

Navigating Tariffs – Legal Strategies for a Shifting Global Trade Landscape

- 1. Tariffs Are Structural, Not Temporary.** Tariffs—particularly those sustained and expanded during the second Trump administration—have shifted from short-term negotiating tools to long-term regulatory features shaping supply chains, pricing, and investment decisions. Businesses should plan accordingly rather than wait for policy reversal.
- 2. Executive Authority Remains a Central Legal Battleground.** Ongoing litigation over IEEPA, Section 232, and Section 301 underscores unresolved constitutional tensions between Congress and the Executive over tariff-setting authority, with potentially sweeping implications for future trade regulation.
- 3. Tariff Exposure Is a Multidisciplinary Legal Issue.** Navigating tariffs requires coordinated legal, financial, and operational strategies—spanning customs compliance, contract law, finance, and regulatory risk—rather than isolated trade-law analysis.
- 4. Proactive Risk Allocation Outperforms Reactive Compliance.** Companies that proactively model working capital impacts, renegotiate contracts, diversify supply chains, and manage inventory are better positioned than those relying solely on post-entry mitigation or litigation.
- 5. Adaptability Is the Competitive Advantage.** Whether through market diversification, pricing strategies, or supply-chain restructuring, the most resilient businesses treat tariff volatility as a constant variable—embedding flexibility into contracts, logistics, and governance frameworks.

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