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Adv. **GUY SAGIV**

Partner, Co-Head of the Family Wealth Management Group at the Yigal Arnon & Co. Law Firm

A-HOLE-IN-ONE: HOLISTIC APPROACH TO ESTATE PLANNING

| By NERIA BARR



Guy Sagiv co-heads the Family Wealth Management Group at the Yigal Arnon & Co. law firm and has been advising high net families and individuals on their estate planning for more than a decade. Guy believes that the coronavirus is a wake-up call for every person who has been procrastinating with dealing with their estate planning.

Don't you find it awkward to conduct meetings over Zoom or Skype on such sensitive and complex matters?

"Admittedly, I did think this will be an issue, but then I realized that the lack of boundaries actually creates a more friendly and informal environment for clients, making such meetings much more effective by creating intimacy which is very hard to achieve at our offices the 47th floor in Azrieli Towers in Tel Aviv."

I understand that you have recently adopted a new holistic approach. Why?

"I believe that our decision to adopt the holistic and cumulative approach used in England and the US in the area of family wealth management and private clients has proven itself during the years and more so during the recent pandemic."

So what is exactly a "holistic and cumulative approach" to wealth management?

In Israel a client seeking legal advice associated with wealth management is often required to deal with lawyers from different specialty groups and, at times, different firms, and integrate the advice independently. The lawyer who made a will for a client, for instance, is often not aware that there is a foreign trust of which the client is a beneficiary, and the client's tax advisor may not know what is written in the will, because in Israel there is no inheritance tax. This may create legal oversights and potential point of exposure such as tax liabilities in Israel or abroad, which lead to increased struggles

in what is already a sensitive and stressful situation. Matters become even more complex when clients have property abroad, multi-national citizenship, foreign clients who own property in Israel, family members and descendants living abroad, new immigrants or returning residents etc.

This is the reason why our Family Wealth Management group is regarded as a "specialty task force" comprised of our top legal experts from the firm's various departments— Family, estate and trusts, tax, real estate, corporate, High-Tech, IP etc. In addition, we have created a network of top experts from main jurisdictions in the world in order to provide our clients a "one-stop-shop" for all their legal needs with regards to their estate planning, whereby all the information is integrated into a holistic unified planning.

And how does it work?

"Together with the client, we plan how the Estate will be managed and divided starting as of the present and in anticipation for three additional life stages:

(1) Present: When the client is active and competent and can make decisions regarding his property on an ongoing basis

(2) Retirement: When the client wants to step back from active management of his business and property and enjoy the fruits of his labor

(3) Incompetence: If the client becomes incompetent, mechanisms must be established regarding the manner of managing the property

(4) After death: After the death of the client and the division of property.

"We build a business/family plan for the client taking into account the above step, based on the concept that clients must know the plan for the next step and what they have done in the previous step, so they will know how to act in that specific point in time, explains Sagiv.

Why is it not sufficient to draft a will?

"Drafting a will without a complete planning envelope is no longer an effective instrument for intergenerational transfer for several reasons," says Sagiv.

"Due to the steady increase in life expectancy, offspring may receive their inheritance at an older age and they may not have the qualifications to do anything significant with their inheritance.. Complex wills are characterized by complicated and often vague wording. As a result, such wills invite objections and disputes among the heirs and often the validity of the will itself. "Moreover, inheritance disputes are characterized by inherent difficulty, such as the testator dies and cannot be asked what his/her wishes are. In such situations, the court is forced to learn about the intent of the testator from external evidence, especially testimonies of the testator's family members. In fact, the court "rewrites" the will based on the version of an interested party who did a better job in court, which does not necessarily reflect the intentions of the testator."

"We encounter more and more cases where people die at an advanced age, after a relatively long time of being medically un-fit to make decisions. Therefore, the decision to divide the property may ignore the possibility that the property will be held by a proxy for many years, often yielding inaction.

Fortunately, three years ago there was a massive reform of the legal qualification laws. Today, the continuous power of attorney allows clients to plan this stage of their lives. They may determine the identity of their proxy, the areas and limits of the proxy's authority, and the date or circumstances under which the continuous power of attorney will take effect. And most importantly, drafting a continuous power of attorney reduces the involvement of the state (through the Custodian General) and the courts.

**For further
information about
Yigal Arnon & Co.
Law Firm:
Tel: +972 2 623-9239
Fax: +972 2 623-9233
guys@arnon.co.il
www.arnon.co.il**

photo credit: YORAM RESHEF



Adv. **RUTH DAYAN WOLFNER**

Founder of the law firm Ruth Dayan
Specializes in Family law

A WOMAN WITH A PLAN OF ACTION

| By NERIA BARR

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uth Dayan, an expert in family law, has been practicing her trade for 23 years. Her company, Ruth Dayan Law Firm, has been ranked as top in the field for 14 years by Dun & Bradstreet and BDI. The firm, which Dayan established in 1998, is constantly growing and developing thanks to her high-level staff and the methodology that she developed.

The Ruth Dayan Law Firm, the largest family law firm in Israel, employs 11 lawyers, as well as interns and legal secretaries. A total of 17 employees, all of them women.

Dayan, who lives in Tel Aviv, has an LL.B degree in law from Tel Aviv University and a degree with honors in criminology from Bar-Ilan University. After being certified as a member of the bar, she took a number of certificate courses in Israel and New York in the fields of family law and joint mediation.

In 2003, Dayan published the Hebrew-language book *The Israeli Guide to Divorce*, which serves as a guide for thousands of divorcees. In 2019 her second Hebrew book, *Karma Is a Bitch: A Divorce Attorney's Journal*, was released. Published in English as *The Karma Effect*, the book is a bestseller on Amazon.

Dayan says that in the past year, perhaps due to the coronavirus, there has been a large increase in divorce petitions and issues related to family relationships. She has a weekly blog, where she writes about her experiences as a lawyer. The popular blog averages 45,000 to 50,000 hits a month.

As an attorney and notary, Dayan is known for her uncompromising professionalism, her comprehensive

understanding of the complex aspects of family law, and her personal and intelligent treatment of her clients. The positive results are reflected in her achieving her clients' goals. Dayan says that the ability to identify the strengths and weaknesses of each case and knowing from the first session how it will develop, along with the ability to distinguish between the important and less important, help her chart her course.

The dynamic Dayan is an enthusiast of extreme sports. She runs marathons, enjoys diving, and has climbed Mount Kilimanjaro. She says that in court, her skills in extreme sports come in extremely handy. "I come very prepared, and then I exercise my instincts. I react quickly, think a few steps ahead, and I don't give up," she asserts.

The law firm handles family and inheritance law issues. "We handle very large cases, and our conduct is premium. This means that the client receives close personal treatment from a team consisting of at least two lawyers and other staff members, and we are available for our clients 24/7," Dayan explains.

Each case has an orderly strategic and legal preparation. "We work according to a method I call SOT, which stands for strategy, operation, and team," she says.

Here is how Dayan describes her plan of action:

STRATEGY: We must first define what our goals are. If no goals are set, someone else will lead the process and not us. Defining goals allows us to see the big picture – i.e., everything that is involved in the case. There are so many elements in these portfolios. In a divorce case, there are usually children, alimony, common property. There are many issues, and we must prioritize correctly. That sometimes means sacrificing some of what we want in

order to obtain what is most important.

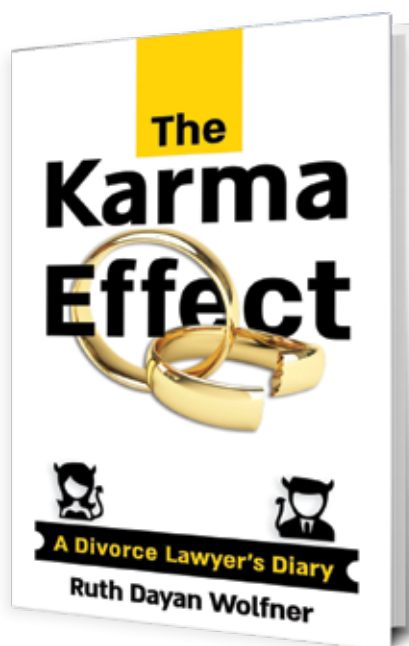
Judicial attention is limited; therefore, it is impossible to deal with all issues at the same level of importance. If you decide what to engage in, you control and direct judicial attention. Sometimes there is no choice but to sacrifice something, to ignore an argument in order to succeed in battle.

The next thing is to decide before which court we want to appear – a rabbinical court or a family court. The common belief is that the rabbinical court is good for men and the family court is good for women. But that is a misconception. It all depends on the case and its details. Sometimes the situation is the opposite. Lawyers who have experience will know which court to go to in their client's case.

OPERATION: This is the next step, our working method. We have a detailed questionnaire through which we learn a great deal about the client. We research everything and gather information from many sources. We check previous procedures, search social media wherever possible, and then prepare a detailed schedule. After we have gathered all the information and decided on a strategy, we proceed to prepare the statement of claim.

We prepare a base for case management and, of course, prepare well for any discussion. There is no way we will go to a discussion unprepared.

TEAM: Our team is very carefully selected. All our employees are committed and thorough. All our employees must have a high level of emotional intelligence, otherwise they will not remain part of the team. We meet people at the most difficult moments of their lives, so we must be sensitive and empathetic. In fact, 80% of our clientele come from recommendations. The response we get from clients is nothing short of amazing.



For further
information about
Ruth Dayan
Law Firm:

Tel: +972 3 670-8888

Mobile: +972 52-8986498

ruth@ruthdayan.co.il

photo credit: INBAR MARMARI



LAW FIRM PROFILE

Line of Business: Law Firm

HERZOG FOX & NEEMAN

Law Office

**Address: Asia House, 4 Weizmann
St., Tel Aviv 6423904**

Tel: +972 3 692-2020

Fax: +972 3 696-6464

Email: contact@herzoglaw.co.il

Website: www.herzoglaw.co.il



Adv. **TALYA SOLOMON**

*Partner and head of the
competition and antitrust team,
at Herzog Fox & Neeman*



Adv. **IRIS ACHMON**

*Partner, competition
and antitrust team
at Herzog Fox & Neeman*

KILLER ACQUISITIONS AND EXIT STRATEGIES

| By TALYA SOLOMON and IRIS ACHMON

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his week, it was reported that the US Federal Trade Commission and some of the American states are preparing antitrust charges against Facebook over the acquisitions of WhatsApp and Instagram. This is part of a trend marked by a tougher approach by American authorities towards big-tech companies. It is commonly assumed that this trend will be intensified with the election of Joe Biden as the next president of the United States.

The expected charges involve what the industry terms "*killer acquisitions*." A large company identifies a potential competitor, still in its early stages, and acquires it at that point, when the activity of the potential competitor is small and well below the merger reporting thresholds for most countries.

Competition authorities have two strategies of combating killer acquisitions: changing the merger control reporting thresholds and reviewing them in advance; or retrospectively

challenging these transactions in court as harmful to competition. The latter course is not available in some countries. In Israel, for example, mergers below the thresholds are *per se* legal and cannot be challenged. In the US, they can be challenged, even *ex post*, hence the above-mentioned Facebook cases.

In June 2020, the OECD held a virtual round table on killer acquisitions. Following a market study on the subject, the Israeli Competition Authority (ICA) submitted a note to the round table, sharing the interim results of its research. The ICA suggests an interesting matrix to quickly and efficiently classify mergers, taking into account not only the importance of an accurate review but also the vital need to approve the benign transactions quickly and without bureaucratic delay.

The ICA's suggested matrix classifies mergers as "green" (the same treatment as brick and mortar transactions) or "yellow" (warranting special attention

considering the attributes of digital markets). The matrix is based on the specific combination of product characteristics and the acquisition motive: *acqui-hiring* (acquiring the company to hire the team), obtaining novel technology, and accessing the acquired company's data and information. For example, acquisitions by large platforms aimed at obtaining consumer data and information will usually raise concerns. But such acquisitions will be classified as "green" when the acquired start-up's product was designed to operate exclusively on the acquiring platform.

As mentioned, the ICA is not the only authority currently looking into killer acquisitions. We believe that in the future, Israeli start-ups will have to pay more attention to antitrust considerations when designing their exit strategy and timing, especially if the start-up's aim is to be sold to one of the Internet giants.

**For further information
about Herzog Fox &
Neeman Law Firm:**

Tel: +972 3 692-5960

michaelim@herzoglaw.co.il

achmoni@herzoglaw.co.il

www.herzoglaw.co.il

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Adv. **TSVI KAN-TOR**

Founder of the law firm Kan-Tor & Acco
Leading expert in Israeli immigration
and global migration

CHALLENGES AS A RETURNING RESIDENT OR IN MAKING ALIYA TO ISRAEL

| By TSVI KAN TOR

Israel is the State of the Jewish people. According to the Law of Return, any person entitled to return can immigrate to Israel, immediately receive Israeli citizenship, and enjoy a generous basket of rights and benefits such as the right to work, the right to obtain health insurance, etc. Any Israeli citizen who returns to Israel after an extended stay abroad can start working upon arrival without any difficulties.

However, in some cases, due to the burdens of bureaucracy, it is better for certain Olim or returning citizens to seek legal assistance. The good news is that most problems have solutions. Adv. Tsvi Kan-Tor, founder of the law firm Kan-Tor & Acco, is a leading expert in Israeli immigration and global migration and provides the following scenarios:

Pre-Aliya Options

This is a case in which an individual who is entitled to make Aliyah wants to work in Israel for a certain period to determine whether they wish to immigrate to Israel.

The solution is to apply for an A-1 visa, which allows for temporary residence in Israel and is granted only to those entitled to make Aliyah under the Law of Return. This visa allows the holder to live and work in Israel before making a final decision regarding immigration to Israel.

Holders of an A-1 visa will receive an identity card (in a different color) that includes an ID number. The holder of an A-1 visa is not a citizen of Israel, and therefore will not be issued an Israeli passport. The visa is usually valid for three years and can be extended for an additional two years.

"Step by Step" procedure - Spouse of an Israeli citizen

Israel takes an accommodating

approach and allows the spouses of Israeli citizens to stay in Israel with their spouses, first as temporary residents and then as citizens. This "step by step" process allows the acquisition of residency and citizenship for the Israeli citizen's spouse in stages and includes civil marriage and same-sex marriage.

According to Adv. Kan-Tor, these are relatively complex and lengthy procedures that can take several years. It is recommended to receive guidance from an experienced professional who, in many cases, facilitates the process, prevents errors and mistakes, and thereby shortens the process.

In these procedures, the applicant requires legal advice regarding the best application for their specific case, as well as guidance about issues such as eligibility, required documents, scheduling and attending interviews, and assistance in resolving cultural and language barriers with the Ministry of Interior and other Israeli authorities.

This also applies to many other types of cases such as civil marriage, adopted children, cohabitation, etc.

Determining Parentage and Citizenship of a Child, emphasis on an Israeli citizen born in Israel

According to Israeli law, any child of an Israeli citizen is considered an Israeli citizen from birth. Therefore, when the mother is an Israeli citizen, the child will also be recognized as an Israeli citizen, subject to proof of paternity of the child. Most often, proof is provided by an official birth certificate.

If the father is an Israeli citizen and the couple is not married, or do not live together, then according to Adv. Kan-Tor, the father will be required by the Ministry of the Interior to file a paternity claim in the Family Court to confirm parentage.

The father will be requested to provide proof of parentage by taking a DNA test to register the child as an Israeli citizen in the Ministry of the Interior.

Immigrants and Military Service

The issue of IDF service arises when children emigrate from Israel with their parents and wish to return to Israel. There is a different set of requirements for children who were born in Israel and left Israel with their parents and for those who were born abroad.

