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Q&A With Mayer Brown's Duane Layton

Law360, New York (September 22, 2009) -- Duane Layton is a partner in the Washington office of Mayer Brown LLP and head of the firm's government and global trade group in Washington, Europe and Asia. His practice concentrates on international dispute settlement, including World Trade Organization disputes, international trade and investment law, and international trade negotiations and policy. Layton has extensive experience representing governments and industries in import relief proceedings (i.e., anti-dumping, countervailing duty and Section 201 safeguard), both in the United States and abroad (Argentina, Brazil, China, Guatemala, India, Jamaica, Mexico, and the Philippines).

Q: What attracted you to your practice area?

A: Between college and law school I traveled a lot. I saw places like Paris, Berlin, Geneva and Jerusalem for the first time. Those experiences had a lasting impact on me. When I got to law school I took every international law course I could. After law school I went to Cambridge University in England where I earned an LL.M. in international law. My first job after Cambridge was on Capitol Hill. I worked for a congressman from my home state of Washington. I handled a number of issues for him, including international trade. Twenty-five years later, I'm still practicing international trade law.

Q: What is the most challenging case you've worked on, and why?

A: I'd have to say the WTO challenge brought by Korea against the United States over the latter's imposition of an anti-dumping duty on DRAMs from Korea. This was one of the first disputes to come before the WTO. Everything was new — the substantive law, the process — everything. I was responsible for the written submissions and oral arguments presented by the United States before the WTO panel in Geneva. It was a rush. Lots of pressure, long hours, but great fun.

Q: What are the most challenging legal problems currently facing clients in your practice area?

A: When I started in this business 25 years ago, there was no WTO, there was no NAFTA — things were just a lot simpler. Clients asked us to advise them on U.S. trade and customs law, and that was about it. Now trade lawyers have to know: U.S. trade law (e.g., customs law, export controls, anti-dumping, FCPA, and the like); the trade laws in every major jurisdiction where the client does business; dozens of international trade agreements and dispute settlement mechanisms, starting with the WTO; and, it helps if you know the relevant institutions and trade officials where the client does business. Simply put, things are much more complicated today than they were back then.

Q: How do you see your practice area evolving in the next five years?

A: I am the practice group leader for Mayer Brown's government and global trade group. We have about 45 people in the group in eight cities across Europe, the Americas and Asia. As you might imagine, I spend a great deal of my time managing the group and making sure the trains run on time. In terms of my own practice, I think we're all wondering if there will be fewer WTO disputes and trade remedy proceedings (e.g., anti-dumping) over the next five years. Both areas have been down the past couple of years.

Q: Outside your own firm, name one lawyer who's impressed you and tell us why.

A: As I noted previously, I've been practicing international trade law for 25 years. During that time I've been fortunate to be around (and work with) many talented lawyers who have impressed me. But if I had to pick one, it would probably be Joe Dorn at King & Spalding. He's a hell of an attorney. Tireless worker, tenacious when it comes to defending his clients, and a good sense of humor.

Q: What advice would you give to a young lawyer interested in getting into your practice area?

A: Take whatever job you can get in the area, learn the law, hone your writing skills, build relationships with clients and lawyers in the field, and never quit trying to succeed.