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Jaclyn Tsai, Founder of Lee, Tsai & Partners
Jaclyn Tsai: Pursuing a High-Quality Law Practice Contributing to the Development of the Greater China Region

By Richard Zhu
Not long ago, the Taiwan-based law firm Lee, Tsai & Partners became the winner of the 2011 Global Award of the “Law Firm of the Year in Taiwan” (http://leetsai.drtech.tw/fyi/ezcatfiles/leetsai/img/img/752/737693732.pdf). In 2010, the firm was selected as the best law firm in Taiwan of the year by Chambers and Partners, and was awarded the “Chambers Asia Award for Excellence 2010”. In the same year, the firm was chosen as the winner of the 2010 Taiwanese-Labor & Employment Law Firm of the Year by the Global Law Experts Award.

These awards and honors can not be achieved without one person—one of the founders of the firm: Jaclyn Tsai. It is she that has led the firm to become the leader in Taiwan.

Once the General Counsel of IBM Greater China, Jaclyn Tsai now is pursuing her legal cause with reason and compassion.

The origin of the firm

In 1977, Jaclyn Tsai received her LLB from National Taiwan University Law School. Her first work was a judge in Yilan District Court, while in the meantime his university classmate Dr. Chung-Teh Lee worked in another district court who later became her life companion. Taking the job as a judge at 26 years old left a deep imprint on Jaclyn's career life.

Jaclyn always kept a straight face as she believed it was the last defensive line of public interest for a judge to uphold justice by praising virtue and punishing vice. The line looks different for different judges. But for Jaclyn, she always had her heart in her mouth for she was afraid of doing anything against her conscience after she was sworn in as a judge.

“I should take every case very seriously. Some parties may go to court for once in their life time, and they should be given fairness and justice,” Jaclyn said when recalling her first work.

She once judged a case related to a senior official. Some colleagues warned her against the official’s power and influence, but she was not at all afraid. She had nothing to be afraid of except law.

On one side, Jaclyn insisted on reason; on the other side, she was kind-hearted. Gracious and merciful as she, she always lent hand to those in juvenile delinquency. To the year of 1991, she had been a judge in several cities like Taipei, Shilin, Taoyuan, Zhanghua.

In 1991, she became acquainted with IBM which was recruiting an experienced legal professional at that time. No surprisingly, the job fell on Jaclyn in the end thanks to her nine years’ experience as a judge.

At first, she entered the strategy team of IBM where she joined in the strategy making for IBM in the Greater China covering the departments of marketing, finance and corporate legal. Her years in IBM helped her understand how a transnational corporation operated in businesses. With the transformation of IBM to a software and services supplier, Jaclyn learned and experienced much a lot during the process. The knowledge she acquired in the period was beneficial for her later work in the law firm.

Later Jaclyn became the General Counsel of IBM Greater China and shouldered more responsibilities. However, the seven busy years in IBM sometimes made her feel a little sorry for her family. Work took much of her time and she found it difficult to balance work and life.

Then how to achieve work-life balance? A thought came through her mind: to open a law firm of herself may work. The thought was encouraged by his husband, who later decided to leave his law firm and start business with his wife.

The foundation of the firm

Dr. Chung-Teh Lee and Jaclyn Tsai, after working as judges and practicing for extensive periods, both had a vision of creating a law firm that is not only grounded on professionalism but also compassion. As such, the first office of the Lee Tsai Group was founded in Taipei in 1998 with the professional motto “reason” and “compassion” and a mission statement “to provide the highest quality of professional service to clients through comprehensive knowledge of their industries while dedicating itself not only to the clients but also to the community.”

At first, Dr. Chung-Teh Lee and Jaclyn Tsai had a new position of the law firm Lee, Tsai & Partners by making it engaged exclusively in technology law since there was no similar firm in Taiwan then. Thus, the firm became the first one of its kind in Taiwan. They hoped to create value for clients through the
combination of ever-changing technology and the legal lag.