Although every Israeli citizen must serve in the IDF, there are many exemptions regarding children who grew up abroad or were born abroad. It is highly recommended for Israeli citizens over the age of 16 and a half who grew up abroad to determine their status regarding military service before they arrive in Israel.

Israeli law requires every Israeli citizen to verify their military status at the age of 16 and a half. This verification determines the citizen's obligation to serve in the IDF or the possible entitlement for release or deferment of service. An Israeli citizen who left Israel with their parents before the age of 16, or was born abroad to Israeli parents, is entitled under certain conditions to defer military service, as long as they are living abroad with their parents. It is important to remember that every Israeli citizen over the age of 16 and a half must show a certificate regarding military status upon entering Israel.

According to Adv. Kan-Tor, in most cases, the military authorities in Israel use common sense and exercise discretion as long as the application is made as early as possible. The longer the application is delayed, the more complicated it usually becomes.

**For further
information about
Kan-Tor & Acco
Law Firm:**

Tel: +972 3 613-8202

info@ktalegal.com

www.ktalegal.com

photo credit: TSVI KAN TOR

MERGERS AND ACQUISITIONS IN THE AGE OF COVID-19

| By LIDAR GRAVÉ-LAZI



Despite the coronavirus pandemic, there has still been an interest from foreign investors in the Israeli economy, says Doni Toledano, head of the Mergers and Acquisitions, Banking, and Finance departments of the Erdinast, Ben Nathan, Toledano & Co. law firm (EBN).

EBN is one of Israel's leading and fastest growing law firms, with some 130 lawyers and interns specializing in multiple practice areas. The firm

world in general and Israel in particular. "We were anticipating another strong M&A year in 2020, but nobody saw this coming," he says. Still, he adds, while this past year saw many new business deals put on hold, there were a number of significant transactions in the Israeli market, many of them handled by Toledano's firm.

"One type of transaction we saw this year resulted from the devastating effect of the pandemic on many businesses and their owners which led to a surge in corporate bankruptcies. In Israel, the number of bankruptcy petitions significantly increased," he says. "While this is unfortunate, it has had a positive effect on the M&A world."

A major distressed M&A transaction was the sale of Discount Investment Corporation, formerly a part of the IDB group. The transaction was handled by EBN's partners, who were appointed as receivers.

In another notable transaction, the firm represented the XIO fund in the \$1 billion+ sale of Lumenis Ltd., a global leader in minimally invasive clinical solutions. The firm also served as the Israeli counsel of AEA Investors LP in the sale of 1-800 Contacts, a contact lens retailer, and its Israeli subsidiary 6over6 to KKR for \$3 billion.

"We are mainly focused on cross border M&A, in many cases representing non-Israeli investors from the US and Europe and sometimes the Far East," Toledano says. "In Israel until now, while small businesses are suffering terribly, the effect of the pandemic has been less prominent in the big enterprises."

This is still evident in the hi-tech sector, a crucial segment of the Israeli economy, which saw quite a few significant

transactions in 2020. Toledano says there are two types of transactions: financial and strategic. "With a financial investment, you buy a company in the hopes of selling it later for a profit. With a strategic investment, you are looking to add value long term," he explains.

One of the year's largest tech deals was the sale of cyber security firm Checkmarx to global private equity firm Hellman & Friedman, represented by EBN, for \$1.15 billion. "This was a deal we started in March at the beginning of the pandemic, and all the due diligence, negotiations, everything was done during a period of lockdown in Israel," Toledano recounts. "This was a deal that started and closed during a time when Israel was most affected by the coronavirus. It is evidence that transactions can be done even during these times."

This year also witnessed strategic investments such as Intel's acquisition of Israeli public transport navigation app developer Moovit for \$900 million and the acquisition of Union Bank by Mizrahi-Tefahot Bank for \$400 million, a complex transaction in which EBN represented the acquirer.

"We have seen these types of transactions over the past year because strategic investors have a long-term view and are interested in the added value a target can add to their main business," Toledano points out.

Looking toward the future, Toledano says he is "cautiously optimistic."

"The effect of COVID-19 will remain for many years. Some companies will never recover, companies will change, people and lifestyles will change, and there is no reason to think that the M&A world will not change as well," he says. "If I look realistically at 2021, I think at least the first half of the year will not be great in terms of M&A." But, he adds, "There will be a rebound. There is so much energy waiting to be released, and I think it will take time. We may still have a rough stretch ahead of us, but I think once the vaccines prove effective, the markets will hopefully skyrocket."



M&A Team at Erdinast, Ben Nathan, Toledano & Co.

is consistently ranked by the leading databases as a top-tier Israeli firm, with clients such as multinational corporations, private and public companies, high net worth individuals, hi-tech companies, financial institutions, private equity, venture capital, and other investment funds.

In regard to how the coronavirus pandemic has affected mergers and acquisitions (M&A), the Israeli hi-tech scene, and the Israeli economy, Toledano says, "From the end of the first quarter of 2020, when everybody realized that COVID-19 was a serious pandemic that would affect the global economy, M&A around the world came to an almost grinding halt."

According to Toledano, 2019 was a particularly strong M&A year in the

**For further
information about
Erdinast, Ben
Nathan, Toledano &
Co. Law Firm:**

Tel: +972 3 777-0111

Fax: +972 3 777-0101

office@ebnlaw.co.il

www.ebnlaw.co.il

photos credit: REUT SALEV

LICHT PETRAN & CO
LAW OFFICE



ליכט פטרן ושות'
משרד עורכי דין



LAW FIRM PROFILE

Line of Business: Family and Inheritance Law (special expertise in international disputes)

Address: 14 Wissotzky St., Tel Aviv

Tel: +972 3 974-4900

Fax: +972 3 974-4920

Email: office@lp-lawoffice.co.il

Website: www.lp-law.info

PROFESSIONAL SERVICE AROUND THE CLOCK WITH SPECIAL EXPERTISE IN INTERNATIONAL DISPUTES

ABOUT US

Licht Petran & Co., Law Office is a leading boutique firm which practices family and inheritance law. The firm's founders, Sharon Licht Petran and Robert Licht Petran, have each more than 20 years of professional experience and are among the leading family and inheritance law advocates in Israel.

The firm maintains a team of expert professionals that upholds the tradition and unique spirit of Licht Petran & Co., focusing on its essence as a firm of "people for people."

Sharon Licht Petran and Robert Licht Petran are highly esteemed by their colleagues, as well as the Family and Rabbinical courts, and have been providing topnotch legal services for countless clients for many years.

The law firm handles all aspects of family and inheritance law, such as child support, alimony, custody, visiting arrangements, marital reconciliation, divorce, immigration, child abduction, division of property, agreements, mediation, family torts, company valuations in family law, international disputes and more.

The firm's partners appear before the Family courts, the Rabbinical courts, the Labor courts, the District courts, and the Supreme Court.

The firm's unique strengths are focused on its expertise in handling international issues, family torts, and principle matters concerning children, including parenting orders and grandparents' rights. It handles complex cases in cooperation with large civil law firms. The firm has international

collaborations with law firms in various countries, such as the US, France, Belgium, England, and South Africa. It handles numerous international cases, including the enforcement of foreign judgments.

Sharon Licht Petran, a certified mediator with 24 years of experience, is a member of the professional committees of the Israeli Bar Association and member of its national family law forum. Robert Licht Petran, that has a 22 years of experience, and who began his career in the committee on the rights of the child and Bar Ilan University, lectures on family law at the Israeli Bar Association conferences and seminars and the College of Management. He specializes in international disputes and is also admitted to the New York Bar Association.

Integrity, fairness, and uncompromising professionalism

Renowned as a strategic, professional, and collegial firm, Licht Petran & Co. sets an ultimate goal of resolving disputes through respectful and respecting negotiations while taking into consideration the needs of all of the stakeholders and finding fair and creative solutions. The clients receive personal, devoted service. The firm's team attends to their needs throughout the entire period of representation, 24 hours a day, seven days a week. The team applies the utmost sensitivity to its clients and provides close, courthouse, sensitive, fair, and familial treatment while maintaining uncompromising professionalism. The

firm is reputed for its high quality, fairness, and professional integrity, and would do anything to reach an out-of-court agreement without resorting to court litigation. Nevertheless, when necessary, upon entering the courtroom the firm fights fiercely to achieve its clients' goals.

The firm provides first-class legal service with full availability, as the partners realize that lives are at stake. The firm understands that clients come to family lawyers at the most sensitive times in their lives, thus it ensures that the partners and lawyers are there for their clients around the clock, providing legal services with sensitivity, fairness, and integrity.

Pro bono

The firm's partners represent in pro bono cases and Robert Licht Petran also lectured in the Schar Mitzva project.

Social and Legal involvement

The partners have participated during the past 20 years in many social and legal activities including attempts to amend Israeli Law. Recently the partner have produced a bill of amendments to the Israeli Matrimonial regime (the Property (Spouses) law of 1973) and to the Maintenance and Alimony regime (the Law for the Amendment of Family Law (Alimony and Maintenance) of 1959) that was sent to parliament members and are also lecturing on the importance of those amendments in continuous legal activities programs.



Adv. **ROBERT LICHT PETRAN**

*Founder of the law firm Licht Petran & Co.
Specializes in Inheritance, Family and International Law*



Adv. **SHARON LICHT PETRAN**

*Founder of the law firm Licht Petran & Co.
Specializes in Family and Inheritance Law*

ADVOCATING FAR AND WIDE

| By NERIA BARR

T

he Licht Petran Law Firm is a boutique firm owned by partners Sharon and Robert Licht Petran. Both are experienced advocates who have been practicing law for more than 20 years each.

Sharon Licht Petran is one of Israel's best family Law and Inheritance law lawyers.

She is a certified mediator with 24 years of experience, is a member of the professional committees of the Israeli Bar Association and member of its national family law forum. She has been offered by several Judges to become a Judge in appreciation of her skills and recently was appointed by the NY court in connection with the Israeli Family Court to conduct cross examination of witnesses in Israel for legal proceedings held in NY. "Some of the witnesses live in Israel, so we had to cross examine those witnesses in court here for the American court," she explains, "I acted on the instructions of the NY and Israeli Family Court as a special appointed "Judge" for that task".

Robert Licht Petran, that has 22 years of experience, and who began his career in the committee on the rights of the child and Bar Ilan University, lectures on family law at the Israeli Bar Association conferences and seminars and the College of Management and other esteemed academic institutions. He specializes in international disputes and is also admitted to the New York Bar Association.

He regularly gives expert opinions to Israeli courts and authorities concerning the law in various US states and provides legal opinions to US and other foreign courts concerning Israeli law. He has also testified in Belgian courts concerning Israeli law.

"To mention but a few examples, we have litigated numerous international matrimonial cases that involve division of property or balancing of assets in foreign countries, international jurisdiction issues (such as the international lis alibi pendens



and forum non conveniens claims), choice of applicable law cases, enforcement of foreign judgments, Mareva interlocutory injunction, and many other international issues" says Robert.

Sharon Licht Petran, in addition to being a lawyer and a licensed mediator is an expert on durable power of attorney, a new concept in Israeli law that allows a person to take control of his future destiny upon being incapacitated.

She is also in charge of many CLE programs (continuous legal education).

"We have been in charge of many important courses for the Israeli Bar Association concerning family and inheritance law," she says. "We recently completed a program about Property Agreement and other Family oriented Agreement", and "we are keen on making a change in the social and legal atmosphere in Israel and are concerned with social issues and family law equality," she stresses.

The two partners state that their firm looks at each case from a broad perspective.

"We always look for what is in our client's interest. We will not promote any other agenda. The client is at the centre, and we will turn the world upside down to obtain

the best agreement for the client. But at the same time, we think about what is best for everyone concerned. If there are children involved, of course we think about what is best for them," says Sharon.

The process of divorce is hard on everyone, they affirm.

"The idea is to calm things down, not to set fire to an already explosive situation," says Robert. "We have also litigated international kidnapping cases (under the Hague convention on international child abduction) and obviously immigration and relocation cases as well, all of which involve the best interests of the child in international circumstances," he adds.

The firm has also represented clients in international inheritance cases, such as the execution of wills and trusts over foreign assets for a person domiciled in Israel or someone who lives in a foreign country whose assets are located in Israel. "We have clients with dual citizenship or domicile, especially American-Israeli, whom we help deal with issues such as preserving family wealth and setting up trusts. The tax laws in Israel and the US, especially concerning wills and inheritance, are very different, so our expertise in American law is extremely important," says Robert.

**For further
information about
Licht Petran & Co.**

Law Firm:

Tel: +972 3 974-4900

Fax: +972 3 974-4920

office@lp-lawoffice.co.il

www.lp-law.info

photos credit: ITAMAR DUAK

THE FUTURE OF THE LEGAL MARKET IS ALREADY HERE

| By MAYA ASHKENAZI



MAYA ASHKENAZI
Legal tech analyst at Tech&Law

Since the development of the Internet in the mid-1990s, many services have become more accessible, less expensive, and more effective. However, there is one traditional market that started to embrace innovation less than a decade ago – the legal market.

What is legal tech?

Legal tech companies, or “legal tech,” aim to create tools to simplify the legal practice. These start-ups are usually based on artificial intelligence (AI) or BigData technologies that are built specifically for legal sector purposes.

By using these tools, the tech companies can create a set of capabilities that are performed by machines, which formerly had been performed by attorneys and paralegals.

While most legal tech start-ups help lawyers save time while doing their work, some of them are trying to replace lawyers altogether. Traditionally, this sector was loyal to the written word and to complex archive filing systems which were significant time consumers, especially taking into consideration one of the holy grails of the legal profession – billable hours. Since lawyers’ hours are very expensive, some start-ups try to use technology to make it more efficient, and thus less costly. For example, the Israeli start-up Lawgeex automates contract reviewing while using AI.

AI is capable of handling large amounts of data in little time. Some legal tech companies use it to offer automatic services such as legal research or patent applications, which makes a lawyer’s life easier, faster, and more efficient.

For instance, Israeli company Litigate is an AI-powered litigation case management software that conducts its research in larger data sets than any lawyer can, even if he/she performed research 24 hours a day.

While some technologies can truly make lawyers’ lives more efficient, others took it to the next level. Instead of integrating with the legal market, they aim to disrupt it. These are usually software companies that try to replace certain aspects of the legal profession. For example, in China there is a new virtual court that is operated by AI-based judges. Although this makes us feel rather uncomfortable, only time will tell if this model will expand worldwide.

COVID-19 implications on the legal tech sector

The outbreak of the coronavirus pandemic led to social distancing conditions, forcing the entire market to make adjustments so that companies could maintain their business. While many tech giants were used to working remotely, law firms had to work from home for the first time. After overcoming the stress and chaos of the first quarantine, they have come to realize that using video conference software, remote desktop, etc., is not so intimidating and is even convenient. This led law firms to make a significant shift in their willingness to embrace new technologies.

Legal tech has been on the agenda for almost a decade; however, we could not anticipate how rapid the digital transformation would be following the COVID-19 crisis. This new normal, which also led to greater demand for lower cost alternatives, has driven the

legal tech market even further, as well as the competition among law firms.

Due to COVID-19, the business sector worldwide has less money to spend on expensive legal services. This fact, along with the digitization that is taking place in the legal realm, will enhance the need for greater efficiency in the system. It seems that both smaller and larger law firms which act faster to embrace these technologies will be able to offer more services for less money, be more transparent, and become market leaders very quickly. Taking it one step further, during the pandemic a few “digital courts” were established worldwide, where countries like Singapore, India, and the UK held legal proceedings via video conferencing. This shows that the legal public sector is also taking steps toward efficiency, and it seems to be just the beginning.

Worldwide trend

Israel joined the global legal tech scene only quite recently. But if we look at the US market and countries like Singapore and India, the past decade was very successful. According to *Forbes*, investments in legal tech skyrocketed to \$1.6 billion in the last year, and it is expected to keep rising. Law firms worldwide have begun to operate legal tech accelerators and hire tech experts to find new ways to improve their efficiency.

