



**Jennifer Radford** is a founding partner of Tereposky & DeRose LLP. She is an experienced litigator who has appeared before Canadian courts, administrative tribunals and commissions and in alternative dispute resolution proceedings. She represents domestic and foreign clients in the full range of trade and investment matters, including investor-state, trade remedies and customs administration. Her expertise includes interpretation and application of investment treaty provisions, enforcement and compliance matters concerning foreign corrupt practices, export controls, economic sanctions, trade embargos, import and technology transfer controls, and blocking measures (Cuba). She regularly advises on the interpretation and application of trade agreements and investment treaties including the recently signed EU-Canada Comprehensive Economic and Trade Agreement. She also represents foreign States and Embassies carrying out diplomatic missions in Canada, acting as counsel in precedent setting court cases involving complex state and diplomatic immunity issues and assisting in official diplomatic communications with the Government of Canada regarding a wide range of diplomatic relationship issues.

### **Representative Work**

- Counsel to foreign governments on investor-state law, including the provision of complex assessments of the likelihood of success on both jurisdiction and merit in various potential investor-state disputes. Advice has included comprehensive analyses relating to the investment provisions of the Canada-EU Comprehensive Economic and Trade Agreement and the Trans Pacific Partnership Agreement/Comprehensive and Progressive Agreement for Trans-Pacific Partnership. Currently acting as co-counsel to the Government of Mexico in the following claims under NAFTA Chapter Eleven: *Lion Mexico Consolidated LP v. United Mexican States*, ICSID, *Joshua Dean Nelson and Jorge Blanco v. United Mexican States*, ICSID, and *B-Mex v. United Mexican States*, ICSID.
- Counsel for domestic industry and exporter/importer clients in numerous Canadian anti-dumping and countervailing duty investigations, including: *Dry Wheat Pasta*, *Polyethylene Terephthalate Resin*, *Fabricated Industrial Steel Components*, *Welded Large Diameter Carbon and Alloy Steel Line Pipe and Concrete Reinforcing Bar*. In 2017, our team secured commercially

important exclusions in two investigations. In another investigation, we obtained for our client a dumping margin that was more competitive than other subject exporters by more than 35%.

- Counsel and advisor to a number of foreign States and Embassies carrying on missions in Canada, including assistance on diplomatic communications with Canada and providing advice on a wide range of sensitive diplomatic relationship issues.
- Counsel to States, their Embassies, and their diplomatic representatives and employees in superior and appeal court proceedings where complex state and diplomatic immunity defences arise. Also, provision of advice on the scope and limitations of State and diplomatic immunity available as their missions in Canada are carried out.
- Counsel and advisor on the protection and repatriation of foreign State property on Canadian soil, including the status of diplomatic bank accounts and the question of their inviolability. As counsel for the State of Libya, successfully repatriated a multi-million dollar state property situated in Canada purchased through corrupt funds by the son of the late dictator of Libya, Colonel Muamar Qadhafi.
- Counsel and advisor to foreign governments, financial institutions, and foreign and domestic businesses on the applicability and effect of Canadian economic sanctions, including advice on the applicability and scope of economic sanctions, how to ensure ongoing compliance with economic sanctions, and how to manage and voluntarily disclose breaches of economic sanctions while limiting the risk of administrative or criminal penalties.
- Counsel and advisor to foreign and domestic businesses on the scope and applicability of on Canada's *Access to Information* regime, including how to prevent a third party from accessing commercially confidential information from the Government.
- Counsel for suppliers in complex procurement challenges before the Canadian International Trade Tribunal.
- Counsel and advisor to domestic exporters on the applicability of export control laws, including performance of internal investigations/audits, the development of internal export control policies and procedures, and undertaking successful voluntary disclosures.
- Leader on Investment Protection for the CETA Market Access Program for EU Businesses.

