UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

   Claire Rita Kelly

2. **Position**: State the position for which you have been nominated.

   Judge of the United States Court of International Trade

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

   Brooklyn Law School
   250 Joralemon Street, Room 800
   Brooklyn, New York 11201

   Residence: Forest Hills, New York

4. **Birthplace**: State year and place of birth.

   1965; New York, New York

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

   1990 – 1993, Brooklyn Law School; J.D. (*magna cum laude*), 1993

   1983 – 1987, Barnard College; B.A. (*cum laude*), 1987

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

   1996 – present
   Brooklyn Law School
   250 Joralemon Street, Room 800

Brooklyn, New York 11201
Professor of Law (2008 – present)
Associate Professor of Law (2005 – 2008)
Assistant Professor of Law (2003 – 2005)
Acting Assistant Professor of Law (2000 – 2002)
Instructor of Law (1997 – 2000)
Adjunct Instructor of Law (Spring 1996, Spring 1997)

2008 – 2012
Kaplan, Inc.
1015 Windward Ridge Parkway
Alpharetta, Georgia 30005
Bar Lecturer

2010
DiNicola Law Offices
Ronald A. DiNicola, P.C.
1001 State Street, Suite 1400
Erie, Pennsylvania 16501
Consultant

2006
Pino & Associates, LLP
50 Mail Street
White Plains, New York 10606
Consultant

Summer 1992, 1993 – 2000
Coudert Brothers (no longer in existence)
1114 Avenue of the Americas
New York, New York 10036
Consultant (1997 – 2000)
Associate (1993 – 1997)
Summer Associate (1992)

1991 – 1993
Professor Aaron Twerski
Brooklyn Law School
250 Joralemon Street
Brooklyn, New York 11201
Research Assistant

1989 – 1990
Milbank Tweed Hadley & McCloy
1 Chase Manhattan Plaza

New York, New York 10005
Legal Assistant

1989
Jane Harmon Associates (Theatrical Producer)
1 Lincoln Plaza
New York, New York 10023
Office Assistant

1988 – 1989
Lucy Kroll Literary Agency (no longer in existence)
300 West End Avenue
New York, New York 10023
Office Assistant

1987 – 1988
The Circle Repertory Company (no longer in existence)
137 Varick Street
New York, New York 10013
Office Assistant

1987 – 1992
The Wheatley Hills Tavern (no longer in existence)
170 Post Avenue
Westbury, New York 11590
Waitress

Other Affiliations (Uncompensated):

2004 – 2005, 2010 – present
Customs and International Trade Bar Association
No physical address
Board Member

2006 – present
10 Holder Apartments Corporation
10 Holder Place
Forest Hills, New York 11375
Member, Board of Directors (2006 – present)
Officer (2006 – 2010)
Vice President (2010 – present)

7. **Military Service and Draft Status**: Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the military. I am not required to register for selective service.

8. **Honors and Awards**: List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Professional:
Brooklyn Law School Outstanding Woman Alumni (2012)
Elected as Member of the American Law Institute (2010)
Consultative Group Legal and Economic Principles of World Trade Law
Brooklyn Law School Professor of the Year Award (1999 – 2000, 2000 – 2001, 2001 – 2002)

Academic:
Brooklyn Law School, Dean's List
Stanley W. Nathanson Prize, Special Proficiency in the Study of Law
Jeffrey E. Rockwell Prize, International Law
Edith C. Blum Foundation Prize, Exceptional Achievement in the Study of Taxation

9. **Bar Associations**: List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association (1994 – present)

Customs and International Trade Bar Association (1995 – present)
Board Member (2004 – 2005, 2010 – present)
Chair, CITBA Judicial Selection Committee for the United States Court of International Trade (2004 – 2005)
Chair, Liaison with Other Bar Associations Committee (2010 – present)
Chair, *Ad Hoc* CITBA Sub-Committee on the Trade Adjustment Assistance Act (2004 – present)

New York City Bar Association
International Trade Committee (1999 – 2001; 2011 – present)

New York State Bar Association
International Trade Committee (1999 – 2009)
Co-Chair (2005 – 2009)

10. **Bar and Court Admission**:

a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

New York, 1994
New Jersey, 1994
Ohio, 2003

I resigned my New Jersey bar membership in 1995 because I did not practice in New Jersey. I resigned my Ohio bar membership in 2007 because I did not practice in Ohio.

b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Court of Appeals for the Federal Circuit, 1996
United States Court of International Trade, 1994
United States Court of Federal Claims, 1996

There have been no lapses in membership.

11. **Memberships**:

a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

10 Holder Apartments Corporation
Member, Board of Directors (2006 – present)
Officer (2006 – 2010)
Vice President (2010 – present)

American Society of International Law
Co-Chair, International Economic Law Group (2011 – 2013)
Co-Vice Chair, International Economic Law Group (2007 – 2010)

American Society of Comparative Law
Editorial Board Member (as representative for Brooklyn Law School) (2000-2011)

National Arts Club (2004)

Speak Up Long Island (support group for Families in the Deaf Community) (2010 – present)

United States Court of International Trade Bench & Bar Meeting Planning Committee (2003)

Women in International Trade (1997 – 2000)

b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. **Published Writings and Public Statements**:

a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

The Future of International Networks of Market Regulators and the Role of Stakeholders and Civil Society, in THE ACCOUNTABILITY OF FINANCIAL REGULATORS: LESSONS FROM THE FINANCIAL CRISIS (P. Iglesias-Rodriquez ed., forthcoming 2013). Copy supplied.

The Sociological Pull of Soft Law, 106 AM. J. INT'L L. (forthcoming 2013). Copy supplied.

Conceptions of Legitimacy Among International Entities in the Global Political Economy, in LAW, CONTESTATION, AND POWER IN THE GLOBAL POLITICAL ECONOMY (C. Cutler & E. Cohen eds., forthcoming 2012). Copy supplied.

Sungjoon Cho & Claire R. Kelly, *Are Global Trading Rules Passé?: Trade Anachronism and Its Discontents* (Soc'y of Int'l Econ. Law, Working Paper No. 2012/18, 2012). Copy supplied.

Claire R. Kelly, et al., 2012 PRIMER ON THE TRADE ADJUSTMENT ASSISTANCE ACT (2012). Copy supplied.

Sungjoon Cho & Claire R. Kelly, *Promises and Perils of New Global Governance: A Case of the G20*, 12 CHI. J. INT'L L. 491 (2012). Copy supplied.

VJIL Symposium: Doctor, Heal Thyself – A Commentary on Professor Sungjoon Cho's Critique of Shaffer and Trachtman, OPINIO JURIS (Apr. 12, 2012). Copy supplied.

If the Glove or Shoe Fits: Court of International Trade Invokes Totes-Isotoner and Rejects Another Equal Protection Exception for Customs Cases in Rack Room Shoes v. United States, 16 ASIL INSIGHTS 13 (Apr. 3, 2012). Copy supplied.

The Evolving International Trade Order: Global Sourcing and New Challenges to the WTO System, in WTO PUBLIC FORUM 2011: SEEKING ANSWERS TO GLOBAL TRADE CHALLENGES (2011). Copy supplied.