As a start-up powerhouse and a country with the highest number of lawyers per capita, it seems only logical that the legal tech scene in Israel will be the next big thing. Legal tech discourse is here, as we have witnessed the growth of successful Israeli legal tech companies. Change is never easy; but once we embrace it, we discover new and exciting opportunities.

The writer is a legal tech analyst at Tech&Law, an Israeli legal tech platform. techlaw.co.il/en/



(Freepik.com)



LAW FIRM PROFILE

*Line of Business: Insurance claims
with proven successes*

YANIR HAREL & CO.
Law Office & Notary

**Address: Alon Towers, 94 Yigal Alon St.
Tel Aviv 6789156**

Tel: +972 3 776-5017

Fax: +972 3 776-5018

Email: office@yhc-law.co.il

Website: www.yhc-law.co.il

ABOUT US

Yanir Harel & Co. was founded by Adv. Yanir Harel and specializes in insurance claims. Over the years, the firm developed a unique expertise in representing insured private persons and business entities in claims against insurance companies.

A leader in management of insurance claims

The firm is a leader in its field of expertise, namely management of insurance claims, and its leading legal team is well known for its expertise in conducting legal proceedings against insurance companies. The firm's staff has extensive knowledge and experience in the field of insurance that enables the firm to successfully manage all the required proceedings against insurance companies.

Adv. Yanir Harel has 20 years of legal experience specializing in insurance and is one of the leading lawyers in Israel in the field of insurance claims. Up until 2012, he was a partner in one of the largest and most prominent law firms in Israel, through which he represented insurance companies and organizations in legal proceedings in courts and legislative procedures in the Knesset (The Legislature in Israel). Over the years Adv. Yanir Harel acquired profound legal knowledge in the field of insurance in Israel.

Adv. Yanir Harel published a leading insurance book

In 2018, Adv. Yanir Harel published a leading book entitled "*Evidence Law in Insurance and Road Accident Claims*" through the prestigious **Perlstein Ginosar Publishing House**. The book quickly became renowned in the field of Insurance Law and was purchased by the Courts Administration for the libraries of the courts of Israel and by libraries of universities and colleges.

Adv. Yanir Harel is a member of the Insurance Committee of the Israel Bar Association and deals with issues relating to insurance legislation and insurance legal arrangements.

Representing in a variety of insurance fields

The firm represents private and business claimants in legal proceedings arising from insurance policies, and particularly in fields relating to loss of working capacity insurance, liability insurance, long term care insurance, chronic illness insurance, personal accident insurance, health insurance, life

insurance, commercial property insurance and road accident events.

The firm's considerable legal experience and comprehensive view of the field of insurance in Israel, establish unique advantages that help their clients reach substantial legal achievements.

In 2018, the firm gained the Dun and Bradstreet Credibility Mark.

Our values are the source of our success

The firm's staff strongly strives for success and implements values such as professionalism, thoroughness, listening, innovation and excellence. These values are the source of the firm's success and the foundation of its professional legal activities.

Our firm provides its clients with credible and professional representation by incorporating the uncompromising approach of our legal experts with innovation and advanced legal tools.

Over the years, the firm has earned much acclaim and many client references following its notable achievements in providing successful and professional legal representation.

Our office is located on the 20th floor of the Alon Towers 2 in Tel Aviv. The firm invested significant resources to establish the advanced and modern office that serves its staff and clients.



Adv. **PHILIPPE KOSKAS**
Founder of the law firm Philippe Koskas
Specializes in Real estate

ROLLING OUT THE WELCOME MAT FOR FOREIGN INVESTORS

| By LIDAR GRAVÉ-LAZI

“T

he Israeli government should do all it can to lessen bureaucratic obstacles in general and has the obligation to make it easier for foreigners to invest in the real estate market in particular,” says attorney Philippe Koskas, founder of the Philippe Koskas Law Firm.

An ardent Zionist, Koskas made aliya from Paris in 1982. After completing his studies at the Hebrew University in Jerusalem, he was accepted to the Supreme Court for an internship under honorable justice Eliezer Goldberg. That position afforded him the opportunity to learn about the Israeli legal system at the top echelons. “Even today, I think about the judge I interned with. He is still my mentor, 35 years later,” says Koskas.

In 1985, Koskas founded his boutique law firm in Jerusalem, which specializes in real estate and litigation. He moved the offices to Tel Aviv seven years ago. The firm serves as a one-stop shop for foreign investors seeking to invest in the Israeli real estate market.

Koskas remarks that the Israeli real estate market has changed dramatically over the past three decades.

“Real estate deals were always important, but today our responsibility as lawyers has significantly increased,” he says. “Because of new regulations and court rulings, the legal aspects have become much more intricate and complex.”

However, he says that the most drastic change has been the increase in prices.

“In Israel especially, the prices have gone up. And since you don’t buy rooms, you buy per meter, every square meter is very significant, especially in Tel Aviv. Therefore, the legal aspect must be more precise and professional today,” he explains.

Koskas adds that the coronavirus pandemic has brought about a change

in the Israeli market as well, since fewer foreigners are coming to Israel to purchase real estate.

“

What we are really seeing is that money is staying here. There has been a kind of jolt – the coronavirus has returned people home

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“What we are seeing is that many Israelis who would have invested abroad, now prefer to invest here in Israel,” he observes. “What we are really seeing is that money is staying here. There has been a kind of jolt – the coronavirus has returned people home.”

He adds, “When there is a lockdown, people are stuck at home, so the situation has returned Israelis to a physical reality, which becomes evident in the real estate market.”

Koskas says that while his office used to see around 50% -50% in Israeli and foreign deals, since the coronavirus pandemic it now sees around 80% to 90% Israeli deals versus only 10% to 20% of foreign deals.

“On the other hand, there are large sums of money that foreigners have transferred to Israeli banks, and the money is sitting untouched. I’m sure that those amounts will be invested in the Israeli market when the coronavirus situation improves,” he predicts.

In fact, Koskas believes that when the corona crisis gets under control, there will be “massive buying” of real estate from abroad, especially from France.

“We help our clients not only to secure

their real estate investments in Israel but also to overcome the bureaucratic difficulties, especially during the pandemic. For a non-resident, it is very difficult to open an account in any bank in Israel today,” he says.

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As Israelis, we should make it easier for foreigners to invest in us because as a Jewish state, we have to position ourselves as the alternative

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“You shouldn’t forget that there is a reason why people will buy [real estate] in Israel. There are always alternatives for people to invest,” he says. “As Israelis, we should make it easier for foreigners to invest in us because as a Jewish state, we have to position ourselves as the alternative.”

While he has made a home in Israel, Koskas maintains a strong connection to his French roots and has been a prominent figure in business, legal, and cultural relations between Israel and France. As such, he believes that with the rising level of antisemitism all over the world and especially in France, Jews abroad will have no choice but to look to Israel as the alternative.

“Israel is a flourishing economy, and the real estate market is an integral part of it. That is why housing prices have steadily increased over the years. As a law firm, we seek to fulfill the dreams of our investors to purchase real estate in Israel with security and professionalism,” Koskas asserts.

For further
information about
Philippe Koskas
Law Firm:

Tel: +972 3 373-2150

Fax: +972 3 723-3063

koskas@koskaslaw.com

www.koskaslaw.com

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Adv. **RAN RAICHMAN**

Founder of the law firm Ran Raichman
Family and Inheritance Law, Estates
and Immigration cases

RAN RAICHMAN: SERVING THE INTERESTS OF HIS CLIENTS

| By ALAN ROSENBAUM

“It’s hard to beat a person who never gives up.” The slogan that appears on the Facebook page of Adv. Ran Raichman is more than just a catchy phrase. In the case of Raichman, the head of the law firm that bears his name, it is an accurate description.

Raichman is a dogged and determined litigator with more than 20 years of legal experience, and the law office that bears his name is one of Israel’s leading family and inheritance law firms. The firm focuses exclusively on family law, inheritance, and wills, and its lawyers have extensive experience and proficiency in every aspect of civil status. In its family and inheritance practice, the firm is particularly renowned for its expertise in complex joint custody cases, disputes in family-owned companies, and objections to wills. Raichman is an expert in verifying and corroborating wills and can identify forged wills by using criteria such as signature comparisons, the will’s paper age, the type of ink used, and unreliable witnesses.



We handle everything concerning family law and inheritance, such as wills – in Hebrew or English – custody and property disputes, and divorce cases



The firm handles complex family cases and specializes in child custody, alimony, and property, representing both men and women. “We handle everything concerning family law and inheritance, such as wills – in Hebrew or English – custody and property disputes, and divorce cases,” says Raichman. The firm also deals with marriages, nuptial agreements, child abduction, domestic violence, and the gay community.

The team at Ran Raichman has had vast experience in providing legal counsel to family companies and businesses and finding creative solutions for preventing and solving disputes in family firms in which equity can often amount to tens of millions of shekels. Ran Raichman Law Offices places great emphasis on solving sensitive family disputes through negotiations, and the firm’s extensive experience in such cases enables it to provide appropriate legal solutions.

The firm, which is staffed by a team of five lawyers who are fluent in Hebrew and English, offers a combination of warm, personal service and uncompromising professionalism. Raichman personally accompanies the clients and provides them with an attentive ear in their moments of crisis. The firm’s team researches each case down to the smallest detail, and it calculates its steps throughout the entire process with full transparency to the clients in order to reach optimum legal results.

Raichman regularly appears before all Israeli courts, such as the family and rabbinical courts, the Great Rabbinical Court, and Israel’s Supreme Court. He is frequently consulted by the media to provide analysis on matters of family

and inheritance law and is the co-host of the Channel 13 legal-advice program *Attorneys to Your Doorstep*.

In addition to its broad base of clients in Israel, a growing number of Raichman Law Office clients are Israelis living in the United States who own property in Israel, have inheritance cases that are based in Israel or are involved in divorce proceedings and need guidance in following Israeli law in these cases. US-based courts do not have the authority to deal with property in Israel, and an expert Israeli attorney is required for such matters. Raichman maintains an office in New Jersey for his US-based clients and frequently travels to the United States to meet with them.



If my clients have suffered wrongdoing or injustice,” he says, “I will go all out for them to serve their interests and obtain justice



Ran Raichman and his team are creative and innovative legal thinkers, and the firm can often solve complex issues through original, out-of-the-box thinking. And perhaps most important is that Raichman never gives up. “If my clients have suffered wrongdoing or injustice,” he says, “I will go all out for them to serve their interests and obtain justice.”

For further
information about
Ran Raichman
Law Firm:

Tel: +972 77-7277964

ran@raichman.com

www.raichman.co.il



Adv. **YIFAT BEN AVI BROWN**

Founder of the law firm Yifat Ben Avi Brown
Insolvency/Execution, Notary,
Mediation and Real Estate

ASSISTING CLIENTS IN ASHDOD AND THROUGHOUT ISRAEL

| By ALAN ROSENBAUM

“B

eing a lawyer is a mission,” says Adv. Yifat Ben Avi Brown. “It provides one with the knowledge and the power to change people’s lives.” Brown, who heads the boutique law firm that bears her name, has been helping clients throughout Israel for the past thirteen years in a wide variety of legal matters, including insolvency/execution cases, real estate, wills and inheritance, and civil-commercial law.

The Ashdod-based firm has handled hundreds of insolvency cases, representing private and commercial clients in proceedings until the final closure of all debts has been reached to the client’s satisfaction. Over the years, Brown and her associates have managed to achieve relief of debts for their clients amounting to millions of shekels. Brown not only provides legal guidance but helps her clients navigate their difficult financial situations, putting them on the path to economic rehabilitation. Adv. Ben Avi Brown also serves as deputy chairperson of the Israel Bar Association’s Insolvency Committee and participates in professional seminars on the topic.

The firm, which employs three associates and an advanced legal intern, is highly experienced in the real estate and urban renewal fields and has represented five major Pinui-Binui projects that have upgraded aging urban structures and fifty Tama 38/1 seismic retrofitting projects, which have renovated existing buildings that were at risk of being severely damaged in an earthquake. Brown primarily represents building residents in these cases, accompanying them with professionalism, care, and accessibility from beginning to end. Most of the projects that the firm has facilitated are located in

Ashdod, Rishon LeZion, and Holon, where several projects have already been completed to the residents’ satisfaction.

Adv. Ben Avi Brown also represents plaintiffs and defendants in civil cases, handling monetary issues such as claims regarding construction defects, evacuation of tenants from properties, and representing defendants in criminal planning and zoning cases vis-à-vis local authorities. She is also proficient in legal matters regarding wills and inheritance law, preparing orders of succession (‘Tzav Yerusha’), registering wills, and appearing in court matters related to inheritances.

In addition to the services mentioned earlier, Brown provides an extensive suite of notary services, including approval of signatures for mortgage banks, powers of attorney, notary translations, preparation of notarized unwitnessed wills, certificates of marital agreements, document certifications, certificates of life, and more.

Adv. Ben Avi Brown holds an LLB degree from the Academic College of Law in Ramat Gan and an LL.M. (Master of Law) from the Academic Center for Law and Business in Ramat Gan with a specialization in human rights. She is currently studying for her doctoral degree in law. She also holds a diploma in mediation and serves as a mediator between litigants in civil and family cases. The essence of mediation is to reach an acceptable agreement for all of the parties, and her firm has recorded numerous successes in such cases.

As a boutique law practice, the firm of Yifat Ben Avi Brown is characterized by the personal, warm, and speedy attention it provides to its clients. Adv. Ben Avi Brown is at her clients’ disposal at any almost any hour and personally participates in all discussions and meetings. The office staff is fluent in both Hebrew and English.

“I use my legal knowledge and abilities to help people,” says Yifat Ben Avi Brown.

**For further
information about Yifat
Ben Avi Brown Law Firm:**

Tel: +972 8 853-4794

Mobile: +972 52-5259998

Yifat.bab.law@gmail.com

**www.yifatbenavibrown.
business.site**

photos credit: YIFAT BEN AVI BROWN





Adv. **MORAN SAMUN**

Founder of the law firm Moran Samun
Specializes in Family law and Inheritance,
Divorce and Management of family disputes

MANAGING THE CRISIS

| By LIDAR GRAVÉ-LAZI

“A

crisis in the family must be managed intelligently, otherwise the crisis will manage you,” states family law litigation attorney Moran Samun. She is the founder and owner of Moran Samun – Law Firm, a leading boutique firm in Israel that specializes in family and inheritance law.

The firm’s uniqueness stems from its specialization in human capital – i.e., the family and children – and an understanding that legal tools alone are not enough when practicing family law. The firm has represented some of Israel’s leading business and media figures. For the past four years, it has been ranked by Dun & Bradstreet and BDI as one of the leading law firms in Israel in the area of family and inheritance law.

“For an effective divorce, we must take care of the human capital. You can’t only address the legal and financial sides but must also address the emotional side,” Samun says.

After having undergone her own divorce proceedings, Samun drew on her personal experiences and applied them to develop her own strategy for divorce called Divorce Most Valuable Process (D-MVP), which she based upon three basic principles. The first is that divorce constitutes a crisis that should be managed intelligently. Secondly, people need to mature toward divorce agreements in increments and in different ways. And thirdly, it is important to handle the emotional aspect and not just the legal aspect.

“My strategy involves a five-step process. I provide each client with a professional in the psychological-emotional area for nine sessions who can accompany the client and provide him/her with tools on how to cope with and handle the divorce process,” she explains. “When we complete the process, the client will have to know

how to deal with his/her new reality.”

