



Curtis M. Dombek

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PRACTICE AREAS

- Government Contracts, Investigations & International Trade
- Communications
- International Practice

INDUSTRIES

- Aerospace and Defense
- Communications
- Fashion, Apparel and Beauty
- Outsourcing

OVERVIEW

Curt Dombek is a partner in the Government Contracts and Regulated Industries Practice Group, based in Los Angeles who spends time in the Firm's London office.

Areas of Practice

Mr. Dombek has practiced since 1983 in the field of international trade. He advises clients on the full range of international regulatory issues, including civilian and military export controls, trade sanctions and blocking orders, Customs matters, the Foreign Corrupt Practices Act, the USA Patriot Act, Free Trade Agreements, CFIUS reviews of foreign investment in the United States, the antiboycott regulations and the US-EU privacy safe harbor. He handles export control compliance and other international matters for multinationals in the telecommunications, computer hardware and software, aerospace and defense, energy, pharmaceutical, chemical, electronics and fashion and apparel industries.

Mr. Dombek has designed international compliance programs and advised on complex questions of international compliance for companies with operations throughout the United States and the European Union as well as in Asia, Latin America and the Middle East. Assisting companies in complying with the detailed export controls on encryption and telecommunications technology is a significant part of his practice, as is the regulatory compliance relevant to outsourcing of design and production activities to India and China.

Mr. Dombek has represented clients in many high-profile international trade cases. In Kuwait, he represented the Kuwait government in the preparation and submission of its Gulf War claims to the United Nations Compensation Commission. Mr. Dombek has conducted many depositions and other investigative and discovery proceedings overseas and has represented domestic and foreign clients in ICC, LCIA and ad hoc arbitrations in Europe and the Far East as well as the United States. He has addressed international conferences and published articles on a variety of international legal topics.

EDUCATION

- J.D., Harvard University, 1983, *magna cum laude*
- A.B., Harvard University, 1980, *magna cum laude*, with highest honors

ADMISSIONS

- California
- District of Columbia
- Missouri
- U.S. Supreme Court
- U.S. Courts of Appeals for the Eighth, Ninth and District of Columbia Circuits
- U.S. District Courts for the Central District of California and District of Columbia
- U.S. Court of International Trade

LANGUAGES

- German

EXPERIENCE**Representative Engagements***Export Controls*

- Defended a U.S. high-tech manufacturer in a highly publicized U.S. government export enforcement proceeding leading to dismissal of criminal charges
- Advised on export control compliance safeguards in an avionics joint venture for a new Chinese commercial jet program
- Conducted global export control review under EAR and ITAR for a multinational construction engineering firm
- Prepared global export compliance procedures for a multinational pharmaceutical manufacturer
- Advised an Asian satellite company concerning various ITAR compliance matters
- Advised a U.S. satellite company concerning subcontracting subject to ITAR and commodity jurisdiction requests
- Advised a U.S. laser manufacturer concerning export classification and licensing issues relating to Israel and China
- Prepared an export compliance program for EU R&D programs of a large, global telecommunications equipment manufacturer
- Advised numerous semiconductor and electronics manufacturers on technical classification issues under Categories 3 and 5 of the CCL and EU Control List
- Counseled a Fortune 100 electronics company on a wide range of U.S., EU and Chinese encryption control issues
- Counseled a Fortune 100 aerospace company concerning civilian and military export control matters, including controls relating to encryption and composites
- Reviewed and implemented global TAA and MLA compliance for a U.S.-based services firm supporting foreign production of military aircraft components on numerous U.S. programs
- Performed a global review of military and civilian export compliance for a leading U.S. government contractor with thousands of employees in foreign locations
- Assisted a U.S.-based medical device manufacturer with worldwide export of products incorporating encryption features
- Represented a manufacturer of high-speed microprocessors in ITAR classification of specialized microprocessors

- Provided a series of civilian and military export control training programs to global telecommunications hardware and software manufacturers
- Advised various Fortune 500 companies in the electronics, aerospace and computer industries concerning export controls for joint ventures and subsidiary operations in China, including compliance with special U.S. export restrictions applicable to China
- Implemented a global export compliance system for a U.S. computer manufacturer
- Conducted a global export investigation for a U.S. telecommunications company involving the gathering of evidence and interviewing of witnesses in the United States, Singapore, New Delhi, Amsterdam and Frankfurt
- Advised a Fortune 500 chemical company concerning export and technology transfer issues related to construction of a manufacturing facility in Brazil
- Obtained one of the first licenses for export and reexport of telecommunications equipment for Libya's mobile phone network following the end of U.S. Libyan sanctions
- Designed and implemented a global export and import compliance system for a U.S.-based telecommunications equipment manufacturer

