

LEGAL BUSINESS ON CLIENT DEVELOPMENT

China: Saint John firm markets its services in Mandarin

By Chantelle Newhook
St. John's

Peering from his office window in downtown Saint John, N.B., Rod Gillis noticed that there were a lot of customers going in and out of the store that sells Chinese groceries in the building next door. Not surprising, given that the Uni-

versity of New Brunswick's Saint John campus has a large number of students – between 700 and 800 – from mainland China.

Gillis decided that some of those Chinese students must need legal services from time to time during their stay in Saint John. So he commissioned a large sign,

written entirely in Mandarin and had it erected on the side of his firm's building where it could be easily seen by customers entering and exiting the grocery store.

The day the sign went up, Gilbert McGloan Gillis got its first Chinese clients. Since then, lawyers at the firm have made dozens of trips to China and have developed a practice that would be the envy of any competitor.

"It's been much like something rolling downhill, gathering momentum," Gillis said in an interview with *The Lawyers Weekly*.

The firm now regularly assists Chinese immigrants as well as Chinese students who need help with everything from driver's licences to passports. More exciting, though, is the work they've undertaken to assist clients attempting to do business in China. The first Mandarin-speaking lawyer at Gilbert McGloan Gillis developed strong relationships with Chinese business and government leaders, which enabled the firm to knock down barriers typically encountered by foreigners.

The firm now has two Man-



Gilbert McGloan Gillis lawyers (from left to right): Teresa Young, Richard Albert and Rodney Gillis

darin-speaking lawyers and is looking for Mandarin-speaking support staff.

While this type of practice may not be unusual for large firms with

an international clientele, it is remarkable for an Atlantic Canadian law firm comprised of 20

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You really must focus to market IP

By Arnold Ceballos
Toronto

As we move more and more toward a global economy based increasingly on intangible assets, the role and importance of intellectual property has grown accordingly. It is no surprise then that this has become a "hot" area of legal practice. But IP is different than many other areas of practice and requires sometimes unique approaches to marketing these specialized services.

"The days when you can be all things to all people are gone," says Andrew Shaughnessy, an IP litigation partner in the Toronto office of Torys LLP. Instead, he says clients want "pinpoint precision" and are sometimes even prepared to create what amounts to a "virtual law firm" comprised of top lawyers from different firms in the case of a particular piece of intellectual property litigation.

In Shaughnessy's case, he says it makes no sense to market his particular expertise to semiconductor manufacturers, for example, since he practises primarily in the pharmaceutical area. This reflects the highly specialized nature of patent practice, which leads many firms to organize internally along industry-specific lines, and to market externally on an industry by industry basis, according to Donna Wannop, a Vancouver-based marketing consultant for lawyers.

However, as Shaughnessy notes, this is not limited to the patent area. In trademarks, for example, he says a vital target market is the manufacturing sector and, as a result, it makes sense for practitioners to become involved with organizations such as the Canadian Manufacturer's Association.

Noting that marketing should

be directed at the key decision makers, Shaughnessy reiterates that a firm's efforts have to be very focused. For many firms, this means involvement in some of the many organizations geared toward intellectual property law, such as the International Trademark Association, the American Intellectual Property Law Association and the intellectual property law section of the American Bar Association. More importantly, says Shaughnessy, involvement in committees in these organizations is essential for developing the important relationships that lead to files.

However, making connections with the key decision makers is not enough if you cannot meet their needs. As a result, in the lucrative patent area for example, many firms hire scientists and other technical consultants to

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LEGAL BUSINESS ON CLIENT DEVELOPMENT

Trip spent networking with delegates "a great success"

MISSION

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newspapers, the front page contained a story in which she and her law firm were involved on behalf of the Chinese government and Chinese exporters. The story concerned a complaint filed by the Canadian International Trade Tribunal in which the Canadian furniture industry had lodged a China-specific safeguard. "It was very timely from my perspective, because I do trade law for a living. The furniture case was announced in China while I was in China. I was able to spend a lot of time discussing it, and it has led to a lot of success for our business."

The evening was taken up with another business briefing, and the following day, November 10, was filled with a trade mission session, a plenary session open to all the delegates and another Canada China Trade Council dinner in the evening.

After Shanghai, the delegation travelled to Nanjing, Canada's "sister province" on November 11, then on to Hong Kong on November 13. The trade mission ended on November 15 and delegates left China's balmy 25° temperatures to return to a Canadian winter.

The emphasis of the trade mission, said Cherniak, was "to get the delegates excited about doing business in China, and for Canadian businesses to find partners in China and do business there."

"From my perspective as a speaker and with experience in the China market, the benefit comes from Canadian companies who are in China or looking to get into

China. So many Canadian companies go to China seeing dollar signs. They look ahead to the 2008 Olympic Games and the 2010 World Games. But, they have to realize that anyone going overseas



Cyndee Cherniak

to do business needs to do so smartly and to protect their legal rights."

Overall, she called the trip a great success. She said networking with the delegates helped to promote her firm's presence in the Chinese market. And, as well, she was able to meet with "the significant law firms in China" for inbound (into Canada) work. "They act for Chinese companies who are looking at our oil patch or resource sector. It's harder to get that business, but every trade mission is an opportunity to meet with companies and law firms," she said.