Samun explains that by providing a response to the client’s emotional side, it makes room for more rational decisions to build a successful strategy and manage the divorce process more efficiently in court. As such, she develops a tailor-made divorce plan and develops tactics for every client with the end goal of creating an “equitable system” that benefits the family as a whole.

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You can manage a case excellently without being dragged into irrational and vengeful behavior

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“You can manage a case excellently without being dragged into irrational and vengeful behavior,” she says, adding that today the legal system is placing more emphasis on co-parenting and maintaining a strong bond between parents and their children during and after the divorce.

“While the law states that children up until the age of six will live with their mother, more and more judges are now ruling for co-parental rights,” says Samun.

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In recent years, family courts in Israel have begun to recognize parental alienation as an act of violence

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Despite this, one of the major problems in divorce proceedings involves dragging the children into the conflict or using them as leverage, she says, citing that parental alienation, or breaking the bond between one parent and his or her children, is an all too common occurrence.

“In recent years, family courts in Israel have begun to recognize parental alienation as an act of violence. In 2019, the Tel Aviv Family Court adopted a special procedure to deal specifically with parental ties and renewals,” she says.

This process proved so successful and necessary in Tel Aviv that in September 2020, the Supreme Court published a new “Protocol for the Handling of Urgent Proceedings by Family Court Concerning Assurance of Relationships between Parents and their Children or Concern for Their Safety,” which adopted the same procedure as in Tel Aviv.

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What is required is a combination of emotional and legal tools to help parents handle the crisis

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“There is also an understanding through this new protocol that legal reliefs alone are not enough. What is required is a combination of emotional and legal tools to help parents handle the crisis,” she asserts.

“The problem is never the problem. The problem is our approach to the problem, and the courts have changed the approach and chosen to create a protocol that manages the crisis intelligently,” Samun says.

For further
information about
Moran Samun
Law Firm:

Tel: +972 3 566-2260

Fax: +972 3 566-2261

moran@moransamun.co.il

www.moransamun.co.il

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Adv. **ADI CHEN**

Founder of the law firm Adi Chen
Family Law, Wills, Inheritances,
and International Estates

PREPARING FOR LIFE'S DIFFICULT MOMENTS

| By ALAN ROSENBAUM

“W

e cannot prepare for everything in life,” says Adv. Adi Chen, “but we can prepare in many ways if we utilize existing legal instruments that have been developed for overcoming different life challenges.” For 23 years, Chen, a family law and inheritance lawyer, has used her considerable skills to assist clients in navigating through many of life’s trying moments, including handling complex disagreements in international wills and estates, negotiating disputes between spouses who have married abroad in civil marriages or mixed marriages, and preparing wills, ‘Enduring Power of Attorney,’ ‘Expressions of a Will’ and many other complex legal documents.

Chen, who was admitted to the Israeli Bar Association in 1998 and holds an LLM (Master of Law) degree from Bar Ilan University, has served as a lecturer on family, inheritance, and international private law in various academic institutes since 1999. As Chair of the Children Rights Committee and Co-Chair of the Adoption and Surrogacy Committee of the Israeli Bar Association, she is deeply involved in family law legislation.

Adv. Chen specializes in international wills, inheritance law, and estate planning, and is proficient in managing legal disputes in such cases. Chen provides legal counsel, handling, mediation, and support, including legal representation in courts and tribunals. Due to her extensive academic and research work, Adv. Chen has work relationships with foreign law scholars and experts from numerous countries. She also specializes in the legal facilitation of heirs’ claims and disputes concerning heirs’ benefits and pensions.

As an experienced family law practitioner, Chen has handled cases in common law marriage, joint marriage agreements, civil marriage, domestic violence and harassment, divorce claims, property asset claims, child abduction claims according to the Hague

Convention, and numerous other family matters.

Chen says that the role of the lawyer has expanded and has become more complex in the mobile world of today. “Today, with freedom of mobility and especially with the Open Skies Agreement, the world has become one small global village, which has legal significance in family and inheritance law. It is essential that people consult a legal expert before taking steps.” Chen says that couples who share different faiths, or who may come from different countries need to think about the best way to resolve conflict if it occurs. “It is better to reach agreements than wait for the courts in different countries to make decisions in cases of disputes,” says Adv. Chen. “When it comes to cross-state disputes, problems of international jurisdiction arise, and questions of the applicability of foreign law surface. In order to avoid such proceedings, it is very important to regulate property relations between the parties in an appropriate prenuptial agreement. This determines which country will be authorized to discuss a conflict and which country’s laws will be utilized to enforce the judgment..”

Chen, who is certified in the preparation of Enduring Power of Attorney and Expression of Will documents, says that, especially now, during the COVID-19 pandemic, it is important to be prepared for all possibilities. “We must be prepared not only for the good but also for the bad,” she says. “Preparing our wishes now, ultimately, is caring for ourselves and our loved ones later.”

Chen strongly recommends that individuals consult a lawyer to prepare three different legal documents – a will, an Enduring Power of Attorney, and an ‘Expression of a Will,’ in certain cases – each being appropriate for a different stage of life. A will, she says, is the surest way of ensuring the distribution

of the deceased’s estate, in accordance with the wishes of the deceased. The ‘Enduring Power of Attorney,’ she explains, is a legal document created for a time when one is in a stage of life when it is difficult or impossible to make independent decisions, due to ill health, such as dementia, or even for a limited time after an accident. “An enduring Power of Attorney may cover different types of decisions, from health and welfare to property and finances. You can decide these matters in advance as you wish to see them carried out when the time comes. It’s very important to consider the future and grant an Enduring Power of Attorney to one, or more than one person, whom you trust and who will be given the right to make specific decisions on your behalf, in case you need help or lose the ability to make decisions by yourself.”

Someone who becomes incapacitated without signing an ‘Enduring Power of Attorney,’ explains Chen, loses the legal right to make decisions regarding financial matters, place of residence, and level of care. “Unless an ‘Enduring Power of Attorney’ agreement is in place, family members are not allowed to make decisions on your behalf. They will have to go to court to gain a legal authority to act on your behalf, which can be stressful, offensive, and expensive.”

The third type of document, an ‘Expression of a Will,’ enables a guardian to designate the identity of a person who will care for minors or adults currently under the guardian’s supervision, should the guardian be unable to take care of the minor or adult.

Adv. Adi Chen brings professionalism, passion, personal support, and discretion to every case. She maintains a direct and personal relationship with all her clients and provides them with high-level legal and professional service coupled with the special sensitivity required for matters of family law.

For further
information about
Adi Chen Law Firm:
Tel: +972 3 670-9044
office@achen.co.il
www.achen.co.il

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**E.S. Shimron, I. Molho,
Persky & Co.**
*Commercial and Corporate,
Telecoms and Media and
Insolvency Law*

Advocate **ISAAC MOLHO**
Managing Partner



Advocate **DOV ABRAMOWITZ**
Partner



MULTIFACETED EXPERIENCE AND EXPERTISE

| By ALAN ROSENBAUM



S. Shimron, I. Molho, Persky & Co., headed by managing partner Isaac Molho, is one of Israel's oldest law firms and one of the country's leading commercial firms, advising Israeli and international clients on a wide variety of legal matters and business transactions.

SMP was one of the first law firms in Israel to specialize in the telecom and media field and has more than 30 years of experience in that area. Dov Abramowitz, a partner in the firm, says, "Our practice includes ongoing counsel to leading Israeli mobile operators, international carriers, Internet providers, TV channels, and production companies on regulatory and commercial issues; representation of foreign investors in local telecom and media ventures; representation of foreign content owners in litigation against illegal content streaming sites; and representation of local companies and entrepreneurs in telecom and media projects in Israel and abroad."

Abramowitz adds that the rapid advances in telecom and media make it a particularly challenging area of law. Significant recent developments in the field include the gradual supplanting of traditional broadcasting with online content streaming; the advent of online schooling and working on a large scale; and the need that these developments have created for high-speed Internet via fiber-to-home networks.

The firm provides in-depth knowledge of the legal aspects and the legal-technological interface of telecom law; excellent connections with the major players in the field in Israel and overseas in the private and public sectors; English-speaking lawyers, several of whom are

licensed abroad or have knowledge of the law in other jurisdictions; top lawyers who can find creative solutions for difficult problems; and a sizable firm with proficiency in a range of commercial law, enabling one-stop-shop opportunities for the client.



Governmental support for businesses and persons who defaulted on debts due to COVID-19 is crucial in order to enable such businesses to rehabilitate and continue operations



SMP, one of the top firms in Israel in insolvency law, has been appointed by the courts to manage some of the country's largest liquidation cases, such as those of the Heftziba Group and Karta (Mamilla). This field often involves foreign clients, such as creditors of local companies in difficulty, and liquidation of multinationals with an Israeli aspect.

Isaac Molho points out that today, the insolvency practice is more important than ever, with COVID-19 causing a surge of proceedings in Israel and globally. This may have a domino effect on the economy, as the insolvency of individuals and businesses in turn affect suppliers and customers of such insolvents.

He says, "Governmental support for businesses and persons who defaulted

on debts due to COVID-19 is crucial in order to enable such businesses to rehabilitate and continue operations. Without such support, the increased number and scope of liquidations will have a major negative impact on the economy for years to come."

With long-standing experience in insolvency law, SMP has the ability to deal with large-scale and complicated cases and the creativity and courage to forge the path ahead in complicated liquidation cases by formulating arrangements to achieve the best results possible.

In the past, Molho served as a special envoy to Prime Minister Netanyahu, who together with British prime minister Tony Blair, worked for many years to lay the foundations for the recent normalization with the UAE, Bahrain, and other Middle Eastern countries. In that regard, Molho sees great potential in the development of commercial relations between the countries.

He says, "Israel has developed advanced technologies that are interest to the UAE. Clearly, the Emirates has the ability to invest in such technologies and cooperate with the Israeli hi-tech industry in order to further develop them. The Emiratis have an excellent understanding of new technological developments and how to take advantage of them for the benefit of the world. That is why I believe that we will see breakthroughs in collaboration between Israel and the UAE in fields such as agriculture, water desalination and recycling, which are critical for a country surrounded by desert that is expecting its population and that of the region to grow significantly in the coming years."

**For further
information about
E.S. Shimron, I.
Molho, Persky & Co.
Law Firm:**

Tel: +972 2 649-0649

Fax: +972 2 649-0659

www.smplaw.co.il

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Michael Shine & Partners

Advocates & Notaries



LAW FIRM PROFILE

Line of Business: Israel's Premier Niche Practice, specializing in Private Clients, Multinational Family Estate Structuring & Asset Protection, Trusts and International & Local Taxation

Address: Sea View Building, 11 Hasadnaot St.,
Herzlia Pituach, P.O.Box 2053, 4612001
Tel: +972 9 953-1953

Fax: +972 9 953-1954
Email: office@shinelaw.com
Website: www.shinelaw.com

GLOBAL REPRESENTATION AND REPUTATION

ABOUT US

Michael Shine & Partners is one of the leading private client law firms in Israel, specializing in international tax planning, the establishment and administration of trusts, trust taxation and reporting, multinational asset protection and family wealth preservation. The firm also has extensive practices in the areas of commercial law, real estate (specializing in representing foreign residents), foreign investments and transactions, and inheritance and estate matters, with a focus on foreign residents. The firm's clientele includes private clients from Israel and abroad, high net worth individuals and families, family wealth funds, international companies, international financial institutions, foreign trade risk insurers, as well as numerous foreign controlled real estate companies holding commercial properties in Israel.

The firm has won multiple awards and is consistently ranked as a leading firm in its main fields of expertise. Several years ago, the partners of the firm established a family office, M.S.A. Shine Global Family Office Ltd., which has more than 20 employees, and Alphen Asset Management A.G., which is situated in Zurich and holds a Swiss license to manage investments portfolios.

Founder

Michael Shine passed away in April 2020. He founded the firm in 1977 and had an international reputation in all matters of international tax planning, structuring and protection of multinational family asset holdings, trust law, and the administration of trusts.

Key Individuals

Shira Shine (Senior Partner) specializes in

multinational family asset protection, trust law, the establishment and administration of trusts, international taxation in accordance with Israeli tax rules, and family wealth preservation and management. Shira is regarded as an expert in international taxation and trusts according to leading international rankings and regularly publishes articles in leading journals in Israel and abroad.

Alon Shine (Managing Partner) specializes in the fields of multinational family asset protection, trust law and administration, estates and inheritance, international taxation and financial investments. He serves as the financial and investment manager of the Shine Group and guides local and international real estate transactions, start-up transactions and financial investments, including hedge funds, venture capital funds, and the building of financial instruments. In addition, he specializes in all aspects of international banking.

Trevor Silverman (Partner) is dual qualified in England and Wales and Israel and specializes in the fields of multinational family asset protection, trust law, the establishment and administration of trusts, wills, estates and inheritance, family wealth preservation and management, including the drafting of corporate, trust, and transactional documents for complex international family structures.

Asher Kenigsberg (Senior Associate) specializes in real estate law and has extensive experience in managing sale transactions and financing of commercial real estate and investments, including the process of negotiations and the commercial aspects of registration and taxation. He also specializes in private client.

Main Areas of Practice

International tax and estate planning - The firm operates as a "one-stop-shop" providing comprehensive advice on asset protection, family wealth preservation and the implementation of robust legal structures. The firm has access to in-house foreign corporate trustees, which exclusively serve the firm's clients, and employs an expert team of compliance officers, who, amongst other things, provide exclusive private banking services for the opening of accounts in Israel and overseas.

The firm has extensive experience and expertise in providing tax advice to Israeli returning residents and new immigrants regarding trusts, tax exemptions, and all related issues. The firm has incorporated a unique specialization in "pre-rulings" for trusts with impending reporting obligations in Israel, and in voluntary disclosure proceedings.

Real estate - The firm handles a full range of foreign and local Israeli real estate acquisitions and disposals, including corporate and tax treaty structures. It specializes in domestic and commercial land acquisitions through the medium of corporate trust structures for multinational clientele.

Banking and finance - The firm represents foreign banks and financial institutions, advising on various aspects of international banking procedures and issues legal opinions.

Succession and inheritance - This department specializes in drafting and advising clients on their local and international wills, coordinating with foreign counsel concerning specific jurisdictions, probating foreign wills in Israel, and the administration of estates of deceased foreigners both testate and intestate.



Adv. **SHIRA SHINE**

Senior partner at Michael Shine & Partners
Specializes in Trust law, International tax planning,
Protecting and managing family wealth

MICHAEL SHINE & PARTNERS: ASSET PROTECTION AND ESTATE PLANNING

| By ALAN ROSENBAUM

“W

e are a one-stop shop for individuals and families worldwide that require cross-border tax and estate planning,” says Adv. Shira Shine, senior partner at Michael Shine & Partners.

The firm was founded in 1977 by Michael Shine, who passed away earlier this year. An international leader in his field, he represented private clients from around the globe, including high net worth individuals and multinational families, offering a full range of services for asset protection needs, family generational tax planning, and private banking requirements.

Most of the firm’s clients are from English-speaking countries such as Canada, Australia, England, and the United States, as well as from Europe. “We come from the culture of the Anglo-Saxon community,” says Shira Shine, “and we have a lot of experience with the culture of multinational families.”

The firm boasts an expert group of more than 60 staff members in its Herzliya Pituah headquarters. It offers a full range of services for high net worth families and individuals, such as tax planning, local and international real estate purchases and financing, private equity and industrial investments, private banking, and drawing up wills, handling deceased estates and preparing enduring power of attorney documents. “We don’t outsource anything. It’s all done in-house,” Shine stresses.

Michael Shine & Partners provides valuable guidance to its clients in four main areas: international tax and estate planning; real estate; banking and finance; and succession and inheritance.

