

MVP: King & Spalding's Stephen J. Orava

By Rae Ann Varona

Law360 (November 15, 2024, 3:21 PM EST) -- Stephen Orava, chair of King & Spalding's global trade practice, brought a family-owned pea protein company across the finish line when the U.S. International Trade Commission unanimously affirmed that plant proteins from China were hurting the domestic industry and took the reins on developing strategies targeting the potential impacts of China's overcapacity in chemical sectors, earning him a spot as one of the 2024 Law360 International Trade MVPs.

Notable cases he's worked on:

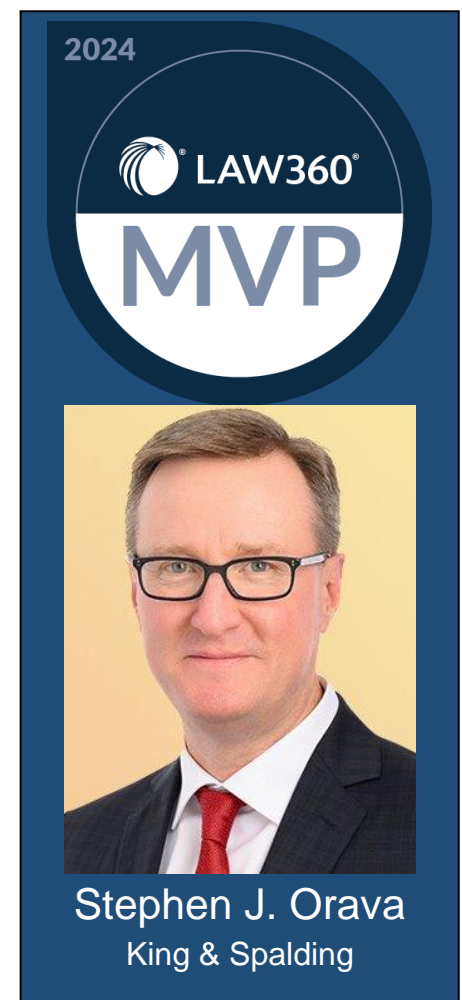
In July, the U.S. International Trade Commission voted 4-0 to affirm that pea proteins from China harmed the U.S. domestic industry, allowing the U.S. Department of Commerce to tag the goods with antidumping and countervailing duties.

Orava led the Minnesota-based pea-protein maker Puris Proteins LLC in filing antidumping and countervailing duty petitions targeting high-protein-content pea protein imports from China. The Cargill-backed company argued in a July 2023 petition that the company had "no choice" but to begin layoffs at its operations in Wisconsin in May of that year as a "direct result of dumped and subsidized imports from China."

The family-owned pea processing company was "doing all the right things," Orava said, including creating new and innovative products, deploying new agricultural-based technologies, and investing in state-of-the-art manufacturing facilities in the Midwest.

"But unfairly traded imports from China were really threatening to undermine everything they were doing," Orava said. "So the orders were really critical to their future."

King & Spalding is also working across various chemical sectors to address China's low demand and overcapacity, which Orava said is creating a situation where capacity is being pushed into other countries and creating significant market distortions.



This year, Orava has taken the lead on a global trade strategy on behalf of chemicals company Tronox Inc. that includes a new antidumping action before the European Commission, an application in Saudi Arabia under the country's new antidumping law and a new investigation in Brazil. He also represents U.S. and European makers of epoxy resins, including Olin Corp. and Westlake Corp., in actions targeting imports of the widely used product from China, India, South Korea, Taiwan and Thailand.

"A lot of that product is now being diverted, either directly or indirectly, as producers from those third countries have to push their products into other markets," Orava said. "We're seeing a lot of that and working diligently on global strategies to deal with that for certain sectors."

His proudest moment:

Despite the achievements, Orava said he's proudest of the development and growth of King & Spalding's international trade practice.

As chair of the firm's global trade practice, Orava, among Law360's inaugural international trade MVPs in 2012, has focused on the diversity of the practice and geographies of the team's matters.