Economic Sanctions, USA Patriot Act and Antiboycott Compliance

- Successfully defended a U.K.-based multinational professional services firm in a U.S. sanctions investigation
- Counseled multinational telecommunications services providers in Asia and Latin America concerning the latest U.S. and multilateral sanctions affecting telecommunications operations relating to Iran, Burma, North Korea, Syria and Cuba
- Counseled one of the world's largest offshore drilling companies concerning a variety of international financial, contractual, management and staffing issues related to compliance with U.S. economic sanctions
- Designed appropriate USA Patriot Act due diligence procedures, representations and warranties for a Middle Eastern financial institution with U.S. real estate investments
- Counseled one of the world's largest oilfield services companies on issues relating to compliance with U.S. economic sanctions relating to Libya
- Designed a global economic sanctions compliance program for a U.S.-based real estate services firm
- Conducted an internal investigation, voluntary OFAC disclosure and settlement of charges (for less than 1% of maximum penalty exposure) for an internet-based provider of travel reservations services
- Successfully represented a U.S. based research chemicals company and its Canadian subsidiary in a Canadian dispute relating to compliance with the U.S. Cuban sanctions and Canada's Foreign Extraterritorial Measures Act
- Prepared foreign sovereign immunity defense for a Japanese state-owned company in a U.S. economic sanctions investigation
- Defended one of the largest U.S. banks in a Treasury Department sanctions enforcement case leading to favorable settlement of proposed penalties
- Defended a European manufacturer in one of the largest U.S. government antiboycott investigations ever conducted
- Counseled multinationals in the telecommunications, cosmetics and paper pulp industries with regard to the antiboycott regulations and the reporting of boycott-related requests

Foreign Corrupt Practices Act

- Conducted an FCPA investigation involving Ecuador, Peru and Venezuela on behalf of the U.S. oil and gas subsidiary of one of Japan's largest corporations
- Conducted a global FCPA investigation for a multinational consumer products company with the gathering of evidence and interviewing of witnesses in Asia, Europe and Latin America
- Conducted an FCPA investigation in Mexico on behalf of a Fortune 100 electronics manufacturer
- Counseled the U.S. subsidiary of a multibillion dollar consumer and luxury brands company concerning FCPA issues, including design of a corporate FCPA compliance system
- Counseled a U.S. telecommunications software company with respect to FCPA compliance matters, including the design of its corporate compliance program and recurring FCPA training
- Advised a U.S.-based energy company concerning FCPA compliance issues in Australia, including analysis of Australia's counterpart to the FCPA
- Advised a U.S.-based chemical manufacturer concerning FCPA compliance issues arising in Southeast Asia
- Designed an FCPA and foreign anti-corruption law compliance program for Israeli based manufacturer of security equipment
- Designed an FCPA compliance program for a leading French manufacturer and retailer of consumer products
- Designed an FCPA and Chinese anti-corruption compliance program for the Chinese operations of U.S. Fortune 100 electronics company

International Arbitration and Other Disputes

- Represented a PRC based telecommunications equipment manufacturer in successful arbitration of claims against U.S. multinational relating to distribution of products in Latin America
- Represented U.S.-based retailer in successful resolution of claims for unauthorized use of IP by Chinese licensee
- Successfully defended U.S. purchaser with respect to claims arising from import of non-conforming agricultural products from China
- Lead counsel for U.S. pharmaceutical manufacturer in an ICC arbitration with its Jordanian joint venture partner; case settled for less than 5% of the amount claimed
- Successfully defended and prevailed on counterclaim for U.S. telecommunications company in an ad hoc London arbitration arising from operations in Kuwait
- Successfully defended one of the world's largest hotel companies against claims in an LCIA arbitration brought by its Dubai business partner
- Counsel to State of Kuwait in United Nations Compensation Commission proceedings concerning claims of Kuwait government Ministries against Iraq, with primary responsibility for claims concerning the Kuwait Emergency Reconstruction Office, Prisoners of War, and the Ministries of Health, Finance and Foreign Affairs
- Litigated more than a dozen aviation liability cases under the Foreign Sovereign Immunities Act involving various State-owned airlines
- Negotiated and resolved disputes with suppliers in China, Italy, Japan, Korea, the United Kingdom and other jurisdictions on behalf of Fortune 100 aerospace manufacturer

