

RYAN MAJERUS

(b) (6)

LEGAL AND POLICY EXPERIENCE

U.S. DEPARTMENT OF AGRICULTURE, OFFICE OF THE GENERAL COUNSEL, Washington, DC

Senior Counsel, U.S. Supreme Court and Appellate Litigation (GS-15, step 5)

December 2019 – present

- Lead USDA's legal advocacy in the U.S. Supreme Court and all thirteen U.S. courts of appeals, comprising hundreds of fact-intensive appeals every year on matters of substantial importance to USDA programs and objectives
- Provide regular legal advice and counsel to Front Office staff, including the General Counsel and Deputy General Counsel
- Oversee the formulation and implementation of USDA policy positions in appellate cases, including its interpretation of the most significant USDA statutory and regulatory programs such as SNAP and forest management, by coordinating with dozens of attorneys and supervisors in USDA's litigation, civil rights, employment law, international affairs, food assistance, rural programs, marketing, regulatory, food safety, natural resources, environment, and general research divisions; twelve USDA regional offices; and U.S. Forest Service offices across the country
- Responsible for crafting and coordinating the overall agency strategy, presenting to political staff and building their buy-in, and executing the implementation through a formal recommendation to the DOJ Office of the Solicitor General on whether it should (1) authorize an appeal in any case where USDA is a party and receives an adverse decision from a U.S. District Court, (2) authorize a petition for rehearing *en banc* before a court of appeals that has issued an adverse opinion, and (3) file a petition for writ of *certiorari* before the Supreme Court to hear a case; performed these tasks and achieved successful results in several cases before the U.S. Supreme Court in the 2020 term and in dozens of federal courts of appeals cases across the country involving a wide range of NEPA, natural resources, Forest Service, administrative law, First Amendment, Fifth Amendment taking, employment, and Article II Appointments Clause issues
- Monitor and oversee the agency's legal approach in district court cases across the country where USDA is a party, to ensure consistency and uniformity in USDA's interpretation and administration of its most significant programs and policies
- Oversee the legal work and outreach efforts of a junior attorney who drafts appeal recommendations, serves as agency counsel in pending appeal matters, and works with other USDA divisions and field offices to develop appellate strategies for the agency
- Represent USDA in meetings with private stakeholders who have substantial interests in pending appeals involving USDA
- Recognized by USDA for outstanding work in the agency's U.S. Supreme Court victory in *United States Forest Service v. Compasture River Preservation Association*, a precedential case involving special use permits and the Appalachian Trail, as well as several court of appeals cases involving the Food and Nutrition Service
- Received special appointment from DOJ to serve as lead counsel in an appeal before the Fifth Circuit; developed the appeal record and filed lengthy briefs to the court, where we prevailed

OFFICE OF THE U.S. TRADE REPRESENTATIVE, EXECUTIVE OFFICE OF THE PRESIDENT, Washington, DC

Assistant General Counsel, Office of the General Counsel (GS-15)

August 2016 – December 2019

- Served as lead and co-lead counsel in several dispute settlement proceedings convened under the World Trade Organization (WTO) in Geneva, Switzerland – both against trading partners violating their international trade obligations and in defense of challenged U.S. trade actions – with a specific focus on trade remedies disputes involving subsidies, dumping, and countervailing duties
- Conducted negotiations and formal consultations on behalf of the United States with trading partners regarding the resolution and implementation of long-standing WTO disputes, including our challenge to biotechnology trade restrictions in the European Union and cases brought by India and Vietnam against the United States as to antidumping and countervailing duty (AD/CVD) policies implemented by the Department of Commerce (DOC) Office of Trade Enforcement and Compliance; monitored other bilateral trade negotiations undertaken by USTR policy offices and provided legal counsel
- Provided legal advice to senior USTR leadership, including political appointees, on pending WTO disputes, trade negotiations, and agriculture trade policy issues
- Crafted a strong case, grounded in fact-intensive economic data and modeling, that China was continuing to impose WTO-inconsistent antidumping duties on U.S. poultry exports that harmed our domestic industry; monitored the trade remedy actions taken by China that were inconsistent with their trade obligations; coordinated with private stakeholders, the DOC Office of Trade Enforcement and Compliance, the International Trade Commission, and the USTR Agriculture Affairs, China Affairs, WTO, and Economics policy offices to develop our economic analysis and litigation strategy; obtained the buy-in of USTR senior staff to present those arguments in a WTO compliance dispute against China; drafted hundreds of pages of WTO filings and orally presented the U.S. case with co-counsel during a two-day WTO panel hearing in Geneva; obtained a successful result that led China to remove significant market access barriers for U.S. poultry products, for which I received a USTR commendation for leadership in the case
- Served as co-counsel in one of the largest and most complex WTO Appellate Body disputes in history, involving large civil aircraft and the European Union's challenges to subsidies provided by the United States to Boeing; crafted a strong defense, grounded in technical data, on the impact of R&D subsidies from NASA and the Department of Defense on Boeing's development of the 787 Dreamliner aircraft; developed expertise on Boeing technology and the intricacies of the aircraft