Dana Brakman Reiser & Claire R. Kelly, *Linking NGO Accountability and the Legitimacy of Global Governance*, 36 BROOK. J. INT'L L. 1011 (2011). Copy supplied.

Dana Brakman Reiser & Claire R. Kelly, *Introduction: Governing Civil Society*, 36 BROOK. J. INT'L L. 813 (2011). Copy supplied.

Financial Crises and Civil Society, 11 CHI. J. INT'L L. 505 (2011). Copy supplied.

Suzanne I. Offerman & Claire R. Kelly, *National Security Measures in Customs Law*, in LA ACTIVIDAD ADUANERA Y LOS RETOS DEL FUTURO (2011). Copy supplied.

The Politics of Legitimacy in the UNCITRAL Working Methods, in THE POLITICS OF INTERNATIONAL ECONOMIC LAW (T. Broude, M. Busch & A. Porges eds., 2011). Copy supplied.

The Brand X *Liberation: Doing Away with* Chevron*'s Second Step as well as Other Doctrines of Deference*, 44 U.C. DAVIS L. REV. 151 (2010). Copy supplied.

Introductory Note To The WTO Panel Report: United States - Anti-Dumping Measures On Polyethylene Retail Carrier Bags From Thailand, 49 I.L.M. 934 (2010). Copy supplied.

Court of Appeals for the Federal Circuit Announces Equal Protection Exception for Customs Cases: Totes-Isotoner v. United States, 14 ASIL INSIGHTS 12 (May 17, 2010). Copy supplied.

Roberta S. Karmel & Claire R. Kelly, *The Hardening of Soft Law in Securities Regulation*, 34 BROOK. J. INT'L L. 883 (2009). Copy supplied.

Steven A. Dean & Claire R. Kelly, *Introduction: Ruling the World*, 34 BROOK. J. INT'L L. 597 (2009). Copy supplied.

Institutional Alliances and Derivative Legitimacy, 29 MICH. J. INT'L L. 605 (2008). Copy supplied.

Understanding the Role of Global Governance Institutions in the Regulation of International Business Transactions (2008) (paper presented at the International Association of Law Schools Conference: The Law of International Business Transactions: A Global Perspective). Copy supplied.

Power, Linkage and Accommodation: The WTO as an International Actor and Its Influence on Other Actors and Regimes, 24 BERKELEY J. INT'L L. 79 (2006), *reprinted in* ICFAI Journal of Environmental Law (Vol. VI, No. 2, April, 2007). Copy supplied.

The Dangers of Daubert *Creep in the Regulatory Realm*, 14 J.L. & POL'Y 165 (2006), *reprinted in* 26 J. NAT'L ASS'N ADMIN. L. JUDGES 469 (2007). Copy supplied.

An Evolutionary Endeavour: Teaching Scholarly Writing to Law Students, 12 LEGAL WRITING 285 (2006). Copy supplied.

Enmeshment as a Theory of Compliance, 37 N.Y.U. J. INT'L L. & POL. 303 (2005). Copy supplied.

M. Page Hall, et al., PRIMER ON THE TRADE ADJUSTMENT ASSISTANCE PROGRAM (2005). Copy supplied.

The War on Jurisdiction: Troubling Questions About Executive Order 13303, 46 ARIZ. L. REV. 483 (2004). Copy supplied.

Realist Theory and Real Constraints, 44 VA. J. INT'L L. 545 (2004). Copy supplied.

Neil B. Cohen, et al., *Introduction*, 29 BROOK. J. INT'L L. 977 (2004). Copy supplied.

Anthony J. Sebok & Claire R. Kelly, *Does a Presidential Iraq Executive Order Take Away Tort Victims' Right To Sue?*, FINDLAW (Nov. 3, 2003). Copy supplied.

The Value Vacuum: Self-Enforcing Regimes and the Dilution of the Normative Feedback Loop, 22 MICH. J. INT'L L. 673 (2001). Copy supplied.

Remnants of Recent Customs Litigation: Jurisdiction and Statutory Interpretation, 26 BROOK. J. INT'L L. 861 (2001). Copy supplied.

Claire R. Kelly & Patrick C. Reed, *Once More Unto the Breach: Reconciling* Chevron *Analysis and* De Novo *Judicial Review After* United States v. Haggar Apparel Company, 49 AM. U. L. REV. 1167 (2000). Copy supplied.

Claire R. Kelly & Daniela Amzel, *Does the Commerce Clause Eclipse the Export Clause?: Making Sense of* United States v. United States Shoe Corp., 84 MINN. L. REV. 129 (1999). Copy supplied.

Book Note, 38 VA. J. INT'L L. 547 (1998) (reviewing Patrick C. Reed, THE ROLE OF FEDERAL COURTS IN U.S. CUSTOMS AND INTERNATIONAL TRADE LAW (1997)). Copy supplied.

b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

States' Rights v. International Trade: The Massachusetts Burma Law, Committee on Int'l Trade of the Ass'n of the Bar of the City of New York, 55 THE RECORD 553 (July/August 2000). Copy supplied.

c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

I have not given any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation to public bodies or public officials.

d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

October 2, 2012: I gave a talk to the International Trade Committee of the New York City Bar Association, on *What's New at the WTO.* Presentation supplied.

August 12, 2012: I served as the master of ceremonies at the Brooklyn Law School Convocation. Transcript supplied.

April 20, 2012: I presented my draft paper, *The Future of International Networks of Market Regulators and the Role of Stakeholders and Civil Society*, at a symposium entitled "The Accountability of Financial Regulators: Lessons from the Financial Crisis," sponsored by Maastricht University, in Maastricht, The Netherlands. PowerPoint supplied and paper supplied in response to Question 12a.

April 4, 2012: I introduced speakers and moderated a symposium sponsored by the Trade Secrets Institute entitled "Private Data/Public Good: Emerging Issues in Trade Secrets Law" at Brooklyn Law School in Brooklyn, New York. I have no notes, transcript, or recording. The address of the Trade Secrets Institute is 250 Joralemon Street, Brooklyn, NY 11201.

March 30, 2012: I participated in a panel discussion during the American Society of International Law Annual Meeting in Washington, DC, during which I summarized my draft paper, *The Sociological Pull of Soft Law*. Paper supplied in response to Question 12a.

February 29, 2012: I served as a commentator on Samuel Litton's article, US-Tuna *and the Hardening of International Soft Law*, during the International Law and Human Rights Scholarship Conference held in New York, New York and sponsored by New York University's Institute for International Law and Justice. My comments focused on the question of the legitimacy of decisions of the Appellate Body in the World Trade Organization. I have no notes, transcript, or recording. The address of the Institute for International Law and Justice is 139 MacDougal Street, 3rd Floor, New York, NY 10012.

February 14, 2012: I presented a working draft of my paper, *Are Global Trading Rules Passé?: Trade Anachronism and Its Discontents*, at the Chicago Kent School of Law in Chicago, Illinois. Paper supplied in response to Question 12a.

