

T. James Min II

Partner



James Min has over two decades of extensive and practical experience advising clients on international trade and business law. Prior to LimNexus, Mr. Min served as the global chair of international trade law for Deutsche Post DHL that serves every country in the world including North Korea, Iran, Cuba and Syria. Previously, he was a senior trade attorney for FedEx Express where he assisted the company's entry into markets such as Libya, Vietnam, China, Russia and Kazakhstan by utilizing international trade laws. He also served as a private sector trade advisor to the U.S. Government during the Bush Administration. Earlier in his career, Mr. Min served as a trade attorney for the U.S. Department of Treasury, the U.S. Department of Commerce and the U.S. Department of Homeland Security.

Mr. Min specializes in economic sanctions, export controls, customs, import regulations, free trade agreements, CFIUS, internal corporate compliance, internal investigations, and other cross border transactional and regulatory law. As counsel for multinational companies that conduct business around the world, Mr. Min has deep experience in advising clients with a practical and solution-focused approach even in difficult topics such as U.S. secondary sanctions and extraterritorial impact of U.S. export control laws. He also advises foreign investors and U.S. businesses in hi-tech sectors on CFIUS requirements, ICTS, as well as obtaining requisite licenses and approvals from U.S. trade authorities.

In addition, Mr. Min has led large national and international internal investigations for multinational companies dealing with customs, export controls, sanctions, and FCPA violations as well as filing voluntary disclosures and mitigation petitions for clients to reduce potential fines with government agencies. Mr. Min has formulated and developed internal compliance programs for U.S. and foreign companies in the areas of customs, export controls, economic sanctions, and anti-bribery laws as well as managing external government monitors resulting from settlement agreements with U.S. government agencies.

He has also previously advised the U.S., Lebanese, Russian, Ukrainian and Moldovan governments on international trade law as well as at the WCO, the United Nations, EU Commission, BAFA, Saudi Arabia, China, UAE, Russia, Singapore, Morocco, and elsewhere on export control, customs and sanctions law matters.

Representative Matters

Export Controls/Sanctions

- Advised non-US companies doing business in Iran, North Korea, Syria, Sudan, and Cuba on compliance with UN, U.S. and other sanctions and export control laws; obtained UN exemptions, OFAC and BIS licenses for clients.
- Settled alleged export control and sanctions violations for a multinational corporation resulting in a mitigation of over \$300 million in fines; successfully closed federal criminal investigations into trade related violations.
- Represented large non-US multinational companies before their major banking partners regarding sanctions risk issues.
- Advised and conducted due diligence for foreign companies contracting with large Russian energy companies and banks regarding US/EU sectoral sanctions.
- Advised large Chinese ecommerce companies on U.S. extraterritorial sanctions and export control laws and compliance measures.



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Practice Areas

International Trade & Regulatory Compliance

- Export Controls
- Primary & Secondary Economic Sanctions
- Free Trade Agreements
- Customs/Import Regulations
- eCommerce
- CFIUS
- Anti-bribery Law
- Internal Corporate Compliance
- FDA Regulations

Government Enforcement & White Collar

- Federal and State White Collar Investigation and Prosecution
- Civil Fines and Penalties
- Corporate Internal Investigations
- Agency Subpoena Responses
- Voluntary Disclosures/Prior Disclosures

Representative Matters (continued)

Export Controls/Sanctions (continued)

- Conducted classification and obtained licenses for of dual-use export goods, software, technologies, and military goods.
- Led national and international internal investigations for export control, sanctions, and customs violations resulting in voluntary disclosures to government agencies as well as developing remedial measures to improve internal corporate compliance.
- Filed voluntary disclosures for multinational companies on potential violations of U.S. sanctions and export controls resulting in no fines or penalties for the clients.

Customs/Imports

- Petitioned and mitigated over \$7 million in U.S. CBP fines and penalties for a carrier and customs broker.
- Advised U.S. importers on compliance with forced labor prohibition provisions and represented clients on withhold release orders (WRO's).
- Advised clients on rules of origin for qualification of their goods into the U.S. for preferential programs under US-Korea FTA, US-Israel FTA, US-Jordan FTA, US-Singapore FTA, NAFTA, CAFTA, AGOA and GSP.
- Advised U.S. manufacturers on utilizing the Trade Agreement Act (TAA) exemption under the Buy America Act for U.S. Government procurement.
- Advised and represented biotech clients on FDA registration and import regulations.