market; also oversaw the formulation of our defense on several claims brought by the EU concerning subsidies provided by the U.S. to South Carolina and Washington State, and whether they were consistent with the WTO Subsidies Agreement; coordinated extensively with private counsel representing Boeing in the litigation and obtained buy-in from them and senior USTR staff on the legal strategy; drafted 100 pages of a 250 page submission and orally argued on behalf of the United States for eight days before the WTO Appellate Body; prevailed on most of the issues I argued and received a USTR commendation for leadership and excellence in the case

- Defended the United States as lead counsel in a WTO compliance dispute brought by India over hot-rolled carbon steel, which involved several controversial issues of substantial importance to the Department of Commerce (public body, cross-cumulation, *de facto* specificity); worked closely with the DOC Office of Trade Enforcement and Compliance to develop our legal arguments and supporting economic analysis; oversaw the formulation of our legal defense to several material injury claims, working with the International Trade Commission; drafted hundreds of pages of WTO filings and presented the U.S. defense in two days of oral argument in Geneva; worked with another USTR attorney throughout the case, coordinating and providing guidance as we developed a strong legal defense
- Served as lead attorney advising the USTR Agricultural Affairs office, Front office, and USDA on a range of agriculture portfolios, including biotechnology, cotton, sugar, and others; oversaw the formulation and implementation of agricultural policies and evaluated them for legal sufficiency under WTO and FTA rules; advised on agricultural issues that arose during the USMCA trilateral negotiations
- Provided legal counsel in bi-annual consultations with the European Union for more than three years in efforts to implement and monitor the European Union's compliance with its obligations flowing from the long-running EC – Biotech WTO dispute
- Advised on international agreements, implementing documents, legislation, Federal Register notices, executive orders, decision briefing memoranda, USTR and other agency regulations, congressional testimony, legislative and negotiating proposals, etc.
- Mentored and monitored the work of USTR Special Assistant General Counsels and interns; gave them meaningful assignments and worked to improve their writing, legal, and trade analysis skills

U.S. DEPARTMENT OF JUSTICE, ATTORNEY GENERAL'S HONORS PROGRAM, Washington, DC

Trial Attorney, Civil Division, Commercial Litigation Branch, National Courts Section (GS-15)

October 2011 – August 2016

- Served as lead counsel in over 100 federal trial and appellate matters and first-chaired over 30 substantial oral arguments before courts of nationwide jurisdiction in cases involving international trade, government contracts, bid protests, constitutional claims, government pay and personnel suits, veterans' and other benefits appeals, etc.; developed substantial international trade remedies (AD/CVD), government contracts, and constitutional law expertise
- Conducted settlement, mediation, and ADR negotiations to help resolve complex civil litigation prior to trial; created overall negotiating strategies, in coordination with client agencies and experts, that were well documented by evidence and deposition testimony; presented our negotiating positions to opposing counsel and mediators in a strategic and aggressive manner; achieved settlement agreements on terms highly favorable to U.S. interests in complex contractual disputes involving the procurement of dental imaging software by the Army and multi-family housing by the Army Corps at an air force base
- First-chaired over 40 cases before the U.S. Court of International Trade and Federal Circuit involving antidumping and countervailing duties trade issues, developing our litigation strategy with the Department of Commerce Office of Trade Enforcement and Compliance as the client; drafted thousands of pages of trade briefs and worked with Commerce attorneys and policy analysts on products ranging from steel to catfish; argued over a dozen motions before the court in New York and advised Commerce on appropriate actions to take on remand from the court
- Handled over a dozen complex commercial lawsuits before the Court of Federal Claims involving government contracts issues, working with nearly two dozen agencies to formulate our strategic vision for winning, obtain voluminous discovery, evidence and testimony in support, prepare witnesses for depositions, and develop expert testimony; conducted over a dozen depositions, including experts, argued motions in lengthy court proceedings, and prepared cases for trial
- Litigated numerous fast moving and intense bid protest cases, or challenges to government contract awards; quickly marshalled evidence and developed a litigation strategy to present our defenses, both in response to motions for temporary restraining orders and on the merits, in a matter of days and weeks and in close coordination with affected agencies; oversaw and monitored the agency collection of voluminous documents and record evidence; ensured all business proprietary information was appropriately removed from documents and briefs filed with the court; presented our defense during oral argument before the Court of Federal Claims
- Led a three-attorney trial team that litigated six contractual disputes involving the 2008 financial crisis and the insolvency of a major insurance company, where we faced conflicting court decisions and adverse, decade-old precedent in the Federal Circuit; worked with numerous agencies and other DOJ offices to develop our defense and prevailed on appeal following split decisions in the district courts
- Managed our defense, in coordination with another junior trial attorney, in a case of substantial litigation risk to the government – involving a dispute between a small Army division and a private company over the procurement of dental imaging software without a written contract, and where the client failed to keep adequate electronic discovery; worked with numerous other Army divisions to issue extensive litigation holds and obtain approval from senior Army officers to freeze backup tapes with potential discovery; developed a successful mediation strategy that led to the settlement of the case on terms highly favorable to the United States, considering the litigation risk
- Led a three-attorney trial team defending the Army Corps in a complex housing construction contract dispute at Malmstrom Air Force Base, Montana, where extensive mold was discovered; coordinated the collection of discovery with