## Publications and Presentations

- Co-Author, "[The ICSID Convention 55 Years Later: Can Emerging Market Companies Benefit from ICSID Membership?](#)", Tereposky & DeRose Bulletin, February 25, 2020
- Co-Author, "[Canada Expands Economic Sanctions Against Ukraine](#)", Lexology, February 18, 2020
- Co-Author, "[CUSMA Protocol Signed in Mexico City, Paving the way for Ratification and Implementation Procedures to Continue](#)", Tereposky & DeRose Bulletin, December 11, 2019

- Co-Author, [“Third Party Funding at the Heart of ISDS Reform”](#), Lexology, October 9, 2019
- Co-Author, [“Security for Costs in Investment Treaty Arbitration: More Certainty Expected Under the Proposed ICSID Rules Amendments”](#), Tereposky & DeRose Bulletin, September 12, 2019
- Co-Author, [“Legislation to Implement the CUSMA / USMCA / T-MEC Introduced in the Parliament of Canada for First Reading”](#) *Tereposky & DeRose Bulletin*, May 29, 2019
- Co-author, [“On May 2<sup>nd</sup> Canadian Companies doing business in Cuba Could be Exposed to Substantial US Civil Liability under Title III of the U.S. LIBERTAD Act”](#), Lexology, April 18, 2019.
- Co-author, [“Canada Expands Economic Sanctions Against Russia”](#), Lexology, March 19, 2019.
- Co-author, [“Close, But No Cigar: Bilcon Tribunal Rejects Claim on Grounds of Failure to Establish Causation”](#), Lexology, March 13, 2019.
- Co-author, [“And they’re off... CPTPP Commission concludes its first meeting”](#), Lexology, January 19, 2019.
- Co-Author, [“Mexico, Canada and the United States sign the “T-MEC” \(and the CUSMA and the USMCA\)”](#), *Lexology*, November 30, 2018
- Co-Author, [“Canada Publishes New Regulations and Regulatory Amendments to Implement the CPTPP”](#), *Lexology*, November 14, 2018
- Panel Moderator, “Special Economic Zones, an Accelerator for Trade and Investment in Latin America: Analysis from a Trade, Customs and Tax Perspective”, American Bar Association (ABA) International Conference, Mexico City, November 8, 2018.
- Co-Author, [“Australia Makes Six, Triggering the Countdown to The CPTPP’S Entry Into Force on 30th December”](#), *Tereposky & DeRose Bulletin*, October 31, 2018
- Co-Author, [“Canada Ratifies the CPTPP – Is Australia Next?”](#), *Tereposky & DeRose Bulletin*, October 29, 2018
- Co-Author, [“Canada Passes Federal Legislation to Implement CPTPP”](#), *Tereposky & DeRose Bulletin*, October 25, 2018
- Co-Author, [“The New Modernized NAFTA – The United States-Mexico-Canada Agreement \(USMCA\)”](#), *Lexology*, October 1, 2018

