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## LEGAL TRENDS

# More law firms get in on cross-border work

BY MICHAEL PETRO  
mpetro@bizjournals.com  
716-541-1654, @BLJ\_Mpetro

Lippes Mathias Wexler Friedman has had Canadian clientele for years, but it wasn't until several months ago that the firm's presence on the other side of the border became more focused.

The opportunity to bring over attorney Thomas Keable helped grow the cross-border practice. He has three decades of experience as a cross-border specialist and hundreds of Canadian clients to boot.

The firm was already generating nearly 10 percent of revenue from work related to Canadian clients but this move helped take the growing practice to the next level, according to managing partner Kevin Cross.

Keable joined the firm in June.

"For almost all of his career, Tom has really been focusing on cross-border law and done a great job with that, so we saw that as an opportunity. That started the momentum to really getting more focused and more boots on the ground," Cross said.

Then last month, the practice received another shot in the arm when



MICHAEL PETRO

*Kevin Cross, left, managing partner of Lippes Mathias Wexler Friedman, helped welcome Thomas Keable over the summer as head of the newly focused cross-border practice.*

the firm announced that it established a presence in Canada with an office in Burlington. Despite all the technological advances that allow for various ways to communicate, there is no replacement for face time with clients

across the border.

Keable said such interaction is crucial, at least as far as the initial meeting with a client. It's also helpful to know your way around the Greater Toronto area, he said.

Keable considers himself a "nomadic lawyer" considering all the traveling he does back and forth.

"I can more effectively represent clients the better I know them and the more time I spend with them," he said. "It's so much better than having a conference call."

It used to be that only a handful of local firms had cross-border practices, and even fewer maintained an office in Canada.

But with a steady stream of Canadians coming to the United States with goods and services, the Buffalo area has welcomed them.

"The U.S. market is too big for them to ignore," Keable said.

Meredith Kolsky Lewis, professor of international economic and trade law at the University at Buffalo School of Law, said that while some firms have had cross-border practices for a long time, more are getting onboard.

Much of that is a result of the financial crisis and fierce competition in the industry, she said. A number of local firms handle cross-border work that bigger New York City firms used to do because they are able to do it for less.

Canada has become New York's big-

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gest trading partner and the state does more business with Canada than with China, according to Rich Honen, a partner and member of the cross-border team at Phillips Lytle.

"We're having more contact with Canadian companies all the time and more and more of those companies are expanding their U.S. operations, which is really kind of the essence of globalization," he said.

The firm opened an office in 2011 in the Communitech Hub in Waterloo, Canada. The region is considered the Silicon Valley of Canada because BlackBerry got its start there and invested in the area's ecosystem, spawning Fortune 50 companies and startups.

In addition to providing legal support to Canadian companies looking to do business in the States, Phillips Lytle offers advice regarding cultural differences and business nuances.

According to Honen, the firm also is in Canada in a quest to increase its institutional and cultural knowledge.

"We are there to learn more about entrepreneurship, globalization and absorbing the culture and what those companies need when they come to the U.S.," he said. "We're basically trying to make ourselves smarter about how business is being done internationally."

Less than two years after the forma-



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**PETER MARLETTE**, co-managing partner, Barclay Damon

tion of the merged firm, Barclay Damon has seen a significant increase in income in its cross-border work.

The firm has been building relationships while raising its profile and is "just scratching the surface" of what is possible, said James Domagalski, co-managing partner of the Buffalo office.

According to Peter Marlette, also

co-managing partner, "the more we do, the more we get asked and the more business we end up getting."

Toronto is one of 11 locations where the firm has offices. There are full-time staff attorneys in that office, which was established by Hiscock & Barclay.

Barclay Damon invested millions of dollars in technology to enable communication with clients in Canada or elsewhere around the world.

"Given the amount of activity, it's important to have a home base in Canada to meet and visit with people," Domagalski.

The firm actually changed the practice name from international business to Canada/cross border because services run the gamut.

Barclay Damon counsels on issues such as intellectual property, multi-jurisdiction litigation considerations, foreign tax compliance, corporate finance, U.S. citizenship and tax and estate planning for Canadians.

Also, ownership of U.S. real estate and entry into this country for employees.

"There are very few practice areas and very few attorneys in our office that the cross-border initiative doesn't touch in some way," Marlette said.

The firm was asked by the U.S. ambassador to Canada to serve as a founding board member of Invest USA, a program the U.S. Consulate in

Toronto is putting forth to encourage Canadian businesses to invest across the border.

"Our bread-and-butter immigration practice is now not only a solid corporate practice but it's sophisticated in some of these niche industries, which are strategic industries for the firm," Domagalski said.

UB School of Law has started a concentration in cross-border legal studies.

And while the school said it is not attempting to teach another country's laws, the program illustrates what types of U.S. legal issues can come up in cross-border work.

Law Professor Kolsky Lewis, who also directs the Cross-Border Legal Studies Center, said the law school saw an opportunity to take advantage of its unique location near the border, as well as a network of alumni in Buffalo and Ontario who engage in cross-border legal practice.

The knowledge gained is transferable to other borders.

She works closely with firms such as Hodgson Russ, which has had a long-standing Canadian office and cross-border practice.

Domagalski attributed the increase in cross-border activity in part to the region's renaissance, saying, "It's not lost on our friends across the border what is happening here."