

Counsel, Washington, D.C.

National Security; CFIUS and Foreign Investment Reviews; International Trade

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## Education

J.D., Yale Law School, 2000  
(Olin Fellow in Law and Economics)

M.Phil., Trinity College, Cambridge University, 1997

B.A., Yale University, 1996  
(*summa cum laude*; Phi Beta Kappa)

## Bar Admissions

District of Columbia

Brooks Allen focuses his practice on reviews by the Committee on Foreign Investment in the United States (CFIUS) and international trade issues, as well as international arbitration and other aspects of national security trade and export control issues. Mr. Allen draws on experience in both private practice and government, most recently as assistant general counsel in the Office of the U.S. Trade Representative (USTR).

Within CFIUS, Mr. Allen served as lead counsel for USTR and participated in deliberations and decision-making in hundreds of cases. He also represented USTR in drafting regulations implementing the Foreign Investment Risk Review Modernization Act of 2018 (FIRRMA) legislation, which transformed CFIUS's procedures and mandate.

Mr. Allen played a leading role in USTR's investigation of the acts, practices and policies of China related to technology transfer, intellectual property and innovation. He helped author USTR's Section 301 report, negotiated the Phase One trade agreement with China and chaired a subcommittee focusing on the implementation of China's technology transfer commitments under the trade agreement. In addition, Mr. Allen acted as lead counsel negotiating the investment and state-owned enterprise chapters of the U.S.-Mexico-Canada Agreement (USMCA).

Mr. Allen helps clients navigate challenges and barriers in international trade and investments. He advises companies on how international trade and investment agreements impact their businesses, and helps them leverage opportunities presented by these agreements. He also helps companies identify market access barriers — including tariff and nontariff barriers — and devises strategies to overcome them.

In addition, Mr. Allen has extensive experience in international dispute resolution. He has represented governments and stakeholders in disputes before the World Trade Organization, and acted as counsel for clients in complex, high-stakes international arbitration matters. While at USTR, he helped develop written submissions on behalf of the U.S. government in investment treaty disputes, and is one of the few practitioners to have experience in both negotiating investment treaty provisions and acting as counsel in disputes arising under such treaties.

Prior to joining USTR, Mr. Allen practiced with other prominent law firms, including for seven years at a firm in Geneva, Switzerland.

Mr. Allen's dispute settlement experience prior to joining Skadden includes:

- representing Airbus in one of the largest WTO disputes in history, involving alleged subsidies for the development of large civil aircraft;
- representing the U.S. in WTO disputes concerning determinations of the U.S. Department of Commerce in antidumping and countervailing duty investigations;
- successfully defending a major U.S. pharmaceutical manufacturer against a \$110 million claim in ICC arbitration (Zürich);
- obtaining a damages award for affiliates of a Russian company in an arbitration under the Swiss Rules of International Arbitration, with a combined amount in controversy of more than \$800 million;

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- obtaining a damages award for an affiliate of a Russian company in arbitrations before the SCC (Stockholm) and ICC (Zürich), with combined amounts in controversy of approximately \$200 million;
  - obtaining a favorable settlement for a Middle Eastern distributor in an ICC arbitration, with an amount in controversy of approximately \$40 million;
  - obtaining a damages award for an African minerals company in an ICC arbitration (Geneva) against a multinational minerals company, with an amount in controversy of approximately \$22 million; and
  - obtaining dismissal of a \$7 million claim asserted by a Norwegian firm against a U.S. health care company in an ICC arbitration (London).

Mr. Allen has represented clients in the enforcement of arbitral awards, as well as with respect to execution and attachments proceedings in Swiss and U.S. courts. He has litigated disputes in U.S. courts arising out of the Alien Tort Claims Act, the Foreign Sovereign Immunities Act and the Federal Arbitration Act. Additionally, while at USTR, Mr. Allen helped advise and prepare *amicus curiae* briefs on behalf of the U.S. in cases arising out of these statutes, as well as counsel on cases involving the interpretation of U.S. treaties and international law before the U.S. Supreme Court and U.S. courts of appeals.

## Publications

“CFIUS Releases 2019 Annual Report to Congress,” *Skadden, Arps, Slate, Meagher & Flom LLP*, August 27, 2020.

“US Imposes Sanctions on 11 Chinese Companies, Citing Human Rights Violations,” *Skadden, Arps, Slate, Meagher & Flom LLP*, July 28, 2020

“Jurisdictional Overlap in WTO Dispute Settlement and Investor-State Arbitration,” *Arbitration International, Issue 1*, 2014 (co-author with Tommaso Soave) (also published in *WTO Litigation, Investment and Commercial Arbitration: Cross Fertilization and Reciprocal Opportunities*, 2013

“The Use of Non-Pecuniary Remedies in WTO Dispute Settlement: Lessons for Arbitral Practitioners,” *Performance as a Remedy: Non-Monetary Relief in International Arbitration*, 2011