

Ontario - New York Legal Summit

Buffalo summit programs show opportunities on both sides of border

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by Patricia Sears Doherty
quoting Erin R. Kuzz



“If you are doing business in Canada, please, please, make sure you have an employment agreement in place,” pleaded Canadian employment and labor law attorney Erin R. Kuzz during a CLE program in Buffalo. “There is no employment at will in Canada.”

Many of the New York lawyers in the room were surprised. On this side of the border, employment-at-will is the law.

For two days in March, attendees of a historic summit on cross-border legal issues got the message: law firms doing business in Ontario or New York will find many opportunities to grow their practices - as long as they keep abreast of the laws in each jurisdiction. They discussed the cross-border issues specific to each country - and those of mutual interest.

The summit, the brainchild of President Vincent E. Doyle III, who practices in Buffalo, was a cooperative effort of the State Bar and its International Section and their counterparts in the Ontario Bar Association (OBA).

The summit began at the OBA headquarters in Toronto on March 28 with a plenary and nine CLE programs for litigators and lawyers practicing corporate and general law. The summit moved over the border to Buffalo the next day. The concluding plenary session summed up the two-day theme: practicing law cross-border is good business. But, speaker after speaker emphasized that both Canadian and American lawyers must know the laws that affect their practice specialty or risk losing business and cases.

Work hard, be successful

Lawyers working on New York-Ontario border issues said there is less competition for clients because fewer attorneys concentrate in the field, Summit Co-chair Lauren Rachlin told the March 29 plenary session audience. “Lawyers are the facilitators of economic growth on both sides of the border,” he said. “To start, you must know your craft, but you don’t have to know everything.” He advised networking in each jurisdiction “regularly.”

“Learn about the culture and distinctions in jurisdictions where you work,” said James P. Duffy III of Manhasset, New York. “That forms the basis of trust relationships you will need to work” in another country. Holding a visa for different parts of the world also is essential to cross-border work, he said. “You never know when the client will say, ‘Can you be here tomorrow?’”

Having an office in each jurisdiction is of great importance, said Christopher J. Cummings of Toronto (Paul, Weiss, Rifkind, Wharton & Garrison LLP). “That’s important in order to generate new business,” he said. “Being in the city and living in the community makes it a two-way street... There are clients who want to see you in 15 minutes.” He also advised hiring a Canadian law firm to assist in setting up an office in Canada.

International Section Chair Andre R. Jaglom was one of several panelists to stress the importance of building trust relationships with other law professionals in each jurisdiction - and using social media engines such as

LinkedIn and the section listserv to find reliable references.

Social media “is not necessarily a useful direct means of getting clients, but I have found that my LinkedIn contacts often help me find someone at a particular company by searching through contacts I do know on LinkedIn,” said Jaglom.

Plenary session panelists Cummings, W. Brian Rose of Toronto (Stikeman Elliot LLP) and Jon-David Giacomelli of Toronto (Cambridge LLP) explained how they each started with a small office in New York or Toronto handling primarily cross-border issues and have become successful. They said that no matter whether there are just a few attorneys or several hundred in the firm, they succeed. For instance, Giacomelli’s boutique firm has eight attorneys working in three offices in Toronto, Burlington and Ottawa.

He summarized how he and the other panelists have succeeded. He said the “best thing we’ve learned” include speaking and writing at CLE and CPD (Continuing Professional Development) programs on topics relevant to cross-border issues from the Canadian perspective and active participation in key organizations.

“NYSBA’s International Section helped me facilitate quality work in the U.S.,” he said.