





# Chris Helmer

Partner

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 @millernashllp

Chris Helmer primarily handles international and maritime matters—both litigation and transactional. With 30+ years of litigation experience, she is in a unique position to assist clients in contract drafting and assessing contractual risks. And that litigation experience includes regular handling of the issues particular to cross-border and admiralty litigation that not every practitioner is accustomed to dealing with—service abroad, obtaining evidence abroad, jurisdiction over foreign parties for claims arising in faraway countries, vessel arrests and attachments, customs, FCPA and export sanctions issues, and enforcement of international arbitration awards and foreign judgments. If a business plan or problem has a foreign component, Chris has likely dealt with it.

Chris works with clients in multiple industries, including natural resources, agriculture, food and beverage, technology, shipping, marine terminals, and manufacturing. She has negotiated and documented hundreds of simple to complex contracts dealing with licensing and product sales, agency and distribution, vessel construction, charter parties, foreign joint ventures, letters of credit, and cross-border financing. Her litigation/arbitration experience includes not only U.S.-based disputes but management of foreign litigation and handling arbitrations before the recognized international arbitral institutions—ICC, SIAC, ICDR (AAA), LCA, and others.

Chris’s service as temporary in-house counsel to an international financing subsidiary of Daimler Benz and her work with myriad businesspeople give her a good understanding of what clients really need and want. She keeps up with a network of experienced foreign counsel through her work as an officer of the International Bar Association’s Litigation Committee and teaches admiralty law as an adjunct professor for Lewis & Clark Law School. Chris also taught International Dispute Resolution at Lewis & Clark for ten years. She is regularly listed in *Oregon Super Lawyers* and *The Best Lawyers in America*® in the categories of international, business litigation, and admiralty.

## Professional Activities

- Oregon State Bar, Member
  - Board of Governors, Past Treasurer and Board Member
- Washington State Bar Association, Member

## Education

J.D., Lewis & Clark Law School, *cum laude*

LL.M., Columbia University, international law

B.A., Washington State University, *magna cum laude*, English composition
 

- Phi Beta Kappa

## Bar Admissions

Washington, 2009  
Oregon, 1974

## Court Admissions

U.S. Court of Appeals for the Ninth Circuit

U.S. District Court, District of Oregon

## Languages

German  
Spanish

- International Bar Association
  - Litigation Committee, Vice Chair
  - Litigation Committee Newsletter, Past Co-Editor
  - Litigation Committee, Past Treasurer
- American Arbitration Association International Centre for Dispute Resolution, Neutral Arbitrator
- Lewis & Clark Law School, Adjunct Professor
  - Litigating Abroad
  - Transnational Litigation and Arbitration, 2000-2008
- Xiamen University Law Department, People’s Republic of China, Guest Lecturer
- Oregon State Board of Bar Examiners, an Oregon Supreme Court appointment, Past Vice Chair and Board Member
- Ninth Circuit Judicial Conference, a U.S. District Court of Oregon appointment
  - Past Delegate
  - Judicial Conference Executive Committee, Past Member

### Civic Activities

- Oregon College of Art and Craft, Board Chair, 2012-2013
- Lewis & Clark Law School, Board of Visitors member and frequent advisor to the law school’s Global Law Program
- World Affairs Council, Oregon Chapter, Past Board Chair

### Representative Experience

#### International—Arbitration

- Successful defense of federal court action to recognize and enforce arbitral award rendered by a provincial Chinese arbitration institution. Foreign arbitration awards are enforceable in the United States under the New York Convention and their enforceability is difficult to challenge. Defended on the basis of lack of due process because all communications from the arbitral proceeding were in Mandarin, a language that the client did not know. This was a very significant decision nationally and internationally.
- Current international arbitration before the Singapore International Arbitration Centre involving significant claims arising out of failed manufacturing joint venture in India.
- Obtained federal district court judgment dismissing New York Convention challenges to multimillion-dollar ICC arbitral award involving Belgian client’s chemical manufacturing facility.
- Arbitrated lumber sales contract dispute between U.S. buyer and Russian and Austrian sellers to successful resolution before International Arbitration Centre of the Austrian Federal Economic Chamber.
- Successful Stockholm Chamber of Commerce product liability property damage arbitration on behalf of Beijing truck manufacturer under the U.S. Convention on the International Sale of Goods.
- AAA International Center for Dispute Resolution arbitration between Saudi Arabian product distributor and U.S. manufacturer under Saudi Arabian government-sponsored form of unregistered distribution agreement.

#### International—Contracts

- Drafted hundreds of international sales contracts, standard form international terms and conditions, product distribution or channel agreements, custom foreign manufacturing agreements, foreign country agency agreements, ex-pat employee agreements, and foreign-invested joint venture agreements for variety of industries including technology, wood products, heavy equipment, solar energy, pharmaceuticals and medical supplies, food products and pet food, alcoholic beverages, and agricultural products.

- Negotiated resolution of a \$50 million long-term supply contract dispute between a United States/German supplier and a Belgium product purchaser in a specialty industry.
- On behalf of a company owned by five Middle Eastern sovereigns, investigated and prepared claims against the U.S. government regarding more than \$10 million for services rendered in connection with the Iraq war.