Jaclyn Tsai liked to express her work as an integration of reason and compassion. Reason means to adhere to professionalism and provide all-round legal service to clients in different industries via expertise, while compassion refers to being actively engaged in community service and repay the society.

The law firm now offers full legal services ranging from merger & acquisition, transnational investment, technology transfer, capital market and business consulting to infrastructure projects, green energy, intellectual property, culture and entertainment law, employment, competition and environmental protection law. In the first year of its business, the firm employed about 20 lawyers and made a profit.

In terms of professional field, Jaclyn Tsai and Dr. Chung-Teh Lee had their respective emphasis. Jaclyn had an acumen in technology and intellectual property rights. The past time in IBM laid a solid foundation for Jaclyn in technology law. As such, she became a well-known lawyer in the technology law field in terms of technology licensing, high-tech patent, litigation, M&A. While, Dr. Chung-Teh Lee was a famous lawyer in the field of public works and infrastructure in Taiwan.

The foundation of Lee, Tsai & Partners brought freshness to the law industry. It broke some common practice in the industry with its system completely different from the traditional ones. It is known to all that the management of lawyers remains a persistent problem with loose partnerships between the lawyers and the firms they were employed in.

However, Lee, Tsai & Partners broke the rule and rationalized the management approach. Every lawyer, as an employee in the firm, should accept the work appointed by the firm. Besides, the firm invested heavily into the work environment and adhered to scientific management. Moreover, the firm attached much importance to the informationization construction from the very beginning. Within three years, the firm became the one with the most advanced facilities in Taiwan. Thanks to Jaclyn's experience in IBM, the firm was the first to introduce ERP systems in Taiwan.

With uncompromising persistence to the professional motto, within two years of foundation, the Taipei office swiftly soared from a firm with slightly more than 10 employees to one of the top 10 firms in Taiwan. The Lee Tsai Group, including the law firm and the intellectual property and investment consulting companies, continued to grow in the years after.

Concerns of the Greater China region

Through her extensive involve-

ment in structuring international trans-
actions in the Greater China region, Ja-
clyn Tsai closely monitors the economic and commercial developments in the Greater China region.

After years of reform and opening up, the economy, science and technology has been developing fast in the mainland and China became a huge and dynamic economic entity. As Lee, Tsai & Partners mainly served for those clients from the Greater China area, Jaclyn believes that the firm enjoys growing potential.

Jaclyn once worked in Beijing for two years during her time at IBM. There, she had a direct understanding of the economic development in the mainland.

“In 1996, there had been restric-
tions for foreign direct investment in the mainland, while great changes have happened in recent years, with the biggest change in policy liberalization, and foreign investment covers extensive fields,” said Jaclyn.

Another deep impression on Jaclyn is the change of juridical area in the mainland. In the past years, the justice level in the mainland has been raised significantly so that Jaclyn often refers to the judicatory cases in the mainland when giving a speech related to intellectual property protection. In addition, the present law in the mainland is in line with international practice with its rather complete articles of law, though the shortage is that the laws concerning investment changes so fast that increases the risk of investment.

Due to her years of acting as a judge, she has developed a keen insight and ability to foresee the legislative trends in the laws of the mainland and Taiwan.

“Our perspective is to quickly understand the changes in the laws and provide professional consultation to the clients,” said Jaclyn.

With the economy development and completion of laws and regulations in the mainland, Lee, Tsai & Partners gradually set its goal as “a Greater China local firm”. Devoting itself to the study of the mainland laws and adopting localized measures is the embodiment of the firm’s competitiveness.

As early as 2000, Jaclyn decided to set up a point in the mainland. In July 2001, the firm opened its second office in Shanghai to assist multinational companies and Taiwanese companies in their inbound investments into China.

