

**Obtaining overseas instructions and my experience
with the Bar Council's March 2014 Trade Mission to Brazil.
Patrick Duffy**

I was fortunate enough to be asked to join the Bar Council's recent trade mission to Rio de Janeiro and Sao Paulo organised in conjunction with UK Trade & Investment ('UKTI'). The aim of the mission was to raise the profile of the Bar within the Brazilian legal market and to promote the services barristers can offer Brazilian professional clients. I first learned of the event from a circular email from the Bar Council's International Events Committee back in December 2013. At that time representatives from the Law Society and indeed the Lord Mayor of London, had already been deployed to Brazil to promote legal links and the Bar Council wanted to follow this up as part of their concerted efforts to promote legal services in the BRIC countries. In addition, the Bar Council had recently supported an 'Unlocking Disputes' conference in Sao Paulo in October 2013 and wanted to build on their involvement on the continent.

As a practitioner who specialises in criminal law and white collar crime I thought it was a perfect opportunity to promote my own legal services and those of my chambers, as well as to help achieve the mission's goals. However, one hurdle standing in my way was, as always, funding. The trip, although meticulously organised by both the Bar Council and UKTI, was to be entirely self-funded. Not to be deterred, I sought funding from other sources. As a practitioner under 7 years call I was entitled to apply to the Bar Council for an International Legal and Professional Development Grant. This scheme works in conjunction with various specialist bar associations and divides up the cost of the trip three ways – between the Bar Council, the specialist bar association and the individual concerned. Although in previous years the Criminal Bar Association had provided funding for this they had recently withdrawn from the programme to conserve resources (quite understandably in the current climate). Luckily my other specialist bar association, the London Common Law & Commercial Law Bar Association, are firm supporters of the scheme and very kindly agreed to assist me. I then quickly confirmed with the Bar Council and UKTI that I was 'in funds' and proceeded to make arrangements.

At the pre-mission briefing we were given an enormous amount of helpful information on the market, political environment and local legal customs. We were told that the format of the mission was to be a mixture of 'meet and greet' events and educational seminars run by us for local practitioners. In addition, we were encouraged to organise our own business meetings in legal sectors we had a particular interest in. Apart from finding out about the logistics of it all, the pre-mission briefing was an opportunity to introduce ourselves to our fellow delegates who were from across the spectrum of the Civil Bar, from commercial silks to arbitration juniors.

Our first day of work in Rio consisted of a breakfast brunch meeting, where we met various in-house lawyers from local businesses (mainly the extraction industries), and heard a variety of general overview lectures put on by UKTI's local contacts in the industry. Later that day we presented to the Ordem dos Advogados do Brasil (the OAB - the local equivalent to the Bar Council). Nicolas Lavender QC and the Rt Hon Kenneth Clarke QC added some star wattage to the affair and explained the services we could offer the Brazilian market. Next, Frederico Singarajah (our Brazilian

barrister and “man on the inside”) presented his paper, 'Next Challenges to Effective International Dispute Resolution'. This was followed by Sam Karim's 'Why Use International Arbitration for Commercial and Insurance Disputes?' and David Berkley QC's 'Litigation in England: a guide for the non-UK party'. After a short break we heard from Alex Haines with his talk on 'Sanctions, Multilateral Development Banks and the Applicable Law' and Sam Presland on 'Is There a Place for International Regulation and Licensing of Medical Products?' Finally, I closed the proceedings with my talk on 'The UK Bribery Act: International Business, Anti-Corruption Regimes and Enforcement'. Attendance at the event was relatively strong - some hundred local lawyers or so - who participated freely with pertinent questions. At the networking event afterwards we were able to discuss one-to-one with the Brazilian lawyers who practiced in our areas. Previously we had been informed that such personal relationships were crucial in obtaining instructions. A Brazilian, or so we were told by Frederico, will not instruct you until you have had a beer together and swear in front of them, something we all endeavoured to practise. The following day we had informal meetings at the offices of Barbosa, Mussnich Aragão Advogados and Andrade & Fichtner Advogados - both high-end litigation and commercial firms. Then we had post-lunch meetings with Veirano Advogados and Fontes, Tarso Ribeiro Advogados - again commercial firms specialising in litigation and arbitration.

That evening we flew to Sao Paulo and prepared for the next leg of our tour. In the morning we had a very useful UKTI market briefing and a round-table discussion with the British Chambers of Commerce Legal and Tax Committee, going through relevant white collar provisions, insurance laws and tax codes. That afternoon we trundled ever on, presenting another conference to the local Bar in conjunction with UKTI. After the opening remarks Paul Randolph presented 'The Global Paradox: the universal resistance to mediation', Sam Knight presented 'International Arbitration: a perspective from the Bar of England and Wales' and Lucy Garrett presented 'Wasted Energy: tips for efficient dispute resolution'. After a short break Ed Jenkins QC spoke on 'The Long Arms of the UK Enforcers of the UK Bribery Act', David Travers QC on 'Food Regulation: crossing the Atlantic in confidence - challenges of the regulatory regime in Europe' and finally James Jackson on 'Human Rights and Humanitarian Law in an International Context: has England played any role?' Attendance again was strong and evidenced a genuine interest in the areas covered. During the afternoon I went solo and lectured on the new Brazilian Clean Companies Act and corresponding international regimes at Sao Paulo University. This was an interesting experience as all of the students had already started practising in their various law firms - as is the norm in Brazil - and were dealing with the law both in an academic context and a pragmatic one. On the concluding day of the mission we spilt up to attend law firms with interest in our respective sectors. Half the team attended a breakfast meeting with Barretto Ferreira and Brancher and half with Felsberg E Associados. After a short break we combined again for meetings with Koury Lopes Advogados and Pinheiro Neto Advogados, the latter being the biggest and most well-heeled local law firm.

In terms of drumming up business it is hard to tell at this stage how much direct work we, as delegates, will receive. Undoubtedly I have made many useful Brazilian contacts and we have kept in regular touch since. But as a market it is just opening up to the possibility of instructing UK-based barristers and it may be some time before we reap the benefits. For my part I have subsequently received requests for names of barristers with a particular expertise and have duly passed on the appropriate

information. In addition, as a result of my Brazilian experience I was invited to lecture at the British Spanish Lawyers Association's conference in Malaga one month later - and I have received work from that - demonstrating the elusive but consequential nature of long-game marketing. If members of the LCLCBA are interested in pursuing such broad marketing group exercises I would advise planning as far in advance as possible to maximise personal meetings with relevant firms and to establish a rapport in advance of a face-to-face meeting. Meeting and pressing the flesh is all well and good, and one never knows where work will germinate from, but extra effort spent planning a targeted itinerary will serve you well later and make the most use of limited time. I found that the meetings I planned outside the scope of the UKTI mission were in some ways the most beneficial as I was able to spend a considerable amount of time with practitioners who were as keen to meet me as I was to meet them.

Finally, I am extremely grateful to the LCLCBA and the Bar Council for their generous sponsorship of me on this rewarding overseas trip. I would simply not have been able to go had it not been for their support; it is a testament to Bar's continued ethos of altruism that such programmes still exist.

Patrick Duffy
23 Essex Street,
Chambers of Simon Russell Flint QC