- Co-Author, "[Advancing A Progressive Trade Agenda Through Investment Agreements: Canada Launches Public Consultation on Foreign Investment Promotion And Protection Agreements](#)", Tereposky & DeRose Bulletin, September 11, 2018
- Co-Author, "[Canada Announces Final Countermeasures Against the United States](#)", *Lexology*, June 29, 2018.
- Co-Author, "[Elections in Venezuela Trigger Further Economic Sanctions by Canada](#)", *Lexology*, May 30, 2018
- Co-Author, "[Canada announces new measures to prevent transshipment and diversion of steel and aluminum](#)", *Lexology*, March 28, 2018
- Co-Author, "[It's a deal! TPP-11-member countries sign the CPTPP](#)", *Lexology*, March 9, 2018
- Co-Author, "[Update: Canada and Mexico temporarily exempted from US tariffs on steel and aluminium](#)", *Lexology*, March 8, 2018
- Co-Author, "[Text of the new Comprehensive and Progressive Trans-Pacific Partnership \(CPTPP\) Released](#)", *Lexology*, February 20, 2018
- Co-Author, "[Canada and Other TPP-11 Countries Announce Conclusion of CPTPP Agreement](#)", *Lexology*, January 23, 2018
- Co-Author, "[Canada's Consolidated Sanctions List - Life's a Little Easier](#)", *Lexology*, October 27, 2017
- Co-Author, "[Justice for Victims of Corrupt Foreign Officials Act Comes Into Force](#)", *Lexology*, October 27, 2017
- Co-Author, "[Canada Imposes Economic Sanctions Against Venezuela](#)", *Lexology*, October 3, 2017
- Co-Author, "[Canadian Anti-Dumping and Countervailing Investigation Initiated for Certain PET Resin](#)", *Tereposky & DeRose Bulletin*, August 23, 2017
- Co-Author, "[U.N. Security Council's resolution toughens its sanctions regime against North Korea](#)", *Lexology*, August 15, 2017
- Co-Author, "[Parliamentary Standing Committee Calls for Improvements in Canada's Sanctions Regime](#)", *Lexology*, July 10, 2017

- Co-Author, "[Canada-US trade tensions continue to intensify with imposition of a second layer of lumber tariffs](#)", *Lexology*, June 27, 2017
- Co-Author, "[The Consent of the Domestic Industry is Not Enough to Secure an Exclusion from Anti-Dumping Protection](#)", *Lexology*, June 9, 2017
- Co-Author, "[WTO Panel Report Released on China Anti-Dumping Measures on Imports of Cellulose from Canada](#)", *Lexology*, April 26, 2017
- Co-Author, "[Canada-US Trade Tensions Intensify with Imposition of Lumber Tariffs](#)", *Lexology*, April 25, 2017
- Co-Presenter, Implications of Brexit for Corporate Canada, the 7<sup>th</sup> Annual Law Society of Upper Canada Continuing Legal Education Seminar for In-House Counsel, February 2017
- Author, "[The Re-Opening of Iran to Canadian Business: Practical Strategies for Pursuing Opportunity While Managing Risk](#)," *Canadian International Lawyer*, 2017.
- Co-Author, "[The Future of the U.S.-Canada Trade Relationship in Light of the Election](#)," *Lexology*, November 25, 2016.
- Chair / Moderator / Speaker, "Opportunity or Barrier? The Effects of the Trans-Pacific Partnership on Energy Trade Investment," American Bar Association, International Law Section Fall Session, October, 2016.
- Co-Author, "[Implications of the Brexit Vote for the CETA](#)," *Lexology*, August 19, 2016.
- Co-Author, "[Brexit: What Does it Mean for Canada?](#) ", *Lexology*, June 24, 2016.
- Quoted, "[Investment Court Plan Gets Mixed Reviews](#)," Originally published in *The Lawyers Weekly*, April 8, 2016.
- Co-Author, "[Back to Business \(Almost\) As Usual: Changes to Canadian Economic Sanctions Against Iran](#)," *Lexology*, February 10, 2016.
- Co-Author, "[Softening Sanctions Against Iran: A Canadian Perspective](#)," *Lexology*, January 27, 2016.
- Co-Author, "[Christmas Comes Early for Canadian Exporters](#)," *Lexology*, December 1, 2015.
- Co-Author, "[News Report Questions Enforcement of Export Controls](#)," *Lexology*, February 25, 2015.
- Co-Author, "[Canada Announces Anti-"Buy American" Order Under the Foreign Extraterritorial Measures Act](#)," *Lexology*, January 23, 2015.

