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Q&A With Sidley Austin's Andrew Shoyer

February 21, 2013

[Andrew W. Shoyer](#) is a partner in [Sidley Austin LLP's Washington, D.C., office](#). He chairs the firm's international trade and dispute resolution practice. Previously he spent seven years at the [Office of the U.S. Trade Representative](#) and with the World Trade Organization. He focuses his practice on the implementation and enforcement of international trade and investment agreements, regularly advising companies, trade associations and governments on the use of WTO, the North American Free Trade Agreement and other treaty-based trade and investment rules to open markets and resolve disputes. He also works with manufacturers and service providers on WTO compliance and on protection of intellectual property in bilateral and regional free trade negotiations.

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

A: I worked with our international trade team to advise a government on the negotiation of a free trade agreement. The agreement covered virtually every type of regulatory concern, including environmental and labor law issues, so the work required me to manage internally the talents of many lawyers outside the international trade area, and to deliver the advice to a team of officials from various government ministries, some of whom had very little interest in the successful completion of the negotiation. That was challenging!

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

A: U.S. export controls are very much in need of reform. They impose significant restrictions on U.S. business, often with no demonstrable benefit to national security. And they create a constant refrain in U.S.-China trade negotiations. Happily, the Obama administration started a major reform effort in 2010, which hopefully will be concluded in the not-too-distant future.

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

A: Trade in energy will keep me and other international trade lawyers busy for the next several years. The first wave of battles has involved trade remedy investigations — in the United States, in the European Union and in India — on imports of solar panels.

In the next few months, the World Trade Organization will issue rulings on the nature of support that governments can provide to renewable energy generation when that support is tied to local content requirements. And as Brazil develops its recently discovered petroleum resources, and the United States brings its resources to market in the form of liquefied natural gas, there will be significant pressure to restrict exports, particularly out of concern for “energy security.” The need for energy in rapidly developing countries, like China, is great. As we have seen with previous cross-border tensions involving nontrade policies, they seem to be fought out first in the trade arena.

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

A: In the field of international trade law, John Jackson is the attorney who has made the greatest impression on me. Professor Jackson literally wrote the book on General Agreement on Tariffs and Trade law, and I studied from his treatises in law school. He served in the Office of the General Counsel at what is now called the Office of the U.S. Trade Representative, where I also served, and his work in support of dispute settlement and trade negotiations created the model for all of the lawyers who came after him. His intellectual vigor and curiosity have made him the dominant figure in the development of the field for decades. His active mentoring of younger scholars and practitioners has been critical to the growth of the field. I had the good fortune of working on trade disputes in which Professor Jackson was active as an adviser, and I saw how greatly the process benefited from his insights.

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

A: As a very young lawyer, I represented a client pro bono before a judge in D.C. Superior Court. During my closing, I raised my voice dramatically and sternly warned the judge that “if justice is not done for my client, I will return and FIGHT FOR MY CLIENT’S RIGHTS!!” The judge paused, looked calmly at me, and said “That’s very nice, Mr. Shoyer. Please sit down.” I sat down. I realized that, while some trial lawyers have become successful writers for Hollywood, the reverse is less likely. I learned to keep the drama out of my advocacy, and channel my passion into focusing on the details — especially in the absence of a jury!