jurisdiction under section 1581(i), the CAFC in St. Paul concluded as follows:

… the alleged facts of St. Paul's new claims do not fit within that administrative scheme. A surety must have some grounds for objecting to the government's demand. In this case, St. Paul alleges it did not know of the now-asserted legal basis for protesting the government demand within the time frame set by the statute for a protest …,we cannot agree that the administrative procedures regarding protests must be held to bar the assertion of a later discovered claim

Id. at 963-964. The CAFC acknowledged that the facts faced by St. Paul were unusual, and, thus, held that "[n]o administrative procedure exists to [cover a situation] where a claim does not accrue until after the protest period has expired." Id. As a result, the court in St. Paul had jurisdiction over St. Paul's new claim under section 1581(i).

Thus, in a case where a surety learns of a defense after the surety's protest has been denied, due to Customs' failure to timely provide the surety with all the documents, a surety may still be able to bring the defenses at the CIT under 28 U.S.C. § 1581(i) pursuant to St. Paul. Is this enough of a remedy for the surety? After all, the surety was forced to file a case at the CIT and incurred additional legal expenses to bring this new defense rather than having been able to raise it administratively in a protest. Perhaps, as a better remedy and to deter Customs from violating 5 U.S.C. § 552(3)(A), the CIT could invoke the Administrative Procedures Act ("APA") (5 U.S.C. §§ 551 et seq.), and set aside agency action (i.e., Customs' production of additional documents that creates liability on the part of the surety, such as a single entry bond) pursuant to 5 U.S.C. § 706, if the court concludes that Customs' late production of documents was arbitrary and capricious.

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HOW TO PROPERLY RESPOND TO AN ADMINISTRATIVE SUBPOENA ISSUED BY THE OFFICE OF FOREIGN ASSETS CONTROL (OFAC), U.S. DEPARTMENT OF THE TREASURY

By Peter Quinter*

The Government of the United States has declared a 'War on Terrorism'. One of the primary Federal agencies with responsibility to administer and enforce the economic and trade sanctions is the Office of Foreign Assets Control (hereinafter "OFAC"), an entity within the U.S. Department of the Treasury. Moving beyond general country sanctions, OFAC relies heavily on targeted measures aimed at specific individuals, key members of governments, front companies, and financial institutions. As part of its investigative processes, OFAC often will issue an "Administrative Subpoena" to individuals and companies.

The legal authority for OFAC to issue a subpoena is from both the Trading with the Enemy Act of 1917 (TWEA), 5 U.S.C. sec. 5 and the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. sec. 1702(a)(2). Both have identical language which read, in relevant part: The President may require any person to keep a full record of, and to furnish under oath, in the form or reports or otherwise, complete information relative to any act or transaction referred to in [the laws] either before, during, or after the completion OFAC has specific regulatory authority to issue an administrative subpoena. The general regulations for OFAC are found at 31 CFR Part 501. The relevant sections state:

31 CFR Sec. 501.601
…every person…shall keep a full and accurate record of each transaction engaged in…and such records shall be available for examination for at least 5 years after the date of such transaction.

31 CFR Sec. 501.602
Every person is required to furnish, under oath, in the form of reports or otherwise, from time to time and at any time as may be required by the Director, Office of Foreign Assets Control, complete information relative to any transaction, regardless of whether such transaction is effected pursuant to license or otherwise…The Director may require that such reports include the production of any books of account, contracts, letters or other papers connected with any such transaction or property…The Director may, through any person or agency, conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpoena the attendance and testimony of witnesses and the production of all books, paper, and documents relating to any matter under investigation…. (emphasis added)

In order to better understand the type of information and documentation generally demanded by OFAC through an Administrative Subpoena, it is best to first understand how OFAC fits with the bureaucracy of the Federal Government. As currently structured, the Director of OFAC is Adam Szubin, and he reports to the Under Secretary of the Office of Terrorism and Financial Intelligence (TFI) led currently by David Cohen, who in turn reports to the Secretary of the Treasury, Tim Geithner. The TFI marshals the Treasury Department's intelligence and enforcement functions with the twin aims of safeguarding the financial system against illicit use and combating rogue nations, terrorist facilitators, weapons of mass destruction (WMD) proliferators, money launderers, drug kingpins, and

other national security threats. OFAC, consequently, issues Administrative Subpoenas for such varied purposes as investigating North Korea's missile proliferation network to countering Iran's support for international terrorism.

