

Member Spotlight: Robert B. Silverman

From Perry Mason to Protectionism



Robert B. Silverman is one of Grunfeld, Desiderio, Lebowitz, Silverman & Klestadt LLP founding members and heads the firm's litigation group. The firm specialises in working with clients to develop products and structure purchase transactions to minimise Customs duties and Customs penalty exposure.

The Trump Administration's 'Made in America' policy may be causing headaches for many US importers, but for Bob Silverman, every twist in the ongoing saga is a new opportunity for his legal practice.

Despite 30 years as a trade and customs lawyer, Bob says he has never seen the law used in such a way by an incumbent government, in order to alter tariffs on products imported to the US. As the picture changes on an almost daily basis, he is kept busy by clients desperate to protect themselves from increased duties.

He says: "We are filing petitions on behalf of importers to try and keep them out of these crazy duty rates. We are also attempting to reclassify some products that currently appear on blacklists for increased duties. Clients will come to us and ask if reclassification is possible if they move certain processes from one country (e.g. China) to another country, so that it may be recognised as made elsewhere."

Bob's current position as senior partner of GDLSK, one of the largest trade and customs law firms in the USA, means he represents small, medium, or even Fortune 100 companies with their customs planning. Helping them smoothly navigate the current turmoil, is a significant change from his early career as a trial attorney for the Justice Department (DOJ), defending customs decisions in court.

"I honed my litigation skills, while, at the same time, working with the underlying substantive rules relating to importing goods."

Bob says: "It was exciting and I felt very much like Perry Mason – for those who don't know, he was a TV character, a hero to the little guy, a trial lawyer who never lost a case. At the DOJ, I honed my litigation skills, while, at the same time, working

with the underlying substantive rules relating to importing goods."

He spent four years with the DOJ, gaining experience of running multi-million dollar cases that would prove invaluable when he eventually switched to private practice. He then joined a small firm that evolved into GDLSK, a specialised trade and customs practice employing 40 lawyers.

Bob adds: "We started out with 10 lawyers split between Customs and Trade (antidumping duties, countervailing duties, and unfair trade practices). Over the last 30 years we have grown to 40 lawyers with the greatest growth recently coming from trade. We have expanded our practice representing Chinese companies who export to the United States, and we have seen growth in representing a number of foreign product manufacturers who establish US importing companies for better market penetration."

A recent area of expansion, linked to protectionism, lies within the firm's trade practice, where US producers are filing antidumping cases against foreign importers. They know the Department of Commerce will be on their side, with huge duties imposed on those found to be in breach, often in excess of 100 per cent.

Bob is also helping more US exporters negotiate retaliatory tariffs being imposed by countries like China, in response to the Trump Administration's actions.

"We have relationships in place with customs experts in different countries. If a question comes up and we don't have the answer, we are able to reach out and find someone who does. The whole world basically works on the same tariff classification and valuation statute but, each country has little twists. We can use our experience and say

conceptually how it should work, but we check with local experts to confirm that."

Despite these areas of growth, the main bulk of Bob's practice relates to planning transactions and products to minimise customs duties and customs penalties, with litigation against the government if customs doesn't agree with the positions he has advocated for clients.

Bob is clear that customer service comes first, and the firm will concentrate on servicing its existing clients to the right standards, before taking on more than it can handle. The value he brings to clients is based on experience at the DOJ and in private practice, and his ability to work in both worlds.

"The most important asset that we bring to the table is in knowing how to solve the problem."

He says: "Clients expect us to be able to solve their problems. But HOW we do it is unique because of the depth of experience we bring to each matter. We identify opportunities and problems, but the most important asset that we bring to the table is in knowing how to solve the problem, who to contact in the government and when that is the best course of action to take.

"Our clients know that filling a room with a bunch of 'empty suits' doesn't necessarily get the work done efficiently."

Besides keeping his clients happy, Bob must shoulder the burden of working with partners to run a modern law firm, with all the attendant responsibilities that come with that effort. Running a practice while growing a business can be

challenging, requiring tremendous dedication, and a keen ability to multi-task.

These attributes are clearly evident when Bob talks about his approach to work and the importance of a healthy work/life balance.

"In this profession there is a tremendous amount of balancing: deadlines, large and small projects, selecting what to keep for yourself and what to ask others to do, and billing the right amount commensurate with the size of the problem. I try to get to work early before the phone rings when I am fresh and can edit large documents. As the day goes on, the phone work picks up and writing has to move to the back burner until we start again the next day.

"Every once in a while, it gets crazy and we do have to work nights and weekends, but we try to keep that to a minimum. If we have clients who need answers, we will get them, so delegation is key. Even though I might do a better job if I do it myself, it's sometimes better if I take a supervisory role - manage it, make sure it's in shape, and get it out."

Despite the Government's best efforts, Bob is determined to keep work in perspective. He is a lover of physical sports, including Pilates, tennis, golf, hiking and skiing and he also enjoys spending time with his three grandchildren or travelling with his wife.

For those who allow work to become all-consuming, he offers a final sage piece of advice.

"The old joke goes that on the lawyer's deathbed, when asked what they would change, no one says 'if I had it to do all over again I wish I spent more time in the office'."

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Grunfeld, Desiderio, Lebowitz, Silverman & Klestadt LLP is one of the nation's largest law firms devoted exclusively to international trade and customs matters. The firm represents a wide variety of clients, ranging from privately held companies to Fortune 100 corporations.

