

Survey from the U.S. International Trade Commission (USITC) regarding preliminary-phase investigation proceedings

1. Since January 1, 2012, how many preliminary-phase investigations have you or your clients participated in at the USITC?

- As a Petitioner _____

- As a Respondent _____

2. Based on your and/or your clients' experience during this period, for each of the following factors, please rate the preliminary-phase investigation conference procedures and process at the USITC.

	Excellent	Good	Fair	Poor	Very Poor	Don't know
Clarity of instructions for filing notice of appearance						
Clarity of instructions for filing conference briefs						
USITC facilities for conducting conference						
Nature and content of staff questions in developing the record						
Ease in communicating with staff on conference information requests						
Overall conduct of preliminary-phase conference by USITC staff						

3a. How do USITC preliminary-phase conferences compare to similar proceedings at other agencies as a vehicle for information gathering and public interchange?

3b. What type of feedback do you receive from your clients, especially first time participants, about a USITC preliminary-phase conference?

Positive			About equal	Negative		
All	Mostly	Somewhat		Somewhat	Mostly	All
Comments received from clients/participants:						

3c. Please provide any suggestions consistent with the applicable statute and regulations to improve the effectiveness, utility, or efficiency of the preliminary-phase conference.

4a. Presently petitioners offer testimony prior to respondents in preliminary-phase conferences. Are there any benefits or drawbacks to this order of direct testimony creates for petitioners or for respondents in providing information and argument in the conference?

*Benefits

*Drawbacks

4b. Are there ways in which the benefits and drawbacks you cite in your response to question 4a could be addressed to make the opportunity for direct testimony more productive? How would changing the order of direct testimony (respondent parties first, followed by petitioning parties) effect the current balance of benefits and drawbacks for petitioners and respondents?

4c. What factors should the USITC take into account in determining the order of direct testimony by parties at preliminary-phase conferences?

4d. Do you have any suggestions regarding a process to determine agreement on issues or undisputed issues (e.g. like product, cumulation, negligibility, etc.), to streamline the conference and forego extensive testimony or questioning on uncontested issues?

4e. What other changes to current conference procedures regarding parties' testimony would facilitate a more useful conference?

For Petitioners

5. Historically, many counsel or firms contemplating filing a Title VII petition consult with USITC staff prior to petition filing (i.e. ranging from alerting staff to timing of potential case filing to sharing a draft petition). These consultations are extremely useful to USITC staff in identifying technical issues, evaluating legal sufficiency of petitions, managing its personnel resources, and workload scheduling.

5a. How frequently do you/your clients consult with USITC staff prior to petition filing?

Always	Usually	Sometimes	Rarely	Never

5b. What issues, if any, limit your ability to consult and share pre-petition information with USITC staff?

5c. What suggestions would you have for USITC staff to facilitate greater frequency of pre-petition filing notification and sharing of information?

For Respondents

6a. Please indicate which source you most frequently consult for new Title VII petitions (1=most frequent, 4=least frequent)

USITC website	
USITC press release	
Federal Register notice	
Other information sources	

6b. How would you rate the availability of information on new Title VII petitions on the USITC website, USITC press release, Federal Register Notice, or other case-specific information sources?

Please respond based on your experience since October 1, 2014.

	Excellent	Above Average	Average	Below Average	Poor	Don't use
USITC website						
USITC press release						
Federal Register notice						
Other information sources						

6c. Please provide any suggestions you may have for improving access or availability of information for new Title VII petition filings at the USITC.