



AVRIO ADVOCATI AUTUMN 2019 CONFERENCE
QUEBEC CITY, CANADA

LEGAL SECTOR FOCUS GROUPS REPORTS

As all of our members would know by now, it became a regular feature of the Saturday morning session of our Conferences that we split into informal sectoral working groups for a short period, tentatively 30 minutes or so. The objective is that we get to know what we each do professionally with a view to leveraging the relationships that already exist between us, for both business referrals and for our general edification.

At the Quebec City Conference, we split our delegates into 4 different Legal Sector Focus Groups depending of their area of expertise, as follows:

- I Family Law (Karen O'Leary, Dr Hermann Heuschmid, Stephan Reimer and Vesna Gorjup);*
- II Corporate Law (Alison Marshall, Anton Baturin, Bruce Bowden, Bryan Bletso, Kim Larkin, Ivana Semov, Matthias Arens Ozgur Demirdoven)*
- III Commercial Contracts: (Thomas Barnard, Guy Rulkin, Benoit Morzier, Christian Sarailis)*
- IV Commercial Proptery: (Michael Dewar, Christian Sarailis, Julian Fortier)*

The mission of each working group was to spend approximately 25 minutes to discuss:

- What international work have their law firms done in the last year?*
- Are there areas of learning or cooperation that group members can teach each other? If so, how?*
- Producing a webinar?*
- Visiting each other?*
- Doing a joint marketing visit to a third party?*
- Making a client referral?*
- Doing a case study at a future conference to this group?*
- Any other ideas?*

Below you may find the brief outline of the Legal Sector Focus Group discussions that was presented at the Conference by each of the groups' moderators:

I CORPORATE LAW FOCUS GROUP

1. International work

- Anton, Wilsons: Advised on and implemented the migration of a single family office to Luxembourg. Involved in the restructure of a multinational industrial group with companies in several jurisdictions.
- Alison, WJM: General corporate work. Effect of Brexit - companies re-domicile to Cyprus. Referrals to Cypriot peers.
- Bruce, Leech Tishman: Usual M&A, tariffs and trade work. Acted for a Portuguese soccer team
- Ozgur, IAPA: Introduced corporate finance and legal groups in their network. Member firms do case studies. Corporate finance work involving UK, US, Holland and Hong-Kong. Represented football players and film actors (tax advice).
- Bryan, Irwin Mitchell: Brexit will eventually affect the corporate work, but there is still an interest from the US to set up in the UK. Acted for an Indian manufacturer with a holding and distribution company in the UK. M&A transactions, joint ventures. Acted for a South African family office (financial investments).
- Kim, Charltons: Cross border investments in China, crypto-currencies, listing of businesses producing bitcoin mining machines.
- Ivana, Planinic: M&A in electric energy, due diligence for a gas company on a cross border transaction between Slovenia and Croatia.
- Matthias, Eimer: Acted in a transaction involving an Austrian company with German subsidiaries (due diligence work), M&A, property sale to a Finnish investor, shareholders dispute with German and a UK company as shareholders (Bryan of IM is involved in the case). Represents a basketball payer's agent in a matter about VAT on agent's fees. Is acting for the client of Wilson Associates in a matter of the enforcement in Germany of a Luxembourg court of appeal decision.

1. Area of learning and cooperation

Cross-referrals of clients. Raising awareness of clients about AVRIO. The group decided to prepare a case study on a typical corporate transaction with the description of the procedure in each of the jurisdictions of the focus group member firms, and the description of the fees and costs involved.

II FAMILY LAW

Group debrief by Karen O'Leary

The Family Group of Vesna, Stefan and Karen looked at the international aspects of our family law practices, referral work and also areas in which we think may be of assistance to both family law practitioners and also private client practitioners across the Aviro network. As indicated Vesna confirmed that her office did not undertake International work. Stefan was clear that most of his work is undertaken in accordance with German law, however there can be difficulties where there are international aspects due to property located beyond the German borders. There was some discussion with regard to Sharia law and implications in the practice of family law. Karen confirmed that at least 50% of her work has an international aspect to it.

It was felt by all that there may be merit in having a Webinar dealing with the new EU matrimonial property regime which deals specifically with couples property which has to be divided in cases of divorce, death to facilitate the application of EU rules on cross border divorces and succession. This came into effect on the 29th January 2019, there are currently 18 members who are signatory to this EU regulation, which it is hoped will facilitate dealing with cross border property / investments in the cases of family break down and also death.

We also discussed the differing rules between member states in relation to what constitutes capacity vs incapacity and its impact both on advising clients in relation to preparing and advising on a power of attorney and also inheritance implications with assets located in different jurisdictions.

In addition we felt that there was a lot of cross over for private law clients; where there were family business to look at perhaps a case study on the next occasion dealing with both succession / inheritance/ capacity and also looking at protection of shareholders within that context and looking at prenuptials and anti-nuptials and shareholder's agreements.

III COMMERCIAL CONTRACTS

Brief by Thomas Barnard

The points we discussed in our “Commercial / Contract Focus Group” and which we identified as appropriate for future discussion were as follows:

- The recognition and enforcement of judgments overseas. All participants in the focus group have acted on various cross-border matters, many of them contentious. An area that we agreed to be worth future discussion is the regime for recognising and enforcing overseas judgments in each member’s jurisdiction. It is a common source of work, and potential area in which Avrio members can make and receive referrals.

We agreed that we should look to produce a short guide summarising the regime in each jurisdiction. I have given this a bit of thought and, rather than prepare the “questionnaire” we discussed in Quebec, I wonder if we should in fact get each member firm to prepare a one page flow chart (and summary) explaining the process at a high level. The flow-charts could explain the process for registering a judgment and the steps and options available to a creditor to enforce that judgment. I think this would be really useful for the members.

- There was a lot of discussion about acting for clients in the gaming industry. It was agreed that this could be a future area for discussion.

Please let me know if you would like any more detail. I would be happy to provide it. And I am also happy to how co-ordinate the flowcharts referred to above.

Thomas Barnard

IV COMMERCIAL PROPERTY DEBRIEF

Michael Dewar

The action points from our discussions were:

1. We wanted to broaden the group from narrow remit of real estate group to a land and buildings group, so as to discuss property issues more widely including planning/zoning, environment, climate change impact etc.
2. Whilst each property law jurisdiction is highly segregated, there are many investment opportunities for properties in each of our countries. We thought an idea may be to put up onto the Avrio website a small section to showcase a country's investment and business opportunities for land and buildings. The focus should be on inward property or business investment opportunities. I'll email a list of questions to be included in a questionnaire for sending to members. By showcasing a country's opportunities we may be able (a) to attract interest in a given area and (b) perhaps as a joint venture with another Avrio member pitch to a client in another jurisdiction. I'm giving some thought to what these questions should be but will get these to you in the next few days.
3. We thought it useful if a chatroom functionality could be added to the Avrio website, so that discussions starting at the conference could then continue between sessions. One specific proposal is to consider using a moodle website (www.moodle.com). This is both cheap, regularly kept up to date and contains everything a distance networking group would need (chatrooms, training modules etc).