- The firm has extensive experience providing advice to clients regarding trust taxation in Israel and the accompanying reporting to the tax authorities. It offers comprehensive guidance for returning residents

and new immigrants in all matters relating to individual reporting and taxation, trusts and foundations, tax exemptions, and any factors involved with these issues.

- It expertly handles a full range of Israeli real estate acquisitions and disposals, such as corporate and tax treaty structures, and specializes in domestic and commercial land acquisitions through the medium of corporate trust structures.
- Michael Shine & Partners represents foreign financial institutions, advising on various aspects of international banking procedures and issuing legal opinions.
- The firm specializes in drafting and advising clients on their local and international wills, coordinating with foreign counsel concerning specific jurisdictions, probating foreign wills in Israel, the administration of estates of deceased foreigners (both testate and intestate), and drafting and executing the full range of enduring power of attorney documents, which was recently introduced into Israeli law.

Michael Shine & Partners is part of the Shine Group, which has earned an outstanding reputation for professionalism and top-quality service, providing complex family wealth preservation services, with its fully licensed foreign trust companies, asset management companies, and service companies, which exclusively serve the clients of the Shine Group.

In addition to the firm’s private clientele from all over the world, which includes high net worth individuals and families, as well as family wealth funds, the Shine Group’s clients include many international companies and financial institutions, as well as foreign trade risk insurers and real estate companies controlled by foreign structures that hold commercial and residential properties in Israel. The Shine Group has received



numerous awards and is highly rated internationally as one of the leading private client groups. The group also operates Alphen Asset Management A.G., located in Zurich, which is fully licensed by the Swiss regulator to manage investment portfolios.

Ultimately, says Shine, the quality of service and professionalism practiced by the firm and the dedicated service that it provides its clients set it apart from the competition. “We have very strong and long-standing relationships with our clients that go beyond the legal profession, and our professionalism is reflected in the work that we do worldwide,” she asserts.

**For further
information about
Michael Shine &
Partners Law Firm:**
Tel: +972 9 953-1953
Fax: +972 9 953-1954
www.shinelaw.com

photos credit: SAM ITZHAKOV

NEW LAW: THE GIFT OF CHOICE

| By ADV. JACKIE DONNER



One of the welcome results of progress, be it in politics, economics, technology, science, or law, is more choice. When dictatorships are toppled and democratic regimes replace them, the people are given *the choice* as to which candidates are elected as their leaders. When economies are liberalized, the supermarkets are filled with more products, so there is *greater choice* in purchasing. When science advances, we have the *choice* to make informed decisions based on data and facts.

When there is progress in the legal sphere, clients have more choice about which service provider they use, the delivery model of the product, and the price they pay for it. Welcome the dawn of the law company and the new law era.

A "law company" is any provider of legal

staff member, the need for a certain sector of jurisdictional expertise, or a place holder while a company interviews to hire.

The pioneers in the flexible staffing sector – Axiom, LOD, and Elevate – are no less than giants on the legal map. In fact, their offering is so successful that many law firms around the world have opened "captive flexible staffing companies."

For example, Allen & Overy launched Peerpoint, realizing that some of their clients would be demanding more for less. Pinset Masons followed suit by opening Vario to answer a need in the market for flexible staffing. LawFlex was launched in Israel four years ago, joining the giants in their mission to provide a successful alternative.



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services that is not a traditional law firm. This broad definition includes flexible staffing companies, legal process outsourcing (LPO) companies, legal-tech companies, legal operations companies and more. Most notable in recent months has been the growth worldwide of flexible staffing companies.

Flexible staffing companies offer law firms and in-house legal departments an option to immediately (and temporarily) increase their team of lawyers. The need could be due to an increase in work flow, a leave of absence of a

With the onset of these law companies, consumers are now given a choice. They can choose a lawyer to work remotely or as part of their team; they can choose to add a paralegal, a legal technologist, a project manager, a newly qualified lawyer, or a partner level lawyer to their team. They can choose to do this for a day, a month, or a year. The best part is that they can make this choice, and then change their mind a month later, since the nature of the offer is that it is ad hoc and flexible.

This model is flourishing not only because



Adv. **JACKIE DONNER**
CEO of LawFlex

it grants more choice to the consumer but also because it offers the gift of choice to the professional who is providing the service. While the model of traditional law works well for some professionals, it is not the case for others. Rather than having to leave the profession, the ability to provide services in an alternative framework gives lawyers the choice to remain in the profession. This is a welcome choice.

Progress is not an event but a process. However, the single event of the COVID-19 pandemic has accelerated the move away from traditional law to new law. The cornerstones of flexible staffing companies – remote work, agile mind set, and lower charge out rates – has been a welcome and natural solution for legal consumers.

Many companies are facing hiring freezes and limits to their budget. As the legal department is always defined as a "minus" on the balance sheet of a company, alternative options for augmenting a legal team are needed. Similarly, law firms that have downsized and then see a rise in deals are reluctant to jump into a hiring frenzy too quickly. Hence, alternative staffing is a solid solution for them as well.

The Thompson Reuters Report "Alternative Legal Service Providers" from 2019 states that "In just two years, revenues for alternative legal services providers have grown from \$8.4 billion in 2015 to about \$10.7 billion in 2017."

This represents a compound annual growth rate of 12.9% over that period." These numbers are all prior to the pandemic and are no doubt fueled heavily by it. Although still a minor part of the \$1 trillion legal industry, these numbers are increasing fast.

New law will not replace traditional law, but a hybrid offering will emerge that will give clients the value of traditional law and the benefits of new law. A crisis, such as the current one, brings with it progress because necessity brings change, and change brings choice. By all means, a very welcome result.

The writer is the CEO of LawFlex www.lawflex.com

COMBATING RANSOMWARE

| By ADV. VERED ZLAIKHA

Adv. **VERED ZLAIKHA**

Partner at Lipa Meir
& Co. Advocates and
Head of Cyber Affairs
& AI Practice



Would Recent Developments Change Business Decision-making?

Ransomware is a form of malware that blocks access to a computer system or data, often by encrypting data or programs on information technology systems to extort ransom payments from victims in exchange for decrypting the information and restoring the victims' access to their systems or data.

On October 13, 2020, the G7 expressed concern about ransomware cyber-attacks and adopted a "Ransomware Annex to G7 Statement". According to the Annex, ransomware attacks against critical infrastructures such as hospitals and financial institutions in G7 countries have been increasing in scale, sophistication, and frequency, while illicit actors have exploited COVID-19 to conduct the attacks. The Annex mentions the significant economic damage caused by ransomware, as well as threats to customer protection and data privacy. It recognizes the broad spectrum of malicious actors and motives behind ransomware, such as criminal activities, transnational organized crime, terrorism, and state-sponsored acts to finance the proliferation of weapons of mass destruction. The frequent demand of ransoms for virtual assets is of particular concern.

In accordance with the Annex, the G7 is committed to working with financial sectors in those countries to combat ransomware. The Annex emphasizes the following:

- The G7 commits to **coordinated action** to mitigate this threat. Coordinated responses will encompass where possible information sharing (including financial intelligence and cyber techniques); economic measures (including the option of targeted financial sanctions against

ransomware operators and their facilitators); support for effective implementation of the FATF [Financial Action Task Force] standards; and the promotion of available technical innovations to protect cyber assets.

- As the payment of ransom entails financial activity, it is **subject to anti-money laundering and counter-terrorist financing laws and regulations**. Financial institutions and the public are called upon to be especially alert to prevent sanction evasion in line with their national legal obligations.

- Aside from financial institutions, **even companies whose primary business is not financial services, such as cyber-incident consulting firms**, may fall under the obligations for financial institutions if they provide qualifying services, such as money transfers.

- The G7 notes the importance of virtual asset service providers having **effective programs in line with the FATF standards and national obligations**. It calls upon companies to move "beyond traditional perimeter security to defend against ransomware." Companies are also advised to consider **altering their own internal response and recovery plans** in light of the potential sanction violations, particularly if current plans consider paying a ransom.

Shortly before the G7 announcement, similar steps were addressed by the US Treasury Department. On October 1, 2020, the US Department of the Treasury issued two advisories to alert companies about ransomware risks. The Treasury's Financial Crimes Enforcement Network (FinCEN) issued *Advisory on Ransomware and the Use of the Financial System to Facilitate Ransom Payments*. It refers, inter alia, to the involvement of digital forensic and incident response companies, cyber insurance companies, and money service businesses in facilitating ransomware payments to cyber criminals. It highlights their legal obligations in relation to money laundering under US laws and regulations. The Office of Foreign Assets Control (OFAC) issued *Advisory on Potential Sanctions Risks for Facilitating Ransomware Payments*, which highlights the sanction risks associated with facilitating ransomware payments on behalf of victims, and encourages financial institutions and other companies (such as those involved in providing cyber insurance, digital forensics, and incident response) to implement a risk-

based compliance program to mitigate exposure to sanction-related violations.

As it was discussed in the media, the steps taken in the US were accepted with criticism and mixed reactions. Some suggested that insurance companies have already taken the relevant legal duties into account, thus one should not expect a significant change following those advisories. Others posited that insurance companies might reconsider ransomware insurance coverage. It was also argued that these steps would complicate an already challenging decision, especially in regards to SMEs, and that it might cause victims to hesitate more before they involved law enforcement authorities.

To sum up, the Ransomware Annex seems to reflect a political desire for a joint effort to combat the growing cyber threat to businesses, especially during COVID-19, by sharing information and implementing accepted standards in the areas of anti-money laundering and counter-terrorist financing. Such global cooperation may be easily developed, as it is based on existing legal frameworks in these areas, including national legislation. It remains to be seen how this step would be implemented and what its effects would be, especially in light of the mixed reactions in the case of the US advisories. Apparently, even in the absence of a conclusive rule excluding ransom payment, **strengthening adherence to anti-money laundering and counter-terrorist financing rules in the context of ransomware may gradually influence G7 markets and possibly affect norms of behavior in other markets as well with respect to the calculus in ransom payment of victims and their service suppliers**. The latter group, which includes incident response and forensics companies, as well as insurance companies, may update risk assessments and their risk-based compliance programs, in order to minimize exposure to regulatory violations. Companies that these developments may be relevant to their activities, should follow these developments, and consider their specific circumstances with their legal advisers.

The writer is a Partner at Lipa Meir & Co. Advocates and Head of Cyber Affairs & AI Practice.



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Adv. **EYMI BECHOR-BOUNI**

Founder of the law firm Eymi Bechor-Bouni
Specializes in Family and Inheritance Law

'MY PROFESSION IS MY MISSION'

| By NERIA BARR



Eymi Bechor-Bouni has been a lawyer for more than 20 years. She became a member of the Israel Bar Association in 2000. Upon receiving her certification, she established the Eymi Bechor-Bouni Law Firm, which specializes in divorce proceedings, wills, and inheritances.

"When I set up the firm, I wanted to be a pioneer in creating a different perception about the divorce process. I wanted to provide professional legal service at the highest level but not to compromise on values, humanity, and understanding. Divorce is a major life crisis, and I wanted to enable my clients to manage the crisis in the best and most appropriate way," she explains.

Over the years, she has handled many complex cases in all areas of personal status in the family courts and the rabbinical courts and has helped thousands of families and divorcees reach their goal in the most professional and effective way. Some of her cases involve companies, international divorce, multiple assets, estates and family disputes.

"My office staff is made up entirely of experienced women. We provide every client with a very high standard of service, and we constantly update ourselves in all areas of law in Israel and around the world, with an emphasis on family law," she says.

"Divorce is a traumatic event. As with any dramatic change in life, if you don't act correctly and wisely, it will be a painful experience that will leave a scar. But like any crisis, it is a challenge. And we grow from challenges," she asserts.

"It is important for me to convey empowering messages to our clients. That is why I am not satisfied with advocacy alone. I am also a mediator and personal coach. That way, we can provide our clients with comprehensive holistic treatment in all aspects of their personal struggle," she says. "The divorce

process is difficult and painful, but it can be turned into a training process so that in the end, beyond the legal success, the client comes out with tools to go on with life and have a clear road map for a better future."

Bechor-Bouni offers her clients a tailor-made process. "Each client receives something different, an approach that is appropriate to his/her needs and true to his/her life and the specific point that he/she is at," she says.

"In a divorce situation, the crisis affects not only the couple but everyone around them as well – the children, of course, and the extended family and friends. My specialty is determining what the right strategy is for each case," she stresses.

In addition to setting the strategy, Bechor-Bouni litigates in court. "That is the part I love the most – the performance in court. That's where my creativity, knowledge, and innovation are expressed," she asserts.

She is especially excited when she resolves family issues – emotional, mental, and financial – or complex cases that involve division of options or liquidation of family companies.

"Sometimes I do research in areas that are not family law so I can find the proper economic solution. Handling divorce cases, wills, and family law in general requires an understanding in many areas such as economic issues – taxation, real estate – cases that involve selling property or working with other countries," she explains.

"We had a large divorce case in conjunction with France, which required us to cooperate with a law firm there. In Israel, property matters are adjudicated according to where the marriage took place. If the couple was married in France, the division of property will be under French law in the Israeli court. It is our job to tell the Israeli court what would have occurred if the case had been brought

before a French judge, so that the Israeli magistrate can rule in accordance with French law," she recounts.

"We also collaborate regularly with an office in New York," she says, "In many inheritance cases related to the United States, the deceased has property in Israel, as well as the US. The deceased may have lived in Israel or part of the time in the US, so it is necessary to find a way to follow the law in both Israel and the US but to avoid paying double taxes," she says.

"Managing a large estate where some of the heirs are in Israel and the others live abroad is more complicated. In such cases, we must work in accordance with the law in Israel and elsewhere. When necessary, we combine experts in taxation in Israel and abroad in dealing with issues such as wills, contesting a will, and continuing power of attorney," she elaborates.

With 20 years of advocacy under her belt and thousands of satisfied clients, Bechor-Bouni enjoys going to work every day.

"I love my profession. It doesn't feel like work – I feel that I am fulfilling my mission. After completing my studies and specialization in the field, I was able to be much more precise about my goals and how to achieve them. My great satisfaction is derived from moving my clients past a major crisis in their lives and helping them chart an exit strategy from the maze and leading them to a state of stability and relaxation, where they are wiser and more empowered," she says.

"Beyond the legal aspect, I deal a lot with family puzzles by showing them how things will look. I get excited when I succeed in moving a family or an individual forward and am a partner in that life-changing process. My goal is to show them that things can be different and so much better," she says.

For further
information about
Eymi Bechor-Bouni
Law Firm:
Tel: +972 3 546-9118
Fax: +972 3 546-9119
office@eymi.co.il
www.eymi.co.il

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ליאן קהת, משרד עורכי דין ונוטריון
Liane Kehat Law Offices and NotaryAdv. **LIANE KEHAT**Founder of the law firm Liane Kehat
Specializes in Family and Inheritance Law,
Representation of Foreign Residents and Olim Hadashim

IMPLICATIONS OF EU REGULATIONS FOR FAMILY LAW IN ISRAEL

| By LIANE KEHAT

International regulations in the European Union are proliferating in all areas of law, from inheritance law and family law to commercial matters

EU Council Regulation 2201/2203, which entered into force on March 1, 2005, concerns jurisdiction in matters of divorce and parental responsibility, as well as the recognition and execution of decisions in matters of financial relations. This arrangement sets out criteria for granting jurisdiction to a state that is a member of the EU.

Among the criteria that confer jurisdiction for a particular country in the EU is a couple's last shared residence, as well as joint citizenship for the couple. The regulation does not establish a hierarchy between the criteria and hence the right of the litigant to choose the criterion that suits him/her for the purpose of choosing the jurisdiction that will apply in his/her case. Thus, for example, a pair of new olim from France who have retained their citizenship can sue each other in France on divorce issues and have them be binding, based on the regulation. The claim that France has no authority would be contrary to the rules of the European international arrangement and would be rejected by the French court, even though the couple resides in Israel.

