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Online Treasures. Most of the legal market blogs posted by sundry consultants and other nonlaw firm sources tend to be ... well, “vapid” seems a fit description. But here are three worth noting for the persistent value they provide in useful facts, fresh analysis, and practicable advice **Page 3**

Clear Channels. Many professionals tend to think of time efficiencies and cost projections as the primary assets of Legal Project Management (LPM). Yet law firm leaders and clients both cite communications as the really salient benefit. Ed Burke talks about why, enumerating multiple best practices and LPM-styled process aids **Page 6**

Strategic Accountability. An infallibility dogma burdens law firms and, as a result, their leaders won’t admit to error or risk looking weak. As Patrick J. McKenna and Edwin B. Reeser discuss, it’s a recipe for long-term disaster. The solution demands accountability. Ship stewards must feel empowered to artfully and resolutely acknowledge mistakes in order to clear the air and turn the page **Page 10**

Rescue Operations. In the past, firms typically avoided mergers with troubled partners. That trend has recently reversed as more “white knights” enter the lists. Ed Wesemann offers specific best practices for these situations, ranging from early due diligence to risk/benefit analyses of best, worst, and likeliest outcomes..... **Page 16**

Decisive Strategy. Practice groups still exist at Michelman & Robinson but the real strategy hinges on a concerted industry focus. Ron Camhi, who serves the advertising and digital media sectors, spearheads an Industry Affinity Group Model, the goal being to really get to know the client’s business, not just talk about it..... **Back Page**

Cuba Outlook ...

As US-Cuba Normalization Inches on, Law Firms Ramp Up

While no one’s betting that a US law firm will open an office in Havana any time soon—and that’s a very safe bet—lawyers are increasingly gearing up to help clients seize business opportunities as they materialize in Cuba. And, since President Obama’s historic announcement last December 17 ordering a restoration of diplomatic relations with Cuba and calling for a lift to the 54-year-old trade embargo against the country, businesses and

lawyers have certainly directed their attention to the island-nation.

“Everyone is talking about Cuba right now in one way or another,” says Yosbel Ibarra,

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co-chair of the Latin American and Iberian practice group in the Miami office of New York-based Greenberg Traurig.

Indeed, the thaw in US-Cuba relations is generating a lot of buzz in the business and legal communities, among others, but wholesale change and normalization between the two nations will likely take some time. After all, Congress has worked to keep the embargo in place, despite the president's executive action that loosens some of the trade and travel regulations.

“On December 17 things changed—on the margins, that is,” Ibarra says, adding that while he thinks the executive branch has done a good job of changing some of the regulations, he's cautious with clients. “That's one of the important points that we tell clients. I tell them, ‘Let's put this in perspective. Yes, there are opportunities, but they have to be couched in this framework: The embargo is still in place. All of the changes that have been implemented have been done by executive action so there's nothing stopping this administration or any future administration from reversing those changes.’”

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Years in the Making

Still, the business prospects are emerging and more loom on the horizon—developments for which some law firms have been ready for years. As a major global player, Greenberg, for example, has had a team in place for “quite a while,” Ibarra says, with the head of its financial regulatory group and its trade sanctions team closely monitoring government and commercial activity.

But global firms aren't the only ones in this arena. As the lawyer for Alan Gross, the US contractor held in captivity in Cuba for five years until last December, Washington-based Scott Gilbert spent three years helping negotiate Gross's release. In that time he learned a lot about Cuba and its people, he says. He's now transferring that knowledge, and his 35 years of experience counseling companies, to help clients get a foothold in Cuba. “We're advising companies and individuals on the opportunities that are available with respect to the changing relationship with Cuba,” says Gilbert, who leads Gilbert LLP.

At Philadelphia-based Duane Morris, the firm has been formally tracking US-Cuba relations and helping clients since early in the 21st century. “Our team has been in existence for over a decade but there wasn't

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a lot to do for many of those years [regarding Cuba],” says Larry Diamond, the head of Duane Morris’s Cuba Business Group. “We advised clients over the years but because of the embargo and the nature of the regulations, until recently, there wasn’t a lot going on. Although we did help clients stay in compliance. The enforcement under the [Office of Foreign Assets Control] regulations could be pretty severe. So we would tell them what to do so they wouldn’t run afoul of the regs.”

Firms are also boosting their Cuba-related capabilities, ready for an increase in their workload as more and more activity, and the potential for activity, between the United States and Cuba occurs. “I’ve ramped up the Cuba Business Group, boosting our team from within,” Diamond says, adding that the group has seven lawyers and that he expects to add more.

