

## Flint, fire and brimstone

Patrick Wilkins interviews ACC Europe President 2011-12 Iohann Le Frapper

The highly-internationalised European chapter of the prestigious Association of Corporate Counsel (ACC) is rapidly approaching the end of its second decade, and the race is on to push membership towards the magic figure of 2000 members, and beyond. Leading that push is this year's president, Alcatel-Lucent general counsel Networks Group, Iohann Le Frapper, who is determined to take the goal as near as possible to achievement in his tenure. Paris-based, a Breton, affable and communicative, Le Frapper - despite his studious, bespectacled, post-graduate looks - exudes plenty of charisma. He is passionate about what he wants to achieve, passionate about the international reach of ACC, and above all he speaks with that rare quality today – from the heart.

But attention: This is no poet from the rugged landscape of the western Atlantic extremes of France. Bretons, like Le Frapper, are by nature tough, organised, militaristic, hard-working business-like and numerate people - as if the rich and nutritious pickings of the crashing seas somehow seeps into their very veins. It gives them an almost flint-like, durable quality that comes through constantly as we talk in the comfortable lounge of a central London hotel in the run-up to Christmas.

Le Frapper was in the British capital to host an executive meeting of ACC Europe, and this is how our conversation progressed:

**WILKINS:** What are the hard qualities that got you elected? After all there must have been other applications for the post among the executive board, yet you came out on top after the vote, seeming to separate yourself from the pack.

**LE FRAPPER:** I think one of the reasons was that I had been fairly active and visible as one of the Board members and treasurer for the past couple of years. I am guessing that another factor was my views on Europe which are certainly for more integration between us all. Nonetheless, I certainly hadn't expected it, though of course having the chance now to shape the strategy and agenda I am very happy about it.

**WILKINS:** The mandate is short though isn't it? A year in the legal profession isn't much time and some wonder if it shouldn't be longer?

**LE FRAPPER:** Interestingly enough, one of the subjects under discussion in recent times has been corporate governance, i.e. the revamping of the articles of association of ACC Europe. These include such things as the duration of Board mandates. We are a bunch of volunteers all with other commitments at work and this limit on time has to be taken into consideration: we need to conciliate the goal of strategy continuity as well as the need for fresh blood and new ideas to support the growth of ACC Europe



Iohann Le Frapper, Vice-president & General Counsel Networks Group at Alcatel-Lucent, coordinates the global legal support for the business and product divisions related to telecom and submarine networks, with a focus on strategic technology alliances as well as policy and regulatory matters. He is also the compliance leader for the Networks Group.

Prior to his current position, he was the General Counsel for South Europe, Middle East, Africa and India Region, Alcatel-Lucent. Iohann also spent 3 years in Shanghai as General Counsel of Alcatel China, with regional responsibilities for the North Asia Pacific Region. Before joining Alcatel in 1999, he was an in-house counsel for Elf Aquitaine (now Total), an oil & gas company, supporting business and corporate projects mainly in Africa and Middle East.

Iohann was admitted to the Paris bar in 1993 and worked in private practice as a junior associate at Siméon & Associés (merged into Hogan Lovell). Since 2009, Iohann has been the former chair of the RESIST project, a business ethics training toolkit jointly sponsored by the International Chamber of Commerce, the World Economic Forum/PACI, Transparency International and the UN Global Compact.

and keep the energy level high either for Board members or for the country representatives.

WILKINS: So to you personally. What do you hope to achieve during the year's mandate that you have?

LE FRAPPER: Well, in the strategy paper I presented as new president to the Board last fall, there are several items. I suppose the most important ones are the sustainable growth of the association, and the perennial subject, the success of the annual conference which in 2012 is in Amsterdam (May 14 -15th 2012, the topic being: "Corporate Counsel: Delivering Results While Facing Global Demands. See: [www.acc.com/amsterdam](http://www.acc.com/amsterdam)). The conference, of course, is the showcase for the branding of our association and the idea is to attract both ACC members, and non-members who can attend at between 500 and 900 Euros, depending on how early they book. We think it's a very competitive rate compared to other international conferences arranged by profit-driven companies, and of course non-members get the added value of becoming members of ACC simply by attending. We can do this because our legal status is as a non-profit organisation (interestingly based in France for historical reasons because French law provided the appropriate conditions for the scope and goals of the organisation). But in addition we also have to think about the financial stability of ACC Europe, the largest chapter of the global association ACC outside of the USA. Since ACC's staff in Washington provide us with a lot of professional services such as subscriptions, web development, educational courses, monthly magazine ("ACC Docket"), membership renewals, support in the value challenge when we're hiring law firms, we have to provide some of our subscription revenue to the US base. In essence, we rely heavily on the success of the annual conference to ensure the financial sustainability of ACC Europe as a stand-alone organisation financially speaking.

WILKINS: Which means a lot of work by your volunteer executives and others?