CFIUS/ICTS

- Advised multiple foreign investors and U.S. businesses in artificial intelligence, life sciences, semiconductors, software, autonomous vehicles, telecom, and other hi-tech sectors on CFIUS, U.S. export controls, ICTS and other legal requirements.
- Successfully represented a foreign invested robotics company in a non-notification investigation by CFIUS.
- Advised U.S. businesses procuring goods from Chinese telecom companies on ICTS and Entity List restrictions.

Cross Border Business

- Developed and advised a news aggregator software app company on cross border data privacy issues.
- Advised a Beijing based software company on U.S. export controls and compliance measures related to sensitive personal data and privacy.
- Advised a NYSE listed U.S. retailer expanding into the UK and EU markets on various regulatory requirements.
- Advised and represented large public U.S. companies on regulatory issues in their expansion in the Asia and Europe markets.

Bar Admissions

- District of Columbia; Maryland (Inactive); Tennessee (Inactive)
- U.S. Court of Appeals for the Federal Circuit
- U.S. Court of International Trade
- Supreme Court of the United States of America

Education

The American University, Washington College of Law & The School of International Service, Washington, DC

- J.D. /M.A.I.A. - 1998

Seoul National University, Seoul, Korea

- Certificate - 1995

The Johns Hopkins University, Baltimore, MD

- B.A. - 1994

Moscow State Linguistics University, Moscow, Russia

- Certificate - 1992

Foreign Languages

- Korean
- Russian

Published Works

- “Forced Labor - You're Only As Strong As Your Weakest Link”, Panelist, Trade Summit of the Americas 2022, Miami Port, February 24, 2022
- “Anti-corruption Compliance Trends In The US, UK, And Hong Kong”, Panelist, International Bar Association, January 12, 2022
- “What Can We Learn From Huawei’s Legal Saga Involving HSBC? Lessons For Multinational Companies and Banks”, Lexology.com, October 27, 2021
- Moderator, “Trends in Export Controls,” AAEI 100th Anniversary Conference, June 30, 2021
- Managing National Security Risks for University Researchers + Their Start-ups, Webinar, April 2021
- Huawei, WeChat and Tiktok: Trade War or Unfair Competition?, Inhouse Community Magazine, February 2021
- De-risking In Light of U.S. Secondary Sanctions, Compliance Forum, Mongolian Bankers Association, Ulaanbaatar, November 2019
- Tariffs: The New Normal, 23rd Annual Corporate Counsel Institute, Georgetown Law Center, March 2019
- Free Trade Agreements & Innovation, The New Engine of Growth: Investment and Technology Conference, ABA Section on International Law, Seoul, Korea, October 2018
- How to Tailor Sanctions Compliance Programs for Asian Companies, 4th Asia Pacific Economic Sanctions Conference, ACI, Singapore, October 2018
- Russia Sanctions, ACI Hong Kong Summit on Economic Sanctions, Hong Kong, May 2018
- Intro to International Trade Law, China University of Politics and Law, Summer Session, Beijing, July 2017
- Internal Corporate Compliance Programs for Sanctions and Export Control, 3rd Conference on Transits and Transshipments as Export Control Risks, Marrakesh, Morocco, March 2017
- Security and Trade Facilitation, International Practitioner’s Guide: Customs Processes and Procedures, American Bar Association, July 2009 & August 2016
- Due Diligence and the Corporate Lawyer, Renmin University Law School, Beijing, China, May 2015
- Sanctions Implications of Doing Business in Iran, International Council of Swedish Industry, Stockholm, Sweden, 2013
- Monitoring Third Parties’ Anti-Corruption Compliance: Effective Strategies based on the Type of Third Party and Risk Level, 5th China Summit on Anti-Corruption, Shanghai, China, ACI, June 2012
- Managing Compliance Risks for Third Parties, 2012 Dow Jones Global Compliance Symposium, Washington, DC, March 2012

Professional Associations and Membership

- Greater Cincinnati Foreign Trade Zone, Inc. (FTZ Zones 46 and 47), Former Board Member
- Global Resource Services, Inc., Chairman Emeritus
- U.S. National Committee on North Korea, Member & Legal Advisor
- The Center for International Trade & Security, Non-Resident Fellow

Pro-bono Activities

- Legal Advisor to the U.S. National Committee on North Korea (NCNK)
- Legal Advisor to Global Humanitarian Engagement, Inc.