Each OFAC Administrative Subpoena will clearly state at the top of the letter in bold, large print the words "ADMINISTRATIVE SUBPOENA". Moreover, each such subpoena will have an Enforcement Case Number assigned to it with the designation "ENF". The subpoenas are usually mailed to an individual by name either in the individual's personal capacity or to the President or CEO of a company. The subpoena always cites 31 CFR Sec. 501.602 to remind the addressee that a written response is required, and that it must be filed "no later than 30 calendar days from the date of the Administrative Subpoena." The written response should be directed to the particular named "Enforcement Investigations Officer" in the letter, whose telephone number and e-mail address are also provided in the letter. The response is always mailed to that person at the U.S. Department of the Treasury, Office of Foreign Assets Control, Office of Enforcement, 1500 Pennsylvania Ave., N.W., Washington, D.C. This author's practice is to communicate often with the assigned OFAC officer, and to also provide the written response in PDF via e-mail.

Not only does the Administrative Subpoena restate the law that a written response is required; it also reminds the addressee that the response must be accurate. The standard language in every such OFAC Administrative Subpoena states exactly: You should be aware that failure to respond to this Administrative Subpoena may result in the imposition of civil penalties by OFAC and that, under 18 U.S.C. Sec. 1001, knowingly and willfully falsifying or concealing a material fact in your response to this Administrative Subpoena may result in criminal fines, imprisonment, or both.

As to the content of the request by OFAC in the Administrative Subpoena, it typically is for detailed information regarding payments or other transaction by the addressee, an explanation for such payments or transactions by the addressee, and all supporting documents regarding the payments or transactions. Documents typically are air waybills or other shipping documents, financing and payment documents, and correspondence, including e-mails. OFAC always demands "A description of the relationship between or among all parties involved in the transaction(s)" and may ask whether such persons are U.S. citizens or permanent resident aliens.

When responding in writing to an OFAC Administrative Subpoena, my practice is to provide it on my law firm's letterhead, stating clearly that I am the attorney assisting the addressee with the response. Nevertheless, in that same response or in an attachment thereto should be a "Certificate of Compliance" signed by the addressee which states:

I hereby certify that, to the best of my knowledge and belief, the records and written answers produced in response to the Administrative Subpoena issued by the Department of the Treasury, Office of Foreign Assets Control, are genuine, accurate, and complete, and in full compliance with the demand made in the Administrative Subpoena for the records and written answers specified therein.

I declare, under penalty of perjury, that the foregoing is true and correct.

_____ _____

Signature Date

In a recent OFAC case, *Pinnacle Aircraft Parts, Inc.*, a Miami, Florida based corporation, paid $225,000 to OFAC to settle allegations by OFAC that Pinnacle failed to provide documents responsive to an administrative subpoena issued by OFAC as part of its investigation of the sale and delivery of a jet engine valued at over $1 million by Pinnacle. According to the public information provided by OFAC:

In its November 9, 2007, response to the administrative subpoena, Pinnacle, through its outside counsel, submitted more than 260 pages of responsive documents but failed to submit a copy of a post-sale e-mail - which Pinnacle had provided to its counsel - indicating that the aircraft engine was likely destined for Iran, as well as other responsive documents concerning the sale.

For more information about that case, a blog post entitled "Miami Aircraft Company Pays $225,000 Fine for Lying to OFAC." is available at http://www.customsandinternationaltradelaw.com/articles/export/ofac-1/. Sometimes, the Administrative Subpoena refers to *OFAC's Sanctions Enforcement Guidelines*, 74 Fed. Reg. 57,593 (November 9, 2009), and *available at* www.treas.gov/ofac, which sets forth the General Factors that OFAC will consider in determining the appropriate administrative action in response to an apparent violation of U.S. sanctions. Be advised that the base penalty statutory maximum under IEEPA is U.S. $250,000 or twice the value of the transaction, whichever is greater, and the statutory maximum for TWEA is U.S. $65,000 per violation. OFAC has also amended its guidelines to provide for a penalty of up to U.S. $50,000 for a failure to maintain records in conformance with the requirements of OFAC regulations.

