HUSCH BLACKWELL



Cortney O'Toole Morgan

PARTNER

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OVERVIEW

Cortney thrives in the fast-paced, ever-changing world of global international trade and supply chain management.

Leading the firm's International Trade and Supply Chain practice, Cortney focuses her practice on the production, sourcing and movement of goods, services and technology across international borders. She advises foreign and domestic companies on all aspects of international trade, including regulatory compliance, supply chain efficiencies, investigations and enforcement. She stays current on world events as relationships shift among countries, in order to take a proactive approach to minimizing disruption in clients' supply chains. Cortney also stays fully informed on the manufacturing, technology and transportation industries where many of the clients she serves operate—understanding clients' businesses and challenges helps her better manage client risk and enhance client compliance.

Much of Cortney's practice involves international trade controls, including export controls and economic sanctions. Her transactional work often involves advising clients on export and import licensing, tariff classification, valuation, country of origin marking, preference programs, IPR enforcement, customs audits,

"We rely on Cortney almost like an internal resource and have come to expect excellent service."

— Assistant General Counsel of Global Specialty Chemicals Manufacturer

Industries

Manufacturing
Technology
Transportation

Services

Asia
Aviation
CFIUS
Customs
Europe, the Middle East, & Africa
Export Controls & Economic Sanctions
Forced Labor
International
International Trade & Supply Chain
International Trade Remedies
Supply Chain Logistics

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logistics security, penalties and voluntary disclosures. Cortney intimately understands the increasingly significant nexus between CFIUS and trade controls and frequently provides CFIUS-related guidance to both foreign and domestic companies.

Based in Washington, D.C., Cortney counsels clients on compliance with the Export Administration Regulations (EAR), International Traffic in Arms Regulations (ITAR) and economic sanctions programs administered by the Office of Foreign Assets Control (OFAC), as well as anti-boycott programs administered by the U.S. Departments of Commerce and Treasury.

Cortney is a member of the firm's Governance and Nominating Committee.

Experience

EXPORT CONTROLS & ECONOMIC SANCTIONS

- Provide routine counseling and advice to multinational fast-growing consumer goods company on U.S. sanctions and export controls compliance.
- Counseled global services provider on compliance with U.S. sanctions programs, including development of multijurisdictional guidance and compliance procedures for conducting global trade operations.
- Assisted client in matters involving U.S. export controls and trade sanctions including advice relating to ongoing sales, installation and training activities performed in Iran and associated payment transactions conducted under various General Licenses issued by the U.S. Treasury Department – Office of Foreign Assets Control (OFAC).
- Served as outside export controls and trade sanctions compliance counsel to a publicly traded transportation company including entry into a joint venture with a Russian counterparty which involved the transfer of certain product designs to the joint venture and the development of appropriate safeguards to prevent the joint venture from potential reexports to prohibited and sanctioned parties in Russia or the Crimea Region of Ukraine.
- Represented numerous clients in mergers and acquisitions activities, including conducting and responding to import and export activity related due diligence, and preparing representations and warranties related to trade controls compliance.

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Experience

- Advised global technology company on International Traffic in Arms Regulations (ITAR) and trade control matters related to its merger with another technology company, including migration of export registration, licenses and integration of compliance policies for the merged entity.
- Assisted in an internal export compliance review of client's export shipments of EAR and ITAR controlled aviation equipment and parts, including preparing and submitting various voluntary self-disclosures under the EAR and Census Foreign Trade Regulations, as well as advising and assisting client in conducting an internal investigation relating to certain unauthorized shipments to countries in the Middle East.
- Provides day-to-day trade compliance advice related to export licensing, export controls, economic sanctions and other international trade matters with a heavy focus on encryption related controls.
- Conducted an ITAR investigation of a multinational freight forwarder handling aerospace products and represented client before U.S. Department of State Directorate of Defense Trade Controls (DDTC).
- Advised U.S. oilfield services company and European affiliates regarding U.S. sanctions and export control implications associated with a proposed multimillion-dollar contract to provide offshore geotechnical services related to natural gas pipeline evaluation and construction in Russia, Eastern Europe and the Black Sea.
- Assisted non-U.S. energy services company in evaluation of a proposed joint project with another non-U.S. company, for seismic exploration in the Arctic on behalf of a Russian oil company, in connection with the U.S./Ukraine-related sanctions.

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Experience

- Provides ongoing advice to a global technology company on ITAR, export controls (including ICTS) and sanctions related matters associated with multi-year global IT services contracts. This advice allows the company's business teams to properly analyze and mitigate potential risk for the company so that a determination can be made quickly and effectively by stakeholders.
- Represented global media and communications clients before the Office of Foreign Assets Control in sanctions investigations.
- Provided counseling and assistance with voluntary and directed disclosures to BIS, DDTC and U.S. Census Bureau regarding compliance issues, including unlicensed exports of goods and technical data.

INTERNATIONAL TRADE REMEDIES

- Represented members of the U.S. tape manufacturing industry before the U.S. International Trade Commission (USITC) in seeking renewal of a decades old antidumping duty finding concerning pressure sensitive plastic tape from Italy. Convinced the USITC that threat of injury to the domestic tape industry still existed if the order was revoked. As a result, the USITC made an affirmative determination and the existing antidumping duty finding remained in place.

CUSTOMS

- Conducted global reviews of companies' import and export compliance programs with follow-up training.
- Obtained favorable rulings from U.S. Customs and Border Protection (CBP) with substantial duty savings for pharmaceutical and chemical industry clients concerning country of origin marking and preferential duty qualifications.
- Advised large pharmaceutical and biotechnology companies on transfer pricing and customs valuations-related issues and establishment of value reconciliation programs.
- Assisted global consumer products company in all phases of CBP Focused Assessment audit.

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Experience

COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES (CFIUS)

- Obtained CFIUS clearance for an acquisition by a non-U.S. company of a leading supplier to the defense and nuclear power industries.
- Counseled a U.S. aerospace manufacturer regarding CFIUS matters in connection with potential Chinese foreign investors.

Recognition

- *Chambers and Partners*
  - USA-Nationwide, International Trade: Export Controls & Economic Sanctions, 2021-2026
  - Global Guide, USA, International Trade: Export Controls & Economic Sanctions, 2022-2026
- JD Supra Readers' Choice Awards, Top Author, International Law, 2023 and 2024
- Thomson Reuters Stand-out Lawyer, 2023-2026

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Education

- J.D., The Catholic University of America
  - Chancellor, Phillip C. Jessup International Law Moot Court Competition, 1999-2000
  - Lead Articles Editor, *CommLaw Conspectus: Journal of Communications Law and Policy*, 2000-2001
  - Moot Court Associate, Fall 1998-Spring 1999
  - Vice-President, International Law Society, 1999-2000
  - Women's Law Caucus
- B.A., American University
  - International Relations (Asia and Foreign Economic Policy)
- Ritsumeikan University
  - Japanese, Economics

Admissions

- District of Columbia
- New York
- U.S. Court of Appeals, District of Columbia Circuit
- U.S. Court of Appeals, Federal Circuit
- U.S. Court of International Trade
- U.S. District Court, District of Columbia

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Community Leadership

As a graduate of Emma Willard School, an all-girls private boarding high school, Cortney actively participates in alumni activities with the D.C. Chapter. She attends networking events with women of all generations and mentors other women in their lives and careers. Cortney enjoys how the women of all ages share a common experience but have vastly different careers and life experiences.



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