- Lead counsel in London arbitration of claims against the Indian government arising from Insat 1-D launch pad accident, reported in *McDonnell Douglas Corp. v. Union of India*, [1993] 1 Lloyd's Rep. 48
- Defended the launch vehicle manufacturer in litigation arising from unsuccessful deployment of Westar VI and Palapa B-2 satellites by the U.S. Space Shuttle, reported in *Appalachian Ins. Co. v. McDonnell Douglas Corp.*, 262 Cal. Rptr. 716 (1989)
- Counsel to several U.S. multinationals concerning arbitration terms under CIETAC, HKIAC, ICC, LCIA and UNCITRAL rules

Customs and Free Trade Agreements

- Advised U.S. electronics manufacturer concerning country of origin and related BAA/TAA qualification of products with complex sourcing of components from various countries
- Successfully defended a high-volume U.S. lumber importer in a Customs enforcement matter leading to the dismissal of \$2 million in proposed penalties
- Advised large solar manufacturer concerning country of origin determinations
- Advised various U.S. importers concerning scope issues under AD/CVD orders
- Represented large Korean multinational in negotiations with the U.S. government concerning NAFTA qualified production of electrical components in Mexico
- Advised the U.S. subsidiary of a large Japanese electronics manufacturer concerning the NAFTA certification of products assembled in Mexico with components manufactured in a number of Asian countries
- Represented large U.S. retailer in Customs seizure cases
- Advised solar and electronics manufacturers concerning FTZ qualification and operational issues
- Counseled the U.S. subsidiary of a multibillion dollar consumer and luxury brands company concerning customs compliance, e-commerce and agreements with Chinese suppliers
- Prepared a global analysis of relative FTA and Customs benefits of alternative manufacturing flows for the manufacture and assembly of electronics components in China, Mexico and the United States for ultimate export to various countries in Latin America, Europe and Asia
- Designed and implemented a global import compliance system for a U.S.-based telecommunications equipment manufacturer
- Prepared a global analysis of customs duty and other indirect tax savings opportunities based upon alternative sourcing of components for a British consumer products company
- Implemented a global import compliance system for a U.S. computer manufacturer
- Conducted an internal customs investigation in Singapore, Cyprus and Latin America for Swiss-based consumer products company

Cross-border Transactions and Due Diligence

- Led team structuring cross-border licensing of IP, including cost sharing agreements, and related business planning for a CAC40 multinational
- Successfully negotiated acquisition and export of German equipment from receivership of joint venture in China and import into the United States for U.S. importer

- Conducted transactional due diligence in China under the FCPA and local anti-corruption laws concerning the proposed Chinese joint venture partner of a U.S. pharmaceutical company
- Counseled a U.S.-based software company with respect to due diligence on international regulatory compliance for a series of global acquisitions
- Conducted export compliance due diligence for a U.S.-based telecommunications equipment manufacturer with respect to two global acquisitions
- Counseled a U.S. manufacturer of research chemicals in the formation of its Thai subsidiary and compliance with Thai regulations in the chemical industry
- Advised a large U.S.-based construction engineering company concerning a construction project in Libya

HONORS

- Currently sits on the President's Export Council Subcommittee on Export Administration (PECSEA), a Commerce Department appointment, as one of the industry representatives working with the Administration to formulate new export control regulations affecting many industries, including the satellite industry. In this role, Mr. Dombek works closely with the Undersecretary of Commerce, the Assistant Secretary for Export Administration, and the Section Chiefs of the State Department Directorate of Defense Trade Controls.
- Chambers International Trade Notable Practitioner
- Named by Los Angeles Magazine as one of the Southern California Super Lawyers in 2006-2012

MEMBERSHIPS

- Member, LA County Bar Association Customs Law Committee
- Member, International Bar Association Anti-Corruption Committee on Specifications for Anti-Bribery Management Systems
- Board Member, Harvard Law School Association of Southern California
- American Bar Association
- International Bar Association
- American Arbitration Association
- London Commercial Bar Association
- International Institute for Space Law

ARTICLES

- Early Steps Toward a Streamlined Export Control System, *WorldECR*, December 22, 2011
- Taking Early Steps Toward Streamlined Export Control, *Law360*, November 29, 2011
- Sheppard Mullin Lures Trade Guru From Bryan Cave, *Law360*, January 5, 2010
- "The Twilight Zone of International Arbitration," 21 *Litigation* 42 (American Bar Association, 1995)
- "Implication of the Proposed Product Liability Fairness Act for Commercial Space Launches," in *Proceedings of the Annual International Bar Association Conference* (Paris, 1995)
- "Harmonizing Allocations of Risk for Commercial Space Activities," in *Proceedings of the Inaugural Conference of the Inter-Pacific Bar Association* (Tokyo, 1991)

