

Names in the News

NEWS

MOVES

■ In Toronto, Allan Wachowich has joined *Fraser Milner Casgrain LLP* as counsel in the firm's Edmonton office. Wachowich recently retired as Chief Justice of the Court of Queen's Bench of Alberta, prior to which he served as a judge of the Court of Queen's Bench of Alberta and the District Court of Alberta for nearly 36 years. Before his appointment to the District Court of Alberta in 1974, he was a partner at Kosowan & Wachowich.

■ In Paris, Fasken Martineau DuMoulin LLP has lured two high-profile Paris lawyers away from competing firms in the City of Lights. **Arnald Achard** and **Lubomir Roglev** have joined Fasken Martineau's Paris office as partners. Until recently, Achard was the head of the capital markets practice in Paris and a partner in its finance group at major U.K. law firm Simmons & Simmons. Achard is a capital markets lawyer with specific expertise in debt capital market transactions, derivative products, asset management, credit transactions, and sovereign debts. Roglev was previously with *Paul, Hastings, Janofsky & Walker LLP*, which has 18 offices in major business centers across Asia, Europe, and the U.S. Roglev is a corporate lawyer with a practice dedicated to infrastructure, public-private partnerships (PPPs), mergers and acquisitions (M&A) for non-listed companies, investments transactions, private equity, and energy projects.

LAW FIRM NEWS

■ In Abu Dhabi, *Bennett Jones LLP* has opened its second office in the United Arab Emirates (UAE). In November 2010, Bennett Jones opened its first UAE office in Dubai. The new office will advise clients in areas including corporate law, commercial transactions, infrastructure and project development, foreign investment and finance. The firm currently has six senior lawyers in the UAE, including four Canadians.

Customs and trade law a growing field

BEVERLY CRAMP

There was a time when Daniel Kiselbach's work as a customs and trade lawyer took him to interesting places around the world. "I've seized yachts in the Caribbean and chased diamond smugglers in Europe," he says. "That's the fun part of working in customs law: you get all sorts of crazy cases."

Like the time a man faked his death in Verona, Italy and attempted to sell stolen diamonds at various banks in Southeast Asia, only to be caught by customs officials at the Vancouver International Airport. He had the certification papers for a couple of extremely expensive gems—40 and 50 karat diamonds—but wouldn't produce them upon request.

"He got very angry and officious, saying, 'how dare you question me, I'm a German citizen.' So he was taken aside for the 'special search,' which is when they found the diamonds," says Kiselbach. "Our law is that if you bring something into the country without declaring it, and it's found, Canada Customs seizes it. The actual owner came to Vancouver because he wanted to claim the diamonds back. We had to get to the bottom of this case and in order to do that we had to go to Germany."

Kiselbach, who is now a partner in the Vancouver office of Miller Thomson LLP, hadn't intended to go into customs and trade law when he attended Osgoode Hall Law School of York University. "I thought I would be a criminal lawyer and articulated with the Ontario Attorney General's special prosecution branch."

A desire to return to his roots in British Columbia led Kiselbach to Canada's Department of Justice in Vancouver where one of the first cases he worked on involved Canadian customs law. "My colleagues were a lot of fun



LAWYER OF THE WEEK

Daniel Kiselbach

to work with. We did cases that you read about in the books such as the Little Sisters Bookstore, part one and part two," he says, referring to a court battle initially won by the gay and lesbian bookstore against the haphazard administration of obscenity laws by Canadian customs officers. Little Sisters lost the follow-up case arguing against the constitutionality of the federal government to determine what was obscene in Canada.

Kiselbach left the Department of Justice in 1997. "The federal government announced a pay freeze and I was a little disenfranchised with that," he says. "I was fortunate to get a leave of absence for a year so that I could test the waters in private practice. I went from the ninth floor to the tenth floor in the same

building to work for Swinton & Company. There was little risk for both of us because if things didn't work out, I could always go back to the mother ship."

Kiselbach initially had a steady flow of work from the Government of Canada. "I began working on forfeiture cases and seizure cases—that's how I got started in my private practice—building on my experience. Over time, individuals and corporations realized I had customs and trade expertise so they would come to me to represent them with these cases."

As soon as he started his private practice, Kiselbach joined the board of the Canadian Association of Importers and Exporters and began giving presentations at industry conferences about customs and trade law.

Name:
Daniel Kiselbach

Law school:
Osgoode Hall Law School
of York University

Called to the bar:
1990

Career highlights:

1990 Joined the Department of Justice

1997 Joined Swinton & Company

1998 Became a partner with Swinton & Company

These activities remain his main marketing thrust in addition to word of mouth. Eventually, he stopped doing government cases and focused on working for corporations and private individuals.

Within a year, Kiselbach was made a partner at Swinton, which later merged with Miller Thompson. "Now my practice involves everything from consumer product safety issues, food safety issues, issues involving goods that come into the country that can't be properly fumigated, anti-dumping, as well as cases involving movement of goods across borders. I very rarely run into the same issue twice," he says.

Kiselbach is currently working on a book providing an overview of Canadian customs and trade. "The law in this area has grown vastly in volume from the days when I studied it at law school. It continues to change rapidly." ■

Got news?

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