

LAW&GOVERNMENT

Around the world in 80 depositions

LI attorneys tread carefully while expanding global reach

By **JACQUELINE BIRZON**

Long Island legal experts have assumed an unconventional role in the international law market.

Many attorneys are frequently becoming informal cultural liaisons for clients expanding their businesses overseas, with the more effective ones cashing in on the fruits of this global adventure.

John Brickman, a partner at Great Neck-based Ackerman, Levine, Cullen, Brickman & Limmer, has spent decades working with clients who own businesses both domestically and overseas. Often, Brickman said, clients from other countries enter their legal relationship with misguided assumptions about the American legal system – and sometimes go as far as to assume that American judges are open to accepting bribes.

Due to budget constraints and limited resources, the U.S. legal system is not always the “well-oiled machine” that clients from other countries anticipate it will be, Brickman said, and attorneys like him spend many billable hours educating clients about the realities of the court.

International depositions taken via telephone or video are commonplace, Brickman noted, but given the extra time required by the client’s legal learning curve, attorneys are often forced to “contemplate charging an offshore client more,” simply to educate them about domestic legal procedures.

“You have to spend an awful lot of time plotting out the differences in the substance of the law,” he said. “At the end of the day, what you’re really selling is your wisdom, experience and judgment, but that’s typically expressed through units of time.”

When it comes to the reverse – U.S. attorneys learning the legal ropes of some other country – partner Joseph Cuomo of Uniondale law firm Forchelli, Curto, Deegan, Schwartz, Mineo & Terrana said it’s critical that attorneys be knowledgeable not only in the procedures of forming busi-



(From left) ROBERT MOY, JOSEPH CUOMO and SAVIO CHAN: Worldly. Photo by Bob Giglione

nesses abroad, but of cultural specifics. To that end, the firm in February hired Chinese-speaking corporate attorney Robert Moy, who has helped facilitate joint business ventures in Hong Kong.

Moy said his experience working in China and collaborating with Chinese businessmen in the States has allowed him to form effective joint ventures and to facilitate long-term global partnerships for several clients.

“Certain things are done a little differently,” he noted. “Some American companies might go into China looking to set up a joint venture, but can’t be quite as aggressive ... that ‘where do we sign’ culture isn’t accepted over there.

“But companies also come here from China and don’t know the lay of the land here,” Moy added. “We have to educate them about the U.S. market so you can have the best of both worlds.”

The firm has also employed the services of Savio Chan, founder and CEO of U.S. China Partners, a Melville-based market entry and strategic innovation consultant for U.S. companies looking to expand abroad, and a cultural and business liaison for foreign entities

eyeing U.S. shores.

According to Chan, more domestic business owners than ever are buying real estate in the Asian nation and looking to break into Chinese markets, while Chinese companies are more frequently looking to come here – including several trying to anchor their operational headquarters on Long Island, rather than New York City.

Chan, who noted that U.S. business owners are often put at risk when setting up shop in China, said working with knowledgeable and experienced advisers is critical to an entrepreneur’s successful entry into a foreign market. Cuomo agreed that whether a company is coming here or going there, understanding the local rules is paramount.

“Having good legal counsel and the right structure is important before going into a market,” the Forchelli Curto partner said. “You want to protect your IPO trademark and file those first, through a law firm, to protect your sales before you go into the market.

“Business owners need a lot of legal guidance,” Cuomo added. “Often, local research collectively can help a customer get to that point faster.”

John Bauer, office managing shareholder of Littler Mendelson in Melville, said some of the biggest discrepancies between how business is conducted overseas and domestically are sometimes stringent contractual and termination laws that tend to change from country to country. Often, Bauer noted, even different cities have different requirements for employment and labor contracts, and it takes an experienced legal insider to help clients accommodate those constraints.

Bauer referenced a client with a business in Mexico, who recently fired an employee without consulting his attorney. That led to a lawsuit Littler’s Mexico office is currently battling. Employee contracts, Bauer added, may be few and far between in the states, but many foreign governments require the careful construction of such agreements, often executed by legal professionals.

“What you’re really doing is crossing the T’s and dotting the I’s,” the attorney said. “But if you don’t know the intricacies, it can lead to a significant liability for the client.”