December 15, 2011: I moderated a panel discussion focusing on a review of current export control laws, entitled "Export Controls: What In-House and Outside Counsel Should Know for 2012," held in New York, New York. I have no notes, transcript, or recording. The event was sponsored by the New York State Bar Association, One Elk Street, Albany, NY 12207; the Customs and International Trade Bar Association, 220 Fifth Avenue, New York, NY 10001; and the Brooklyn Law School, 250 Joralemon Street, Brooklyn, NY 11201.

December 2, 2011: I moderated a panel discussion on "Institutional Responses to Financial Crisis" at a symposium sponsored by the International Economic Law Interest Group of the American Society of International Law entitled "Post-Crisis International Financial Regulation: Fragmentation, Harmonization and Coordination," at the Suffolk University School of Law in Boston, Massachusetts. I have no notes, transcript, or recording. The address of the American Society of International Law is 2223 Massachusetts Avenue, NW, Washington, DC 20008.

November 22, 2011: I served as a presenter at an event entitled, "Overview of Recent US Trade Agreements," sponsored by the International Trade Committee of the New York City Bar Association and held in New York, New York. My presentation focused on the Columbian and Korean Free Trade agreements and the negotiations of the Trans-Pacific Partnership. I have no notes, transcript, or recording. The address of the International Trade Committee is 42 West 44th Street, New York, NY 10036.

November 16, 2011: I was a panelist for a roundtable entitled "Quo Vadis Doha: The Doha Round & the Future of the World Trading System," sponsored by the Fordham International Law Journal, and held in New York, New York. DVD supplied.

November 5, 2011: I was a presenter at the American Society of International Law Inaugural Research Forum held in Los Angeles, California. My presentation, entitled "Breaking the Frame Between Public International Trade and Private International Business," focused on the development of trade networks to identify new approaches to complex trade problems and discussed a draft of my paper, *Are Global Trading Rules Passé?: Trade Anachronism and Its Discontents*. Paper supplied in response to Question 12a.

October 22, 2011: I moderated a panel discussion entitled "The Future of U.S. Trade Negotiations – What Is a 21st Century Trade Agreement?" during the 90th Annual Meeting of the American Branch of the International Law Association, held in New York, New York. The panel focused on the latest developments in U.S. trade negotiations, emphasizing recent bilateral and regional free trade agreements. I have no notes, transcript, or recording. The address of the American Branch of the International Law Association is 11510 Lake Potomac Drive, Potomac, MD 20854.

October 21, 2011: I moderated a "Safe Spaces Roundtable" where junior scholars presented works in progress on financial regulations and trade regulation and five senior scholars supplied feedback on substance and structure of their work. The event was sponsored by the International Economic Law Interest Group of the American Society of International Law and was held in Brooklyn, New York. I have no notes, transcript, or recording. The address of the American Society of International Law is 2223 Massachusetts Avenue, NW, Washington DC 20008.

October 21, 2011: I participated in a panel discussion entitled "International Financial Reform and the Domestic Response," during the 90th Annual Meeting of the American Branch of the International Law Association, held in New York, New York. My presentation focused on administrative law issues involved in financial regulation. I have no notes, transcript, or recording. The address of the American Branch of the International Law Association is 11510 Lake Potomac Drive, Potomac, MD 20854.

October 4, 2011: I was a guest speaker at the International Law Colloquium at Temple University Beasley School of Law in Philadelphia, Pennsylvania. My presentation focused on questions of legitimacy and accountability when norms arise in the international setting. I have no notes, transcript, or recording. The address of the Temple University Beasley School of Law is 1719 North Broad Street, Philadelphia, PA 19122.

September 20, 2011: I spoke on a panel entitled "The Evolving International Trade Order: The Global Sourcing and New Challenges to the WTO System," during the WTO Public Forum 2011, held in Geneva, Switzerland. I discussed the reality of global supply chains with respect to both valuation concerns and rules of origin. Report summarizing the panel supplied in response to Question 12a.

September 9, 2011: I was a presenter at the Center for International and Comparative Law New York Research Roundtable at St. John's University School of Law in New York, New York. My presentation was based on my paper, *Are Global Trading Rules Passé?: Trade Anachronism and Its Discontents*. Paper supplied in response to Question 12a.

August 15, 2011: I gave the opening remarks at the Brooklyn Law School Convocation. Speech supplied.

July 21, 2011: I presented a draft of my paper, *Promises and Perils of Global Governance: A Case of the G20*, at the Wharton Business School in Philadelphia, Pennsylvania. Paper supplied in response to Question 12a.

July 20, 2011: I participated in a seminar on International Trade Law and Policy sponsored by the United Nations Institute for Training and Research, held in New York, New York. PowerPoint supplied.

May 27, 2011: I presented a draft of my paper, *Promises and Perils of Global Governance: A Case of the G20*, at conference on "Financial Governance through Soft law and Insolvency Problems", at the University of Tartu, Talinn, Estonia. Paper supplied in response to Question 12a.

April 8-9, 2011: I was a discussant at the International Law / International Relations Workshop, sponsored by Temple University Beasley School of Law

and held in Philadelphia, Pennsylvania. My comments examined the usefulness of soft law instruments, or non-binding norms established in the international arena. I have no notes, transcript, or recording. The address of the Temple University Beasley School of Law is 1719 North Broad Street, Philadelphia, PA 19122.

April 4, 2011: I presented a draft of my paper, *Promises and Perils of Global Governance: A Case of the G20*, at the Brooklyn Law School International Economic Law Forum in Brooklyn, New York. Paper supplied in response to Question 12a.

March 17, 2011: I gave the Keynote Speech at KPMG's International Trade Update and Share Forum, entitled "Global Challenges Facing Importers and Exporters." The event was held in Hollywood, Florida. PowerPoint supplied.

March 7, 2011: I spoke at the International and Comparative Law Colloquium at George Washington University School of Law in Washington, DC. I presented a draft of my paper, *Promises and Perils of Global Governance: A Case of the G20*. Paper supplied in response to Question 12a.

January 18, 2011: I was a commentator on James Thuo Gathii speech at the International Law Colloquium at Temple University Beasley School of Law. My comments focused on the effect that regional trade agreements have on the multilateral trading regime. I have no notes, transcript, or recording. The address of the Temple University Beasley School of Law is 1719 North Broad Street, Philadelphia, PA 19122.

November 19, 2010. I was a panelist at the American Society of International Law International Economic Law Interest Group Biennial Conference held in Minneapolis, Minnesota. I presented a draft of my paper, *Promises and Perils of Global Governance: A Case of the G20*. Paper supplied in response to Question 12a.

November 18, 2010: I gave introductory remarks discussing the importance of the rule of law to development at the American Society of International Law International Economic Law Interest Group Biennial Conference held in Minneapolis, Minnesota. I have no notes, transcript, or recording. The address of the American Society of International Law is 2223 Massachusetts Avenue, NW Washington, DC 20008.

October 22, 2010: I was a panelist and moderator at a symposium co-sponsored by the Dennis J. Block Center for International Business Law and the *Brooklyn Journal of International Law* entitled "Governing Civil Society: NGO Accountability, Legitimacy and Influence" in Brooklyn, New York. DVD supplied.

