



## Joseph R. Brubaker

Shareholder

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**Joseph Brubaker** assists companies in taking products, services, intellectual property, and businesses globally. With extensive regulatory and litigation experience with governments worldwide, he helps U.S. companies successfully expand internationally and helps foreign companies invest in the U.S. market.

Mr. Brubaker has lived in England, France, Israel, Mongolia, and Russia, and his experience includes matters relating to over 150 countries. He currently serves as chair of the Utah District Export Council, on the board of the World Trade Center Utah, on the board 47G (formerly known as the Utah Aerospace & Defense Association), on the Utah Advisory Committee for the U.S. Global Leadership Coalition, and as former chair of the International section of the Utah Bar. He currently teaches U.S. Foreign Relations Law and Comparative Legal Traditions at BYU Law School.

### Experience

#### **International Transactions and Trade**

- Drafted international contracts for stock, goods (including INCOTERMS), services, and licenses (copyrights, trademarks, patents, data, information) in over 100 jurisdictions, including foreign mergers and acquisitions, F-35 countermeasures, Māori artwork, semiconductor software, and Dead Sea Scrolls.
- Advised on contracts, funding, and disputes for real estate transactions and construction of over 60 international projects, including negotiations with Deloitte, KPMG, and PWC.
- Advised on international trade law in multiple jurisdictions, including export and anti-boycott regulations (EAR), international traffic in arms regulations (ITAR), customs and border patrol regulations (CBP), and anti-dumping and counter-vailing duties (AD/CVD).
- Obtained import and export licenses, negotiated voluntary disclosures to avoid penalties in multiple jurisdictions, and saved clients over \$37 million in petitioning for new duty exemptions.
- Served as counsel to China in The Doha Round of free trade negotiations, counseled Bulgaria on terminating an oil/gas treaty with Russia and Greece, advised on U.S.-Japan Trade Agreement.

#### **International Employment and Immigration**

- Drafted employment and independent contractor agreements in over 75 jurisdictions involving the U.S. Foreign Corrupt Practices Act (FCPA) and the U.K. Bribery Act (UKBA).
- Advised on visas and work permits in multiple jurisdictions, including Finland, Indonesia, the Netherlands, Singapore, and the U.S.

# Joseph R. Brubaker

## Practice Areas

International  
Contracts  
Construction, Surety, and Design Professionals  
Cybersecurity and Data Privacy  
Direct Sales and Multi-Level Marketing  
Emerging Technologies  
FDA Regulatory and Compliance  
First Amendment and Religious Organizations  
Global Constitutions and Rule of Law Services  
Business Formation, Structure, and Exit Strategies  
Foreign Direct Investment  
European Markets  
Export Controls, Sanctions, and Compliance  
General Counsel Services  
Global Migration and Employment  
International Dispute Resolution  
International Intellectual Property  
International Law: Trade and Taxation  
Licensing  
Litigation  
Tax and Estate Planning

## Languages

French  
Mongolian  
Russian

## Experience Continued

### International Corporate and Tax

- Established subsidiaries, branches, and affiliates in over 100 jurisdictions, including advising on bilateral and multilateral investment treaties (BITs/MITs), tax treaties, thin capitalization rules, and transfer pricing in jurisdictions, including Argentina, Australia, Brazil, China, Dominican Republic, Democratic Republic of the Congo, Germany, Ghana, Guatemala, Hong Kong, India, Japan, Mexico, New Zealand, Peru, the Philippines, South Africa, United Arab Emirates, and the United Kingdom.
- Advised on domestic, foreign, and international tax issues, including controlled foreign corporations (CFC) and global intangible low-taxed income (GILTI), and preparing for and defending 38 corporate and tax audits.
- Advised on aerospace, agriculture, apparel, airport, blockchain and cryptocurrency, charity, commodities, defense, education, insurance, mining, nutraceutical, oil and gas, pharmaceutical, sports, textiles, and trading industries.

