

## The DC sanctions lawyers to have on speed dial

Michael Griffiths  
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Ama Adams, Edward Krauland, William McGlone and Jamie Boucher

As enforcement ramps up under US President Donald Trump's administration, GIR has identified the 25 most respected sanctions lawyers in Washington, DC.

The US is in the middle of a sanctions enforcement boom. In 2019 alone, government agencies have levied just under three-and-a-half billion dollars in penalties to companies deemed to have fallen foul of US trade laws and regulations.

While eye-watering fines aren't new for the sanctions world – BNP Paribas' \$8.9 billion settlement in 2014 is still lodged firmly in the front of many lawyers' minds – recent enforcement actions illustrate that the US Treasury's Office of Foreign Assets Control (OFAC) is pursuing a wider range of companies and sectors, including by issuing landmark fines, in its aggressive sanctions evasion crackdown.

For example, in April, OFAC issued its first penalty for a violation of Russian sectoral sanctions, which allow business in traditionally risky sectors but restrict certain activities. US software provider Haverly Systems was ordered to pay \$75,375 for extending credit to Russian energy company Rosneft for longer than the permitted 90 days.

Other penalties to have broken the mould include the \$996,080 fine to cosmetics company e.l.f in January over the importation of eyelash kits from China that contained material sourced from North Korea. Targeting the beauty industry made waves among the legal community because it showed how a wider variety of industries are in OFAC's crosshairs.

Once predominantly aimed at shipping companies, financial institutions and natural resources multinationals, the US's sanctions enforcement in 2019 has targeted a series of unusual suspects, such as travel agencies, pension providers and insurance companies. Lawyers say this is an attempt

by the Treasury Department to spread the word that all companies should be compliant with US sanctions.

“Our sense is that OFAC is focusing its enforcement efforts on cases that it wants to use to publicly message its position on, and we expect it will continue to do so,” said Maura Rezendes, a former OFAC director of enforcement now at Allen & Overy.

More than ever, OFAC is more closely examining companies’ supply chains as they search for goods sourced from sanctioned entities or countries. The result is that lawyers say they now need to be specialists in the law and in their clients.

“It is essential for sanctions practitioners in our firm to understand in great detail our key clients’ business processes, sales and distribution networks, and the products themselves,” said Ryan Fayhee at Hughes Hubbard & Reed.

US authorities haven’t lost sight of more traditional targets, however. OFAC, along with several US agencies, including the Justice Department and Federal Reserve, have issued fines exceeding one billion dollars against UK bank Standard Chartered and Italy’s UniCredit bank this year for violating the International Emergency Economic Powers Act and several sanctions programmes.

The Trump administration has showed no signs of easing up on trade restrictions: it has introduced over 30 separate sets of sanctions in 2019 alone, designating entities and individuals from Iran, Venezuela, Russia, Ukraine, North Korea and Nicaragua.

The developments have underscored the importance of specialist sanctions practitioners, most of whom are concentrated in the US’s seat of power, Washington, DC, where the practice area is the most competitive.

GIR set out to identify the 25 most respected sanctions lawyers in the city, and spent several months surveying dozens of practitioners, asking them which individual lawyers they would trust to represent them in a hypothetical sanctions case and why. Coupled with a review of publicly available information to discern which individuals are working on the most significant cases, we whittled down the list to 25 DC-based practitioners at the top of the field, with a maximum of one lawyer per firm.

The list features several former DOJ prosecutors and lawyers with senior experience at both the state and treasury departments, including a former director of OFAC and two former heads of enforcement at the agency. Two of the nominees were undersecretaries within the US government, responsible for trade or national security-related portfolios.



## Ama Adams

**Partner**  
*Ropes & Gray*

Ama Adams began practising at a critical juncture in sanctions enforcement. Upon joining Baker Botts in September 2001, she saw first-hand how the US government significantly expanded its use of sanctions to bar terrorists from accessing the US financial system in response to the September 11 terrorist attacks.

Today, Adams is Ropes & Gray's leading sanctions lawyer in Washington, DC, after joining the firm from Baker Botts in 2017. She has acted for companies in the energy and aviation industries in sanctions matters and has advised both Russian and US companies on Russian sectoral sanctions.

### ***How has the nature of your sanctions work changed since you started in the field?***

When I first started practising in this field, 9/11 had just happened, and the US government was focused on expanding its use of sanctions to cut off terrorists from the US financial system and the US. Fast forward to today, OFAC has implemented a wide range of comprehensive, targeted and sectoral sanctions, many of which have differing implications and far-reaching consequences outside their original focus on terrorism. Sanctions have increasingly become a key instrument of US national security and foreign policy. This work is complex and requires a sophisticated understanding of the scope and applicability of US sanctions laws and regulations in complicated deal structures, credit and financing investments and global business operations.

### ***How would you describe sanctions enforcement in the US at the moment?***

OFAC is more aggressively seeking to enforce sanctions. Over the last few months, OFAC has continued to roll out additional sanctions with respect to Cuba, Iran and Venezuela, while signalling the increased costs for violations of US sanctions. In the first half of 2019, for instance, OFAC netted over \$1.2 billion in civil penalties. In addition, through its recent compliance programme guidance, OFAC offered its most complete articulation to date of the elements of an effective sanctions compliance programme. This guidance appears to establish baseline expectations for assessing the sufficiency of companies' compliance programmes in connection with future enforcement actions. More than ever, companies need to ensure that their existing sanctions compliance frameworks are not falling behind evolving regulatory expectations.