September 30, 2010: I moderated a panel discussion at Brooklyn Law School entitled "Representing the Fashion Client" that dealt with intellectual property issues and customs and trade issues that face businesses in the fashion industry. I introduced the speakers and took questions from the audience. I have no notes, transcript, or recording. The address of the Brooklyn Law School is 250 Joralemon Street, Brooklyn, NY 11201.

September 17, 2010: I spoke on a panel entitled "The Role of the G20 in WTO Governance" during the WTO Public Forum 2010, held in Geneva Switzerland. I presented a draft of my paper, *Promises and Perils of Global Governance: A Case of the G20*. Paper supplied in response to Question 12a.

September 16, 2010: I spoke at a NCCR Research Series Lecture sponsored by the World Trade Institute held in Bern, Switzerland. I presented a draft of my paper, *Promises and Perils of Global Governance: A Case of the G20*. Paper supplied in response to Question 12a.

August 15, 2010: I gave the opening remarks at the Brooklyn Law School Convocation. I used the same speech materials supplied for the August 2011 Convocation.

June 3, 2010: I presented a draft of my paper, *Financial Crisis and Civil Society*, at the International Financial and Monetary Law Conference, sponsored by the Cardozo Law School in New York, New York. Paper supplied in response to Question 12a.

April 8, 2010: I spoke to law clerks at the United States Court of International Trade about careers in academia involving customs and trade law. I have no notes, transcript, or recording. The address of the Court of International Trade is 1 Federal Plaza, New York, NY 10278.

March 6, 2010: I served as a commentator on Joanna Langille's article, *Neither Constitution nor Contract: Reconceptualising the WTO by Examining Legal Limits on Contracting Out through RTA*, during the International Law and Human Rights Scholarship Conference held in New York, New York, and sponsored by New York University's Institute for International Law and Justice. My comments focused on the effect that regional trade agreements have on the multilateral system. I have no notes, transcript, or recording. The address of the Institute for International Law and Justice is 139 MacDougal Street, 3rd Floor, New York, NY 10012.

December 5, 2009: I was chair and commentator during a research forum on "Risk, Science and International Governance," held in Chicago, Illinois, and sponsored by the American Society of International Law's International Economic Law Interest Group. I commented on papers dealing with the Appellate Body's examination of scientific issues in the World Trade

Organization and focused on the importance of rigorous scientific support. I have no notes, transcript, or recording. The address of the American Society of International Law is 2223 Massachusetts Avenue, NW, Washington DC 20008.

October 23, 2009: I introduced a panel discussion on Trade and Climate Change at the 88th Annual Meeting of the American Branch of the International Law Association, held in New York, New York. The panel examined what WTO rules would confront various climate change proposals. I have no notes, transcript, or recording. The address of the American Branch of the International Law Association is 11510 Lake Potomac Drive, Potomac, MD 20854.

March 27, 2009: I gave a poster presentation on the topic of "Process, Politics and Legitimacy: The UNCITRAL Working Methods," during the 103rd Annual Meeting of the American Society of International Law, held in Washington, DC. Poster supplied.

November 14, 2008: I participated in a roundtable discussion during the American Society of International Law's International Economic Law Interest Group Biennial Conference held in Washington, DC. I presented a draft of my paper, *Institutional Alliances and Derivative Legitimacy*. Paper supplied in response to Question 12a.

November 11, 2008: I moderated a panel discussion sponsored by the New York State Bar Association for Customs Practice for In House Counsel. The panel addressed questions concerning classification, valuation, and country of origin of merchandise. I have no notes, transcript, or recording. The address of the New York State Bar Association is One Elk Street, Albany, NY 12207.

October 24, 2008: I presented a draft of my paper, *The Hardening of Soft Law in Securities Regulation*, at a symposium at Brooklyn Law School entitled "Ruling the World: Problems and Concerns of Generating International Legal Norms." Paper supplied in response to Question 12a. DVD supplied.

October 13, 2008: I participated in a panel discussion entitled "Update in Administrative Law" during the National Association of Administrative Law Judiciary 2008 Annual Conference in New York, New York. I discussed recent cases involving the *Chevron* doctrine. I have no notes, transcript or recording. The address of the National Association of Administrative Law Judiciary is 1001 Office Park Road, Suite 105, West Des Moines, IA 50265.

June 12, 2008: I gave a presentation during an American Law Institute course entitled "The UCC and Beyond: Current Developments in Commercial Law" held at the Fordham School of Law in New York, New York. My comments addressed recent cases decided under the Convention on the International Sale of Goods. PowerPoint supplied.

April 2007: I presented a draft of my paper, *Institutional Alliances and Derivative Legitimacy*, at the Dennis J. Block Center for the Study of International Business Law at Brooklyn Law School. Paper supplied in response to Question 12a.

January 2007: I presented a draft of my paper, *Institutional Alliances and Derivative Legitimacy*, at the Vanderbilt University Law School Roundtable. Paper supplied in response to Question 12a.

November 6, 2006: I participated in a panel discussion at the U.S. Court of International Trade 14th Judicial Conference on the Trade Adjustment Assistance program. Presentation supplied.

October 20, 2006: I was a commentator at a symposium at the Brooklyn Law School entitled "Bankruptcy in the Global Village: The Second Decade." I have no notes, transcript, or recording. The address of the Brooklyn Law School is 250 Joralemon Street, Brooklyn, NY 11201.

February 17, 2006: I was a speaker at the Legal Writing Symposium at the Brooklyn Law School. My speech was entitled, "Teaching Scholarly Writing." I have no notes, transcript, or recording. The address of the Brooklyn Law School is 250 Joralemon Street, Brooklyn, NY 11201.

February 3, 2006: I participated in a panel discussion entitled "Ethics in International Trade Cases" at the Georgetown University Law Center. I have no notes, transcript or recording. The address of the Georgetown University Law Center is 600 New Jersey Avenue, NW, Washington, DC 20001.

December 15-17, 2005: I gave a presentation on "Current Issues in the International Sale of Goods: Excused Performance, the CISG and the UCC" during an American Law Institute course in Washington D.C. entitled "The New Uniform Commercial Code." My comments addressed recent cases decided under the Convention on the International Sale of Goods. PowerPoint supplied.

December 15-17, 2005: I gave a presentation on "Hot Topics in Articles 3, 4 and 4A" during an American Law Institute course in Washington D.C. entitled "The New Uniform Commercial Code." My comments addressed recent letter of credit cases. I have no notes, transcript, or recording. The address of the American Law Institute is 4025 Chestnut Street, Philadelphia, PA 19104.

September 2005: I introduced speakers and moderated a panel during a symposium sponsored by the Brooklyn Law School entitled "War and Trade: Deconstructing the Difference." The symposium examined the connections between trade and war. I have no notes, transcript, or recording. The address of the Brooklyn Law School is 250 Joralemon Street, Brooklyn, NY 11201.

December 5-6, 2004: I presented a draft of my paper, *Institutional Alliances and Derivative Legitimacy*, at a symposium sponsored by the Bar Ilan University in Israel entitled "The WTO at a Crossroads." Paper supplied in response to Question 12a.

October 8, 2004: I made introductory remarks at a symposium sponsored by the Brooklyn Law School entitled "Intellectual Property Online: The Challenge of Multi-Territorial Disputes." The symposium focused on conflicts of law challenges involving cross border uses of intellectual property. I have no notes, transcript, or recording. The address of the Brooklyn Law School is 250 Joralemon Street, Brooklyn, NY 11201.