- Co-Author, "Canada Targets Russian Oil Exploration and Production," *Lexology*, December 22, 2014.
- Co-Author, "[The Grinch Doesn't Live in Canada](#)," *Lexology*, December 18, 2014.
- Co-Author, "Pocketbook on Canadian Export Controls," November 2014.
- Co-Author, "[Canada Introduces Economic Sanctions for South Sudan](#)," *Lexology*, November 18, 2014.
- Co-Author, "[Canada Ratifies Investment Agreement with China](#)," *Lexology*, September, 2014.
- Co-Author, "[Recent Russian Sanctions Expansions Include Limits on New Debt and Equity Transactions](#)," *Lexology*, September, 2014.
- Co-Author, "[Update on Canadian Economic Sanctions Against Russia and Ukraine](#)," *Lexology*, August 6, 2014.
- Co-Author, "[Update on Canadian Economic Sanctions Against Ukraine](#)," *Lexology*, July 24, 2014.
- Co-Author, "[Update on Canadian Economic Sanctions Against Russia](#)," *Lexology*, July 24, 2014.
- Co-Author, "[Update on Canadian Economic Sanctions Against Ukraine](#)," *Lexology*, July 16, 2014.
- Co-Author, "[Update on Canadian Economic Sanctions Against Central African Republic](#)," *Lexology*, July 11, 2014.
- Co-Author, "[Update on Canadian Economic Sanctions Against Russia](#)," *Lexology*, July 7, 2014.
- Co-Author, "[Update on Canadian Economic Sanctions Against Ukraine](#)," *Lexology*, July 7, 2014.
- Co-Author, "[Update on Canadian Economic Sanctions Against Ukraine](#)," *Lexology*, June 21, 2014.
- Co-Author, "[Update on Canadian Economic Sanctions Against Russia](#)," *Lexology*, June 21, 2014.
- Speaker, Canada's Sanctions Against Russia, presented to the Canada Eurasia Russia Business Association, May 2014.
- Co-Author, "[Coming Soon: Amendments to Canada's Export Control List and an Updated Version of "A Guide to Canada's Export Controls"](#)," *BLG International Trade and Arbitration Bulletin*, May, 2014.
- Co-Author, "Update on Canadian Economic Sanctions Against Russia", *Lexology*, May 8, 2014.
- Co-Author, "Update on Canadian Economic Sanctions Against Russia", *Lexology*, May 1, 2014.
- Co-Author, "Update on Canadian Economic Sanctions Against Ukraine", *Lexology*, May 1, 2014.
- Co-Author, "Canada Enforces Sanctions Laws for First Time with SEMA Conviction", *Lexology*, April 2014.

- Co-Author, "New Sanctions Could Affect Your Business with Russia", *Lexology*, March 2014.
- Co-Author, "Update on Canadian Economic Sanctions Against Russia", *Lexology*, March 21, 2014
- Co-Author, "Canada Imposes Russian and Ukrainian Economic Sanctions", *Lexology*, March 19, 2014.
- Co-Author, "What Every Canadian Business that Exports Can No Longer Afford to Ignore: Canadian and U.S. Export Control Law Compliance", January 2013.
- Co-Author, "The Canadian Foreign Extra-Territorial Measures Act: An Overview", November 2012.
- Author, "Corruption of Foreign Officials: Say "No" Abroad or Expect Prosecution at Home", *Frontline Magazine*, August 2012.

#### **Rankings & Recognitions**

- 2017 Lexpert Ranked Lawyer
- Recognized in the 2015 edition of the *Lexpert®/Report on Business Special Edition on Energy* and in the 2014, 2015 and 2016 *Lexpert®/Directories*.

#### **Education and Bar Admission**

- Called to the Bar (Ontario) in 2002.
- MA (Hons.) in International Affairs and LLB, joint international program at Norman Paterson School of International Affairs and University of Ottawa Faculty of Law, 2000 and 2001.
- BA (Hons.) in International Political Science, University of Alberta, 1997
- Graduate of the Centre for International Law's Singapore International Arbitration Academy.

#### **Professional Involvement**

- Member, Law Society of Ontario
- Member, Canadian Council on International Law
- Member, American Bar Association
- Member, Organization of Women in International Trade
- Editor, Canadian Institute's International Trade Regulation Journal