Enthusiastic about Business Prospects

In late May, the Florida Bar sent a group of lawyers to the Communist-run nation as part what’s likely to be several information sharing and gathering trips by various delegations of attorneys and others. Peter Quinter, the chair of the bar’s international section and head of the Customs & International Trade Law Group at Fort Lauderdale-based GrayRobinson, led the group.

Quinter says the trip went very smoothly and that more than half of the 37 attorneys said they want to return soon. He also says that since the president’s hallmark announcement, he and his team have been fielding a lot questions from clients excited about their prospects in the promising Cuban market.

“Increasingly since December we’ve received a lot more inquiries from major corporations and small ones in Florida and outside of Florida who want to find out what the rules are in doing business with Cuba,” he says. “Companies are now ready, and they’ve been meeting with their counterparts, the buyers and sellers of goods and services, in Cuba. Once [more trade] is allowed, it will happen on a massive scale.”

At Tampa’s Carlton Fields Jordan Burt, partner Robert Macaulay serves as the firm’s Cuba Team Leader from his Miami office and has been counseling companies and individuals on Cuba as well as making his own connections that can help him help his clients. “I have received inquiries from existing clients as to specific potential projects and have worked with a Costa Rican lawyer who recently traveled to Cuba to develop reliable partners on the ground there,” he says.

Macaulay thinks the key for clients is to build relationships with Cuban partners, which isn’t easy, he says. “One option to explore would be joint ventures with Canadian and European businesses which are already experienced in doing business in Cuba,” he suggests.

One thing Macaulay feels is certain is that, when it comes to US-Cuban relations, the proverbial train has left the station. “The movement toward opening the Cuban economy to US investors and tourists is, I believe, irreversible,” he says. “I believe that the embargo will be gone soon after the next president takes office. Cuba has huge potential business opportunities in various sectors, including tourism, health care, agriculture, mining, and telecommunications.”

Regarding telecommunications, and information technology in general, some think that, once the embargo is lifted, Cuban companies will have success in the tech market. “I was in Mexico,” says Greenberg’s Ibarra, “and talking to IT an executive who says that they see Cuba as a serious competitor to Mexican IT service firms who do business

with the United States. Cuba is a country with a highly educated workforce.”

How Long Will Embargo Linger?

So will Washington move to lift the trade embargo against Havana, as many people want to have happen? It depends on who you ask. Clearly, many in Congress and some within the conservative wing of the Cuban-American community are still dead-set against it.

But most observers, including Gilbert, are certain it will occur, and he says it’s a question of when, and not if. “I believe the embargo will be lifted in about two or three years,” he says. “I’ve been involved in Washington issues for more than 35 years and I have almost never see a situation like this one where the majority of US citizens, the majority of the most affected group which is Cuban-American citizens, the majority of US businesses and think tanks, and indeed the vast majority of the population of the island of Cuba all are on same page in support of repeal of the embargo. It is rare in Washington to find these different groups coming together this way.”

Others, however, think the time frame may be longer. “I think President Obama is courageous for going to the length that he has already gone,” Quinter says. “Will he be successful in persuading Congress? I don’t think so. I expect it will be at least five years before the embargo disappears. But I also expect you’ll see increasing business between the US and Cuba during those five years.”

Lawyers familiar with Cuba say regardless of when the embargo clears, businesses should continue to make inroads with members of the Cuban government, business community and nongovernmental agencies. “It’s important to get involved with talking to business owners in Cuba, and talking to the NGOs that are involved,” Ibarra says. “It’s important to map out the landscape to see where the Cuban economy is going, as I have done over the last eight years, seriously and professionally.”

Diamond agrees and says he and his partners can facilitate such discussions with officials and entrepreneurs. “It would be a good idea to go down there,” he says while adding how beautiful the country and its cities are. “Now, not everyone wants to do that yet but, if they do, we can guide them to meet the right people. Through our contacts we can introduce them to people who can assist them to understand what’s happening now.”

It’s also critical to understand the culture of the people and what matters to them in their interactions with others. Gilbert offers this advice: “Being aware of cultural differences is very important. The Cuban people are smart, resourceful, cordial, and polite. It’s important to reciprocate hospitality. It is critical to be on time and disrespectful to arrive late to a meeting or bring the wrong people to a meeting. So when you meet with officials you want to deal with them in a way that is appropriate. And again, I can’t stress enough the importance of honesty and respect.” ■

—Steven T. Taylor