

Mayer Brown Adds DOC Trade Enforcement Ex-Chief Counsel

By Kyle Jahner

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In 1986, two young lawyers began working at the Department of Commerce in adjoining offices. When one, John McInerney, retired from Commerce in May after 16 years as its chief counsel for trade enforcement and compliance, Mayer Brown LLP's international trade practice head Duane Layton set to work recruiting a friend of 30-plus years.

McInerney started at Mayer Brown in Washington, D.C., last week, the firm parlaying a decades-old relationship into acquisition of decades of government-side international trade experience, particularly in antidumping and countervailing duty cases.



John McInerney

"John is arguably the leading, if not then one of the leading, antidumping and countervailing duty lawyers in the world. He's a smart guy and great writer, so he'll help us on the AD-CVD cases we do all over the world," Layton told Law360. "He's connecting well with the people in my group at Mayer Brown: They're tapping into his expertise and experience, from day one. It's remarkable really. It doesn't surprise me though, as he's very approachable, down to earth."

Layton, who spent roughly eight years at Commerce in two stints with the last ending in 1999, immediately reached out upon the retirement announcement. McInerney agreed to meet — after he took some time to trek in Ladakh, a region in the Himalayan highlands of northern India. When he returned, McInerney ultimately agreed with Layton that Mayer Brown's combination of a global reach and "waterfront" coverage made the firm a great fit. He also said Layton is "exceptionally fair-minded, a decent person and an excellent lawyer" and that he'd "rather take the plunge with someone I know."

"I loved the idea and just went forward with that. I could have talked to people, could have got a headhunter, but I just liked the idea of the whole situation, so that was that," McInerney told Law360. "We didn't really set this up until a month ago when I got back from Ladakh."

McInerney, a graduate of the University of Michigan Law School who also has a masters in international and comparative law from Vrije Universiteit, Brussels, previously worked at the Department of Treasury and both Washington and Brussels offices of Cleary Gottlieb Steen & Hamilton. At Commerce he spent 13 years as a staff attorney and deputy chief counsel before becoming chief counsel in 2001.

At Mayer Brown, which Layton noted has 45 international trade lawyers located offices in several countries representing both petitioners and respondents, McInerney's role will be a mix of litigator and adviser with hands-on roles on cases while serving as a resource for other attorneys. Layton and McInerney said he will especially focus on antidumping and countervailing duty cases while also working on some World Trade Organization issues, though they say his exact mix and workload is not set in stone and would evolve.

McInerney steps back into a booming trade litigation environment, a trend he said has been evolving over the past few years as economies — and therefore trade — recovered from the 2008 crash and resulting recession.

"To win a case, you have to be injured by unfairly traded imports. The volume of imports was really low, and people weren't bringing cases; they couldn't prove injury. As economy picked back up, the trade cases picked up with it in a very big way," McInerney said.

Layton thinks McInerney greatly enhances Mayer Brown's position to compete in that environment.

"Adding him, I sleep well at night," Layton said. "[When you ask him to write or review something] you know you're going to get back something that's top of the line. What a great comfort for my state of mind and what a great service for the client."

--Editing by Joe Phalon.