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Meet Matt Silverman: Compliance as a catalyst

By Matt Silverman, JD, LLM, and Adam Turteltaub

AT: You have tremendous experience in trade compliance, which has gone in recent years from a very low-profile field to one that makes headlines on the news. What led you to it?

MS: I started out my legal career practicing in an area of law that I really didn't enjoy. My expectations in being a trial lawyer hadn't panned out how I had expected. So, I decided to make a big career change. I went back to school at Georgetown to study international trade law and during my time in Washington, DC, I also got great opportunities to work on trade law and policy in places like the U.S. Senate, U.S. Trade Representative, the World Bank, and in the global trade group at a major law firm. My experience in DC helped me focus my practice on trade law and to begin a broader career in compliance that is developing to this day.

AT: It's a complex area of compliance. For those who may be unfamiliar, can you give us an overview of the key risk areas?

MS: Trade compliance generally gets divided into four areas: export controls, customs, sanctions, and antiboycott compliance. Export controls are the laws and regulations that control the export of goods, technology, software, and services all over the world, depending on the type (or "classification") of the item and where it is being exported to. Customs work is a broad area but is focused on compliance in the import of goods—everything from tariff codes to supply-chain security to compliance with regulations concerning the import of hazardous goods. Sanctions always seem to get the most buzz in the news. This area of practice deals with restrictions on individual parties and countries (e.g., sanctions on Russia and Iran). Finally, antiboycott compliance (an often-overlooked area of trade compliance) is centered on the US antiboycott laws and the types of language that US companies can agree to regarding foreign boycotts—specifically, the Arab League boycott of Israel. The commonality among all these areas is that they are dependent in some ways on the day-to-day geopolitical environment, which makes the job of a trade-compliance professional both challenging and exciting!

AT: It's important to remember that this doesn't apply to just hard goods. Services and data can also be restricted. What are some typical areas to be on the lookout for that might be missed?

MS: That's right. A lot of what keeps me busy during the day (and keeps me up at night) is not necessarily related to what most people may think of as "traditional" exports. For example, managing the export of defense services or the export of US-controlled technology to a foreign national is a big part of trade compliance. The latter, referred to as a "deemed export" can be overlooked or misunderstood by global companies in that it's an area

unique to US law (no other countries have the concept of deemed exports). Deemed-export controls restrict the transfer of technology to people based on their nationality, not their geographic location. Deemed exports pose specific complications for trade-compliance professionals and often require working with stakeholders in human resources and IT security to ensure compliance. Some of the biggest areas of concern are the relationships between deemed exports and data privacy, as well as antidiscrimination laws. The balancing act between trade compliance and these other areas require trade-compliance professionals to maintain a breadth of compliance knowledge.

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