



## SUPPLY CHAIN

### Open For Business

When numerous tiers of suppliers and manufacturers try to synthesize their efforts to bring a product or service to a consumer, problems are inevitable. Our team can help mitigate potential supply chain issues before they arise by crafting and negotiating effective agreements, advising on complex laws and regulations, and performing comprehensive assessments of risks and opportunities.

When disruptions do occur in an industry's supply chain, companies call on Barnes & Thornburg's experienced team of attorneys dedicated to supply chain issues to efficiently and aggressively protect their interests, whether through out-of-court resolutions or through litigation. We help steer clients through supply chain management, planning and integration activities.

Barnes & Thornburg's supply chain attorneys combine years of legal adeptness with high-level political experience to provide corporations, organizations and foreign sovereign clients with counsel and expertise on a breadth of services spanning virtually every aspect of both domestic and international supply chain operations, including procurement, manufacturing, logistics and distribution, regulatory compliance, data security, and dispute resolution.

### Procurement

Procurement is a critical component of supply chain operations and can have a significant influence on an organization's overall success. As companies look to increase value and decrease costs, they are exploring unique ways to achieve business objectives while appropriately mitigating and allocating risks. Barnes & Thornburg's attorneys have a breadth of experience across industries to help clients navigate the complex procurement landscape.

### Why Barnes & Thornburg?

Finding new ways to help clients identify solutions and new business opportunities, across industries, is at our core. We are, at times, more than lawyers, we are advisers bringing new ideas to light. We understand what keeps you up at night and work collaboratively to find practical and creative solutions, at the heart of business.

### RELATED PRACTICES

Commercial Contracts and Transactions

Corporate

Customs

Data Security and Privacy

Export Controls

International Trade

Trade Negotiations, Legislation and Policy

Trade Remedies

In today's complex and multifaceted supply chain world, we assist clients in navigating the risk inherent in procurement operations, including vendor reliability, continuity of supply, product quality, legal and financial compliance, customer satisfaction and company reputation. We combine industry and legal skill to generate cost-effective strategies that meet our clients' needs and business goals.

## **Manufacturing, Distribution and Logistics**

Businesses involved in making the products that touch our everyday lives play a key role in supply chain operations. Barnes & Thornburg provides a wide range of legal services designed to protect manufacturing companies, their strategic position, products, customers and brand, including contracting, subcontracting, outsourcing, mergers and acquisitions, financing trade practices, supply and distribution chain management, antitrust, labor and employment, intellectual property, tax, environmental and real estate.

Our legal and supply chain guidance spans many industries, including drugs and medical devices, chemicals, autos and automotive components, consumer products, technological and electrical components, food and beverage items, industrial machinery, telecommunications equipment, and life science and pharmaceutical products.

Barnes & Thornburg attorneys work with companies along the full spectrum of logistics and distribution, from large international companies and suppliers to small- or medium-sized suppliers.

We also develop case management strategy for manufacturers for mass tort litigation involving toxic tort, medical product and personal injury litigation relating to the movement of goods, as well as defend manufacturers in serious fire and explosion lawsuits with extensive damages asserted.

## **Regulatory Compliance**

On matters related to the cross-border movement of goods and services, Barnes & Thornburg attorneys advise clients on export and import regulatory compliance, trade litigation, international trade legislation, World Trade Organization (WTO) matters, and free trade agreements. On the front end of trade relationships, we advise clients on matters related to supplying goods, services, technology, personnel and funds.

Negotiating protective agreements and provisions at the beginning of a supply relationship is critical to minimizing supply chain issues when a supplier fails to uphold its commitments. Our attorneys are nationally recognized practitioners who have experience at the U.S. Department of Commerce and trade entities; they work with clients to formulate and execute creative and successful strategies often based on a cross-disciplinary approach.

## **Dispute Resolution**

It is not "if" a supplier defaults, but rather "when" a supplier defaults, because it is inevitable that in the global economy, there will be suppliers that will be unable to satisfy their contractual obligations. In working to minimize risk, we advise clients on non-litigious strategies for working with

troubled suppliers, and implement protocols to protect clients' rights, exercising rights under the Uniform Commercial Code (UCC) such as stoppage in transit, setoff rights, and Article 9 sales to satisfy the best interests of our clients. We help you manage transactions with competitors, including joint ventures, and mergers and acquisitions, along with antitrust matters that may arise.

Our attorneys are skilled at advising clients in workout and bankruptcy scenarios throughout the U.S. and beyond.

On the back end of trade relationships, we advise clients on troubled supplier relationships, enforcing tooling, consignment and other agreements, negotiating accommodation and access and security agreements, and proceeding in court when necessary.

We also work with appointed receivers, which provide our clients with time to resource their manufacturing needs. If a supplier enters bankruptcy, we work with clients on lift stay motions, critical vendor identification, treatment of executory contracts, and plan negotiations and confirmation. At any step of the troubled supplier relationship, our team diligently focuses on protecting our clients' interests and minimizing risks.

## Data Security

Barnes & Thornburg's attorneys help companies analyze and mitigate risks related to the collection, storage, use and distribution of data at various stages in the supply chain. We work to help you establish risk management policies, business continuity procedures, and data breach responses.

## Practice Leaders



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