"I think it was a great trip for Heenan Blaikie and for our International Trade Group (umbrella group) and our Asia Practice Group. The truth of the matter is

with Canada's activity in the trade remedy area, there is going to be a lot of business in the coming few years. Given the decisions of the Canadian International Trade Tribunal and the Border Services Agency, and the aggressive behaviour of Canadian complainants, this is going to be a very active area."

She also noted that running branch offices in China "has not been a success story for Canadian law firms." She pointed out that Stikemans closed its Hong Kong office and that Davies Ward Phillips Vineberg closed its Beijing office.

Cherniak also advised that the Chinese business connection is beginning to be taken seriously by Ontario's universities. She noted the presence of Alan Alexandroff at one of the trade missions. Alexandroff is a lawyer, a director of LECG and the research director of the Program on Conflict Management and Negotiation at the Munk Centre for International Studies, University of Toronto. Cherniak said Alexandroff has spent some time developing an initiative between the faculties of law at the University of Toronto and the University of Tsinghua in Beijing.

Cherniak also mentioned a new course being developed by Professor John Weir at the University of Windsor, and *The Lawyers Weekly* contacted him. Weir said he thinks his pilot course on Chinese law is the first to be taught in a Canadian law school. Twenty students are already enrolled for the January commencement of the optional course entitled, Chinese Legal System and Law.



On the recent trade delegation visit to China, Premier Dalton McGuinty and China's Education Minister sign an agreement to enhance co-operation between Ontario and China in education. Premier McGuinty also addressed law students at Tsinghua University.

The course will deal exclusively with the laws of the Peoples Republic "and will include a little bit of Hong Kong and Taiwan," he said. "What it's going to do is introduce the students to the Chinese legal system, the court structure, the role of lawyers and judges, and how laws are passed in China."

Professor Weir has been studying Mandarin for three years and recently spent his sabbatical year at Peking University in Beijing, studying Chinese law and the legal system. This past summer, he also studied law in Shanghai. He has written three books on insurance law and plans to write another on Chinese law.

Professor Weir attended the International Law Section of the recent meeting of the American Bar Association. He said, "At one of the panels, the deans and associate deans of prominent American law schools, such as Stanford and the University of Michigan, stated they have a mandatory course in international law. (Some universities call it trans-national law.) This is a recognition of the importance that international law plays in business today. As you know, there are very few mandatory courses at law school, so introducing this as a basic requirement, shows the significance. I can see this happening in Canada in the future."

IP lawyers aim marketing at international organizations

IP

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round out their teams. Heather Suttie, Director of Marketing and Client Development at IP boutique Bereskin and Parr, notes that an important part of satisfying their clients is to offer "a depth of talent pool" that includes "engineers and scientists with a string of degrees" to help in the drafting of complex patent applications.

The needs of IP clients affect the approaches that firms take in other ways as well. Seeking to serve the Kitchener-Waterloo area, a high-technology hotbed, some firms such as Bereskin and Parr have established offices there. According to the firm's Neil Henderson, this reflects the fact that Kitchener-Waterloo is a tight-knit

community and the firm felt it had to become part of that community and be seen as contributing to it in order to make inroads into the IP market there.

An important source of work for many IP firms is reciprocal business that flows back and forth between firms.

"In the IP area there is a significant opportunity to generate business from other people in the legal profession," according to consultant Wannop. "This leads to more of an emphasis on marketing to other lawyers." In particular, Wannop notes that for many Canadian IP lawyers, this means directing their marketing efforts toward the types of organizations mentioned by Shaughnessy that have an international or United States focus.

Bereskin and Parr, for one, is conscious of spending its marketing dollars wisely and narrowly when it comes to such things as seminars and conferences, according to Suttie, the marketing director. This means only attending and speaking at events with an IP focus, she says. "We take a sponsorship role, but do not do it unless we can also speak and write," says Suttie, adding that "anybody can write a cheque."

Torys lawyer Shaughnessy also seeks out new clients by engaging in what he calls "guerilla marketing", which essentially involves cold calling selected potential clients. Once you have targeted a desired client, he says that contacting them and proposing to give a presentation on an important point of Canadian law often yields

positive results.

Within a full service firm there are also opportunities to cross-sell to lawyers in other practice areas. Shaughnessy admits this can be difficult when partners are busy and focused on their clients' more immediate interests. He adds there is an onus on the lawyer looking to grow their practice to show how the firm can offer another service to an existing client.

Whether it is a large full service firm, a boutique, or a smaller firm, developing relationships is key to increasing business. According to Robert Lesperance of Vancouver's Lesperance Mendes Lawyers, a five-lawyer litigation boutique, a significant amount of his IP work comes from referrals. This includes work arising out of estab-

lished relationships with law firms in eastern Canada. In addition, he notes that it is important to develop contacts with other professionals, such as accountants, whose clients may occasionally need IP advice.

Like his larger peers, Lesperance's marketing efforts can also be quite specific, and he notes that his advertising is directed to specialized publications, including a vintner's association journal. He also increases his profile in the marketplace by writing as well as speaking at continuing legal education events.

Clearly, these approaches all evidence an awareness by many IP practitioners that their marketing approaches have to reflect the specific needs of existing and potential clients.