

Acritas Insight Report

ADVISORY BOARD AND PANEL
2012 ONLINE ROUNDTABLE
DISCUSSION SERIES



New Market Entry: Challenges and Opportunities

Summary Report Contents:

- ▶ **What have companies developed as a checklist for thresholds or triggers before going into a market?**
- ▶ **What are the biggest challenges in finding legal advice?**
 - ▷ What sources are used to find lawyers? Are law firm networks useful? Do directories play a role?
 - ▷ What to look for in law firms in new markets
 - ▷ What are the main situations that you would be inclined to use an independent firm over an international, or vice versa?
 - ▷ How do the rates you pay in emerging economies differ to those that you pay domestically?
- ▶ **What have been the main impacts of the Bribery Act in emerging economies?**
- ▶ **What can law firms do to proactively help GCs with regard to emerging markets?**

On 24 January, Acritas hosted a web seminar on 'New Market Entry' for its Advisory Board members and respondent panel.

Andrew Magowan, General Counsel and Company Secretary of ASOS.com and **Richard Given, Deputy General Counsel of HSBC**, both of whom have extensive experience setting up and working in emerging markets, joined **Jo Styles of Acritas** to discuss some of the challenges these markets can present.

Over 20 Law Firm Leaders and General Counsel from around the world dialled into the call. A summary of the key content discussed is below.

What have companies developed as a checklist for thresholds or triggers before going into a market?

- ▶ Decision to enter a market is often made elsewhere (not by lawyers generally) however it is the lawyers responsibility to work out how to enter. Questions to consider include:
 - What are the prerequisites for entering a market – e.g. are all fees paid to ensure the business is not considered to be operating illegally
 - Do they need a person on the ground? How core is that market to your business? If core, recruiting may be the first thing you do to ensure someone on the ground to drive it. If not, what is the nature of the law you are going to be doing and can external legal counsel handle it? A law firm might be enough, however an in-house person can be present at the board/management meetings (although good law firm relationships mean they can attend these meetings eventually). At what point is the return on investment for a person covered? Can they advise and influence as a legal department more effectively by having someone on the ground? Seconddees can be an effective solution in the short term; of course someone who is sympathetic to the local culture is required.
- ▶ Geography – need to understand exactly where the business is to be situated, so the knowledge & legal advice can be as local as possible – particularly relevant in large countries such as China where the legal system in Beijing is very different to Shanghai.

What are the biggest challenges in finding legal advice?

What sources are used to find lawyers? Are law firm networks useful? Do directories play a role?

To continue reading this report you will need to complete Acritas' Sharplegal survey.

Sharplegal: What is involved?

The survey is conducted by phone. Your interview will take approximately 10 minutes to complete, depending on the length of your answers. Your responses will be gathered in line with the Market Research Society's Code of Conduct ie Acritas will keep your individual answers strictly confidential and they will not be forwarded to any third party without your permission.

Take part

To schedule a convenient time to be interviewed please contact Michelle mnesbitt-burrell@acritas.com or call +44(0) 808 1783020