

Notable Representative Matters

Winter 2007 – December 2009

- a. Advised and represented US banks and other US entities in penalty proceedings instituted against them by the US Treasury Department's Office of Foreign Assets Control (OFAC).
- b. Advised and represented a major US-headquartered multinational with respect to the impact of the prohibitions and requirements of US economic sanctions on its global operations; assisted client in procuring OFAC licenses. Provided client with unique strategic advice and insight based on Steven Pinter's and Hal Eren's many years at OFAC, provided client with an elaboration upon the changing legal and policy underpinnings of the sanctions against Iran since their initial imposition.
- c. Provided legal advice and counseling to several financial services companies, including US and non-US insurance and reinsurance companies headquartered in and operating from, respectively, the United States, the United Kingdom, and the UK's Overseas Territory of Bermuda with respect to the impact on "global insurance policies" and on their operations of the provisions of existing and prospective US economic sanctions against Iran, and to a lesser extent Cuba, Burma, and other US sanctions targets.

Elaborated upon and provided unique insight regarding underlying policies sought to be served by existing and additional potential sanctions, provided advice and opinion on how sanctions apply, and interpretations of regulatory and statutory language. Represented clients in related applications for OFAC licenses in cases where application of sanctions prohibitions result in unintended consequences. Advised clients on all aspects of US sanctions compliance.

- d. Performed a comprehensive internal investigation/review for a major US-headquartered financial services company; represented client in related disclosures to and a global settlement with OFAC; and continued to advise company with respect to matters implicating US sanctions prohibitions and refinements to their OFAC compliance policies and procedures.
- e. Successfully quashed a FOIA request targeting sensitive information provided to the US Treasury Department by a client of the Firm.
- f. Continued to advise two of America's largest broker-dealers on transactions implicating OFAC and anti-money laundering laws and regulations.
- g. Advised and defended a US-based supplier of aircraft, aircraft engines, and related services in an OFAC enforcement action, and with respect to related matters involving their cooperation with federal prosecutors in a separate US criminal investigation.
- h. Advised and represented US companies in connection with investments in the United States by Iranian nationals living in Iran, procured OFAC licenses for such investments and related services.

- i. Advised and represented several foreign individuals and their foreign company with respect to a criminal indictment and arrest warrants issued against them by the US Justice Department for alleged violations of the US sanctions against Iran. Advised and counseled clients on related extradition proceedings in Europe and on the provisions of the relevant extradition treaty between the United States and the European (EU) country from which extradition is sought as well as applicable local law. Completed the US export control classification of the US origin goods in question in support of (absence of dual criminality) arguments against extradition.
- j. Advised and represented a major US industrial manufacturer and exporter in a voluntary disclosure to the US Department of Commerce regarding certain exports to Vietnam, and also with respect to compliance with the FCPA and other US laws and regulations regulating the conduct of US-based businesses in China and elsewhere abroad.
- k. Advised and represented several major US financial institutions with respect to the impact of US economic sanctions on financial transactions conducted on behalf of the United Nations and its specialized agencies, resulting in relief for such institutions through precedent-setting licenses from the US Treasury Department.
- l. Represented several foreign individuals and entities in connection with the removal of their names from OFAC's SDN List and the US State Department's List of Nuclear Proliferators and Persons Determined to be a part of the Illicit AQ Khan Nuclear Network.
- m. Several foreign banks in connection with the unblocking of funds blocked under sanctions programs administered by OFAC.
- n. Advised and represented US citizens with respect to the legal proceedings in Iran and their receipt of compensation from the Government of Iran for expropriated properties.
- o. Advised and counseled a major US company in connection with its efforts to obtain evidence abroad for a major antitrust proceeding in US federal court; advised on the provisions of The Hague Evidence Convention as well as applicable foreign laws, including local data protection and privacy laws.
- p. Advised and represented several US companies and individuals in connection with obtaining licenses to engage in transactions related to travel to Cuba.
- q. Advised and represented several Cuban citizens living outside of Cuba and obtained OFAC licenses unblocking their property and permitting them to be treated as "unblocked nationals of Cuba."
- r. Advised and represented a law firm and individuals working for a law firm with respect to a Cease and Desist Order issued by OFAC.
- s. Advised a private-equity client on the impact of US Cuba embargo prohibitions on participation in investments in Cuba in conjunction with European partners.
- t. Advised a major US industrial company in the oil industry with respect to appointment of agents in Libya, and the validity under Libyan law of contemplated distribution and other agreements.

- u. Represented several US food and medical goods exporters in obtaining TSRA export licenses from OFAC permitting exports to Iran; advised clients on interpretation of, amendments to, and extensions of licenses.
- v. Advised clients with respect to issues under the Terrorism Risk Insurance Act (TRIA) and OFAC laws and regulations implicated by efforts to attach and execute against certain assets to satisfy US court judgments obtained under the terrorism exception to the US Foreign Sovereign Immunities Act (FSIA). Provided analysis with respect to issues related to the status of certain foreign entities as “agents and instrumentalities” of a foreign state/government.
- w. Provided advice to numerous US and foreign clients regarding recurring issues related to “ownership and control.”
- x. Advised an Asian client with respect negotiations for a prospective investment of over \$300 million in the mining sector of a South American country. Assisted in negotiations, prepared memoranda of understanding and other related documents.

Conferences and Speaking Engagements

Institutional Investor Conference, New York

October 2008, The Eren Law Firm sponsors Institutional Investor’s 3rd Annual Anti-Money Laundering and Counter-Terrorist Financing Forum in New York; Hal Eren, with an official from OFAC, was a speaker on the panel dealing with OFAC due diligence and OFAC’s new enforcement guidelines.

SIFMA Conference, New York

November 2008, The Eren Law Firm sponsors the Securities Industry and Financial Markets Association (SIFMA)’s OFAC Compliance Symposium; Hal Eren speaks on the topic of OFAC Licensing.

Publications

December 2009. Victor Comras, of counsel at The Eren Law Firm, authors: ***Flawed Diplomacy, the United Nations and the War on Terrorism***, Potomac Books, Inc., to be released September 2010.

From Potomac Books:

As one of five Security Council–appointed international monitors on the measures being taken against al Qaeda and the Taliban, Victor Comras had the rare opportunity to observe the UN’s counterterrorism activities. In his new book, he delves into the UN’s role in dealing with terrorism, explores the international political realities and institutional problems that make it difficult for the UN to successfully implement and monitor counterterrorism measures, and describes both the UN’s successes and failures, ultimately laying out a case for creating a stronger, more effective UN response. Flawed Diplomacy is an invaluable resource for anyone interested in the war on terrorism and in gaining knowledge about the UN’s inner workings.

October 2009. Ulrich Worm & Barbara Maucher, ***Der Transit – eine patentverletzende Handlung?***, Carl Heymanns Verlag.

The article, which is in German, deals with goods in transit that might infringe on patent rights. The European Court of Justice has rendered several decisions on this topic, which are discussed and analyzed in the article. The decisions rendered dealt with different transit situations (transit country is a EU Member state, is not a Member State of the EU, the destination country is a EU Member State, is not a EU member state). The Court's decisions, which are not totally consistent, prompted this article.