A French court will have jurisdiction over such a spouse even without the consent of the other spouse, unless the legal jurisdiction was previously seized in Israel. Regulation 2201/2003 does not apply to alimony issues. However, by virtue of this regulation and in combination with another EU regulation, 4/2009, the French court is empowered to discuss alimony issues from the moment the authority before it on the issue of divorce is seized.

Will the Israeli court delay proceedings when such a procedure is taken abroad before the Israeli procedure is taken? In a case heard in 2012, the High Rabbinical Court rejected a woman's claim that she should be granted property and alimony,

which she filed in a French court when she sought a civil divorce. It argued that these were spouses who have lived in the country for 25 years and whose common property and life were in the country. Therefore, in its opinion, it must be determined that for convenience, efficiency of hearing – the possibility of bringing witnesses, considerations of effectiveness, as well as considerations of fairness and reliance of the parties – the rabbinical court in Israel will have jurisdiction and not the court in France. The French court, for its part, also ruled that the court in France had jurisdiction. It is worth noting that this matter has reached the highest court in France.

The question is how the court will decide when the connection to France will be closer. For example, spouses who have not lived in Israel for a long time and have a place of residence in France, run a business in France, own property there and more.

Another European Council resolution, 1103/2016, which entered into force on January 29, 2019, and is concerned inter alia with the law applicable to matters of property regimes (financial relations), establishes new rules regarding the law that will apply to spouses who married after January 29, 2019. While the 1978 Hague Convention stipulates that in the absence of a marriage agreement, the law applicable to the couple's financial relationship is the law of the couple's cohabitation after their marriage, the new European regulation takes into account the dynamics of global life and allows spouses who have not signed a marriage agreement to apply the law of the state with which they have the closest ties and not necessarily the law of the place of residence after their marriage.

In addition, the new regulation automatically repealed the change in law, in the event of moving to another country. For example: For French spouses who married after September 1, 1992 (the

date of adoption of the Hague Convention in France) but before January 29, 2019, and immigrated to Israel and received Israeli citizenship, the law that will apply to their marriage is the law of their first place of residence after marriage. However, if they have not entered into a financial agreement and have not chosen the law that will apply to the financial relations between them, then after their immigration to Israel and the acquisition of Israeli citizenship, Israeli law will automatically apply to the financial relations between them.

The new regulation that applies to spouses which entered into force as of January 29, 2019, does not provide for an automatic change of law beginning in the absence of a prenuptial agreement, but it allows the couple or either of them to demand that the law apply to the prenuptial relationship according to the circumstances of the case of the couple's relationship. For example, spouses who immigrated to Israel from a country belonging to the European Union and yet maintain close ties with their country of origin or divide their time between the two countries can apply to the property relations between them of the law of their country of origin even in the absence of a financial agreement, provided that they prove that this is the state with which they have the closest affiliation. In that case, the above law will be applied to all the assets of the spouses.

In summary, global life and changing times require us to be careful when it comes to new immigrants with dual citizenship or foreign residents living in Israel. The changes in European regulations entail an opportunity for the spouse who is planning the divorce ahead of time to try to choose the forum that is most suitable for him/her. Therefore, in these cases it is advisable to consult with lawyers who are proficient in both legal systems that may apply to the couple at the time of divorce.

For further
information about
Liane Kehat
Law Firm:

Tel: +972 3 612-6367

Fax: +972 3 612-1034

lkehat@lkehat-law.co.il

www.famille-
successions.co.il

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Adv. **TALI YARON-ELDAR**

Founder of the law firm Yaron-Eldar, Paller, Schwartz & Co. Partner, former income tax commissioner



Adv. **AMIT GOTTLIEB**

Partner in the firm Yaron-Eldar, Paller, Schwartz & Co. Lawyers specializing in taxation of trusts and tax planning for high net worth individuals



CREATING A TRUST FOR FUTURE GENERATIONS

| By TALI YARON-ELDAR and AMIT GOTTLIEB

No one knows exactly when he or she will die. But people can prepare for the inevitable.

Some people make a will in order to determine and control the manner in which their assets will be distributed and who the heirs will be. Others do not make a will. Those people have no control over who the heirs will be, as their identity is fixed as a default by law.

A will that is prepared as part of a well-considered thought process is a highly recommended thing. However, the power of a will as an effective tool for transferring assets to future generations is sometimes rather limited. The most patent limitation of a will is that it applies to the manner in which a person's assets will be treated only after death, and not when he/she is still alive, although his/her authority may already be limited due to age or illness. The power of a will is also limited in determining the identity of the heirs. For example, a person cannot bequeath assets to an unborn grandchild. In addition, the power of a will is limited in its ability to order the transfer of assets from one heir to another.

The current reality is that life expectancy is increasing. Although this rise is not necessarily relative to a rise in the level of quality of life, experience has taught us that it is necessary to find additional tools for people with assets to implement while they have their full mental capacity. This will enable them to maintain their business even after they die but also when their capacity is impaired. These tools will allow for the preservation of assets, the continued operation of assets, the efficient distribution of income, and the protection of the interests of family members and other relevant persons. But as explained above, a will is not a solution to all these issues.

In recent years, against the background of changes in Israeli law and the need to find suitable tools, the field of trusteeship has developed in this country. It allows a person to establish a trust to which certain assets will be allocated and will act in accordance with the instructions given by the trustor. Such a trust is managed by a trustee chosen by the trustor. The trustee, who can be a professional (a lawyer, for example) or another person, is obliged to act according to an express letter of instruction and always for the trust for which he or she acts.

What is a trust?

A trust is a legal instrument by which a person (the settlor of the trust) transfers an asset that he/she owns to a trustee, who will hold the property for him/her for the purpose of realizing a certain purpose or hold it in trust for the benefit of another person (the beneficiary of the trust).

The use of a trust is becoming more and more common. Trusts are no longer exclusive to the wealthy but also serve business owners and established families who want to plan the future of their family in the best possible way.

A trust, unlike a will, is not necessarily related to death. The trust can be established during a person's lifetime so that he/she can examine whether it meets his/her wishes and thus conduct a "fast-forward" in which he/she will examine whether changes or adjustments should be made to the trust provisions or perhaps even have it be terminated.

In a trust, it is possible to set definite rules and criticize the manner in which family capital is distributed. Under the

trust agreement, rules can be set for how the trust assets will be invested, how they will be distributed to future generations with quality control and determining conditions, and the dates when the beneficiaries will receive the trust assets (for example, as a wedding gift, tuition, or reaching a certain age).

Unlike a will, the trust continues to exist until the time when all the assets have been distributed in accordance with the provisions of the trust agreement. In fact, a trust can continue to exist for generations as long as assets remain in it.

A trust can be used as a **tool to commemorate and preserve the family heritage**. Thus, in addition to determining the identity of the beneficiaries of the trust, some of the funds can be allocated as donations to, say, nonprofit organizations and institutions, scholarships, or commemorative and heritage events.

Trusts are not subject to the provisions of the Inheritance Law. This means that the restrictions that apply to wills are not relevant when establishing a trust, even though it may continue to exist after the death of the trustor or the beneficiary.

Along with the benefits mentioned, a trust is often used as a legal solution for tax planning in countries where **estate tax or inheritance tax is imposed, such as the US and the UK.**

All in all, future planning is a vital thing. The more assets one has, the better it is to invest thought and time into planning the transfer of assets to future generations. Making a will and examining other options such as creating a trust have the power to preserve the capital that the family has worked hard to build up over the years. •

**For further
information about
Yaron-Eldar, Paller,
Schwartz & Co.
Law Firm:
Tel: +972 74-7339222
Fax: +972 74-7339223
office@yetax.co.il
www.yetax.co.il**

photo credit: TOMER YACOBSON



Adv. **SHLOMIT
BEKerman EFRATI**

Founder of the law firm Feuerstein Tayar, Bekerman Efrati. Specializes in Family, inheritance, and guardianship



Adv. **SHELLEY
FEUERSTEIN TAYAR**

Founder of the law firm Feuerstein Tayar, Bekerman Efrati. Specializes in Family, inheritance, and guardianship



בקרמן אפרתי, פיירשטיין טייאר

משרד עורכי דין | משפחה | עזבונות | אפוטרופסות

ON THE FRONT LINES OF FAMILY LAW

| By ALAN ROSENBAUM

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Feuerstein Tayar, Bekerman Efrati Law Office is a boutique law firm specializing in family, estate, and guardianship law. The firm focuses on the inter-generational transfer of family funds and financial management of high net worth families, using various legal tools such as prenuptial contracts, wills, establishments of trusts, and enduring power of attorney agreements.

The firm was established in 2013 as a result of a merger between the firms led by Shelley Feuerstein and Shlomit Bekerman Efrati. The two well-known attorneys, who have a combined total of more than 30 years of professional experience, are trusted by the Israeli courts and are held in high regard.

Shlomit Bekerman Efrati explains that the firm advises clients to look beyond the monetary value of their assets and focus on the most important asset – the family itself.

“One of our principles,” she says, “is that when creating a will or an enduring power of attorney agreement, the value is not just in the house or large sums of money. One of the assets that we want to preserve is the family relationship to avoid arguments and disputes within the family.”

She adds that the firm advises its clients to practice “preventive” law and to have documents such as wills and enduring power of attorney agreements prepared while the family members are healthy and the familial relationships are in a good state.

“Just as in preventive medicine, people have annual check-ups to prevent emergencies, we tell families that when it comes to legal documents, they should

start early when everyone is in good health,” she says.

Shelley Feuerstein Tayar says that wills should be crafted according to the family’s specific needs. The primary goal in creating a will is not to restrict the beneficiary but to prevent the loss of the family’s capital, ensuring that the family wealth is passed on to the next generation. This type of protection can be required if, for example, the surviving spouse has reached a state of cognitive decline and is at risk of being taken advantage of by other family members or third parties.

Another common scenario is if the surviving spouse has remarried and later dies. Under such circumstances, it can be difficult to remove the second partner from the home that he or she shared with the deceased. Through a will, it is possible to establish protective mechanisms that stipulate that the new spouse must leave the home upon the death of the spouse.

The firm also specializes in minimizing tax exposure to beneficiaries of Israeli wills who live in a foreign country that considers the will to be a taxable asset. One consideration that must be taken into account when drafting a will is the tax issues that may apply at the time of death. The amount of tax is a function of several variables, such as the residency and citizenship of the deceased and the type and location of the assets. With intelligent planning, it is possible to save significant tax costs and establish in advance, within the framework of the will and outside it, mechanisms to reduce the tax liability. For example, testators of a will who are not US citizens, who have most of their possessions in Israel and have

a child who is a US citizen, may want to consider bequeathing their possessions directly to the children of that child (their grandchildren), to save a future tax event when their child who is living in the US dies, and the property will pass to their grandchildren.

The firm also specializes in drawing up enduring power of attorney documents. They are crafted for a time when one enters that stage of life when it is difficult or impossible to make independent decisions due to ill health, such as dementia, or even for a limited time after an accident. Someone who becomes incapacitated without signing such an agreement loses the legal right to make decisions regarding financial matters, place of residence, and level of care. An enduring power of attorney agreement enables family members to make decisions on behalf of the person who has become incapacitated.

“This document gives people greater control over their lives,” explains Bekerman Efrati, “and it retains their privacy and autonomy, keeping matters within the family and outside the purview of the court.”

Feuerstein Tayar and Bekerman Efrati are on the front lines of family law on a daily basis. “We do it in court every day in the areas of wills and guardianship. We have practical experience in these issues,” says Bekerman Efrati.

The pair frequently lecture on these subjects and work with experts in all relevant fields to obtain the necessary information.

**The firm is one of the leading firms in the Dun’s 100 Ranking*

**For further
information about
Feuerstein Tayar,
Bekerman Efrati
Law Firm:**

Tel: +972 77-5515551

Fax: +972 72-2110264

office@s-familylaw.co.il

photos credit: ROTEM FRIED,
YARIV KATZ



Adv. **MICHAEL DECKER**

Founder of the law firm
Cohen, Decker, Pex & Brosh
Specializes in Immigration law

PORTUGUESE CITIZENSHIP FOR DESCENDANTS OF SEPHARDIC JEWS ALL OVER THE WORLD

| By MICHAEL DECKER

PORTUGAL'S LAW OF RETURN

The Law and its Implications

Passed in 2015, Portugal's *Law of Return* makes it possible for the descendants of Spanish and Portuguese Sephardi Jews across the world to obtain Portuguese citizenship. The law was enacted to correct the unjust expulsion that Sephardi Jews were subjected to in 1492 and 1496, granting the descendants the right to receive a Portuguese passport more than 500 years later.

Recently proposed changes to the law would mean that only people who had lived in Portugal for two years would be eligible for citizenship, drastically reducing the amount of people who could apply. Fortunately, these changes have recently been rejected, and are not applicable, for the moment.

Requirements: How do Sephardi descendants receive Portuguese citizenship?

Applicants must be aware of the proof needed to apply for Portuguese citizenship. Eligible descendants must demonstrate family ties to the Sephardic Jewish community, as seen from their family names, language, traditions and ancestry. This can be difficult to demonstrate, so many years after the Sephardi Jewish community was expelled from Spain and Portugal, but there are documents that can prove the connection:

It's possible to use professional assistance of a genealogist that will research an applicant's family tree, searching for evidence and documents that show the applicant has family connections with the Sephardic community. Example documents may include a Ketubah, Bar Mitzvah certificate, will, a property deed, family lineage record, birth and

death certificates, cemetery record, circumcision record (Brit Milah) and synagogue membership records.

It's important to note that an applicant is not required to demonstrate that they are a practicing Orthodox Jew, or even Jewish at all. All that is required in order to be eligible for Portuguese citizenship is to prove descent from Jews who were expelled from Spain and Portugal during the Spanish expulsion.

Step One: Approval of the Sephardic community in Portugal

Following submission of documents certifying Sephardic ancestry, the applicant must receive a letter of recommendation from one of the accredited Portuguese Jewish communities. The currently recognized communities are in Lisbon and Porto.

The certificate is based on documents demonstrating the applicant's claims, including family tree that traces their lineage. The application also includes a criminal records check to ensure that the applicant was never convicted of serious crimes.

Step Two: Approval of citizenship by Portuguese authorities

Having received a recommendation from an accredited Portuguese Jewish community, the applicant must send their request, along with the necessary documentation, to the Ministry of the Interior in Portugal. These documents include a birth certificate, copy of valid passport and criminal background check, all translated, notarized, and sealed by Apostille.

After the application is accepted, a formal document, considered to be the applicant's Portuguese birth certificate

and bearing an identification number, is provided by the Ministry of the Interior. Having received the document, the applicant is eligible for a Portuguese ID, and may request a Portuguese passport.

How long does it take to obtain a Portuguese passport?

While times vary based on the speed of obtaining and processing the necessary documents, the entire process typically takes between a year and up until two years. Conveniently, the applicant doesn't have to visit Portugal before receiving the passport.

Advantages of a Portuguese Passport

A Portuguese passport is highly coveted because of the benefits it provides to its holder. As a member state of the European Union, Portuguese passport holders have a series of valuable economic, social, and religious rights. They can own property across Europe, study in any European university, and gain unique tax benefits.

Moreover, citizens of the European Union are legally entitled to reside, travel, and work in any of the Union's member countries. Attempting to get an employee-sponsored visa if you do not have an EU citizenship can be both expensive and time consuming. With a Portuguese passport, you do not need complicated permits or visas.

Advocate **Michael Decker**, from *Cohen, Decker, Pex & Brosh law firm*, which specializes in immigration law, states: "If you are the descendant of a Portuguese Jew, now is the time to submit your application. We would be glad to assist you through the process of applying for **Portuguese citizenship**, or answer any questions you may have regarding this issue".

