

Chinese mushrooms, Polish golf carts, and international trade practice

by Bart Fisher '72

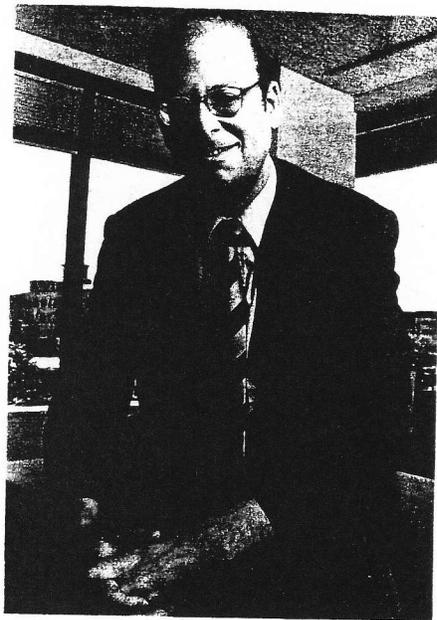
When I began to practice international trade law 17 years ago, the field was much smaller. International trade has grown dramatically—it now accounts for 20 percent of the Gross National Product—and the practice area has exploded. U.S. investments abroad and foreign investment in the United States have also expanded enormously. In the coming years, more expert practitioners of international business diplomacy will be needed to minimize the inevitable frictions growing out of these transactions, particularly with Japan and the European Community.

My work is of course affected by the dramatic geopolitical changes occurring in Eastern Europe. Fortunately I have been able to combine my legal training at Harvard with my education at the Johns Hopkins School of Advanced International Studies, where I earned an M.A. in 1967 and a Ph.D. in 1970. I have also done research in international economics at the Brookings Institution as a Brookings Fellow in 1968–69.

The nature of international business lawyering has changed as the U.S. economy has become internationalized. Work in the trade practice has shifted from the regulatory side to the transactional side in recent years, and today the primary job of the international trade lawyer is to assist U.S. and foreign interests in the exportation of goods, services, and capital.

Today my practice in international trade centers on international trade negotiations—primarily the current Uruguay round of multilateral trade negotiations in the General Agreement on Tariffs and Trade; foreign market development problems such as the export of U.S.-produced rice and sake to Japan; and trade regulation disputes over products as varied as automobiles, doll houses, flower pots,

flatware, cookware, television sets, and mushrooms from the People's Republic of China. A few years ago, for example, we successfully represented the New England fishing industry in a countervailing duty case against Canada and obtained additional protection after demonstrating that Canada provided 55 different types of subsidies for its fishing industry! I remember launching that case in a (smelly) press conference at the Boston Harbor Fish Pier.



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I am working with a telecommunications company to try to establish a modern telephone system in Poland. The telecommunications sector is the number one investment priority of the new Solidarity-led Polish government. The current phone system in Poland simply does not work—there is a 25-year waiting list for basic land-lines services. Fortunately, the Polish government is now

seeking U.S. direct foreign investment as a political counterweight to German economic involvement. I am also working on behalf of U.S. clients to establish health clinics in Hungary, and textile manufacturing plants in Poland, Hungary, and Romania.

My interest in the legal regimes of non-market economies was triggered by my mentor at the School, Professor Harold Berman. In 1981 I drew on his training in the Polish golf cart dumping case. The U.S. golf cart industry hired me to limit imports of Polish golf carts, which had taken over 40 percent of the U.S. golf cart market. We won that case, and as a result of the decision, antidumping duties of 100 percent were imposed on Polish golf carts imported to the United States. I remember receiving a call from Professor Berman telling me what a terrible thing I had done. "You're keeping out the only exportable product Poland has," Berman said. I think he would approve of my efforts to put a phone system in Poland now, and that makes me feel a little better.

I have tried to share with students the practical experience I have gained. I have been teaching a course on the regulation of international economic relations at Johns Hopkins since 1983. The casebook that I coauthored in 1986, *International Trade and Investment*, is now being used in over 40 law schools, including Harvard.

As the world becomes increasingly internationalized, I hope the School will continue to deepen its offerings in international trade and investment and that students will explore joint-degree opportunities in international relations.