### International—Compliance

- Initial and renewal applications for People's Republic of China AQSIQ scrap licenses sought by United States scrap companies, together with ongoing advice regarding the interpretation of and compliance with AQSIQ regulations.
- Negotiated civil penalties for accused employee of admitted long-term FCPA violations where company paid more than \$10 million in fines and entered into a multi-year compliance consent decree.
- Obtained Department of Commerce ruling removing trademarked manufactured products from scope of long-standing and anti-dumping order, despite existing contrary scope ruling purporting to cover the same products.

### International—Litigation

- Acted as foreign counsel representing multinational medical equipment manufacturer in several litigated contract disputes in Caracas, Venezuela, and Bogota, Colombia.
- Handled numerous cross-border discovery disputes, including recent successful defense of broad-based document discovery orders affecting a European religious entity alleged to have a United States presence.
- Represented the association of French bankruptcy trustees in pursuing a multimillion-dollar claim against the recipient of funds taken from a French trustee through international fraud.

### Maritime

- After five years, before the state of Washington federal district court and two trips to the 9th Circuit, successfully obtained an order of civil contempt after trial, a \$2.55 million (public) contempt settlement, and a permanent Injunction for Japanese clients based on several international maritime treaties in order to ensure safety at sea as a result of defendants' annual direct action campaigns in the Antarctic Southern Ocean against Japanese fleet. 9th Circuit decisions reported at 774 F.3d 935, 588 Fed. Appx. 701, 702 F.3d 573, 725 F.3d 940, and 708 F.3d 1099. *Institute of Cetacean Research and Kyodo Senpaku Kaisha Ltd. vs. Sea Shepherd Conservation Society and Paul Watson*, United States District Court, Western District of Washington at Seattle, Case No. C11-2043JLR, United States Court of Appeals for the Ninth Circuit, No. 12-35266.
- Obtained defense verdict in federal district court and 9th Circuit of admiralty collision case on basis of Act of God where similarly situated blue water bulk carriers were held liable for significant property damage to Columbia River docks and manufacturing facilities, reported as *Weyerhaeuser v. ATROPOS ISLAND*, 777 F.2d 1344.

### Import/Export

- Assisted privately held agricultural industry leader with eleven simultaneous Prior Disclosures to Commissioner of Customs covering approximately 27,000 import entries at 33 ports valued at more than \$800 million.
- Prepared two recent customs petitions for clients experiencing product seizure and penalties, with the result of 100 percent and 90 percent penalty decreases, respectively. One of these results was particularly difficult to obtain because the client had in fact violated registered intellectual property rights with products it had manufactured in China for U.S. sales.
- Drafted and advised public port entity on successful multimillion-dollar equipment purchase and custom construction contract with Chinese company, including import and payment issues.

### Education Institutions

- Prepared Human Resources and Tax/Social Benefits Framework Agreement for U.S. private university's relationship with U.K. company to allow U.K. company to hire and secondments temporary employees for U.S. university in a variety of countries, including preparation of individual foreign employee employment contracts.

- Advice to U.S.-based higher education institutions on foreign country requirements for providing college-level classes and degrees, establishing subsidiaries abroad, and handling employment relationships, including contract negotiations and drafting.

### Insurance Recovery

- Successful settlement resolution of state court insurance coverage recovery action against multiple national and international insurers for multinational manufacturer named as a potentially responsible party in the ongoing extensive Portland Harbor cleanup. As a part of that proceeding, obtained an antisuit injunction prohibiting insurers from continuing with a duplicative action brought by them in another state seeking a declaratory judgment of no coverage. Coverage was sought for the client under insurance policies of predecessor companies that had owned the client's current Portland facility within the Portland Harbor cleanup study area.

### Publications

- "New Bill Brings Scrutiny to Foreign Donations and Contracts in U.S. Higher Education," Miller Nash, coauthor (June 2021)
- "Foreign Arbitration Clauses in Insurance Policies: Oregon Federal Court Enforces Clause—A Cautionary Tale for Domestic Businesses," Miller Nash, *The Northwest Policyholder*, coauthor (June 2021)
- "Handling Cross Border Disputes," *Lawyer Monthly Magazine* (July 2019)
- "Enforcement of Foreign Arbitration Awards in the US: English Language Notification of Initiation of Proceedings May Be Needed to Satisfy Due Process," International Bar Association, *Legal Practice Division Arbitration Newsletter*, coauthor, Vol. 17 No. 1 (Mar. 2012)
- "Representing Clients in Litigation Abroad," Oxford University Press, *World Class Actions (A Guide to Group and Representative Actions Around the Globe)* (2012)
- "The United States—Colombia Free Trade Agreement," Miller Nash (Nov. 2011)
- "Avoiding Pitfalls in Foreign Government Contracts," *Inside the Minds: Understanding Legal Issues for Foreign Government Contracts*, Aspatore Books (2009)
- "Using Prejudgment Remedies to Preserve Nonresident's United States Assets During Foreign Litigation," Practising Law Institute (Mar. 2006)
- "Litigating Claims Under the Alien Tort Statute After *SOSA V. ALVAREZ-MACHAIN*," Practising Law Institute (Nov. 2005)
- "Disregard the Convention or National Law: Does 'Manifest Disregard' Provide a Basis for Challenge Under the New York Convention?" American Bar Association, *International Litigation Quarterly* (Fall 2004)
- "Oregon International Commercial Arbitration and Conciliation Act," Oregon State Bar, Arbitration and Mediation CLE (2001)
- "Has China Adopted the UCC?" China International Economic and Trade Arbitration Commission, *Arbitration Journal* (2000)
- "Succeeding in the International Marketplace," Corporate Counsel, *Guide to Using International Arbitration* (Nov. 1998)
- "Arrest of Ships," United States portion, Lloyd's of London Press (1985)