**For further
information about
Cohen, Decker, Pex &
Brosh Law Firm:**
Tel: +972 3 372-4722
Mobile: +972 55-9781688
office@lawoffice.org.il
www.lawoffice.org.il

Assisted in preparing this article:
Sasha Kishko and Mati Gordon
photo credit: SHIRI DECKER



PLANNING FOR YOUR FUTURE

| By LIDAR GRAVÉ-LAZI

Adv. **IRIS YARDENI**

Founder of the law firm Iris Yardeni
Commercial Law, Aviation and Tourism
Law, Wills, Estates and Continuing Power of
Attorney, Labor Law and Real Estate

“W

hen we are fully independent is the time to prepare for the future,” Iris Yardeni, founder at Iris Yardeni Law Firm told The Jerusalem Post, as she sat down to discuss the complexities of wills, inheritance, and continuing power of attorneys in Israel.

“If you did not prepare a will than the inheritance law determines how you divide your inheritance. If you have a will you can gain a good measure of control over your inheritance,” she said. “Nevertheless, a will is not a magic word; you need to know how to prepare one.”

According to Israeli law, Yardeni explained, when a married person dies without a will, half of their estate is automatically given to their spouse and the other half to their children and if there are no children, then half to the parents of the deceased.”

While this may sound simple and straightforward, Yardeni insists this formula does not take into account the numerous intricacies unique to each family.

“When you don’t have a will, the inheritance is very simple, but the inheritance law can often create problems that the deceased would object to had he been aware of them in advance,” she added.

“What if I want to give more to my spouse? What if I don’t have any children of my own? What if I want all my children to inherit equally, but I have already given one child a large sum of money? What if my spouse remarries – how can I ensure that my inheritance goes to the new family? These are just a few examples.”

Neglecting to prepare ahead causes major problems, says Yardeni. “It is also very important to understand that a will which is not properly worded, may add disputes and conflicts down the road.”

“What is a smart will? A will in which

you fulfil three goals, or the golden triangle, as I call it,” she said. “Equality among children; keeping the inheritance within the family by order of secondary beneficiaries; and giving the spouse independence, while placing limitations to ensure the inheritance stays within the DNA family.”

However, Yardeni said that even if a smart will is drafted, it can always be undone. “This is of immense importance in inheritance between spouses - they want to ensure on the one hand that the spouse inherits all or part of it exclusively but also that the heirs of the inheritance of both spouses will eventually reach the joint children. This can only be done with a mutual will.”

Spouses can draft wills simultaneously with a lawyer, making sure that each will is valid so long as the other remains valid. “It is the ultimate will for couples, providing both with peace of mind.”

“My advice is to use all the tools that the Inheritance Law provides for the purpose of drafting a smart mutual will; but most importantly you must ensure that nowhere in the will does it state that it can be altered at any time.”

Yardeni’s expertise also includes continuing power of attorneys, which is another very important area in family law. “A continuing power of attorney is a legal tool for a person to determine who that person will be. This is a document that goes into effect when you are no longer able to make decisions on your own.”

Yardeni said that these documents should act as a complement to a will.

“A legal guardian is chosen by the court, but it is not necessarily someone who you would have chosen,” she explained. “When preparing a continuing power of attorney, there is really a decision-making process that people take to choose who will have power of attorney.”

“This legal tool is especially important for those who support their children or grandchildren and want to continue to ensure this support even if they should become unfit,” she said.

Yardeni recounted a story about an elderly father with eight children, who was moved every two months from child to child so they could care for him in their homes despite the fact that he had his own apartment.

“It was a very heartfelt gesture from the family, but it was not what the father would have wanted - and it was this story that caused me to practice law in this field,” she said, “to look out for personal interests of those who come to me.”

Yardeni said that one of the most important decisions to make in drafting these documents is to choose a lawyer that can “identify if there is a dependency factor or someone influencing you.”

“You need an experienced lawyer who will take the time to understand and gain a general picture of your family affairs so that they can best look out for your interests and choose the right tools for you,” she said. “There are so many intricacies and alternatives that need to be thought of.”

Most importantly though, Yardeni added, is that when drafting such documents, people “do their research and read, read, read,” she said. “I cannot tell you how many times people come to me saying they thought their will or continuing power of attorney said one thing, when in reality it said something else entirely.”

“So, my advice is to read the prepared documents carefully, ask questions about the arrangements as they would apply to different life situations, make sure your expectations match, and ensure that the continuing power of attorney is written alongside the will,” she added.

**For further
information about
Yardeni Law Firm:**

Tel: +972 3 568-8618

Mobile: +972 50-8224457

iris@yalaw.co.il

www.yalaw.co.il

photo credit: ORI YISHAI



Adv. **AMIT BEN-YEHOSHUA**
*International attorney who specializes in the axis
of trade between China, the US, and Israel.*

THE CHINESE CONNECTION

| By JASON BLACKSHAW



The bund in Shanghai



China's domestic market is growing providing immense opportunities for Chinese and foreign companies alike. China's population which exceeds 1.4 billion and its GDP of more than \$14 trillion places the country as the world's second-largest economy. While the opportunities are obvious, the question is how can Israelis and foreign companies successfully enter into the Chinese market and develop and cultivate their global business.

Amit Ben-Yehoshua is an international attorney who specializes in the axis of trade between China, the US, and Israel. He says, "Doing business with China is easier said than done. Whether one is an importer, exporter, or investor in China or an entity seeking Chinese investors, it is important to remember that China has a different culture and a unique way of doing business. The Chinese have a different tempo and a strong emphasis on the importance of personal relations. The language

barrier is also a factor. The problem is that there are hidden issues that are not apparent to the unwary foreign party. Chinese law has its unique characteristics, and many foreign companies quickly fall into very costly traps that could have been avoided if they had consulted with a lawyer who is well versed with the Chinese business scene."

Ben-Yehoshua, should know, as he is licensed to practice law in California and Israel and completed his Master of Laws degree in Chinese law at Tsinghua University (Beijing), which is recognized as China's top "Ivy League" university. He was the first Israeli-American attorney to complete an advanced degree in law in China. He lived in China for nine years, gaining wide practical experience in doing business there. He worked as senior counsel at the Shanghai branch of the world's largest law firm, Dentons. For more than 20 years, he has garnered extensive global experience as an attorney, entrepreneur, mediator, and arbitrator. He is also a co-founder of the Israeli Chamber of Commerce in China and served on its board of directors. As an American attorney, Ben-Yehoshua was appointed to serve as vice chair of the China Committee of American Bar Association.

In addition to the recognition from the American and Israeli professional community, he was the first Israeli-American attorney to be appointed to serve on China's largest arbitration commission (CIETAC) and was recently appointed to serve on the largest commercial mediation center in Shanghai. He is also licensed as a notary by the Israeli Ministry of Justice, assisting global companies in international translation and certification of documents in Chinese, English, and Hebrew.

The combination of practical experience in hundreds of projects throughout China and his knowledge of the law is a great advantage because the majority of the business ventures conducted within China are subject to Chinese law.

Ben-Yehoshua advises, "Many foreign clients and their attorneys who are not familiar with Chinese law try to do business in China and enter clauses in the contracts, referring disputes to their home courts. This is often a very costly mistake. It is very important that the client consult with a Chinese legal practitioner at the early stages of the project to avoid fundamental errors."

He adds, "China is an ancient culture, and the Chinese expect you to adhere to the Chinese way of doing things. It is vital that the foreign party be accompanied by a legal team that focuses on China because the risks and challenges of doing business in China are very different from those of Western countries. In the West, and especially in Israel, business people seek fast results. I advise my clients to invest the time to learn about the Chinese market and to make sure that they have strategic business plans and the full support of a legal team that focuses on China."

With such wide experience in the Chinese legal and business world, Ben-Yehoshua is a highly recommended attorney and consultant for international companies that want to do business in China or companies that seek assistance in dispute resolution, which includes arbitration and mediation. His excellent contacts in the Chinese business world can also be of assistance in formulating strategic plans, finding investors, and developing joint ventures.

**For further
information about
Amit & Co., International
Law Firm:**
Israel: +972 3 928-1267
US: +1 (818) 287-7939
We Chat: Amit-Law
amit@amit-law.com
www.amit-law.com

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Adv. **HAIM GIVATI**

*Founder of Haim Givati & Co.
Real estate lawyer*



Adv. **YAIR GIVATI**

*Partner of Haim Givati & Co.
Real estate lawyer*



HAIM GIVATI & Co.
LAW OFFICES & NOTARY
חיים גבעתי ושות', משרד עורכי דין ונוטריון

HOW AN 8TH GENERATION ISRAELI FAMILY LAW FIRM FOUND A NICHE IN THE ANGLO SAXON PURCHASING MARKET

| By ALAN ROSENBAUM

‘A

re your parents American?” “How is it that you speak English so well?” These are questions that Yair Givati hears on most of his calls from Anglos looking to fulfill their lifelong dream of purchasing a home in Israel. Yair, an eighth-generation Israeli, has no other citizenship, and neither of his parents has any Anglo-Saxon heritage. But in the 1990s, when Yair and his brother were in elementary school, his parents foresaw the importance of English and decided to relocate to Carmel College in England for a year so their children could learn English. That was a bold move for an Israeli family that had been rooted in Israel for centuries.

Fast forward 30 years, and the family’s linguistic investment has paid handsome dividends. Yair, who works alongside his father, Haim, who founded Haim Givati & Co., specializes in servicing Anglo-Saxon clients seeking to buy and sell property in Israel.

Haim is a native of Tiberias and was a child messenger in the 1948 War of Independence. He paid his way through college and received his law and economics degrees from Hebrew University. He established his law firm in 1969, specializing in all matters related to real estate, from transactions such as buying and selling properties and rentals to complex business deals, development projects, corporate, non-profit and, more recently, Tama 38 projects.

Yair joined the firm just over a decade ago, after completing his law degree at Hebrew University and spending a year as a Torah Mitzion emissary in Silver Spring, Maryland. This, along with many summers spent at camps in North America, enabled Yair to “get” English speakers, be sensitive to their needs, and understand their expectations. He has worked with clients from around the globe, such as the US, England, Australia, Canada, and Hong Kong.

This father-son force of 60+ years of experience, in-depth knowledge of Israeli bureaucracy and operations, along with a keen understanding of the needs of English-speaking clients, make Haim Givati & Co. a very attractive boutique law firm.

There are distinct advantages to working with a small law firm, Yair says. “Purchasing a home from afar or as a new immigrant can be quite daunting, with many unknowns. I take the time to explain how things work here in Israel and guide my clients through the process. I respect their concerns and always aim to provide a personal experience,” he explains.

The firm positions itself as a one-stop shop for its clients’ needs. “We have built a trustworthy network locally so we can connect our clients with agents, mortgage brokers, financing, and help them open a bank account, manage the apartment, and get a home inspection,” Yair says.

Even during the COVID-19 pandemic, which has prevented tourists from visiting Israel, the firm has continued to help overseas clients make purchases without ever seeing the property. This special trust and relationship that clients have with Yair is particularly important when handling significant real estate transactions from thousands of miles away.

“We use Zoom and whatever other means necessary to make our clients feel comfortable with the situation,” explains Yair. “We are also equipped to obtain all the necessary documents from abroad and guide our clients through important junctures, all the way to taking possession of the property.”

Yair has given numerous lectures to those interested in aliya, including an ongoing series for Nefesh B’Nefesh both in person at the Mega Event (back when it took place!) and at smaller roadshows across the country – and now through webinars. He also maintains a blog on his website (in English), continuing to educate clients about the process of buying and selling property in Israel and how it differs from transactions abroad. To view the blog: <https://givatilaw.co.il/>

Haim Givati & Co., with its innate understanding of the Israeli market and knowledge of the needs of English speakers, is uniquely positioned to handle the real estate needs of the discerning Anglo client.

**For further
information about
Haim Givati & Co.
Law Firm:**

Tel: +972 2 941-1001

Fax: +972 2 679-8891

office@givatilaw.co.il

www.givatilaw.co.il

photo credit: DAVID SHERMAN

RUBIN: THE VETERAN BOUTIQUE LAW FIRM

| By JASON BLACKSHAW

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e live in very interesting times in which the tempo of change is the most rapid in history. The social, economic, and legal environment is in constant flux. In that regard, we require the services of reputable law firms that can be depended upon to help us navigate the many pitfalls of 21st-century society. There are many because people get married and divorced, they make wills and endowments, buy and sell real estate, sue and are sued. In these circumstances, people are in need of trustworthy legal counsel.

One such example is the Jerusalem-based law firm of husband and wife team Morris and Tamar Rubin. Established in 1984, Rubin Law Office handles a variety of legal matters. These include the sale and acquisition of real estate. In this context, it is one of the few law firms that specialize in property transactions in the areas of Judea and Samaria. The firm also deals with civil litigation, family law, prenuptial agreements, representation in family court and rabbinical court, debt collection/relief and bankruptcy proceedings. It is also empowered to prepare enduring power of attorney. In addition, the

law firm offers notary services.

Morris Rubin was born and raised in Cape Town and graduated from the University of Cape Town in 1974 with degrees in law and economics. He also holds a M.Sc. in management from Boston University/Ben-Gurion University. He offers legal opinions on South African legal issues, mainly to South African olim who have interests in their native country.

Tamar Rubin was born in the United States. She made aliya from Chicago in 1977 and received her law degree from Bar-Ilan University.

Dealing in real estate issues such as the sale or acquisition of property by local and overseas clients is one of the firm's major activities. Many people believe that buying or selling a property is a simple, straightforward matter. It is not. It involves a series of bureaucratic procedures such as registering the transaction at the land registry offices in Israel. No one should undertake the maze of these bureaucratic entities without the assistance of a reputable law firm. Furthermore, when buying or selling real estate, one should ensure that the transaction assures the best

interests of all the parties concerned. A clumsily or sloppily written contract may jeopardize the title deeds of the property.

Dealing with personal and family matters is another issue of prime importance to the firm. The rate of divorce is increasing rapidly. Lawyers must draw up papers regarding the division of property and the support of the offspring.

Life expectancy is also increasing. This means that the need for medical powers of attorney and enduring powers of attorney is increasing rapidly. Many people fear that an accident may temporarily disable them and their ability to make decisions or they may incur more lasting disability due to old age. An enduring power of attorney is a very sensitive document and must be expertly prepared to protect the interests of the principals.

A boutique type of family law firm can be very suitable for those looking for a personal service law firm; one with the individual touch that gives clients an ear to listen to their problems and concerns and a voice that can suggest viable solutions.

For further
information about
Rubin Law Firm:

Tel: +972 2 563-7768

Morris: +972 52-2600917

Tamar: +972 52-8838839

rubin@netmedia.net.il

www.rubin-law.net

photos credit: RUBIN LAW OFFICE



Adv. **MORRIS RUBIN**

Attorney and notary MORRIS RUBIN was born and raised in Cape Town, South Africa. He graduated from the University of Cape Town in 1974 with degrees in Law and Economics. He also holds a M.Sc. in Management from Boston University/Ben-Gurion University. In private practice in Jerusalem since 1984, he specializes in Real Estate, Wills and Deceased Estates, commercial law, and is a notary public, and as such – explains and signs young couples on prenuptial agreements. His expertise in real estate representations in general, and Judea and Samaria in particular, is sought after especially by overseas clients. He also provides expert opinions on South African law.



Adv. **TAMAR RUBIN**

Attorney TAMAR RUBIN was born and raised in the United States, made aliya from Chicago in 1977, and received her law degree from Bar-Ilan University. In private practice since 1984, she specializes in civil litigation, family law, representation in both Family Court and Rabbinical Courts, Hotza'ah L'phoal (execution office) and bankruptcy proceedings. Additionally, she is empowered to prepare Enduring Powers of Attorney. The personal touch gives the client an ear for listening to the problems and worries, and a voice to express them and to seek a solution.



