



GLOBALISING YOUR PRACTICE - OPPORTUNITIES AND CHALLENGES

Alison Hook and Sim Katende
Nairobi, 18 and 19 May 2017



Presentation Outline

1. What sort of work might be available to a lawyer/law firm from East Africa?
2. Where might it come from?
3. How can you get it this work?
4. What international law firms/general counsel look for in a local partner?
5. What to do next.

What is the International Market for East African Lawyers? – ie. Potential demand for your services

First look around you...(*international does not just mean from US & Europe!*)

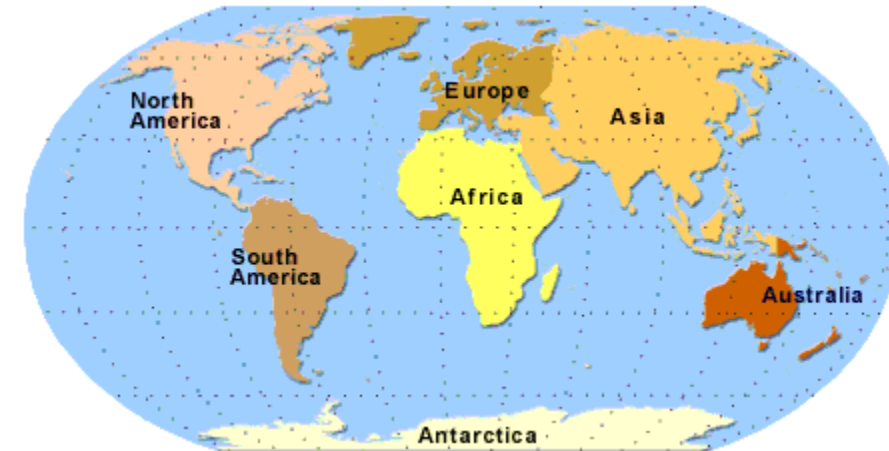


1. EAC Partner States = 4 of Africa's top 10 FDI destinations by project and value e.g. infrastructure (e.g Lamu Port-South Sudan-Ethiopia Transport Corridor (LAPSSET)), cross border project like Standard gauge railway, oil pipeline from Uganda through Tanzania etc
2. EAC businesses with outward looking ambitions (Kenyan businesses invested KSh 100 billion in EAC in 2016)
3. Regional integration opportunities (EAC legal environment) – with the EAC there is soon going to be free movement of legal labour...

What is the International Market for East African Lawyers? – ie. Potential demand for your services

Then look to others...

1. International businesses from South Africa, Europe and the US entering the market (e.g. Carnegie Mellon University in Rwanda)
2. Venture capital investments (e.g Nigeria's EchoVC Partners – investment in Ma3Route in Nairobi)
3. Asia – Not just China but the Middle East, Mauritius etc– helping East African clients structure off shore investments is becoming popular
4. Employment opportunities with international law firms



What sort of International Work?

1. Who from?:

- Intermediaries (referral law firms)
- direct from clients African funds/investors/brands/entrepreneurs; Foreign VCFs;
- foreign businesses.

2. Which sectors?:

- Not just mega power, transport and resources projects.
- Fastest growing sectors for investment in 2016 included: education and training, logistics, manufacturing, business services, financial services, ICT and renewable energy; and
- Providers of anything a growing affluent African middle class desires - malls, retail chains.

What sort of International Work?

3. Needs: Get out of the litigation mindset:

- The questions which are very country specific and difficult for someone abroad to do an online desktop review, replicate or standardise.
- Local compliance, due diligence, land use/land title issues, employment, risk assessment and mitigation, country of origin compliance checks (e.g. BA, FCPA etc).
- For litigants, think more of mediation and Arbitration

4. The “Third Transaction Rule”.

After the 3rd transaction,

- you should be able to handle the transaction from thought to finish; and
- the client should be comfortable dealing with you/your firm directly.
- Sometimes standardized work can be passed down to the local firm.

GLOBALISING YOUR PRACTICE
OPPORTUNITIES AND CHALLENGES
NAIROBI, 18 AND 19 MAY 2017



How to get it: Who from?



1. **International law firms** – think beyond the obvious (nb. who are potential relationship law firms from investing countries?)
 - Europe - London and Paris. Most Africa practices HQs there
 - Africa – South Africa, Kenya, Nigeria, Morocco
 - Far East – Mainland China, Hong Kong
 - Middle East – Dubai, Abu Dhabi
 - USA – New York, Washington DC
2. **Create the work yourself** and do the referrals to the international law firms e.g. ALSF
3. **Other professions** (e.g. engineering consultancies, Big 4 audit firms)

GLOBALISING YOUR PRACTICE
OPPORTUNITIES AND CHALLENGES
NAIROBI, 18 AND 19 MAY 2017



How to get it: Who from?