September 19, 2003: I made introductory remarks at a symposium sponsored by the Brooklyn Law School entitled "Creating and Interpreting Law in a Multilingual Environment." My introduction is supplied in response to Question 12a.

April 3, 2003: I participated in a panel discussion on "Free Speech in a World Without Borders" at the 13th Annual Conference on Computers, Freedom & Privacy. My comments focused on the use of the Internet in international business transactions and personal jurisdiction. I have no notes, transcript, or recording. I cannot locate an address for the Computers, Freedom & Privacy Conference, but the website for the conference is http://www.cfp.org/.

September 20, 2002: I introduced speakers and moderated a panel discussion during a symposium sponsored by the Brooklyn Law School entitled "Do Financial Supermarkets Need Super Regulators?" I have no notes, transcript, or recording. The address of the Brooklyn Law School is 250 Joralemon Street, Brooklyn, NY 11201.

August 5, 2002: I participated in a panel discussion at the Shanghai Municipal Economic Relations and Trade Commission in Shanghai, China. My comments focused on China's accession to the WTO and how that might affect U.S. interests. I have no notes, transcript, or recording. I believe the presentation was sponsored by The US-China Business Council, whose address is 1701 Beijing West Road, Room 1301, Shanghai, China 200040.

January 9, 2002: I served as a presenter at an event entitled, "What the WTO Means For Other Regimes," sponsored by the International Trade Committee of the New York City Bar Association and held in New York, New York. My presentation focused on the strength of the WTO dispute resolution system. I have no notes, transcript, or recording. The address of the International Trade Committee is 42 West 44th Street, New York, NY 10036.

March 23, 2001: I participated in a panel discussion on "International and Cross Border Internet Law: Customs Law Governing Cross Border Consumer

Purchases," sponsored by the New York State Bar Association. My comments reviewed the dutiability of Internet purchases under U.S. law. I have no notes, transcript, or recording. The address of the New York State Bar Association is One Elk Street, Albany, NY 12207.

November 9-10, 2000: I introduced speakers and moderated a panel discussion during a symposium sponsored by the Brooklyn Law School entitled "International Tax Policy in the New Millennium: The Pursuit of National Tax Policies in a Globalized Environment." I have no notes, transcript, or recording. The address of the Brooklyn Law School is 250 Joralemon Street, Brooklyn, NY 11201.

December 7, 1999: I presented a draft of my paper, *Remnants of Recent Customs Litigation: Jurisdiction and Statutory Interpretation*, at the U.S. Court of International Trade 11th Judicial Conference. Paper supplied in response to Question 12a.

For several years, I served as a bar lecturer for Kaplan, Inc. on the topics of New York Practice Civil Rules and Administrative Law. Specifically, I have given twice-yearly live lectures on New York Practice Civil Rules since June 2008. I do not prepare my own outlines for these lectures, and have no transcript or recording. In 2008 and 2011, I recorded a lecture on the same topic for general bar takers. 2011 DVDs supplied. In 2010, I recorded two other lectures on the same topic – one for LLM students and one Q&A session. DVDs supplied. Finally, I prepared and taped a lecture on Administrative Law in 2010. Outline and DVD supplied.

e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Andrew Keshner, *Brooklyn Dean Campaigns for Graduate Employment*, N.Y. L.J. (Oct. 16, 2012). Copy supplied.

IBL Roundtable: Inside Customs and Border Protection Today: Recent Developments, Issues, and Concerns, BROOKLYN LAWNOTES, Fall 2012. Copy supplied.

Benjamin Falber '12 Wins Two National Writing Competitions, Brooklyn Law School Website, News & Events (June 22, 2012). Copy supplied.

Erin Shinneman '11 Places Second in Brown Award for Excellence in Legal Writing, Brooklyn Law School Website, News & Events (Nov. 11, 2011). Copy supplied.

Block Center Launches Innovative Trade Secrets Institute, BROOKLYN LAWNOTES, Fall 2011. Copy supplied.

The Tax Man: Professor Martin Hauptman '65 Retires, BROOKLYN LAWNOTES, Fall 2011. Copy supplied.

David A. Shapiro, *After Two Promising Candidates Walk Away, Committee Resumes Search for New Dean*, BLS ADVOCATE (Aug. 31, 2011). Copy supplied.

Brooklyn Law School Launches Trade Secrets Institute, Brooklyn Law School Website, News & Events (June 21, 2011). Copy supplied.

Conversation with Prof. Claire Kelly (June 9, 2011). Podcast available at: http://blslibraryblog.blogspot.com/2011/06/episode-066-conversation-with-prof.html.

Lindsey A. Zahn '12 Wins Trandafir International Business Writing Competition, Brooklyn Law School Website, News & Events (June 7, 2011). Copy supplied.

Fashion Week Comes to Brooklyn Law School, Brooklyn Law School Website, News & Events (Nov. 09, 2010) (edited version reprinted in BROOKLYN LAWNOTES, Spring 2011). Copy supplied.

Brooklyn Law School Community Mourns the Loss of Irina Shekhets '10, Brooklyn Law School Website, News & Events (Aug. 25, 2010). Copy supplied.

New York Civil Practice with Prof. Claire Kelly, Brooklyn Law School Website, Media Gallery (2009). Video available at: http://www.brooklaw.edu/newsandevents/mediagallery/Videos/classroomvideos/kelly/kelly.aspx.

Claire R. Kelly, BROOKLYN LAWNOTES, Winter 2007-08. Copy supplied.

Law School Honors Professors on Their Retirement: BLS Was Home to Professors Poser and Comerford for Decades, BROOKLYN LAWNOTES, Winter 2007-08. Copy supplied.

Claire R. Kelly, BROOKLYN LAWNOTES, Fall 2003. Copy supplied.

Claire R. Kelly, BROOKLYN LAWNOTES, Winter 1998. Copy supplied.

13. **Judicial Office**: State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not held judicial office.

a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____

   i. Of these, approximately what percent were:

jury trials:	___%
bench trials:	___% [total 100%]
civil proceedings:	___%
criminal proceedings:	___% [total 100%]

b. Provide citations for all opinions you have written, including concurrences and dissents.

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

e. Provide a list of all cases in which certiorari was requested or granted.

f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not served as a judge.

a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;

b. a brief description of the asserted conflict of interest or other ground for recusal;

c. the procedure you followed in determining whether or not to recuse yourself;

d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. **Public Office, Political Activities and Affiliations**:

a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have never held political office or been a candidate or nominee for elective or appointed office.

b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

In 2011, I helped to organize a fundraiser for Jonathan Sennett, a law school classmate who was running for District Attorney in Ulster County, New York. I called and emailed former classmates of ours to see if they would attend a benefit for Jon at a New York restaurant. I had no title and no other role in the campaign.

16. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I did not serve as a law clerk to a judge.

ii. whether you practiced alone, and if so, the addresses and dates;

I have never practiced alone.

iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

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Coudert Brothers (no longer in existence)
1114 Avenue of the Americas
New York, New York 10036
Consultant (1997 – 2000)
Associate (1993 – 1997)

2006
Pino & Associates, LLP
50 Mail Street
White Plains, New York 10606
Consultant

2010
DiNicola Law Offices
Ronald A. DiNicola, P.C.
1001 State Street, Suite 1400
Erie, Pennsylvania 16501
Consultant

2008 – 2012
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Alpharetta, Georgia 30005
Bar Lecturer

1996 – present
Brooklyn Law School

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Professor of Law (2008 – present)
Associate Professor of Law (2005 – 2008)
Assistant Professor of Law (2003 – 2005)
Acting Assistant Professor of Law (2000 – 2002)
Instructor of Law (1997 – 2000)
Adjunct Instructor of Law (Spring 1996, Spring 1997)

iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have never served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

i. the general character of your law practice and indicate by date when its character has changed over the years.

When I started at Coudert Brothers as an associate in 1993, I worked in the Customs and International Trade Department of the New York firm. Throughout my four years as an associate, my practice had three components: a litigation component, an administrative adjudication component, and a client audit and counseling component. I conducted general research in connection with several litigation matters. I drafted motions and pleadings. I drafted administrative filings that included protests, applications for further review, requests for penalty mitigation, prior disclosures, and responses to requests for information. I also conducted internal audits of many companies to ascertain whether they were in compliance with customs, trade and other regulatory requirements and to identify potential duty savings opportunities.

As a consultant I worked on a case involving the Convention on the International Sale of Goods. I gave my opinion regarding whether the Convention by its terms applied to a sale of goods between two companies. I also consulted on a proceeding challenging the denial of certification under the Trade Adjustment Assistance Act. I gave my opinion regarding what was required under the Act in order to successfully claim benefits.

ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

Throughout my career, my typical clients were importers and exporters of merchandise. Some clients were U.S.-owned companies and some were foreign-owned companies. These clients imported a variety of goods, from industrial goods used by other companies (i.e., ball bearings) to consumer goods (i.e., watch importers and textile and clothing importers). I specialized in customs and trade law. Most of my work focused on: classification of merchandise, country of origin marking laws, customs valuation of merchandise, admissibility of merchandise, agency contracts, trademark and copyright protection, illegal transshipment, drawback, quota, and visa restrictions, anti-boycott regulations, the interpretation of and compliance with bilateral and multilateral trade agreements, qualification for special tariff programs (Generalized System of Preferences, U.S./Canada, U.S./Israel, NAFTA, American Goods Returned), Federal Trade Commission import regulations, Fish & Wildlife regulations, FDA requirements, and the resolution of seizure, penalty, and liquidated damage cases.

c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

About a third of my practice involved litigation. In addition, about a third of my practice involved informal adjudication before the United States Customs Service (the predecessor to Customs and Border Protection). This informal adjudication took the form of ruling requests, protests, applications for further review, prior disclosures, and administrative penalty proceedings.

I was rarely in court. My practice was mostly before the United States Court of International Trade, which has trials only infrequently. I was in court for a small number of motions. Much of the litigation in which I was involved was conducted on the pleadings and briefs without the need for court appearances.

i. Indicate the percentage of your practice in:
   1. federal courts: 50%
   2. state courts of record: 0%
   3. other courts: 0%
   4. administrative agencies: 50%

ii. Indicate the percentage of your practice in:
   1. civil proceedings: 98%
   2. criminal proceedings: 2%

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have not tried a case to verdict.

i. What percentage of these trials were:
   1. jury: 0%
   2. non-jury: 0%

e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

17. **Litigation**: Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

a. the date of representation;

b. the name of the court and the name of the judge or judges before whom the case was litigated; and

c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *U.S. Shoe Corp. v. United States*, 19 C.I.T. 1284 (1995), *aff'd*, 113 F.3d 1564 (Fed. Cir. 1997), *aff'd*, 523 U.S. 360 (1998).

Exporters of merchandise from the United States challenged the Harbor Maintenance Tax under the Export Clause of the United States Constitution. The Harbor Maintenance Tax imposed a charge on every shipper of merchandise into, out of or within U.S. harbors. The charge was based on a percentage of the value of the shipment. The court used its "test case" procedures to administrator the case. Hundreds of exporters were represented by a number of firms. All of the counsel consulted on the main brief and *amici curiae* also filed briefs on behalf of their clients. Coudert Brothers represented over one hundred exporters. I worked on the administrative filings, and the briefs in the United States Court of International Trade and the Court of Appeals for the Federal Circuit. After I left practice for academia, the case went to the Supreme Court, which affirmed the findings of the lower courts that the charge did indeed violate the Export Clause. I worked on this case from 1994 to 1997. This case was heard by Judges DiCarlo, Restani, and Musgrave of the United States Court of International Trade.

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2. *Baxter Healthcare Corp. v. United States*, 20 C.I.T. 552 (1996)

This case addressed whether the challenges to the Harbor Maintenance Tax under the Export Clause of the United States Constitution should be heard via a class action vehicle or in the United States Court of International Trade under its test case procedures. Coudert Brothers represented over one hundred exporters in the HMT cases arguing for use of the court's test case procedures. I conducted research for the case. Ultimately, the court denied class certification and opted to use its test class procedures. I worked on this case from 1994 to 1997. This case was heard before Judge Restani of the United States Court of International Trade.

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3. *United States v. Nippon Miniature Bearing, Inc.*, 22 C.I.T. 147 (1998).

The United States Customs Service brought a penalty case against our client, Nippon Miniature Bearing, Inc. (NMB), pursuant to 19 U.S.C. § 1592. Customs claimed that NMB made material false statements in connection with its importation of ball bearings. NMB claimed that its statements were not false or misleading and also counterclaimed that Customs lacked authority to bring an action based on statements made to customers in catalogs and not in connection with the importation of the goods. NMB and Customs both moved for summary judgment on their respective claims. I worked on this case from 1996 to 1997. I conducted research in the case, met with the client and assisted in the drafting of the pleadings and briefs. The case was heard by Judge Pogue of the United States Court of International Trade. Judge Pogue denied both motions for summary judgment. It is my understanding that after I left the firm the case settled prior to trial.

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4. *Nippon Miniature Bearing, Inc. v. Wesie, et al.*, Docket No. 2:96-cv-08837-RSWL-AJW (C.D. Cal. 1997).

Our client, Nippon Miniature Bearing, Inc. (NMB) sued the United States Customs Service challenging the legality of Customs' seizures of its ball bearings and its imposition of administrative penalties. NMB argued that it never made any material misstatements to Customs and therefore Customs was without authority to seize its goods or impose administrative penalties. The district court dismissed NMB's case for lack of subject matter jurisdiction. I worked on this case in 1997. I conducted research in the case and assisted in the drafting of the pleadings and briefs. The case was heard before Judge Lew of the United States District Court for the Central District of California.

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5. *Rheem Closures PTE v. Amer. Flange & Mfg.*, Docket No. 2:94-cv-08130 (C.D. Cal. Dec. 2, 1994)

This litigation involved a motion for a preliminary injunction. We represented Rheem Closures PTE. The action, which involved a trademark dispute, was subsequently settled pursuant to a settlement agreement which contained a confidentiality clause so that I cannot discuss the details of the case beyond what is available in the public record. I worked on this case in 1994 to 1995. I performed legal research, assisted in drafting the

motion papers and participated in settlement negotiations. The case was heard by Judge Wilson of the United States District Court for the Central District of California.

