



## Elyssa R. (Emsellem) Kutner

ASSOCIATE

Elyssa is an associate in the firm's International Trade group.



### Practices

Customs & Import Compliance  
International Trade

### Languages

Spanish

### Education

Benjamin N. Cardozo School of Law, 2013  
University of Pennsylvania BA, Cum  
Laude, 2010

### Offices

Washington, DC

### Phone

212.492.3302

### Email

Elyssa.kutner@arentfox.com

Elyssa's practice focuses on import compliance, and representing clients before Customs and Border Protection ("CBP"), the Court of International Trade ("CIT"), and the Court of Appeals for the Federal Circuit ("CAFC"). Elyssa brings a broad range of experience in international work and litigation to the team.

*Not admitted in District of Columbia. Admitted in New York and New Jersey. Practicing under the supervision of firm principals.*

### Client Work

Elyssa routinely advises clients on all areas of import compliance such as classification, valuation, country of origin determinations, country of origin marking requirements including use of the "Made in USA" mark, and free trade agreements and duty preference programs. She also supports apparel, footwear, and luxury good companies in protecting their IP at the border against counterfeit and infringing goods by recording registered marks with CBP, training officials at the ports, and cooperating with the agency to combat counterfeiting. Elyssa assists companies across industries in developing comprehensive trade compliance programs and training compliance employees. Her efforts have resulted in companies realizing significant duty savings, identifying risks and opportunities, reducing counterfeit merchandise in US commerce, and ensuring compliance with CBP and other agencies such as the Federal Trade Commission, Food and Drug Administration, and Fish and Wildlife Service. She has also counseled corporations on the newly imposed Section 232 and proposed Section 301 tariffs.

In addition to counseling on import compliance, Elyssa has extensive experience representing clients before CBP in administrative proceedings including audits and focused assessments, prior disclosures, protests, ruling requests, and reconsideration requests. She also regularly represents clients in enforcement proceedings including seizures and forfeitures, and pre-penalty and penalty actions, which has resulted in the remission of merchandise and mitigation or cancellation of penalties. Elyssa's background in customs

litigation makes her uniquely qualified to handle all phases of litigation in customs and international trade matters before the CIT and the CAFC including discovery and drafting dispositive motions.

## **Previous Work**

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Prior to joining Arent Fox, Elyssa worked for a boutique international trade law firm in New York. Her practice focused on administrative proceedings before Customs and Border Protection, and litigation in the CIT and CAFC. While in law school, Elyssa was a member of the Journal of Public Law, Policy, and Ethics, and a member of the Human Rights and Genocide Clinic.

## **Professional Activities**

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Elyssa is a member of CITBA's Young Lawyers Committee, the American Association of Exporters and Importers, United States Fashion Industry Association, American Apparel & Footwear Association, and the Federal Bar Association.

## **Recognitions**

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Elyssa was recognized as a Rising Star by Super Lawyers in 2017 and 2018 in International law.

## **Life Beyond the Law**

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When not working, Elyssa enjoys traveling and playing tennis.

## **Bar Admissions**

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New York  
New Jersey

## **Court Admissions**

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US Court of International Trade  
US Court of Appeals, Federal Circuit