OFAC, just like most other Federal agencies, encourages persons and companies to voluntarily disclose violations to OFAC prior to the issuance of an Administrative Subpoena. Often, doing so is a prudent move. Be advised, however, that providing any information to OFAC after an Administrative Subpoena has been issued to that person or company will not qualify as a voluntary self-disclosure (VSD), and a person or company should not expect any mitigation of penalties as may be appropriate if the violation was provided to OFAC before the issuance of the Administrative Subpoena or other contact by OFAC. To the contrary, any information provided to OFAC in response to an Administrative Subpoena may be referred to other law enforcement agencies for criminal investigation and prosecution. Fortunately, in this author's experience, the vast majority of Administrative Subpoena responses result in either: (1) a cautionary warning letter; or (2) a civil penalty from OFAC's Civil Penalties Division.

Once a written response is received by OFAC, it is this author's practice to follow up regularly with the assigned OFAC officer to be sure the response was received, and to answer any questions by the OFAC officer. In my opinion, the addressee of the Administrative Subpoena should never have direct communication with OFAC unless an OFAC officer wants to interview the client, and then it should only be done with legal counsel's active participation, and preferably at legal counsel's office. Although OFAC has publicly stated that it is attempting to expedite the closure of cases regarding an Administrative Subpoena, sometimes the final action after an extensive review by OFAC takes many months. Hopefully, whenever the OFAC letter will conclude that no violation had occurred, or an OFAC warning letter is sufficient.

* Peter Quinter is a Shareholder in the Customs and International Trade Law Department of Becker & Poliakoff

NEWS FROM THE CLERK OF THE COURT OF INTERNATIONAL TRADE

CM/ECF News and Tips

During the April 28, 2011 CITBA program held at the CIT, the Clerk's Office gave a presentation about enhancements to the CM/ECF system. To further help get the word out about these changes, here is a quick guide of the information presented.

Attorney Quiz and Practice Filings No Longer Required for CM/ECF Filing Rights
With the widespread use of the CM/ECF system in the judiciary, the requirement for attorneys to pass an online quiz and complete practice filings to obtain system filing rights is no longer necessary. Filing rights will be turned on automatically during the registration process. The elimination of this step has expedited registration for attorneys wishing to file in CM/ECF. For attorneys who may not have experience with the CM/ECF system or attorneys seeking to enhance their knowledge of the system, the Court continues to offer training workshops in Washington, D.C. and New York. Please see the Court's website for workshop dates.

CM/ECF File Size Increased to 5 Megabytes
As technology has improved, the Court has increased the limit on file size in CM/ECF from 2 megabytes to 5 megabytes. This should help reduce the need to break up larger filings into attachments. As a reference, a 2 megabyte file is equal to approximately 30 - 40 pages of scanned documents depending on font, color and graphics. A 5 megabyte file is equal to approximately 80 - 100 pages of scanned documents again depending on font, color and graphics.

Notices of Electronic Filings (NEFs) for Interested Parties
Over the past year, we have received inquiries from users wishing to receive Notices of Electronic Filings in cases they have an interest in, but are not a party to. If you wish to receive such NEFs, please send an e-mail to the CM/ECF Help Desk with your request and a list of cases you are interested in. We will then add those cases to your account for you to receive NEFs on any docket activity in those cases. The e-mail address for the CM/ECF Help Desk is: cmecf_helpdesk@cit.uscourts.gov.

Printing Documents Without Headers
When you print a PDF document from CM/ECF, the default setting is to print the document with a header indicating case number, document number and file date. If you wish to print the document without the header information, in the docket report screen under Document Options, uncheck the box titled, Include headers when displaying PDF documents.

