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Q&A With Holland & Hart's Trip Mackintosh

Law360, New York (September 24, 2009) -- Trip Mackintosh is chair of the export control/trade sanctions practice group at Holland & Hart LLP. Mackintosh enjoys an international reputation as an effective advocate in the areas of export controls, trade sanctions, related compliance and white collar defense. He has defended domestic and foreign corporations, directors and other personnel facing investigation under U.S. export controls and trade sanctions, as well as federal laws affecting securities, environmental controls, health care, money laundering, and Customs.

Mackintosh has led defense efforts and multijurisdictional criminal investigations in the United States, Europe, Asia and Latin America. Since 1993, he has taught courses on white collar criminal defense, federal regulation of international business, and corporate compliance at the Sturm College of Law, University of Denver.

Q: What attracted you to your practice area?

A: Trade sanctions and white collar defense work is a great mixture of complex regulatory, national security, foreign policy and criminal law. I am attracted to the unique problems presented by these matters and the fact that they almost always involve multiple agencies. At present our practice group is dealing with matters impacted by the U.S. military missions in Afghanistan and Iraq, as well as foreign policy problems presented by Iran. I have always loved history and international policy issues. This practice area is a great combination of both interests.

Q: What is the most challenging case you've worked on, and why?

A; My most challenging case is a current export control matter involving the transmission of controlled technical data to foreign countries. The client is bankrupt, and the problems are serious. Numerous individuals face criminal exposure. Our ability to manage the defense is compromised by the company's limited resources.

Q: What are the most challenging legal problems currently facing clients in your practice area?

A; Compliance with a set of regulations that do not reflect operational realities for defense service firms.

Q: How do you see your practice area evolving in the next five years?

A: All the trend lines are up with respect to enforcement in this area. The controls designed to keep proliferators from acquiring sensitive technologies are increasingly important for U.S. and global security.

Q: Outside your own firm, name one lawyer who's impressed you and tell us why.

Reagan Wynn [of Kearney Wynn] in Forth Worth has impressed me. He and I worked to defend parties accused of violating U.S. law in the export of computer chips to Syria. This was after 9/11, and the prosecution was part of the Holy Land Foundation prosecutions. The defendants were extremely unpopular. They had been convicted on multiple counts.

He worked tirelessly all night with me until just hours before a hearing on arguments to reduce a criminal sentence, knowing the court would give his arguments little weight. He never gave up. He never compromised. He truly lived the spirit of the bar, defending his client with energy (and shots of Red Bull).

Q: What advice would you give to a young lawyer interested in getting into your practice area?

A: Understand the interplay of regulatory civil enforcement and criminal prosecutions. Become strong in an area of federal regulation of international business that impacts multiple businesses. Gain white collar defense or criminal prosecution experience. Keep up on foreign policy and national security issues.