

Partner, Washington, D.C.

National Security; CFIUS; 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

Solicitor, England & Wales

District of Columbia

Brooks Allen leads Skadden's international trade practice within the firm's National Security Group. He focuses his practice on international trade matters, including customs, supply chain strategies, trade remedies and trade policy. He also regularly counsels clients on reviews by the Committee on Foreign Investment in the United States (CFIUS).

In his practice, Mr. Allen draws on prior experience as assistant general counsel in the Office of the U.S. Trade Representative (USTR), where he negotiated several trade agreements, including the U.S.-Mexico-Canada Agreement (USMCA), the Transatlantic Trade and Investment Partnership (T-TIP) and the U.S.-China Phase One Agreement. In addition, he played a leading role in USTR's Section 301 investigation into the acts, practices and policies of China related to technology transfer, intellectual property and innovation. During this time, Mr. Allen also served as lead counsel for USTR before CFIUS and participated in deliberations and decision-making in hundreds of cases. As well, he represented USTR in drafting regulations implementing the Foreign Investment Risk Review Modernization Act of 2018 (FIRRMA) legislation, which transformed CFIUS' procedures and mandate.

Mr. Allen has extensive knowledge of the complexity of the international trade landscape and clients frequently turn to him to provide counsel on the risks and opportunities presented by rapidly changing government initiatives and programs, as well as sensitive matters that require strategic insight. He has worked with clients in a wide range of industries, with a particular focus on renewable and solar energy, advanced technology (semiconductors), manufacturing and pharmaceuticals. In recognition of his work, Mr. Allen has been recognized by *The Legal 500* as a key lawyer focusing on CFIUS and international trade issues, in addition to being named one of *Lawdragon's* 500 Leading Global Investigations Lawyers.

A core part of his practice involves counselling clients on trade policy matters, and on supply chain risk and mitigation strategies in connection with tariffs imposed under a range of authorities, such as Section 232, Section 301 and Section 338. He develops and implements strategies in response to tariffs, guiding companies in conducting internal risk assessments, restructuring operations, improving supply chains, and (where appropriate) pursuing onshoring strategies. Mr. Allen also advises clients on ways to take advantage of trade agreements, leverage exceptions, and develop and implement advocacy strategies with U.S. government agencies. In addition, he counsels and represents clients in connection with trade remedy proceedings, such as antidumping and countervailing duty (AD/CVD) and safeguard matters, as well as on developing and pursuing tariff refund strategies.

Mr. Allen advises clients on a wide range of customs matters, including tariff classification, country of origin and customs valuation, and represents them in engagement with U.S. Customs and Border Protection (CBP) on matters such as customs inquiries, audits, protests, ruling requests and prior disclosures, as well as in challenging or defending against enforcement actions. He helps clients develop policies and programs to comply with forced labor laws such as the Uyghur Forced Labor Prevention Act (UFLPA), ensuring effective supply chain diligence and mitigating the risk of forced labor. Mr. Allen also advises clients on participation in the Customs-Trade Partnership Against Terrorism (C-TPAT).

Mr. Allen also advises on export control matters under the Export Administration Regulations (EAR) and International Traffic in Arms Regulations (ITAR), as well as on the application of various "Buy American" domestic content requirements and related government contracts issues.

Mr. Allen has extensive experience representing governments and other stakeholders in disputes before the World Trade Organization (WTO), and has 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 he 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. Additionally, he has experience acting as counsel in arbitrations subject to the domestic law of numerous jurisdictions, including both common law and civil law regimes, and under all major international arbitration rules.

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 AD/CVD 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
- 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
- obtaining dismissal of a \$7 million claim asserted by a Norwegian firm against a U.S. health care company in an ICC arbitration (London)