He said they've recently adapted to changes in how trade policy and clients work, putting a greater focus on industrial policy, supply chains and more creative ways of using trade tools to support domestic economic, energy and national security.

"We now have a really strong, talented group of trade lawyers, consultants and support staff, and we're working on a wide range of high-profile and high-value matters that are really critical to clients these days," Orava said.

Orava, recently appointed managing partner of King & Spalding's office in Brussels, Belgium, said the firm's strategy, as a whole, is to continue growing its global practice and "compete for the most interesting and high-value work around the world."

His biggest challenge:

A big challenge for Orava relates to his continuing work advising California's cement industry about climate change, including engaging with the Golden State's government on policies to prevent economic and emissions leakage to imports. When a shift of consumption moves from local producers to imports, it can undermine climate change policy and potentially hurt the domestic industry.

Orava said over the past year, they've been involved in workshops, comments and meetings with stakeholders ranging from the government to nonprofit governmental organizations and others to build a consensus that what California does going forward should involve balancing goals of taking meaningful action for climate change and recognizing that lowest greenhouse gas emitting alternatives are often local alternatives.

"That requires also ensuring that there's a strong domestic industry within California to meet the local needs for all kinds of different things, including some of the things that are caused by climate change," Orava said. That also includes the need for effective infrastructure and developments involving cement.

Why he's an international trade attorney:

Orava has always had an international focus. While an undergraduate student at Southern Methodist University, he spent time at the London School of Economics before heading to Georgetown University Law Center, which is where he began to appreciate how international trade law intersects with almost all aspects of policy.

"I really enjoyed that dynamic," Orava said.

As a fresh law school graduate, Orava found himself working on the first World Trade Organization dispute settlement panel case, and then the first dispute settlement panel and appellate body cases under the WTO agreements for safeguards and antidumping.

"I was sort of hooked from there," Orava said.

But also leading his path to international trade were senior partners who mentored him and helped foster his interest in the field, Orava said.

What motivates him:

While much of his international trade work involves representing U.S. manufacturers and industry groups, Orava said successes are "very tangible for American business, families and communities."

"If we're successful, it means that people get to keep their jobs," Orava said. "Businesses get to create new jobs, and communities are able to keep facilities in their town, which are often the centerpiece of those towns."

Orava recalled visiting factories in the Midwest while preparing for a case, seeing anxiety on workers' faces, and hearing their concerns. He said he saw the benefits when he visited following successful cases, such as defending against unfairly traded imports.

"You can really see the load lifted off their faces," Orava said. "They're excited."

He said there are facilities in rural parts of California or the northeast no longer operating in towns that used to be vibrant.

"The ability to keep the capacity that's there and the community ... strong and vibrant, it really is a positive impact," Orava said.

His advice for junior attorneys:

Orava said there are four things junior attorneys should keep in mind, the first of which is having the right attitude.

"Be curious, be proactive and be present in the office where you can be," Orava said. "That enables you to seek out and take advantage of opportunities."

Asking questions is important, but Orava said proposing what you think needs to be done and offering to take ownership of what those next steps might be is "very valuable to those you're working with."

He also said junior attorneys should be mindful of communication.

"My advice is always to be precise and responsible," Orava said, adding that junior attorneys should be able to write well and deliver something that's client-ready. "At the end of the day, you're trying to create demand for your services, whether that's internally or externally."

Third, Orava said to seek and care for relationships, whether it be with law school classmates, or the most junior in-house counsel.

Law, he said, is a "very relationship-driven practice."

"You want to understand the business of law and how to translate those relationships into new opportunities," Orava said.

Finally, junior attorneys should have not just a work-life balance plan, but a realistic one.

"Everyone needs to be taking care of themselves and carving out time for your family, but it needs to be realistic," Orava said. "Your choices matter in terms of how you develop that plan."

He said that when working in a high-performing firm where attorneys have high billable hour expectations, junior attorneys are going to have to be creative and flexible when developing their work-life balance plan.

--As told to Rae Ann Varona. Additional reporting by Jennifer Doherty. Editing by Drashti Mehta.

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