Adv. **MICHAL MOZES**

Founder of the law firm Michal Mozes
Specializes in Family law, Divorce,
Wills and Estates

STRIVING TO PLAY FAIR

| By LIDAR GRAVÉ-LAZI

‘A

person can enjoy the benefits of another person's assets, while the latter loses nothing" is a Talmudic concept that attorney Michal Mozes lives by. She is the founder of Michal Mozes & Co, a boutique law firm that specializes in family and inheritance law and the economic aspects of divorce.

Michal Mozes' firm is ranked in the Dun's 100 as one of the most prominent family law firms and is also ranked in the BDI rankings as a leading firm. Lawyer Michal Mozes is one of the most veteran and most respected in the field of family law. She writes many articles in the economic press and is frequently interviewed in the written media and television and is considered a leading authority in her field. The firm was founded in 1996 and has been operating for 25 years.

Mozes believes that the COVID-19 pandemic will likely bring about an increase in divorces, which she dubs the "corona boom."

"Recent events have caused many couples to feel the strain, both personally and financially. As they say that after the holidays the divorce rate goes up, so too after the coronavirus will we see an increase in divorces," she predicts.

Mozes says that the divorce process in Israel is a complex one, as the only court that can legally provide a divorce for Jews is the Israeli Rabbinate Court.

"According to Jewish law, whoever got married under a rabbi needs to divorce in the Israeli Rabbinate Court. It is the only court that has the authority to provide a gett," she says. However, she adds, the civil courts can handle the other aspects of the divorce, such as the division of assets and alimony payments.

"There are different rules for each court, and many people divide them and go to both courts," she explains. "There are interests and advantages to both courts, so it is important to know when

to go to which court, and every case is different."

She adds that if only one side wants to divorce, it complicates matters further, as one must present valid reasons according to the law. "If you do not, it can tie up your divorce process. So it is really not advisable for anyone to go to court alone without a lawyer who specializes in the field of divorce," she says. "There are many things that you cannot control in a divorce process, such as the judge, the other side. But what you can control, and this is critical, is the lawyer that you choose to represent you."

In regard to Israeli couples that got married elsewhere, she says that in addition to obtaining a divorce in Israel through the Rabbinate, they must also file for divorce in the country where they were married.

Mozes says that the divorce process is expensive and that ideally anyone who wants to divorce should seek a lawyer. She advises that they "make an initial investment" and find the best match.

"You should have introductory meetings with two or three lawyers. That way, you learn about the lawyer, his or her strategy, and get a sense of who would be the best fit for you and your approach to the divorce process," she says. "Ideally, you should find a lawyer who won't get you into a bitter, prolonged divorce process, where you waste money, time, energy and cause damage to your assets and ultimately to your family."

In addition to her status as a family law expert, Mozes is a mediator and CEO of the Israeli Family Disputes Center, which works in collaboration with psychologists in order to offer dispute settlement through mediation.

"You have to be very creative in drawing up agreements and finding solutions that will not leave the other

side disgruntled," she says. "I try to identify the interests of both sides and see how I can get my clients what they want without the other side getting hurt."

Mozes stresses that this strategy ultimately benefits her clients, their assets and, most importantly, their families. As such, she adds that she recommends that couples invest in a prenuptial agreement either before marriage or even during marriage, explaining that should the marriage end in divorce, it would make the processes much smoother.

"I have seen people whose divorce proceedings ruined their life and caused significant financial losses. It is a shame. If handled correctly, it can be avoided," she says. "I always keep my clients' best interests at heart."



For further
information about
Michal Mozes & Co.
Law Firm:

Tel: +972 3 644-6100

Fax: +972 3 644-6200

m@mozeslaw.co.il

www.mozeslaw.co.il

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Adv. **MICHAEL SACOFSKY**
 Founder of the law firm Michael Sacofsky
 Specializes in Real estate

LEGAL SERVICE WITH A SMILE

| By DAVID PALMER

In the well-appointed suite of offices situated in Jerusalem's upscale neighborhood of Rehavia is the Michael Sacofsky Law Firm. Michael Sacofsky, 56, made aliya from London in 1986. For more than 30 years, he has been practicing law in Jerusalem. His firm's specialty is real estate and property in the capital, with expertise as well in wills, enduring power of attorney, and other issues relating to family matters. While the firm's loyal clientele have come to expect topnotch service in all legal matters, it is the warm, welcoming atmosphere of the office and the engaging charm of Sacofsky himself that they have grown to love and for which they return.

Michael, who is married to Rachel, also a prominent lawyer at the State Attorneys' office, leads a very full and busy life, with six children, ages 29 to 11, 2 grandchildren. Yet he manages to give his full attention to each of his clients, treating them as close friends. Along with the sound legal advice and professionalism he provides, he greets everyone with a big smile, a warm handshake, and a lighthearted joke.

Seasoned lawyer that he is, Sacofsky's passion is not limited to the law. He is also a talented actor and singer. He has achieved a degree of fame among Jerusalem's Anglo community, who recognize him from the lead roles he plays in quality English-language musical theater productions.

His deep love for his homeland, combined with his knowledge of the ins and outs of Israeli real estate laws, coupled with the fact that he is fluent in English and Hebrew, not to mention his genial nature, make Sacofsky a highly sought-after attorney for foreign clients seeking to purchase properties in Israel.

"Real estate in Israel is very different from real estate in Europe and the US," Sacofsky explains. "Buyers from



these countries must put aside any preconceived ideas they may have when purchasing real estate in this country. Consequently, it is the job of an attorney to protect the legal interests of their clients when they are buying or selling property."

Sacofsky is well versed in all the complex details involving drawing up contracts, protecting the rights of the buyer, the seller, and the tenant, registration of properties with the land registry office, and all the necessary documentation confirming that national and municipal taxes have been paid in full. In short, his years of experience have made him an expert in the sometimes maddening Israeli bureaucratic procedures, and he takes care of matters quickly and efficiently – and always with a smile.

The firm has handled hundreds of transactions for foreign investors, as well as new olim, smoothing over a process that is so central to a successful aliya. This is particularly important to

Sacofsky, as he too was once a new immigrant and recalls how challenging it was to navigate the legalities of a new country.

The Michael Sacofsky Law Firm also deals with family matters. Attorneys today have to draw up contracts and agreements of all kinds that will maintain smooth relations among family members, such as wills, premarital arrangements concerning separation of goods and property, and enduring power of attorney for the aged and infirm. Sacofsky attends to these issues with sensitivity and compassion. Always bearing in mind that he is dealing with real people with real concerns and worries, he never takes the "one size fits all" approach to his job. Each client is given the personal care and attention that he or she deserves.

Sacofsky prides himself on his law firm's being a friendly company, one that clients can rely on and relate to. He firmly believes that when dealing with any legal matter, one should also be a friend and a shoulder to lean on.

**For further
information about
Michael Sacofsky
Law Firm:**

Tel: +972 2 567-0755

Mobile: +972 52-3385027

msacofsky1@gmail.com

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 INGIMAGE.COM



Adv. **ARYEH RACHLIN**
Adv. **JANE OLMAN**



REAL ESTATE: HEALTHY AMID AN AILING ECONOMY

| By HENRY WATSON

T

he COVID-19 pandemic is having a very negative effect on the Israeli economy as a whole, but its effect on the real estate market has been much more muted.

In March of 2020, many businesses throughout the country began to shut down, albeit temporarily. Other businesses continued to operate because most of their employees worked from home. Many government offices closed down because their employees could not work from home.

These developments were very worrying for businesses as a whole and for real estate in particular, as businesses in the real estate sector feared that the entire industry would grind to a halt. The steps taken to try to prevent the spread of the pandemic were causing a wave of uncertainty, and it was feared that demand for real estate would dry up. Transactions such as the purchase of a home are very costly. Consequently, in times of uncertainty, such purchases are reconsidered as the financial obligations are evaluated.

Furthermore, because of the restrictions imposed due to the pandemic, local buyers were not permitted to move around freely and were thus prevented from viewing their prospective purchases. The process of registering real estate transactions was also delayed, since the relevant government offices were closed or on reduced staff. The problem intensified in regard to overseas buyers, an important sector in the local real estate scene, as travel between countries was prohibited.

However, demand for real estate, especially from overseas, primarily the US, rose sharply and to unprecedented levels.

The Rachlin-Olman law offices are heavily involved in real estate transactions with overseas clients. They report that they are handling purchases by foreign buyers in areas across Israel, such as Jerusalem, Tel Aviv, Ra'anana, Safed, Givat Shmuel, Modi'in, Efrat, Carmei Gat, and Netanya. American buyers are especially interested in luxury residential projects in Jerusalem. Some religious buyers are gravitating towards properties in Beit Shemesh and the **Ramat Givat Zeev** neighborhood at the northern edge of Jerusalem, just minutes away from the city center. US buyers are also seeking seafront apartments, especially in Ashkelon, a 40-minute drive from Tel Aviv, where prices are much more moderate.

The reasons for this surge in demand from overseas are many. For example, foreign buyers want to diversify their investments by purchasing real estate abroad. In the past, real estate investments in Israel have been very lucrative from the perspective of capital gain. Since things are expected to eventually get back to normal after the pandemic, purchasing real estate in Israel makes a lot of economic sense.

The effect of the pandemic on local buyers has also been relatively muted. Local buyers know that pandemic or no pandemic, they still need a roof over their heads, so their plans to buy a home are not deferred.

The attorneys at Rachlin-Olman Law Offices specialize in representing clients in real estate transactions both in Israel and overseas and are well positioned to facilitate transactions for clients who are purchasing real estate during these difficult times. With decades of experience practicing law in Israel, Adv. Aryeh Rachlin and Jane Olman and their associates focus on helping bridge the cultural gap between foreign and Israeli business practices.

They help create a team that aids clients decide what and where to purchase and how to implement their decisions. The team, which is headed by an attorney, may include a real estate broker, a mortgage broker, an appraiser and, when necessary, an architect or an interior designer.

Here are some of the services the Rachlin-Olman attorneys provide:

- *Due diligence and rights to the property: The attorneys ensure that the property in question is registered in the name of the seller and is free of liens of any kind.*
- *Contract negotiation: They negotiate the terms of the contract, such as declarations by the seller, payment terms, the date of transfer of possession and the condition of the property when delivered.*
- *Signing the contract: They sign on the client's behalf and deal with all tax reporting and payments, mortgages, and other financial aspects pertaining to the transaction.*
- *Certificates: To complete a transaction and register it at the land registry office and show proof of transfer of his rights to the purchaser, the seller must deliver certificates confirming that all governmental and municipal taxes have been paid or that the seller is exempt from paying them.*
- *Transfer of the title deed: The deed is transferred to the buyer when all the terms of the purchase have been met.*
- *For overseas clients – Arranging for execution of a Power of Attorney and other documents required to sign the contract. They prepare all documents necessary in order to sign the contract. They inform their overseas clients about which documents they must obtain and how to obtain them.*

In Israel, all due diligence must be performed before signing a contract. The lawyer is the purchaser's only representative in the transaction process, especially when managing the transaction from afar. Consequently, it is of prime importance to choose a reputable and trustworthy attorney.

Adv. Aryeh Rachlin and Adv. Jane Olman can be reached at +972 2 6251522 or at office@rolaw.co.il

**Contact
Rachlin-Olman
Law Offices at:
Tel: +972 2 625-1522
office@rolaw.co.il**

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RACHLIN-OLMAN LAW OFFICES,
SARAH RAANAN

THE REVOLUTION IS HERE TO STAY

| By ADV. YONATAN ADOMI

During my third year studying law at the Hebrew University, one of my favorite professors shared an amusing story from his early years as an intern at the law office of Mishael Cheshin, the legendary Israeli jurist. Cheshin told his intern that he had been collecting precedents, rulings, and other judicial decisions since he was a young lawyer, and he wanted to turn them into a comprehensive index for the Israeli legal system. The professor asked the junior members of his team to join him in the effort. They started sifting through piles and piles of legal material, organizing and indexing them. The fruit of their efforts soon became the holy grail for the local legal community members, and only a few select individuals actually possessed a copy of the material.

roles, might reject attempts to intervene with the traditional way of “how we do things.” Many eyebrows were raised when the revolution of the legal tech industry began to take shape some time during the previous decade.

It is customary to describe legal tech as the field of technology that aims to optimize legal work on one hand, and to simplify and improve the accessibility of legal services to everyone on the other. In other words, the legal tech tools operate in two simultaneous yet contradicting paths: increasing effectiveness within legal services providers’ organizations; and providing laymen who seek (simple) legal assistance the opportunity to overcome legal obstacles independently or with less efficient (and thus less expensive) professional escort.



Adv. **YONATAN ADOMI**
Legal counsel of ThetaRay

(Private)

departments that specialize in exploring and detecting new start-ups engaged in the legal tech industry (one of which is the sponsor of the domestic Global Legal Tech Hackathon, an international contest between groups of entrepreneurs competing to introduce the most promising legal tech “next thing”). The main objective of setting up these departments is to identify new technological tools that can be added to the firm’s tech arsenal, while shaping the future product.

The main question that remains is “How will these changes affect the current and future legal industry?” Legal tech will probably render some basic legal actions redundant (as tech in general did in a wide variety of occupational fields). There is no reason to hire a lawyer to draft a simple legal instrument such as short-term rent when a quick cloud-based solution can provide a much less expensive and quicker option (using Leverton’s solution, for instance).

Surely legal tech has the potential to perfect the legal services’ market, which suffers from knowledge gaps between the client and the vendor. Having said that, at the current stage, machine learning capabilities cannot replace the human mind when dealing with abstract and theoretical questions. Indeed, the law is a living entity, shaped and designed to serve evolving social norms and perceptions. A behavior that has been categorized as heinous today may be deemed acceptable or even desired in the future and vice versa. Questions of morality, faith, and beliefs are not yet matters to be entrusted to robots.

Oh, by the way, does anyone have a copy of Judge Cheshin’s guidebook?

The writer is the legal counsel of ThetaRay, the leading provider of AI-based Big Data analytics, dedicated to helping financial organizations combat financial cyber crimes such as money laundering, fraud, and ATM attacks, which are used to finance terrorism, narcotic and human trafficking, sex slavery, and other malicious acts.



(TNS)

Modern-day lawyers would probably find it very difficult to comprehend how laborious it was to navigate through the intricate maze of the Israeli legal space, equipped with only hard copies of periodic Supreme Court rulings’ compilations and professional literature that was buried in the university’s library. During the past two decades, technology has taken over almost every aspect of our personal and professional lives. But for a long time, the only contribution the tech revolution had made for the legal world was limited to search engines and digital correspondence. For a while, it seemed that this conservative professional arena, where seniority, experience, and hierarchy play major

Skepticism was the first sentiment that arose when this new trend appeared. Indeed, the private legal counsels had much at stake. Potential clients without legal backgrounds could quickly and easily form and register a new company, using, for example, the product of the Israeli start-up Ettorney, while existing clients expected their counsels to perform their duties more swiftly, using professional tools, such as HotDocs, to draft contracts (and therefore bill for fewer hours).

However, it appears that the revolution is here to stay. Prominent law firms do not want to be left behind, so they adapt to new methods. A few have even established in-house

The International Association of Jewish Lawyers and Jurists (IJL)



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CEO Jerusalem Post Group
INBAR ASHKENAZI
Editor
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V.P of Commercial
& Strategic Partnerships
GALIT EREZ
GALITE@JPOST.COM

Jerusalem District Manager
ITAI BENVENISTI
Graphic Designer
NOA ZOLTY

Advertising
TEL: +972 3 761-9002