

Kerry T. Scarlott

Partner

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Overview

Kerry Scarlott counsels organizations of all sizes engaging in activities domestically and abroad regarding international trade matters. He has particularly deep experience counseling technology-based clients on effectively and efficiently navigating the Export Administration Regulations (EAR); the International Traffic in Arms Regulations (ITAR); the Foreign Corrupt Practices Act (FCPA); special sanction programs administered by various U.S. government agencies, including the Treasury Department's Office of Foreign Assets Control (OFAC) and the National Industrial Security Program Operating Manual (NISPOM); and national security regulations. Kerry regularly represents clients in foreign trade-related matters before U.S. government agencies, including the Departments of Commerce, State, Defense and Treasury. He also has significant experience advising clients on best practices in the development and implementation of compliance policies, procedures and training, as well as experience executing international trade-related due diligence in mergers, acquisitions and financing transactions. Kerry also represents companies before the Committee on Foreign Investment in the U.S. (CFIUS), and assists clients in mitigating foreign ownership, control or influence (FOCI) as may be required by CFIUS or U.S. national industrial security regulations.

Kerry has particular experience representing the aerospace and defense industries, as well as the optics, photonics and electronics industries. His depth of experience and industry knowledge, coupled with a hands-on, practical approach, makes Kerry an effective advocate for clients looking to navigate complex regulatory issues in an efficient manner.

Experience

- Assisted a global corporation in completely revamping its trade compliance policies and programs, and trained the global workforce in their use.
- Assisted clients of all sizes in securing a variety of export licenses and approvals related to complex multiparty transactions involving highly regulated goods and services, including obtaining approval for the offshore manufacture of sensitive goods utilizing U.S. technology and know-how.
- Obtained numerous U.S. government approvals related to the launch of U.S. satellites by foreign launch service providers, including the first-ever waiver of U.S. policy against the utilization of Indian launch vehicles, and guided clients through Department of Defense monitoring of foreign launch campaigns.
- Counseled a major U.S. university in obtaining a novel U.S. government approval for the co-development and deployment of a spacecraft with a non-NATO ally.
- Conducted numerous FCPA, EAR, ITAR, and OFAC compliance assessments and investigations, and negotiated favorable voluntary disclosure outcomes, including in connection with representing the target in a major merger transaction.
- Assisted numerous U.S. and foreign entities in successfully navigating the CFIUS process, including in connection with a recent transaction involving investment by a Chinese entity in a sensitive industry.
- Is engaged by public and private corporations, research institutes and universities to assist in establishing and maintaining effective and efficient trade compliance programs. Regularly counsels clients in designing and implementing global anticorruption and trade compliance programs, as well as in conducting compliance assessments, preparing voluntary disclosures and responding to government investigations.

Recognitions and Memberships

Recognitions

- Chambers USA: Nationwide International Trade: Export Controls & Economic Sanctions (2015 to 2016, 2018)
 - Recognized Practitioner (2015 to 2016, 2018)
- The Legal 500 United States (2017 to 2018)
 - Recommended in Dispute Resolution - International Trade

Memberships

- American Bar Association: International Law Section
- Society for International Affairs
- Association of Unmanned Vehicle Society International: Member
- Northeast Chapter of the National Defense Industrial Association: Board of Directors
- Center for Transportation and the Environment: Board of Directors
- The International Society for Optics and Photonics (SPIE)
- Massachusetts Export Compliance Alliance

News

- 1/15/2019
Law360 Names International Trade and Privacy and Data Protection Teams Practice Groups of the Year
- 10/16/2018
Kerry Scarlott, Lana Muranovic Speak at Sanctions Risk Management Conference

- 10/3/2018
Kerry Scarlott Discusses Sanctions on Russian Aluminum Producer at National Conference
- 4/3/2018
Six BakerHostetler Attorneys Speak at Defense Industry Conference
- 2/1/2018
Kerry Scarlott Addresses IP Protection and Trade Compliance with China
- 12/4/2017
Kerry Scarlott a Speaker at Major Optics Industry Conference
- 6/5/2017
BakerHostetler's Legal 500-Ranked Practice Areas Up Nearly 40 Percent
- 12/20/2016
Jeff Paravano, Kerry Scarlott Talk to "Tax Notes" about Changes in Tax, Trade Policies
- 7/25/2016
BakerHostetler Attorneys Speak at Massachusetts Export Center's Program on International Trade Compliance

Press Releases

- 1/14/2019
BakerHostetler's International Trade Team Named a Practice Group of the Year
- 6/5/2018
BakerHostetler Boosts High Marks in the Legal 500 2018 Annual Guide
- 5/3/2018
Chambers and Partners USA Honors 118 Attorneys and 45 Practice Areas in 2018 Guide

Alerts

- 11/1/2018
CFIUS Issues Regulations for FIRRMA Pilot Program
- 8/30/2018
New Sanctions Against Russia Have Unfavorable Impact on Defense Sector, with Carve-Outs Favoring Certain Aspects of the Aerospace Industry
- 7/27/2018
U.S. Government Warns about Sanctions Evasion Tactics; Heightens Need for Due Diligence
- 5/9/2018
Trump Administration Withdraws from Iran Nuclear Deal - Prepares to Reinstate Sanctions with Profound Domestic and International Implications
- 5/2/2018
U.S. Sanctions Under the Trump Administration – International Trade Implications
- 4/18/2018
BIS Activates Export Denial Against Chinese Telecom Titan ZTE
- 1/9/2018
CFIUS Reform: Legislation Proposed to Strengthen National Security Reviews
- 11/28/2017
U.S. Sanctions Developments in the Trump Administration
- 4/17/2017
Exporters Must Comply With Hong Kong Import and Export Controls
- 7/6/2016
BIS Revises Penalty and Settlement Guidance
- 6/13/2016
BIS and State Department Issue Rules on Key Export Control Definitions and Cloud Computing

Community

- Wounded Warriors Project: Volunteer

Services

- International Trade Remedies and Trade Policy
- International Trade – Compliance
- Foreign Corrupt Practices Act (FCPA)
- Compliance
- Mergers and Acquisitions

Industries

- Aerospace, Defense and Government Services
- Technology in Manufacturing

Admissions

- Massachusetts
- District of Columbia

Education

- J.D., University of Pittsburgh School of Law, 1994; *Law Review*, Executive Editor
- M.P.P., University of Pittsburgh, Graduate School of Public and International Affairs, 1994, with honors
- B.S., St. Lawrence University, 1986