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Being established in Dubai for a considerable amount of time has given me the opportunity to build a tremendous network in this part of the world. We spend a lot of time putting companies together, assisting in joint ventures; matching suppliers with clients, etc., things that are more difficult to do in a more mature market. ■

CAMERON YOUNG, BCL'91, LLB'91 HAVANA

I graduated from McGill's National Program, so I had taken both the civil and common law streams. In 1995, after working in Montreal and completing an LLM from Duke University, I moved to Budapest, Hungary, where I worked at Baker & McKenzie until mid-1998.

Baker & McKenzie's business model was to establish offices everywhere in the world, and their Hungary office was the first of any Western law firm to open behind the Iron Curtain. They were pioneers, really, going into what were essentially closed markets, and they went in three or four years before anyone even thought the Berlin Wall would come down.

Following the fall of the Berlin Wall, Hungary became what we call a transition economy and the business world was on fire. It was a very exciting time to be a lawyer because there were deals everywhere—the entire economy was being re-organized, re-financed and re-structured.

Being there and seeing Baker & McKenzie's position in the market after the Wall came down, it was very clear to me that, in a knowledge-based business like law, being there first and knowing your way around and knowing the language, the culture and the rules was a big advantage. So when I wanted to leave Budapest, I looked for a place where I would be first, where I was likely to encounter a market opening and where I thought there would be a transition.

I decided to go to Cuba. When I arrived, I found a fascinating place. Given that Cuba was still closed off and that it was off-limits to the US, a small niche firm like ours had lots of opportunities because none of the big firms would touch Cuba—and still won't.



There was also some luck involved in being there at the right time. Cuba has a restrictive attitude towards foreign lawyers, so we were quite lucky to get in and get settled when we did, because it was not something that was possible before or after.

I moved to Havana and set up Berger Young with Sebastiaan Berger, a Dutch lawyer. By mid-1999, we got our licence and were really established as a firm. We are not qualified as Cuban lawyers so we always work in conjunction with local firms. We also manage a Cuban investment fund called Ceiba Investments. We took over its management in 2001 and are essentially the largest foreign real estate investor in Cuba, with assets in commercial real estate and hotels. We aim to get Ceiba listed on the Toronto Stock Exchange before the end of this year.

The investment world in each country is, of course, very different. Cuba is especially different because it is essentially a closed economy. The Cuban government is a principal actor in the economy, but also holds the traditional roles of regulator and authorizing body.

One of the difficult things to keep in mind when you're looking to invest in a Cuban joint venture is that, although the government is your partner—so you are negotiating straightforward investment documents with them—it is also regulating your activity. It may be the buyer of the goods you are making and/or the seller of the raw materials. It's wearing numerous hats in the transaction, and that is very disorienting. You may think you know the basis you are working on, which is to create a profitable investment, whereas the person across the table from you might have other interests, such as creating employment or ensuring the low cost of goods. There are all kinds of other factors that enter into the other side of the deal and, if you are unaware of those, you can make mistakes. ■

ELIZABETH THOMSON, LLB'74, BCL'75 HONG KONG

I was working in Thunder Bay after graduating from the Faculty in 1975, trying to decide what I wanted to do next. I spoke to a friend of mine who was in love with Asia—more specifically, in love with a girl from Hong Kong. He convinced me to fly to Hong Kong...

A week after my arrival, I met a British man at a party who kept asking me questions about my qualifications as a lawyer. Eventually, I asked if our conversation was in fact a job interview and he replied, "Yes, it is." He had bankruptcy problems involving China, Taiwan, Canada, Austria and the USA and he needed someone to

handle it. (This was in 1977, when no one believed that the PRC and Taiwan did business together!)

That was the beginning of my international life—I flew around the world three times that first summer alone. It was every law student’s dream and nothing you could have planned. I fell into it and discovered I wasn’t a bad businesswoman. So in 1980, three years after landing in Hong Kong, I founded ICS TRUST to work with companies who were expanding into Asia and China and who wanted customized services for doing business here.

The biggest mistake many company owners make when starting out in China is to ignore Hong Kong in their strategic plan. The legal, financial and regulatory hoops foreign companies have to jump through when starting and running operations in China can seem insurmountable, but anyone who understands how to use Hong Kong as a gateway into China will see those barriers drop.

