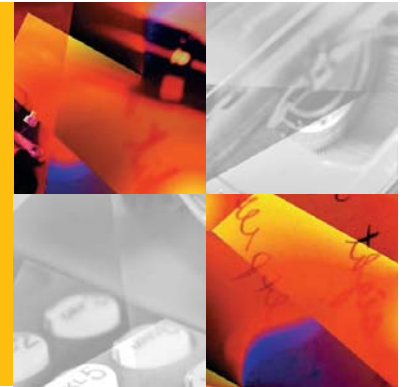




THE CANADIAN  
BAR ASSOCIATION

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BARREAU CANADIEN

# Winning Strategies before the CITT, the CBSA and OGDs



Presented by the National Commodity Tax,  
Customs and Trade Section and the  
Continuing Legal Education Committee of  
the Canadian Bar Association

**November 10, 2009**  
**Ottawa Marriott Hotel**



This program has been approved for 7.75 hours of  
Continuing Professional Development (CPD) by the Law  
Societies of British Columbia and Northwest Territories.

This program has been accredited by the Law Society of  
Upper Canada towards the professional development  
requirement for certification.  
Corporate & Commercial Law - 6.5 hours

This event has been awarded one (1) credit by the  
Saskatchewan Lawyers Insurance Association.

This event has been approved by the PEI Law Society.

Accreditation by the Barreau du Quebec is pending.

The National Commodity Tax, Customs and Trade Section presents a one day conference on Winning Strategies before the Canadian International Trade Tribunal (CITT), The Canadian Border Services Agency (CBSA) and Other Government Departments (OGDs), including food safety and export controls.

Panels will include representatives from the CITT, the CBSA, the Canadian Food Inspection Agency, the Controlled Goods Directorate and the Export and Import Controls Bureau. Canadian and American lawyers with experience in areas such as customs, cross border GST, anti-dumping/countervailing duties, government procurement bid challenges, export controls, laptop border searches and other border security measures, judicial reviews, and Canada's newly proposed food safety and consumer protection laws will also be involved.

The conference will open with a must attend program for lawyers seeking to build their practices. Janet Moore, International Lawyer Coach, will provide advice on how to market and expand a practice in the current economic climate.



# Program

**8:30 – 8:35** **Opening Remarks – Dalton Albrecht**, Miller Thomson LLP, Toronto - Chair CBA Commodity Tax, Customs and Trade Section

**8:35 – 9:30** **Beat the Downturn: Dynamic Legal Marketing Strategies for Turbulent Economic Times**  
Tough economic times call for creative, proactive strategies. This presentation will teach practical steps that lawyers—particularly those handling international trade and related issues—can use to market and grow their practices despite the economic downturn.

**Speaker:** Janet Moore, International Lawyer Coach, Houston, Texas

**9:30 – 10:30** **Winning Strategies Before the CITT**

**Moderator:** Ronald Cheng, Osler, Hoskin & Harcourt LLP, Ottawa

**Panelists:** Serge Fréchette, CITT Vice-Chair, Ottawa  
Geoffrey Kubrick, Lang Michener LLP, Ottawa  
Gregory Somers, Ogilvy Renault LLP, Ottawa

This panel will discuss best practices in proceedings before the Canadian International Trade Tribunal.

**10:30 – 10:45** **Refreshment Break**

**10:45 – 11:30** **Privacy and Border Crossings: What to Do when the Client Calls?**

**Moderator:** Dalton Albrecht, Miller Thomson LLP, Toronto - Chair CBA Commodity Tax, Customs and Trade Section

**Panelists:** Daniel Kiselbach, Miller Thomson LLP, Vancouver  
Lawrence Friedman, Barnes Colburn, Chicago

This panel will discuss hot border crossing topics, including seizures, laptop searches and other enforcement actions and potential responses and privacy law concerns, including judicial review options upon seizures.

**11:45 – 12:30** **Hot Customs Issues**

**Moderator:** Glenn Cranker, Stikeman Elliott LLP, Montreal

**Panelists:** Pierre Trudel, Manager, Valuation Programs Unit, CBSA, Ottawa  
Dennis Wyslobicky, Barrister & Solicitor, Oakville  
Lawrence Friedman, Barnes Colburn, Chicago

This panel will discuss recent developments in customs jurisprudence (purchaser in Canada, royalties, valuation, tariff classification, and Customs Seizures/Ascertained Forfeitures) and CBSA and U.S. CBP Policies, including the “first sale” issue, CBP rulemaking authority and the influence of the Explanatory Notes on classification decisions.

**12:30 – 1:45** **Lunch with Keynote Speaker – Ms. Cathy Munroe, Vice President, Admissibility Branch, CBSA**

**2:00 – 3:00** **Concurrent Sessions**

**1) Government Procurement**

**Moderator:** Gerry Stobo, Borden Ladner Gervais LLP, Ottawa,

**Panelists:** Ellen Fry, CITT Member, Ottawa  
David Attwater, Barrister and Solicitor, Ottawa

This panel will discuss developments in government procurement and recent important cases that every lawyer practicing in the government procurement area should know.

**2) Compliance with GST Issues at the Border**

**Moderator:** TBC

**Panelists:** Dalton Albrecht, Miller Thomson LLP, Toronto - Chair CBA Commodity Tax, Customs and Trade Section  
Allan Gelkopf, Blake, Cassels & Graydon LLP, Toronto  
Craig McDougall, Felesky Flynn LLP, Calgary

This panel will discuss a number of hot GST cross border issues that arise at the border, such as drop shipments, carrying on business in Canada, continuous cross border commodity transmissions, constructive importer rules (s. 178.8), s. 180 problems with ITCs on imported goods, and transfer pricing from a customs/GST perspective.

**3:00 – 3:15** **Refreshment Break**

**3:15 – 4:15** **Concurrent Sessions**

**1) Compliance with Controlled Goods and Export Control Laws Affecting Canadian Businesses**

**Moderator:** Jack Millar, Millar Kreklewetz, Toronto

**Panelists:** Lynne Sabatino, DFAIT, Export Controls, Ottawa  
Pierre Gagne, Controlled Goods Directorate, Ottawa  
Edward Krauland, Steptoe & Johnson LLP, Washington D.C.  
Cyndee Todgham-Cherniak, Lang Michener LLP, Toronto

This panel will discuss compliance issues relating to the manufacture of military, defense and nuclear goods and the export of controlled goods from Canada and export controls for other strategic goods or generally for bad actors.

**2) The Good Protectionism: Compliance with Proposed Consumer Protection and Food Safety Laws**

**Moderator:** Daniel Kiselbach, Miller Thomson LLP, Vancouver

**Panelists:** Robert Charlebois, Canadian Food Inspection Agency, Ottawa  
Sandra Wright, Health Canada, Ottawa  
Keith Mussar, I.E. Canada, Toronto

This panel will discuss proposed federal legislation that imposes new obligations on importers to protect consumers and ensure food safety.

**4:15**

**Post Conference Cocktail Reception**