### Presentations

- "Welcoming the Biden Administration - How Do the Election Results in the U.S. Impact Trade in the Americas?" Multilaw, Americas Virtual Summit, moderator (Mar. 2021)
- Interview on *ThinkTech Hawaii* (Feb. 2021)
- "Structuring International Sales Channel Agreements: Complying with Export Laws, FCPA, OFAC," Strafford Webinars Group (Jan. 2021)

- “Things to Look Out For in Cross-Border Contracts,” National Association of Credit Management (Oct. 2020)
- “‘Force Majeure’ Provisions in International Contracts,” Organization of Women in International Trade—Northern CA, webinar (June 2020)
- “Appellate Arbitration Procedure Roundtable,” American Arbitration Association (June 2018)
- “Trial Advocacy—Witnesses, Facts and Persuading Triers of Fact,” International Bar Association, Annual Litigation Forum (May 2018)
- “Hot Topics,” Western Canada Commercial Arbitration Society, Annual Energy, Mining and Resources Arbitration Conference (May 2018)
- “Primer on Contracts,” Women President’s Organization—Oregon Chapter (Aug. 2017)
- “Developing a Career in International Law,” Lewis & Clark Law School (Feb. 2017)
- “International Asset and Tax Issues,” American Bar Association, Family Law CLE (Feb. 2017)
- “International Business Law Basics,” University of Portland (Dec. 2016)
- “Navigating Dispute Resolution in North America and the Asia Pacific Region—Do We Use The Same Ship?” International Bar Association, Annual Conference (Sept. 2016)
- “Really Lost in Translation: Litigation v. Arbitration in Asia,” International Bar Association, Annual Litigation Forum (Apr. 2016)
- “Dealing with Corruption in U.S. Trading Partner Countries,” Lewis & Clark Law School, 2016 International Law Symposium (Mar. 2016)
- “Hot Topics in International Sales, Franchising, and Product Law,” International Bar Association, Annual Conference (Oct. 2014)
- “International Litigation Issues,” Multnomah County Bar (Feb. 2014)
- “Litigating Abroad,” Lewis & Clark Law School (Jan. 2014)
- “Incoterms® 2010 Rules in a Multimodal World,” International Bar Association, Fall Conference (Oct. 2013)
- International Bar Association, Annual Conference (Sept. 2012)
- “Strategy in International Litigation Cases,” Practising Law Institute, International Litigation 2012 Seminar (June 2012)
- “International Litigators’ Toolbox No. 1: When U.S. Discovery Rules Clash with Foreign Law (Including a Mock Argument Before District Court Judges),” Practising Law Institute (June 2012)
- “Selling Internationally,” Miller Nash (Apr. 2012)
- “Global Issues in Franchising and Distribution Agreements,” International Bar Association, Annual Conference (Oct. 2011)
- “Executive Briefing: Challenges of Doing Business in China,” Miller Nash (June 2011)
- “Selling Internationally - Legal Dos and Don’ts That Affect Your Bottom Line,” Miller Nash (July 2009)
- “At Home and Abroad: Diverse Cultures and the Business of Law,” Oregon State Bar, International Law Section CLE (June 2009)
- “Intercultural Issues in the Practice of International Law,” American Bar Association, Section of Business Law Spring Meeting (Apr. 2009)
- “International Arbitration: Is It The Best Option?” Practising Law Institute (Mar. 2009)
- “ICC Rules Article 37: Emergency Interim Relief: Is it Effective?” ICDR North America Dispute Resolution Series (Apr. 2008)

## Recognition & Honors

- Selected for inclusion in *The Best Lawyers in America*® (Portland, OR)
  - Admiralty and Maritime Law, 1993-present
  - Commercial Litigation, 2018-present

- Recognized as the “Lawyer of the Year—USA” in Admiralty and Maritime by *Lawyer Monthly*, 2018
- Selected to the international edition of *Who’s Who Legal: Litigation*, 2018
- Distinguished Graduate Award, Lewis & Clark Law School, 2008
- Selected for inclusion as an Oregon Super Lawyer, 2006-present
- Rated of AV® Preeminent™ by Martindale-Hubbell®