For example, we had a client who wanted to establish himself in China and who was thinking of setting up a wholly foreign-owned enterprise (WFOE) in China itself. We advised him that with a much smaller initial investment, he could open a representative office (RO) in China, with a company in Hong Kong serving as that office’s parent.



This structure, with Hong Kong as a gateway, acts as a liability firewall between our client’s North American operations and his China venture and, as an added advantage, there are tax and accounting benefits that follow, such as direct import and export services, which might not otherwise be available to a foreign company.

Our services include corporate structuring, opening of bank accounts, and managing business in Asia and internationally, but I also often find that we do a significant bit of cultural advising as well. I remember I was with one experienced executive who was doing business with a company in China, and he told me that his business partner in China seemed to really like him.

“He’s taking me to all these restaurants, to see the sights... we have a great relationship,” he said.

I looked at him and I said, “You know what he’s doing, right? He’s taking up all your time so you can’t meet with any of his competitors!”

This was a savvy business executive who would never have overlooked something like this in Canada or the United States, but because of the changed setting, his expectations were different.

Having been in Hong Kong for more than three decades, I’ve witnessed the city’s dramatic growth and was here for the handover in 1997, when Britain transferred sovereignty over Hong Kong to China. I remember my mother calling me from Thunder Bay on the night of the handover to say, “Come back to Canada; the troops are coming!” Of course, it was the People’s Liberation Army coming across the border.

Even though nobody really knew what was going to happen after 1997, the Basic Law [the constitutional document of the Hong Kong Special Administrative Region] says that things will stay the same at least until the year 2047. In fact, Hong Kong has only grown since then—China is set to be the future global powerhouse, but it is Hong Kong that is today’s global business, trade and financial hub of Asia. ■

EWA DON-SIEMION, LLB’95 KRAKOW

I came from Poland to New York City in 1988 with my husband, who had gotten a Fulbright Scholarship at Columbia. I started working as a paralegal for Shearman and Sterling and, for the first time in my life, I thought, “Wow, it would be cool to be a lawyer.” I already had an MA in English literature and I knew French, so I decided to apply to McGill and the rest is history.

In 2000, I returned home because I was working for and sitting on the board of a large Polish telecom company. That was at the time when the telecom market went bust. Instead of getting a nice in-house job, I got handed a very tough restructuring project with proceedings in the States, the Netherlands and Poland.

When that ended, I decided to stay in Poland to start a law firm together with two colleagues. This proved to be very good timing because six months later, Poland joined the EU. We currently are one of the larger firms in Poland, employing 40 lawyers. We do mostly transaction work, with over 50 percent of it in English.

Poland sailed through the global economic crisis as the only country in Europe with a consistently positive GDP. I think we will see more and more international businesses coming to the country. It won’t change the legal demands, but certain business and legal standards will become more unified. At the same time, you cannot impose the legal rules of North American and English jurisdictions on the rest of the world. I think we will see more internationalization of business transactions and lawyers knowing how to make those systems mesh with the demands of local jurisdictions.

I keep the Code civil du Québec on my desk. It’s a valuable translation tool, since I often have to work with civil law concepts in English. It’s sometimes difficult to find the appropriate English translation, and the work Professor (Paul-André) Crépeau and his team did in translating civil law from French to English has been very helpful.



In my practice, I need to always keep in mind that a client from a different country will come from a different legal background and have different expectations. They may not understand some elements of the Polish system. For example, a North American notary public has nothing in common with a notary in Poland or France. You have to explain this is a serious issue in European countries, because if you overlook the need for a notary, it can void your entire transaction.

I think the biggest difference between North American and Polish lawyers is that in Poland, legal training remains very theoretical. If you see a memo written by a Polish lawyer, it will read like something out of Dickens’ *Bleak House*, with lots of rules quoted and no clear answer. I am appalled by how outdated the teaching is at Polish law schools and out of touch with business realities.

Because of this, we spend a lot of time training our lawyers to become very practice-oriented. The translation from legalese to normal life—writing memoranda that can be understood not only by lawyers but by business people too—is the thing we struggle with the most when we recruit and educate our young lawyers. ■