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6. *Paradis v. Arave*, *Paradis v. Arave*, 20 F.3d 950 (9th Cir. 1994)

Paradis was on death row in Idaho and claimed he was denied effective assistance of counsel and that he was innocent. There were many motions in the case. I worked on research and motions in connection with his habeas petition, which was denied. I also worked on efforts to secure a pardon for Paradis. After I left Coudert, Paradis secured a pardon and was released from prison. I worked on this case from 1994 to 1997. The case was heard by Judge Alarcon and Judge Beezer of the U.S. Court of Appeals for the Ninth Circuit, and Judge Nielsen, of the Southern District of California, sitting by designation.

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7. *Semperit Industrial Products v. United States*, 855 F. Supp. 1292 (C.I.T. 1994).

The case involved the classification of imported conveyor belts. Our client protested Customs' classification based upon our argument that the putative tariff term did not extend to our product. I researched the tariff term under the Harmonized Tariff Schedule, as well as the predecessor statute to the Harmonized Tariff Schedule, the Tariff Schedule of the United States. The CIT ordered judgment in favor of our client. I worked on this case in 1994. It was heard before Judge Carman of the United States Court of International Trade.

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8. *Park B. Smith, Ltd. v. United States*, 25 C.I.T. 506 (2001), *aff'd in part and vacated in part*, 347 F.3d 922 (Fed. Cir. 2003).

This case involved the classification of a variety of products. Our client Park B. Smith argued that the products, which were decorated with various holiday themes (e.g., Santa Claus's face), were duty-free under a festive article provision of the Harmonized Tariff Schedule of the United States. Customs had classified the imports under their generic classification (e.g., placemats and tablecloths). I left the firm before the case proceeded to trial, but beginning in 1994 I researched all the relevant issues and filed the administrative protests and complaint in connection with many of the entries. Ultimately, the CIT found in favor of our client as to most of the products at issue. I worked on this case in from 1993 to 1997. The case was heard by Judge Goldberg of the United States Court of International Trade.

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9. *George E. Warren Corp. v. United States*, 201 F. Supp. 2d 1366 (C.I.T. 2002).

This case involved claims that our client, an importer of petroleum, could claim drawback on Harbor Maintenance Taxes and certain environmental taxes. I conducted research concerning the drawback laws and helped to file the complaint. Ultimately the plaintiff was unsuccessful in its suit. I worked on this case in 1997 when it was still an administrative matter. The case was heard by Judge Restani of the United States Court of International Trade.

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10. *Swisher Int'l, Inc. v. United States*, 25 C.I.T. 1355 (2001).

This case involved a claim that prejudgment interest was due on Harbor Maintenance Taxes that were found unconstitutional and subsequently refunded. Coudert Brothers represented hundreds of exporters in the HMT cases. I conducted research and assisted with pleadings. Ultimately, the court found that prejudgment interest was not authorized. I worked on this case froom 1995 to 1997. This case was heard by Judge Restani of the United States Court of International Trade.

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18. **Legal Activities**: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

While in practice I worked on a number of litigation matters that did not proceed to trial or proceeded to trial after I had left the firm. A number of these cases involved the classification of merchandise. I conducted extensive research regarding the meaning of various tariff terms and the application of the interpretive rules that would be applied by the Court of International Trade should the matter proceed to trial. I worked extensively

on a series of cases involving the Harbor Maintenance Tax imposed on imports, exports, and domestic shipments of merchandise moving through U.S. ports. I researched case law dealing with the Export Clause and the Import-Export Clause of the United States Constitution. I drafted administrative filings as well as pleadings and briefs in the Court of International Trade. I worked extensively on a penalty cases involving the importation of ball bearings and a related case challenging the authority of the Customs Service to take action against particular imports. I researched the law and participated in all aspects of these cases at the administrative level. I prepared pleadings and briefs for the Court of International Trade.

I was the primary associate responsible for several administrative audits of importers which involved the application of a number of important customs and trade law issues including the country of origin laws, valuation laws, NAFTA, anti-dumping laws, and the regulations involving the prior disclosure of customs violations.

While in academia I have worked extensively on the Trade Adjustment Assistance Project of the Customs and International Trade Bar Association. Over the past seven years I have followed the legislative changes and the case law involving nearly every issue confronted by the Court of International Trade and the Court of Appeals for the Federal Circuit in TAA cases. I have overseen the preparation of two handbooks detailing the filing of administrative proceedings and the case law from the Court of International Trade and the Court of Appeals for the Federal Circuit. I have written about and participated in a panel discussion concerning judicial review of customs cases in the Court of International Trade. I have helped prepare and participated in presentations co-sponsored by various bar associations related to customs and trade practitioners. I have also served as an Associate Director and a Co-Director of the Dennis J. Block Center for the Study of International Business Law. The Center organizes a wide range of international business law programs on subjects such as trade, finance, commercial law and intellectual property, for students, faculty and members of the practice community.

19. **Teaching**: What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

Administrative Law
Brooklyn Law School, Summer 2000, Spring 2003, Spring 2004, Spring 2005, Spring 2006, Fall 2007, Fall 2008, Spring 2008, Spring 2011
This course addresses the nature and functioning of federal and state administrative agencies, its dominant theme being the relationship between the administrative process and the judicial system. Accordingly, the course covers such topics as: whether the judiciary can review administrative action, the scope of review, who can obtain it and against whom, and when review can be sought and granted. Also covered is an overview of the federal administrative system. Spring 2011 syllabus supplied.

Administrative Law Writing Practicum
Brooklyn Law School, Spring 2007
This course was an intensive writing course which allowed students from the administrative law class to draft legislation, notices of proposed rulemaking, comments to rulemaking and administrative petitions. Syllabus supplied.

Advanced Legal Writing: Scholarly Writing I
Brooklyn Law School, Fall 1999, Fall 2000
Advanced Legal Writing: Scholarly Writing II
Brooklyn Law School, Spring 2000, Spring 2001
This was a year-long course in which non-journal students learned how to write a student note and then wrote one. No syllabus available.

Civil Procedure I
Brooklyn Law School, Fall 2000
This course was the basic first year course on federal civil procedure covering subject matter jurisdiction, personal jurisdiction, provisional remedies, and motions. No syllabus available.

European Union Law
Brooklyn Law School, Spring 2012, Fall 2012
The course covers the fundamentals of the legal structure of the European Union, with particular emphasis on the law-creating pillar of the Union, the European Community. It also devotes some attention to the legal provisions for the creation and operation of the European common market. Fall 2012 syllabus supplied.

Fundamentals of Law Practice 1: Writing, Analysis, Research and Skills
Brooklyn Law School, Fall 1997, Fall 1998, Fall 1999
This course provided students with practical experience in writing and researching legal problems. The course focused on analytic skills necessary for a predictive memo: reading case law critically, identifying rules and synthesizing cases, interpreting statutes, drawing analogies between case law and a legal problem, identifying key facts, and organizing information effectively. No syllabus available.

