

## Q&A With Sheppard Mullin's Curt Dombek

*Law360, New York (March 08, 2013, 1:21 PM ET)* -- Curtis Dombek is the managing partner of Sheppard Mullin Richter & Hampton LLP's Brussels office. He has practiced in the field of international trade since 1983. He handles international regulatory issues affecting cross-border civilian and military programs, including arbitration and trade disputes, export controls, sanctions and blocking orders, Customs investigations, the Foreign Corrupt Practices Act, the U.S. Patriot Act, free trade agreements, Committee on Foreign Investment in the U.S. reviews of foreign investment in the United States, the anti-boycott regulations and the U.S.-EU privacy safe harbor. He was appointed to the president's Export Council Subcommittee on Export Administration in 2011.

### **Q: What is the most challenging case you have worked on and what made it challenging?**

A: When General Electric entered into a \$2 billion avionics joint venture with the Aviation Industries Corporation of China in 2010, it was a privilege to be asked to design the export control safeguards governing the program. It also was, needless to say, a tremendous challenge. Framing measures that properly accounted for hypothetical future events in light of the Chinese rules of corporate governance, addressed export control protection of jointly created intellectual property, properly segregated systems and operations, preserved operational efficiency and at the same time satisfied the U.S. government under the strict export controls applicable to avionics programs in China was an enormous challenge.

### **Q: What aspects of your practice area are in need of reform and why?**

A: U.S. Export Controls are in urgent need of reform to help preserve the U.S. industrial base in aerospace and defense. I have worked with the administration on these reforms as a member of the president's Export Council Subcommittee on Export Administration. In that role, and recently as a member of the Regulations and Procedures Technical Advisory Committee of the U.S. Commerce Department, I have been assisting the administration in drafting of the new regulations that will move thousands of products that have heretofore been treated as defense articles subject to the International Traffic in Arms Regulations to the Commerce Department export control categories under the Export Administration Regulations. This reform has enormous implications for multinationals, particularly those in technology industries operating in Europe or collaborating with European companies.

**Q: What is an important issue or case relevant to your practice area and why?**

A: The EU General Court recently struck down EU financial sanctions on two Iranian banks that had been targeted by both the United States and EU. The EU governments have 60 days to appeal, and one presumes that they will. The decision, however, has the potential to upset the system of multilateral EU and U.S. sanctions to which multinationals with EU affiliates were just adjusting. This development has complex, conflicting implications for multinational companies who must contend simultaneously with the expansion of U.S. sanctions under the Iran Threat Reduction and Syria Human Rights Act, including the severe restrictions announced by the United States on Feb. 6, 2013, for banks in countries with “waivers” based upon reduced purchases of Iranian petroleum products.

**Q: Outside your own firm, name an attorney in your field who has impressed you and explain why.**

A: Kevin Wolf, the current assistant secretary of commerce for export administration, has done an extraordinary job of advancing U.S. export control reform. The need for this reform has been urgent and under discussion literally for decades, and when the process began in 2009 many doubted that it would ever occur. It is a credit to Assistant Secretary Wolf that, after working long nights for the past two years with his colleagues at the U.S. Department of Defense, the State Department Directorate of Defense Trade Controls and the Commerce Department (notably Undersecretary Eric Hirschhorn and DDTC Managing Director Robert Kovac), this long-overdue revision of U.S. export controls is finally occurring. It poses some significant new challenges of complexity and legal interpretation and will require companies to reorganize their compliance processes, but it will also create a wide range of new business opportunities.

**Q: What is a mistake you made early in your career and what did you learn from it?**

A: In my first complex litigation document request 30 years ago, when U.S. discovery rules were far more open-ended than now, I was faced with the need for discovery about a large number of aircraft systems. I created an encyclopedic request detailing thoroughly, system by system, everything I wanted to see and covering everything from every angle I could imagine. As it happened, and as I might have expected, the production turned out to look pretty much the same as what would have occurred with a much simpler form of document request. So, early on, I learned that being effective is not a question of how much one says or how many different ways one can make a point. Distilling things to their essence and clearing away the underbrush are usually the keys to effective argument and legal opinion writing.

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