4. **Tenders:** Tender websites e.g national government
5. **Government initiatives:** e.g. Tanzania – local content requirements in EA
6. **Venture capital:** Not just foreign VCFs, African players increasingly evident (e.g. SAVCA)
7. **Business directly** (e.g. in house counsel in foreign businesses but nb. also local business investing elsewhere (Kenya biggest source of African FDI by numbers of projects in 2016))



**GLOBALISING YOUR PRACTICE
OPPORTUNITIES AND CHALLENGES
NAIROBI, 18 AND 19 MAY 2017**



What clients expect

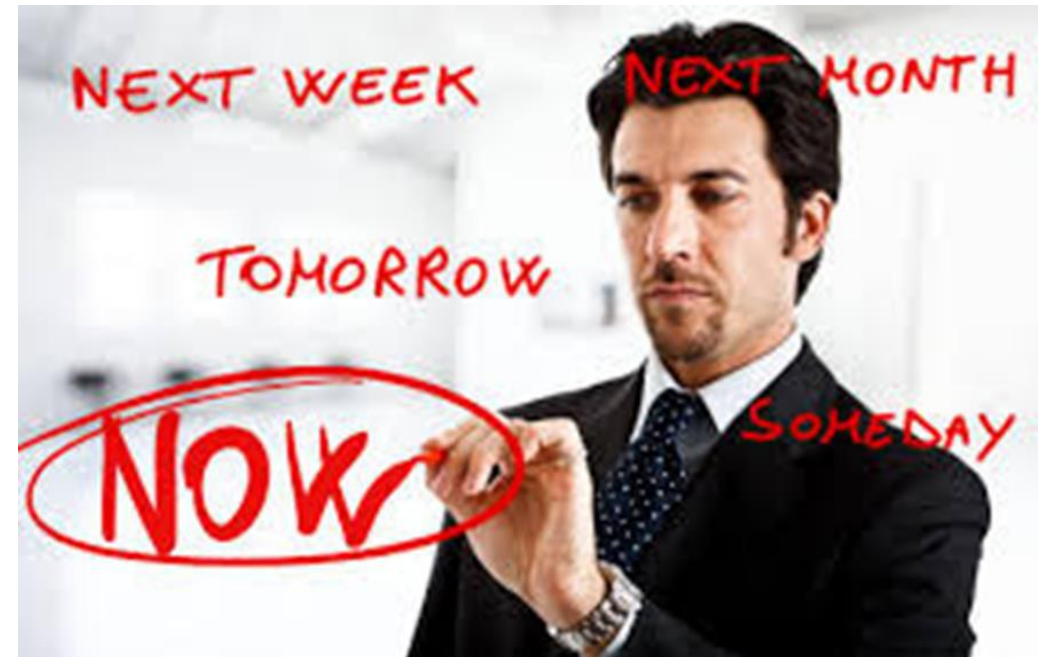
- Availability, Affability and Ability
- Good service (plenty of information and updates, prompt action, follow through)
- Transparent billing (not necessarily cheapest)
- Local (and regional) insight
- Recommendations/endorsements

**GLOBALISING YOUR PRACTICE
OPPORTUNITIES AND CHALLENGES
NAIROBI, 18 AND 19 MAY 2017**



What clients like

- Evidence of experience or involvement in similar previous projects.
- Sectoral knowledge and contacts.
- Thoughtful value added (thinking round the problem at hand not just answering the questions).
- Internationally recognised credentials and qualifications.
- Consistency and Continuity
- Capacity.



**GLOBALISING YOUR PRACTICE
OPPORTUNITIES AND CHALLENGES
NAIROBI, 18 AND 19 MAY 2017**



**Some international clients' perception
of African lawyers**

- Not responsive
- Law is not their primary focus – focus on side interests like real estate, politics etc.
- Litigation focused, commercially inexperienced
- Provide only legal not commercial problem solving advice
- Little attention to quality with poor client care and inconsistent service
- Poorly trained with little interest in continuing legal education and knowledge improvement

**Some international clients' perception
of African law firms**

- Individual practitioners
- Generalists practices with little or no specialization lacking in depth knowledge
- No sector focus with limited understanding of client's industries and trends affecting client's businesses
- Focuses solely on their local jurisdictions
- Inexplicable and hidden billing strategies
- Firms are not run as proper businesses.

GLOBALISING YOUR PRACTICE
OPPORTUNITIES AND CHALLENGES
NAIROBI, 18 AND 19 MAY 2017



What to do next?



Internally....

1. **Prepare your firm to work with international partners**– think about service delivery, confidentiality etc. and how you can improve efficiency in this area.
2. **Develop your expertise** – Get to know the law, issues, people and businesses in key economic areas (e.g. become known for a particular sector).
3. **Scale up and build the capacity of your teams** to handle multiple assignments, back office work, business development etc.
4. **Develop your messages** – the services you are selling to potential foreign clients are different to your domestic services

GLOBALISING YOUR PRACTICE
OPPORTUNITIES AND CHALLENGES
NAIROBI, 18 AND 19 MAY 2017



What to do next?

Externally...

1. **Develop your networks within and beyond the region** and in business more generally (e.g. Half FDI in EAC from Kenya). Don't just talk to other lawyers!
2. **Develop your profile** and get known outside your own jurisdiction - some work goes to foreign lawyers because they (and their track records) can be found online (websites, directories etc).
3. **Are you a visible expert?**

Success for a law firm today requires internal management, sales and marketing not only expertise in the law.

IN GOLF AS IN
LIFE IT IS THE
FOLLOW
THROUGH THAT
MAKES THE
DIFFERENCE.

- ANONYMOUS