LE FRAPPER: Absolutely. We start work on the next programme as soon as the present conference ends building the content, themes, sessions, participants, etc. This is achieved with a lot of communication between them, though with all the digital media we have this is becoming much easier. We are in a vastly different position than a few years ago in seeking out what are the real international issues and problems facing corporate lawyers in large and smaller companies. We have established our own fora within our grouping and we now have an active group on LinkedIn which is only open to ACC Europe members and I have to say they are beginning to share their views and exchange tips. The fact is, they know they have to communicate with one another, otherwise they will always sit in ivory towers forever at the beck and call of their law firm suppliers. Nowadays the speed of new legislation in one country, or on a European basis, is breathtaking and even new national laws can prove to have impact in other jurisdictions (e.g. UK Anti-bribery Act, data privacy EU/national reforms). So our aim is to make sure we can cover all these things in our annual conference and I think by and large we have succeeded in doing this.

WILKINS: One of the things that often rankle as we talk to GCs around Europe who are not members of ACC is that it's a very US centric gathering of lawyers. I remember back in the early days, say in the 1990s there'd be a couple of hundred members and they'd all be from US corporations in Europe. The real meat of European international business didn't seem to be represented at all – their people seemed happy and considered themselves well served by local associations. They couldn't see the point of joining a US organisation that had decided to set up in Europe.

LE FRAPPER: Yes I agree it was like this, but it has changed. You will see among our members that we don't consider ourselves a chapter like other chapters of ACC, but as a relatively independent body with the interests of Europe and its corporate lawyers at heart. We have what I would characterise as a significant autonomy with an important diversity among members. Let's face it, our members in Europe come from more than 30 countries, with different languages and cultures (beyond the EU 27 countries). When we sit around the table as an executive board, our lingua franca is English, not French, German or Spanish. Then below that we have one, two or three ambassadors per country (we call them the "country representatives") who are out there permanently looking after the needs of in-house counsel as diverse as those in Athens to those in Stockholm looking at issues of a pan-European nature. That's why we're not a standard chapter of ACC but a truly unique one.

WILKINS: Point taken. Nonetheless, when you consider that ACC Europe (set up in 1994) was one of the very first chapters of the fairly new global organisation you've had 17 years to do a lot of what you are proposing.

LE FRAPPER: Yes that's true, and you're right, in 1999 we had only 200 or so members. But in this new century it really has started to spurt forward and right now we are able to add a couple of hundred new members a year. I'd like it to be more, obviously, because Europe is a big single market, but I think we can look at the last half decade as being successful. I am sure by the time we celebrate our 20th anniversary we will have 2000 and more members and will be growing even more rapidly. There is a need for corporate lawyers to share problems on new regulation and compliance with international implications coming out of Strasbourg or Brussels and we're focusing all our attention on how we address this via our website, digital platform and organisation. In short I believe that if we can properly harness all the social media tools we might be surprised and find we can double our membership from here on in fairly quickly. This is particularly so as central and Eastern European economies grow, often with greater speed than we in the old world of Western Europe.

WILKINS: We talked earlier about the local associations of in-house lawyers. In France you've got two. There's one in Italy, one in Germany, several in Scandinavia, a supremely efficient one in Belgium, and another that's successful in the Netherlands. They're all re-united by the European Company Lawyers Association (ECLA) and trundle on seemingly oblivious to what you do at ACC. I note that you are a member of the Cercle Montesquieu as well as ACC. Some might see this as hedging your bets? But joking apart, the future members you seek for ACC are all going to be members of these local organisations and you are somehow going to have to persuade them that what you're offering is better.

LE FRAPPER: What can I say about ECLA? I have no insight as to their current strategy or as to how successful they are in co-ordinating all these domestic organisations. You could say it's a peaceful co-existence, and in any case they are not a private members association per se as we are in ACC. ACC Europe is anyhow part of (not an American) a worldwide organization, which provides additional value and peer-to-peer liaisons and support all across the world whenever needed by any member. I think this is a very valuable asset as a member. As for the local organisations, their agendas are different. They have to necessarily focus on domestic issues and in the national language and we will I am sure attract those who, like me, need a more international dimension to peer discussions and exchange best practices among European GCs or in-house counsel in their fields of expertise. ACC Europe has no plan or interest to compete with country-based associations as we play complementary roles with different purposes. On the contrary, we are very much interested in forging partnerships on advocacy issues like that of lack of privilege for in-house counsel in Europe.

This of course concerns the very disappointing ECJ Akzo Nobel case of last year stating that in-house counsel being employees are economically dependant, thus cannot enjoy legal privilege in the context of EU anti-competition investigations, unlike outside counsel by virtue of their status. The collateral damage of the EU case-law is in effect to put European in-house counsel at a competitive disadvantage compared to their US legal peers (when dealing with US antitrust authorities) in order to be recognized as "trusted legal advisers". Such a stance can also be detrimental to the small and medium enterprises in Europe as they may not always understand the opportunity or afford to seek the benefit of seeking advice from a law firm to ensure that the content of the legal opinion (subject to legal privilege) cannot be relied upon by antitrust agencies against the interests of the outside counsel's corporate client.

WILKINS: So all eyes on the Amsterdam conference. Sounds as though it will be interesting.

LE FRAPPER: Indeed. I hope readers of EuropeanGC.com can attend on May 14 and 15th. They have my personal pledge that value for money is guaranteed.

Patrick Wilkins is the Editor of EuropeanGC.com

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