Continuing its steadfast commitment to its clients and in response to their pressing need for legal expertise on the increasingly close economic relationship between the mainland
and Taiwan, the group established the Beijing office in July 2010. The Beijing office is aiming at the goal of assisting multinational companies in developing their business in the more integrated economy of the Greater China region and assisting local PRC companies in their outbound investments with a specific focus on investments into Taiwan. The Lee Tsai Group’s seamless operation between offices allows the clients full access to its entire professional team, regardless of location.

In the past decade, the Shanghai office has supported numerous enterprises in establishing and advancing their businesses in Mainland China. With the addition of Beijing office, the firm is able to provide a total solution for companies investing in the Greater China region in terms of full legal services. The free exchange of experience, local industry knowledge and resources among the three offices help not only to provide its clients always the quality and efficient services but also to provide such services in terms of geographical width.

After more than 10 years, the team continues to strive to meet its mission statement in every aspect of work. It has its efforts recognized from time to time by the international business and legal communities, including the titles aforementioned in the beginning of the article.

The signing of the ECFA (Economic Cooperation Framework Agreement) is a milestone in the cross-strait trade between mainland China and Taiwan. Under the ECFA, each side committed to providing the other with economic incentives exceeding those offered to other countries and thereby bringing the economic relations between the two straits closer than ever.

What is the meaning of the ECFA? Jaclyn pointed out that the agreement changed the one-way investment in the past. Previously, it was always the case that Taiwan investment entered the mainland in the form of sole proprietorship. However, after the signing of the ECFA, the mainland investment can enter into Taiwan and, hence, there will be economic interactions between the two sides. But Jaclyn warns of the potential risk. She said, the cross-strait industries, rather than competitors, should be cooperators as the two sides enjoy broad-based cooperation for a win-win situation and a great era.

Given her unique perspective, Jaclyn’s advice has become coveted among clients. The teams of professionals in Shanghai, Beijing and Taiwan she leads are continuing to expand their business with dedication and diligence. Lee, Tsai & Partner has always been known for its legal expertise and providing excellent legal services to its clients. The firm’s outstanding performance is widely acknowledged within the legal profession.

Reason and compassion: key to success

The professionalism of Lee, Tsai & Partner stems from “reason.” Its qualified lawyers and technicians possess both legal savvy and technical know-how to keep up with the rapid pace and legal developments of the world today. The firm has positioned itself as a Greater China Local Law Firm and has equipped itself with the ability to adapt to the rapid changes in the Greater China area that have resulted from China’s economic liberalization by leveraging its alliances and networks in Shanghai, Beijing and Taipei.

It has accumulated experience in cross-strait matters and in advising multinational corporations in their entries into the Greater China market. It has the ability to handle complex cases and provide the clients with innovative solutions in the Greater China area that not only addresses their legal concerns but also their business demands.

It provides inbound and outbound transactions legal advice, including joint venture, strategic alliance, distribution, licensing, real estate, employment, and M&A matters in the region. It also advises clients on how to structure dispute resolution clauses in cross-border transactions and on enforcing arbitral awards.

The practice of Lee, Tsai & Partner is rooted in “compassion.” The true meaning of laws lies within implementing the maintenance of social order and the sustainability of social system. Since Lee, Tsai & Partners was founded, it has understood that the robust legal system and its proper operation are the critical key to the social stability.

It has been enthusiastically participating, in public interest activities, including assisting, as well as funding, the establishment and expansion of public interest foundations, voluntarily acting as legal counsels in public interest groups, participating in legal-aid cases, and encouraging its associates to take parts in various types of charity events and educational and professional activities. It has endeavored to support minority groups, to contribute to society, to realize its social responsibility and to fulfill its commitment of actively serving and contributing to the society.

In June 2010, Jaclyn Tsai was invited by the Council for Cultural Affairs, Executive Yuan, to be the honorable consultant of cultural innovation industry project for the year of 2010. She is also appointed by the Premier of Taiwan as one of the members of the Committee for the Policy-Making for the Small & Medium Enterprises. Since 2010, she has been the pro bono legal counsel of the CSA (Community Supported Agriculture) Taiwan and the Association of Taiwan Organic Agriculture Promotion.