Fundamentals of Law Practice 2: Writing, Analysis, Research and Skills,
Brooklyn Law School, Spring 1996, Spring 1997, Spring 1998, Spring 1999, Spring 2000
In the spring semester, students consolidated the writing, analytic and research skills they learned in the fall semester, but also learned the art of written and oral persuasion. The course focused on the trial motion, and students were introduced to the format and purpose of a trial motion and the rules defining the standards for those motions. They then wrote a summary judgment motion, critiqued each other's motions, and presented an oral argument. No syllabus available.

International Business Transactions
Brooklyn Law School, Fall 2001, Fall 2002, Fall 2003, Spring 2003, Fall 2004, Spring 2004, Spring 2005, Fall 2006, Spring 2007, Fall 2007, Spring 2007, Fall 2008, Spring 2008, Fall 2011
This course analyzes the international law, United States law, and selected foreign law issues regarding doing business abroad. Problems such as international sales contracts, choice of law, letters of credit, international transportation and insurance, customs law, tariffs, import relief, export licensing, international boycotts, foreign corrupt practices, antitrust, extraterritorial regulation, trade in services, joint ventures, licensing of intellectual property and foreign investment issues are discussed. Fall 2011 syllabus supplied.

International Sales
Summer 2007 University of Bologna (as part of a summer program with Brooklyn Law School)
This course covered the Convention on the International Sales of Goods including scope, applicability, offer, acceptance, damages and remedies. Syllabus supplied.

International Trade Law
Brooklyn Law School, Spring 2001, Summer 2001 and 2002 (University of Business and Economics in Beijing China as part of a Brooklyn Law School Summer Program), Fall 2005, Fall 2006, Fall 2009, Fall 2011, Spring 2011, Fall 2012
This course covers the regulation of international trade at the international level by organizations such as the World Trade Organization, at the regional level by such arrangements as the North American Free Trade Agreement, and at the national level by the United States and its principal trading partners – the European Union and Japan. Topics include the constitutional allocation of authority over international trade in the United States, customs law, non-tariff barriers, import relief measures, government procurement, trade in services, regional economic integration, and the need to examine trade issues in relation to such issues as the environment, protection of intellectual property rights, foreign investment, and competition law. Fall 2012 syllabus supplied.

New York Civil Practice
Brooklyn Law School, Fall 2002, Spring 2002, Fall 2003, Spring 2003, Fall 2004, Spring 2009, Fall 2009, Fall 2010
New York Civil Practice I
Brooklyn Law School, Fall 2001
New York Civil Practice II
Brooklyn Law School, Spring 2002
The practice in civil cases in New York under the Civil Practice Law and Rules and related statutes are studied, including the structure and jurisdiction of New York courts, the commencement of actions, joinder of parties and causes of action, res judicata, statutes of limitation, pleadings, motion practice, accelerated

judgment, disclosure devices, provisional remedies, trial practice, judgments and their enforcement, and special proceedings. Fall 2010 syllabus supplied.

Summer Legal Process
Brooklyn Law School, Summer 2003
This class was offered to entering students during the summer before their first year of law school to prepare them for the academic rigors of law school. The course covered case law development using problems that arise in torts and property. Syllabus supplied.

20. **Deferred Income/ Future Benefits**: List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

    I have no sources of anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which I expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers.

21. **Outside Commitments During Court Service**: Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

    I do not have any current plans; however, I greatly enjoy teaching law students and I would certainly consider teaching an evening class as an adjunct if the opportunity arose.

22. **Sources of Income**: List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding $500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

    See attached Financial Disclosure Statement

23. **Statement of Net Worth**: Please complete the attached financial net worth statement in detail (add schedules as called for).

    See attached Net Worth Statement.

24. **Potential Conflicts of Interest**:

    a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest

when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

My brother, Denis G. Kelly, is an attorney who practices in New York. His practice is almost exclusively in state court and to my knowledge he does not represent clients who would have matters before the United States Court of International Trade. If one of his clients did have a matter before the United States Court of International Trade, I would recuse myself. It is possible that a potential conflict of interest could arise with regard to a case involving a former client of Coudert Brothers on whose matters I had worked. If that were to happen I would recuse myself.

b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed I would follow the Code of Conduct for United States Judges, as well as any other applicable ethical rules or statutes.

25. **Pro Bono Work**: An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

While I was in practice I worked on the case of Donald M. Paradis, a death row inmate in Idaho. I began working on the case when I was a summer associate in 1992 and continued when I was at Coudert Brothers full time for the entire time I was an associate. I estimate that I spent at least 100 hours annually on the case. I did research regarding various motions for ineffective assistance of counsel and requests for evidentiary hearings. I did research in connection with his habeas petition. I also spent a good deal of time working on research in connection with a pardon. After I left Coudert Brothers, Mr. Paradis was eventually pardoned by the State of Idaho.

Since I have been in academia, I have not represented clients pro bono but I have devoted considerable time to preparing materials that will assist other attorneys in Trade Adjustment Assistance (TAA) Act Cases. The TAA Act is a remedial statute meant to assist workers who have lost their jobs as a result of increased imports or shifts in production or services. Workers seeking benefits under the TAA seek them through the Labor and Agriculture Departments. If their petitions are denied they may appeal to the United States Court of International Trade. Attorneys admitted to the United States Court of International Trade represent these petitioners *pro bono*. Many attorneys handling these cases are unfamiliar with the administrative process and the CIT case law. Starting in 2004, I chaired the Customs and International Trade Bar Association Ad Hoc TAA Subcommittee. We produced a detailed primer on handling TAA cases, *Primer on the Trade Adjustment Assistance Program* (Customs & International Trade Bar Association, Subcommittee on Trade Adjustment Assistance 2005) and ran a CLE program along with

a representative from the Department of Labor to educate the legal community on handling these cases. We have just recently produced a new primer current as of 2012 (*2012 Primer on the Trade Adjustment Assistance Act*). On both primers I was the primary author although I received wonderful help from colleagues in the bar as well as law students, all of whom are listed as contributors. As a result of this work, over the years I have received numerous calls for advice and guidance from attorneys and one clinic (at Yale Law School) representing TAA petitioners. I would estimate that each year I spend at least 100 hours on the TAA project.

26. **Selection Process**:

a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

I am a member of the Customs and International Trade Bar Association (CITBA) and a member of its Board. When I had heard that there were vacancies at the United States Court of International Trade, I forwarded my resume and an expression of interest to the Chair of the CITBA Judicial Selection Committee, Elizabeth Drake. She subsequently forwarded my name and resume to the Office of Legal Policy at the Department of Justice. Since July 3, 2012, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On September 7, 2012, I met with officials from the White House Counsel's office and the Department of Justice in Washington, DC. On November 14, 2012, the President submitted my nomination to the Senate.

b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

AFFIDAVIT

I, Claire R. Kelly, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

11/15/2012
(DATE)

Cla R Kelly
(NAME)

(NOTARY)

FRANCES J. BUONAROTA
Notary Public, State of New York
No. 01BU5080231
Qualified in New York County
Commission Expires June 16, 2015