



Jeffrey I. Kessler

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Jeffrey I. Kessler is a partner in WilmerHale's International Trade Practice, where he handles some of the most high-profile work in the international trade arena. Mr. Kessler originally joined the firm in 2011 and rejoined in 2021 after serving for two years as Assistant Secretary for Enforcement and Compliance at the US Department of Commerce, the chief trade enforcement official for the US Executive Branch.

As Assistant Secretary for Enforcement and Compliance, Mr. Kessler headed the 360-person office that enforces the US antidumping and countervailing duty laws, monitoring foreign compliance with trade agreements, supporting the negotiation and implementation of international trade agreements to open foreign markets, administering the Foreign-Trade Zones program, and evaluating Section 232 steel and aluminum tariff exclusion requests. Mr. Kessler was the decisionmaker in hundreds of trade remedies cases, renegotiated a series of politically charged trade pacts with foreign countries and producers, and spearheaded the largest overhaul of Commerce's trade enforcement regulations in decades. His tenure as Assistant Secretary represents a high-point in Commerce's trade enforcement activity, with the most ever trade remedy investigations in a single fiscal year (104), as well as several self-initiations of circumvention proceedings, and the first-ever countervailing of foreign currency undervaluation.

At WilmerHale, Mr. Kessler represents US manufacturers in high-profile trade remedy cases, including those related to fertilizer products, softwood lumber, and chemicals and plastics products. Mr. Kessler advises on both the legal and the political aspects of such cases. He regularly appears before the US Department of Commerce, the US International Trade Commission, and the US Court of International Trade. Mr. Kessler has also been involved in successfully litigating several precedent-setting cases before WTO panels and the Appellate Body, including *US – Large Civil Aircraft (2nd complaint) (Article 21.5 - US)*, *EC and certain member States – Large Civil Aircraft (Article 21.5 – US)*, *US – Tax Incentives, Argentina – Import Measures*, and *Brazil – Certain Measures Concerning Taxation and Charges*.

A particular area of emphasis for Mr. Kessler's practice is China. Mr. Kessler has assisted leading US companies and industry associations—especially those in innovative, IP-intensive industries—to understand and navigate Chinese trade and investment barriers. Mr. Kessler has advised companies on issues such as China's sector-wide subsidy programs, IP policy and enforcement, cyber sovereignty and related policies, technology transfer requirements, national security–related technical standards, and restrictions on the supply of foreign services.

Mr. Kessler advises clients on a wide range of other trade issues, including: recent US and foreign sanctions measures against Russia; the consistency of such sanctions with WTO and other international rules; the EU's digital sovereignty agenda (including the Digital Markets Act, the Digital Services Act, the Data Act, etc.); strategic challenges that global companies face in doing business both in the US and China; compliance with issues related to forced labor, including the Uyghur Forced Labor Prevention Act; possible de-listing of Chinese companies from US stock exchanges pursuant to the Holding Foreign Companies Accountable Act; recent developments in global competition law; climate change policy, including proposals for a carbon border adjustment measure; the Indo-Pacific Economic Framework; the US proposed outbound investment screening mechanism; Section 301 tariffs and exclusions; and international trade-related aspects of large corporate transactions.

Mr. Kessler is a frequent speaker on international trade topics, including at leading law schools and industry associations. Mr. Kessler earned his BA magna cum laude (Philosophy and Classics) from Yale University in 2005, an MA (Philosophy) from the University of Chicago in 2007, and a JD and MA (Economics) from Stanford University in 2010, where he was an Articles Editor of the Stanford Law Review and a John M. Olin Law and Economics Fellow. Mr. Kessler is a member of the American Bar Association and a Term Member of the Council on Foreign Relations.

Solutions

Aviation

Cross-Border Investigations
and Compliance

International Trade,
Investment and Market
Access

Investigations

Experience

Successfully renegotiating politically sensitive trade pacts between the US Government and foreign countries/producers, covering uranium from Russia, tomatoes from Mexico and sugar from Mexico.

Assisting the Office of the US Trade Representative (USTR) in securing landmark WTO

rulings related to subsidies for the large civil aircraft industry, and engaging with USTR to negotiate a June 2021 tariff ceasefire between USTR, the EU, and the United Kingdom.

Authoring a white paper for a leading US industry association on recent trends in global competition law, and their implications for US-China technological competition.

Persuading the US Department of Commerce to revisit a recent decision to treat Russia as a market economy country for purposes of the antidumping law – representing a potential shift in longstanding agency policy.

Advising a client in the apparel industry on a public advocacy and internal compliance strategy related to the Uyghur Forced Labor Prevention Act.

Advising a client in the financial industry on tariff and import compliance aspects of a multi-billion dollar transaction to acquire one of the largest US importers.

Assessing global sanctions targeting Russia, and their consistency with WTO and other international treaty rules.

Authoring a white paper for a leading US industry association, which analyzed previously unidentified patterns of de facto discrimination against foreign companies in China's enforcement of competition law.

Assessing an individual's risk of being sanctioned pursuant to the recently reauthorized Global Magnitsky Act.

Providing strategic advice to a leading US industry association whose members were targeted by a Chinese sector-wide subsidy program.

Recognition

- Named in the 2024 edition of *Chambers Global* in USA for International Trade: Trade Remedies & Trade Policy.
- Named in the 2023 edition of *Chambers USA Guide* in USA - Nationwide for International Trade: Trade Remedies & Trade Policy.
- Named a "Rising Star" in the 2022 edition of *Law360's* Top Attorneys Under 40.
- Selected as a "Rising Star" in the 2018 edition of Washington DC *Super Lawyers*.

Credentials

EDUCATION

JD, Stanford University, 2010

Articles Editor, Stanford Law Review, John M. Olin Law & Economics Fellow

MA, Economics, Stanford University, 2010

MA, Philosophy, University of Chicago, 2007

Century Fellowship

BA, Philosophy and Classics, Yale University, 2005

magna cum laude

LANGUAGES

French

Spanish

Mandarin

ADMISSIONS

District of Columbia

California

GOVERNMENT EXPERIENCE

Department of Commerce

Assistant Secretary of Commerce for Enforcement and Compliance