

## Compliance Group Of The Year: Covington

By **Sarah Jarvis**

*Law360 (February 12, 2025, 4:02 PM EST)* -- Covington & Burling LLP helped the Can Manufacturers Institute land a unanimous victory before the U.S. International Trade Commission — stopping proposed tariffs on imported tin mill products, and securing the firm's place among the 2024 Law360 Compliance Groups of the Year.

On behalf of the trade association, the firm persuaded the ITC to reject the tariffs in February 2024, after domestic steel producer Cleveland-Cliffs Inc. and the United Steelworkers union alleged that tin mill steel imports from eight countries were being sold at unfair prices to the detriment of U.S. steel production.

The proposed tariffs could have increased the cost of all steel cans produced in the U.S., said Covington partner Jay Smith. He noted that the Can Manufacturers Institute's membership includes all major can manufacturers in the nation, and that the matter garnered heightened political scrutiny, with members of Congress testifying before the ITC.

Smith said Covington leveraged a variety of resources — including its public policy team, outside consultants and contributions from the consumer brands that buy the steel cans — to support the institute's argument that domestic producers had failed to make key product types, refused to supply requested volumes, and faced quality issues.

"Our coalition that we were helping manage and work with was not just the can manufacturers. It also included their customers, and those customers were active on the media and government relations side, as well," Smith said. "That contributed to creating an environment in which the case could go our way."

Noting that the legal standard is designed to afford protection to the domestic industry in a wide variety of circumstances, Smith said it's difficult to win trade remedy cases before the ITC and recalled that Covington's clients asked whether they should invest the time and effort to "put their best foot forward" in this case. But the ITC found that the imports were not unfairly priced and were not injuring domestic industry.

"The reasons that our clients were buying imports was because they had little alternative if they were to meet their customers' needs," he said.



Jennifer Saperstein, co-head of Covington's anti-corruption practice group, said the firm's hundreds of regulatory compliance lawyers take a collaborative approach on cross-border issues, bringing together experts in different regulatory areas.

"We're always going to find our clients the lawyer or combination of lawyers with the right expertise, no matter who receives the initial call," Saperstein said.

Covington's regulatory compliance lawyers are located across a wide range of the firm's offices, including in California, Boston, New York, Brussels, London, Frankfurt, Dubai, China and Johannesburg, as well as in Washington, D.C.

Steve Fagell, co-head of Covington's white-collar defense and investigations practice, highlighted the firm's representation of Inotiv Inc. in what he said was an unusual case from the past year, but that showed the firm's expertise on cross-border matters.

Covington represented Inotiv in a five-year U.S. Department of Justice investigation into whether the pharmaceutical company and its predecessor entities violated the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Endangered Species Act and the Lacey Act with its importation of monkeys into the U.S. The firm ultimately helped to persuade the DOJ not to pursue a prosecution of Inotiv in court

Fagell said the case was unusual because of the specific statutes involved, the sensitivity of the subject matter and the length of the investigation, and because there were criminal charges filed in related cases, "which raised the stakes considerably."

"I think we have unparalleled regulatory expertise across the board at Covington, and also in the animal welfare space," Fagell said. "In addition, our white-collar team, of course — with its deep bench of experienced former prosecutors — is really unmatched when it comes to being able to handle complex cross-border investigations. This case was really a terrific example of that."

Fagell said that year after year, Covington stands out for its "unmatched" record of securing declinations — affirmations from investigating agencies that prosecution is not worthwhile or appropriate — in bet-the-company criminal and civil enforcement matters, as well as market-leading regulatory expertise and a culture of collegiality and collaboration.

"Those three things — declinations, regulatory expertise, collegiality and collaboration — are constants, year in and year out at Covington, and this year was no different," he said.

--Editing by Amy French.

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