- "Can Erie v. Tompkins Survive in Zero Gravity? The Case for a Federal Common Law of Space," in *Proceedings of the Annual International Bar Association Conference* (New York, 1986)

Global Trade Law Blog Articles

- "EU's New Sanctions Target Iran's Oil Industry," January 30, 2012
- "EU Imposes New Economic Sanctions on Syria," January 30, 2012

Government Contracts Law Blog Articles

- "Early Steps Toward a Streamlined Export Control System: Proposed Changes to the ITAR and EAR," November 16, 2011
- "Proposed Rule Details Major Changes to U.S. Export Controls," August 4, 2011
- "Proposed ITAR Rule To Relax ITAR Licensing For Components Incorporated Into Commercial Products," March 16, 2011
- "New Sanctions Block Continuing Performance Of Libyan Government Contracts In Addition To Targeting Col. Qadhafi's Assets," March 16, 2011
- "New Defense Authorization Act Imposes Buy American Act Mandate for Photovoltaics," January 18, 2011
- "Amendment of Federal Sentencing Guidelines Calls for Updating of Compliance Policies," July 12, 2010
- "New Encryption Export Rules Relax Regulatory Burden For Many End-Products But Also Raise Many New Questions," July 12, 2010
- "BIS Issues New Export Controls on Millimeter Wave Security Equipment, Software and Technology," April 9, 2010
- "Administration to Expedite Encryption Reviews and Amend ITAR Citizenship Definition," March 19, 2010
- "Stay Tuned for Implementation of Ancillary Cryptography Changes Adopted by December 2009 Wassenaar Plenary Session," March 12, 2010

Latin American Blog Articles

- "Increasing Level of Seizures by U.S. Customs," July 29, 2011
- "USCIS Makes Important Changes to I-129 Petition for Foreign Workers Effective December 23," December 17, 2010
- "First Sale Rule Survives in the United States," October 22, 2010
- "Increased Opportunities for Foreign Investment in Brazil Also Bring Increased Risk for FCPA Violations," March 25, 2010

Life Sciences Law Blog Articles

- "Court of International Trade Ruling Provides Tariff Relief for Cell Culture Bioreactors," January 18, 2012

SPEECHES

- Class instructor for China National Petroleum Council on "International Regulatory, Trade & Dispute Issues" (Beijing, 2010)
- Panelist on "Reexporting from China," at China Summit on Export Controls Compliance (Beijing, 2010)

- Lecturer at Sheppard Mullin & Control Risks joint conference "FCPA Workshop: Preventing Corruption" (Los Angeles and Shanghai, 2010)
- "Legal Compliance in International Sales" (San Diego, 2009)
- "Compliance with US and PRC Anti-Corruption Laws" (Los Angeles and Shanghai, 2008)
- "Compliance with Encryption Export Controls" (Los Angeles based webinar, 2008)
- "The Perennial Problem of U.S. Encryption Controls" (World Customs Organization Conference, Brussels, 2008)
- "Global FCPA Compliance" (Shanghai, 2007)
- "Encryption Export Compliance" (Seattle, 2007, repeated in St. Louis in 2007)
- "Export Compliance in the Semiconductor Industry" (Chicago, 2006)
- "Foreign Corrupt Practices Act" (Joint program with KPMG and DOJ, Los Angeles, 2005)
- "Export Compliance in the Telecommunications Industry" (New York, 2005, repeated in Amsterdam, Denver, Frankfurt, Miami, New Delhi and Singapore in 2005)
- "Avoiding Legal Pitfalls in International Sales and Marketing" (Phoenix, 2005)
- "FCPA Compliance in the Energy Sector" (St. Louis, 2004)
- "FCPA Compliance and Internal Audits" (New York, 2004)
- "Export Compliance in the Telecommunications Sector" (Los Angeles, 2000, repeated in London, Dallas, Raleigh and Boston in 2001, 2002, 2003 and 2004, respectively)
- "Are Global Antiterrorism Initiatives a Threat to International Commerce?" panelist at the Annual Symposium of the Center for American and International Law (Dallas, 2004)
- "Aerospace and Defense: New Technologies and Commercialization Trends Raise New Legal Issues," presented at the Federal Bar Association Conference, A Clear View to the Future of Technology (Los Angeles 1999)
- "The State of the Law Governing Liability Among Launch Participants," presented at the Practitioners' Forum of the European Centre for Space Law (Paris, 1993)

EVENTS

- 2011 Emerging Export Control and International Trade Law Issues: CLE Program and Cabernets of the World
- Sheppard Mullin & Control Risks FCPA Workshop