### International Banking and Data Privacy

- Advised on funds transfers, bank credits/guarantees, credit cards (PCI), and insurance policies.
- Advised on anti-money laundering (AML, FinCEN), terrorism financing, and economic sanctions (OFAC), including developing compliance programs, negotiating licenses, and litigating disputes and including Cuba, Iran, North Korea, Syria, Russia, and Venezuela. Served as counsel to Industrial and Commercial Bank of China, Royal Bank of Canada, and Clearstream, as well as to clients working with Bank of America, Citibank, HSBC, JPMorgan Chase, Lloyd's of London, PNC, Standard Chartered Bank, and Zions Bank.
- Advised clients on data privacy compliance under multiple laws (including GDPR), defended clients in eight government data privacy audits, and represented clients in data breaches with Visa, MasterCard, Discovery, and American Express.

### International Human Rights and Religious Freedom

- Assisted in drafting constitutions for Egypt and Nepal, focusing on freedom of expression, freedom of assembly, political determination, federalism, and separation of powers.
- Advised on religious freedom, government relations, and legal compliance on human rights matters in many jurisdictions.
- Assisted in religious freedom litigation, including before the Constitutional Court of Russia.
- Delivered presentations on religious freedom in the Middle East, on treaties of the Organization of American States, and on the International Covenant on Civil and Political Rights (ICCPR).

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## Experience Continued

### **International Litigation and Arbitration**

- Represented clients before the International Court of Justice, the World Bank, the World Trade Organization, the U.S. Supreme Court, U.S. Courts of Appeals for the Second and Fourth Circuits, U.S. District Courts in New York, Utah, Virginia, and Washington, D.C., the U.S. Court of International Trade, the Utah Supreme Court, the Utah Court of Appeals, and other courts.
- Represented sovereigns, state-owned entities, and private companies in international disputes, including Bulgaria, Canada, China, the Philippines, Romania, Uzbekistan, the World Bank's International Finance Corporation, Bank of China, Bank of Costa Rica, and Bank Mandiri.
- Served as counsel to clients in disputes against Argentina, Kyrgyzstan, the United States, and Venezuela and in a dispute involving the Central Bank of Iran, Bank Markazi. Represented clients in international arbitrations under the rules of the International Centre for Settlement of Investment Disputes (ICSID), the International Chamber of Commerce (ICC), the International Centre for Dispute Resolution (ICDR), the London Court of International Arbitration (LCIA), Singapore International Arbitration Centre (SIAC), Japan Commercial Arbitration Association (JCAA), the Italian Association for Arbitration (AIA), the Vienna International Arbitral Centre (VIAC), and The United Nations Commission on International Trade Law (UNCITRAL).
- Served as counsel in enforcing arbitral awards and foreign country judgments and successfully enforced awards and judgments in New York and Utah and managed litigation and arbitration in over 25 jurisdictions, including before The Supreme Court of Cassation in Italy and before the Constitutional Court of Russia.
- Taught law school courses and classes on international litigation and international arbitration at multiple law schools, including Brigham Young University's J. Reuben Clark Law Society, the University of Utah's S.J. Quinney College of Law, and Catholic University of America's Columbus School of Law.
- Clerked at the ICC International Court of Arbitration in Paris, France.

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## Admissions & Affiliations

*Bar Admissions:* District of Columbia  
New York  
Utah

# Joseph R. Brubaker

## Education

University of Cambridge, LLM, First Class Honors, 2007

Columbia Law School, JD, 2006

- Harlan Fiske Stone Scholar
- Parker School Recognition of Achievement in Foreign and Comparative Law
- Civil Procedure Teaching Assistant for Professor Susan P. Sturm
- International Commercial Arbitration Research Assistant for Professor George A. Bermann

University of Utah, BA, President's Scholar, 2002

Brigham Young University, Jerusalem, Israel, 1997

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## Clerkships

- Served as a clerk at the ICC International Court of Arbitration in Paris, France.
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## Honors & Awards

- Pro Bono Award: Assisted in constitutional reform in the Arab Republic of Egypt and the Federal Democratic Republic of Nepal, focusing on equal protection, freedom of expression, separation of powers, and the political question doctrine (2010)
- Willem C. Vis International Arbitration Moot, Vienna, Austria: First Place for Claimant's Memorandum, Honorable Mention for Respondent's Memorandum, Oral Team Semifinalist (2006)
- Utah Legal Elite: Corporate Counsel, International (2021)
- Mountain States Super Lawyers: Rising Star for International (2016-2017)