several different Army Corps divisions in Montana and Seattle and successfully limited the scope of the case, through motions for a protective order and motions to quash subpoenas, despite aggressive tactics by opposing counsel to obtain extensive and irrelevant discovery; took numerous depositions and set up the case for ultimate success at trial

- Mentored more junior attorneys and interns, working to improve their litigation skills, legal writing, and oral advocacy

U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE, Memphis, TN

Judicial Clerk, The Honorable Jon Phipps McCalla

August 2010 – August 2011

- Managed the court's civil docket and participated in all aspects of the civil trial process – including pre-answer motions, discovery disputes, motions for summary judgment, pre-trial motions, trial proceedings, and post-trial briefs; helped the judge prepare for a half-dozen lengthy trials; assisted in the court's preparation for criminal proceedings as requested

U.S. SENATE FOREIGN RELATIONS COMMITTEE, Washington, DC

Law Clerk, Democratic Staff, Chief Counsel's Office

September – December 2009

- Helped draft Senate executive reports, advice and consent resolutions, committee memos, opening statements, and talking points for three tax treaties, the Rwanda Bilateral Investment Treaty, and the Hague Convention on Child Support; worked in close consultation with the Chief Counsel and other committee staff

WILLKIE FARR & GALLAGHER LLP, Washington, DC

Summer Associate, Litigation Department (extended an Associate offer)

May – August 2009

- Researched communications, bankruptcy, antitrust, securities, patent, FCPA, and immigration law issues in pending cases; worked closely with partners in the litigation and communications practice groups

U.S. DEPARTMENT OF STATE, OFFICE OF THE LEGAL ADVISER, Washington, DC

Legal Extern, Treaty Affairs Division (secret level security clearance)

January – May 2009

- Researched treaty law issues for the Assistant Legal Adviser, Avril Haines, and helped the office prepare for bilateral negotiations with Canada; performed additional research assignments for Ms. Haines as requested

U.S. ATTORNEY'S OFFICE, Washington, DC

Law Clerk, Training Division (summer 2008), Appellate Division (fall 2008)

June – December 2008

- Worked 30-40 hours per week writing appellate briefs and analyzing criminal procedure issues for police training purposes
- Drafted a twenty page motion for summary affirmance in a criminal matter that was filed with the DC Court of Appeals

U.S. SENATOR MAX BAUCUS, SENATE FINANCE COMMITTEE, Washington, DC

Research Intern

January 2004 – May 2005, January – May 2007

- Worked 25-30 hours per week for four semesters in college; drafted memos on international trade policy, clean energy, and appropriations issues; staffed mark-up and committee hearings; assisted with Senate floor proceedings

EDUCATION

GEORGETOWN UNIVERSITY LAW CENTER, Washington, DC

Juris Doctor, cum laude May 2010 (Admitted to New York Bar)

GPA/Honors: 3.5 (cumulative) / Dean's List, Merit Scholarship

Journal: Editor-in-Chief, *Georgetown Journal of International Law*

Activities: ADR team, Vis East Commercial Arbitration Moot (Hong Kong), Suffolk FDI Moot (Frankfurt)
Global Teaching Fellow, Barristers' Council, International Law Society, Pro Bono Pledge

Clinic: Federal Legislation (created policy platform on career flexibility and community college job training)

GEORGETOWN UNIVERSITY, Washington, DC

Bachelor of Arts, magna cum laude, Government major, May 2007

GPA: 3.88 (cumulative, top 6%); 3.95 (major)

Honors: Phi Beta Kappa, Dean's First Honors, Government Department's Academic Alumni Medal

Awards: 2006 Truman Scholarship (awarded each year to 65 students nationally for public service leadership)

Study Abroad: **LONDON SCHOOL OF ECONOMICS**, Economics and Law Departments, *September 2005 – June 2006*

BACKGROUND

- Born and raised in Montana, Senate Page during 9/11, Boys Nation delegate, high school quarterback and valedictorian