



# Wayne R. Rohde

## Member

## Washington, D.C.

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Wayne R. Rohde's practice focuses on the representation of companies involved in the international ocean transportation industry. He regularly represents clients before the Federal Maritime Commission (FMC) in connection with regulatory requirements (including OTI licensing), adjudicatory proceedings, and fact-finding investigations.

Wayne has extensive experience drafting and filing carrier discussion agreements, vessel sharing agreements, space charter agreements, various types of marine terminal operator agreements, and other forms of cooperative working agreements. He has represented clients in connection with FMC service contract and negotiated rate agreement audits. He has trial experience before administrative law judges at the FMC and has negotiated the settlement of civil penalty demands by the FMC. Wayne is also experienced in drafting and interpreting service contracts as well as advising clients on substantive and procedural issues relating to FMC tariff publication.

Wayne also represents clients in matters involving other government departments and agencies including the U.S. Bureau of Customs and Border Protection, the Office of Foreign Assets Control in the Department of the Treasury, and the U.S. Department of Transportation. In addition to his regulatory practice, Wayne advises clients on a wide variety of commercial and contractual issues.

Wayne graduated *magna cum laude* from Lake Forest College (Illinois) in 1984, where he received a Bachelor of Arts in Politics and Spanish. He received a Master of Arts (in Spanish) from Middlebury College in 1985 and, in 1989 he was awarded a Master of Science (in Foreign Service) and his J.D. (*cum laude*) from Georgetown University.

## Experience

Represented a publicly traded, international shipping and container transportation company in a Series B Preferred Stock offering by New York Shipping Exchange, Inc.

Represented the shareholders of Aries Global Logistics, Inc., an international air and ocean freight forwarder, in its \$105 million sale to NTG Air & Ocean USA, Inc., a subsidiary of NTG Nordic Transport Group A/S, a publicly traded Danish transportation company. This transaction drew on the experience of the firm's corporate; tax; real estate; labor and employment; employee benefits and executive compensation; antitrust; technology, privacy, and data security; transportation and trade; and intellectual property attorneys.

Secured dismissal of multidistrict litigation centering on allegations that our ocean common carrier client, and several other defendants, fixed prices for transporting vehicles. In granting our motion, the court held that the federal Shipping Act precludes private federal antitrust lawsuits and preempts state law antitrust, consumer protection, and unjust enrichment claims centering on conduct prohibited by the Act. This decision was affirmed by the U.S. Court of Appeals for the Third Circuit.

Secured dismissal of a complaint filed with the Federal Maritime Commission against our client, a leading ocean transportation and logistics company, by a trucking firm with which the client had terminated its business relationship. The complaint alleged violations of several provisions of the Shipping Act of 1984, and we moved to dismiss it for lack of jurisdiction and failure to state a claim on

## Practice Areas

- Transportation & Trade
- Maritime Regulatory
- Maritime Antitrust & Competition
- Trade Regulation, Export Controls & Sanctions

## Industry Sectors

- Maritime

## Education

- Georgetown University Law Center, J.D., *cum laude*, 1989
- Georgetown University, M.S., 1989
- Middlebury College, M.A., 1985
- Lake Forest College, B.A., *magna cum laude*, 1984

## Bar Admissions

- District of Columbia

## Court Admissions

- U.S. District Court -- District of Columbia

## Affiliations

- Maritime Administrative Bar Association
- Association of Transportation Law Professionals

## Awards & Honors

- Chambers & Partners USA: Nationwide, Transportation: Shipping/Maritime: Regulatory 2013-2024
- Expert Guides: Shipping
- 2021 Best of the Best USA Expert Guide: Shipping and maritime

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which relief could be granted. In its response, the complainant was forced to abandon a number of its Shipping Act claims as being devoid of merit, and the administrative law judge dismissed the remaining claims on both theories advanced in our motion.

Defended a major ocean common carrier in complaint filed by a shipper at Federal Maritime Commission, including discovery and a multi-day trial before administrative law judge, who ruled in favor of our client on all counts.

Prepared and presented compliance programs for a number of ocean common carriers, covering subjects such as antitrust and competition law, the U.S. Shipping Act, U.S. trade sanctions, and U.S. Foreign Corrupt Practices Act.

Represented a major ocean carrier in an informal enforcement inquiry by the Federal Maritime Commission.

Prepared and filed number of major vessel-sharing arrangements among ocean common carriers.