Viewing Multiple Documents
Instead of viewing and printing documents one at a time, you can view and print several documents in a case at one time. From the Docket Report screen, select View multiple documents. Under Document options, the subsequent Docket Report will contain a series of check boxes next to each docket entry containing a

document. You can then select some or all of these documents. Once the documents are selected, you can view or download the selected documents. If the View option is selected, the system automatically combines the documents into one PDF document. If downloaded, the system combines the documents into a zip file.

Multi-Case Docketing

A multi-case docketing feature was added to the system that allows filers to docket certain filings in multiple cases all at once. This feature can save a lot of time when you have to file the same document in numerous cases. From the Main Civil Events screen select Multi-Case Docketing
from the available choices under Other Filings. Enter the court numbers of all the cases in which you would like the docket entry to appear, separating them by commas. When completed, the system will make the docket entry on all of these cases.

Queries and Wildcard Searches

If you do not know the exact spelling of the party name you are looking for. That's when the wildcard search can come in handy. The asterisk symbol (*) can be used as a placeholder for alphabetic characters when searching for names on the Query screen. An asterisk can be placed in front of a name, at the end of a name, within the name or, on both sides of the name. For example, searching for the name *National* would yield results such as, ACME National Corporation or, American National Industries. The asterisk is also useful when you are trying to match a name that may or may not be plural or might use one of several variations. For example chemi* will find results containing words that begin with chemi (e.g., chemicals, chemistry, chemists).

Hopefully these updates and tips on CM/ECF will help to maximize your efficiency when using the system. If you would like more information on the features of CM/ECF, please refer to the Court's website where you will find links to the user's manual and contact information for the CM/ECF Help Desk.

Thomson Reuters is developing an International Trade current awareness and news publication. They are conducting a survey of CITBA members to achieve the following objectives:

- Increase understanding of what current awareness and news CITBA members currently receive;
- Find out how CITBA members receive their International Trade current awareness and news information; and
- Discover the International Trade current awareness and news needs of CITBA members.

Here is a link to the survey:
http://thomsonreuters.qualtrics.com/SE/?SID=SV_bI3RqPHAfJ5Qp6Y

CITBA Online –

Please look for further announcements and copies of past newsletters at http://www.citba.org.

Membership

CITBA now allows dues payment through PayPal. PayPal allows members to send money without sharing financial information, with the flexibility to pay for membership using their account balances, bank accounts or credit cards. PayPal is an eBay company and is made up of three leading online payment services. More information about Pay Pal can be found at https://www.paypal.com.

Not a CITBA member? Apply for membership now! CITBA offers different membership levels - active, associate and retired/student. For additional information, check out the CITBA website http://www.citba.org/joinCITBA.php

Are you already a member, but late in paying your dues? Get current today and enjoy the benefits of membership. Contact Page Hall at hall@adduci.com for details.

Pro Bono Opportunities

The U.S. Court of International Trade has an ongoing need for attorneys who are able to serve as pro bono counsel for pro se plaintiffs in Trade Adjustment Assistance cases before the Court. There are two types of Trade Adjustment Assistance cases that call for pro bono representation. The first type arises when workers seek judicial review either after the U.S. Department of Labor's negative determination on the original petition or after the U.S. Department of Labor's negative determination on its reconsideration. The second type of case occurs when the U.S. Department of Agriculture denies a petitioner's claim seeking compensation for a decline in net farm income from one year to the next as a result of imports. The majority of these cases are filed by participants in the Alaska salmon industry and the Gulf Coast shrimp industry.

If you would like to volunteer to serve as pro bono counsel or if you would like more information about the pro bono program, please contact:

Case Management Operations Manager
Scott Warner
(212) 264-2031

You can also learn more about TAA by visiting the CITBA website at http://www.citba.org/announcements.php and reading the Executive Summary of a course first presented at "What You Need to Know About Trade Adjustment Assistance Cases – From All Sides" sponsored by the U.S. Court of International Trade, the American Bar Association, and the Customs and International Trade Bar Association, in April, 2005.

Additional and more detailed information can be obtained at the TAA Coalition web site (http://www.taacoalition.com), which includes a "Primer on TAA petition process," among other informative materials.

Please send questions or comments about this Newsletter to:
Frances P. Hadfield at fhadfield@gdlsk.com