

**Legal Elites and the Shaping of Corporate Law Practice in Brazil:  
A Historical Study**

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Abstract

While Brazil today has a legal market that allows for foreign lawyers and foreign firms, existing regulations are restrictive. Foreign lawyers are barred from practicing domestic law or litigation, and Brazilian-licensed lawyers working for foreign firms or partnering with foreign lawyers cannot do either as well. This was not always the case, however. Until 1963, there was little regulation on the legal profession. Beginning in 1913, elite American lawyers traveled to Brazil, with some even becoming prominent domestic practitioners. They partnered with local elite lawyers (who maintained their domestic privileges) and served as key brokers for U.S. businesses seeking market-entry. Drawing upon the elite theory literature, and on ethnographies, interview data, and over 1,000 pages of rare Portuguese and English archival sources, this study's thesis is that sophisticated American and Brazilian legal elites capitalized on the lack of regulation to advance their financial interests, and in the process transformed Brazil's corporate legal sector.

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## INTRODUCTION

This article tells the story of how legal elites transformed the corporate law sector in Brazil – well before present-day developments involving modern globalization. Scholars have carefully discussed the subject of lawyers, foreign markets, and globalization (see e.g., Dezalay and Garth 1996, 2002; Cone 1996; Silver 2009, 2014; Terry 2012, 2013, 2014; Wilkins and Papa 2013). As these works suggest, there is variation on what foreign lawyers can and cannot do within markets that are not their own (Ibid at all cites; also see Friedman and Perez-Perdomo 2003; Perez-Perdomo 2006). With respect to Brazil, in particular, foreign lawyers and foreign firms today are allowed to have a presence, although there are restrictions<sup>1</sup> (Terry 2013: 489; Almeida and Nassar 2012; Castro 2012;

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<sup>1</sup> Namely, *Lei* 8906/94 is the main Brazilian federal law that regulates lawyers and law firms. In addition, the Brazilian Federal Bar Council, in 2000, issued *Provimento 91*, a regulation stating that foreign licensed-lawyers are required to register with the Bar as ‘advisors’ in foreign law. Such advisors are permitted to hire other foreign lawyers to work for them, as well as Brazilian lawyers – and these foreign advisors may also partner with these two groups. However, *Provimento 91* states that foreign advisors are not allowed to engage in litigation or provide advice on Brazilian law, and importantly, nor are Brazilian-

Persky 2011; Tauil 2011). As of 2014, there are thirty-one foreign law firms in Brazil, with twenty-six of them having arrived from 2004-on.<sup>2</sup>

This article seeks to add another layer to the discussion by bringing-in a theoretical and historical approach, and by drawing upon key scholarship in this area (see e.g., Dezalay and Garth 2002, 2010). Few have reflected on, or even know about, how foreign lawyers – specifically those who were American business lawyers – worked quite easily in Brazil beginning nearly a hundred years ago. Up until 1963, when legislation regulating the legal profession was introduced (Castro 2012: 11), there was an absence of regulatory details from the Brazilian Bar regarding foreign lawyers practicing within the country.<sup>3</sup> In fact, by

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licensed lawyers who join or partner with foreign advisors (see Liu (2008) for parallels in China.)

<sup>2</sup> The authors compiled data on this point by referencing The Legal 500: International Firms in Latin America; International Legal Research Group; Análise Advocacia; Latin Lawyer 250. (Of these foreign firms, two are from Spain, twelve from the U.K., and seventeen from the U.S.)

<sup>3</sup> Even then, all the 1963 regulation essentially did was to require foreign lawyers to have their law degree validated by a Brazilian university if they intended to be registered within the Bar (see *Lei* 4215/63). Also see Silver (2003:

uncovering over 1,000 pages of rare archival data (in both Portuguese and English) the authors of this study discovered how as early as 1913 American lawyers, working with their domestic counterparts, helped influence changes within the Brazilian corporate bar.

As this study will argue, the evidence provided here fits into a broader theoretical framework (discussed below) on the role elites play in shaping professional landscapes. To be sure, there was a range of motivations that prompted American lawyers to travel to Brazil. Service on behalf of the U.S. government was the initial impetus for the first emigrant. Next, the Americans who came during the late 1920s and 1930s were living through the Depression and thus sought new employment opportunities (Interview S. Demarest, Feb. 28, 2014; Vianna 2012). Those that came in the 1950s were energized and motivated by the possibility of making money within a market that was seen as having enormously new potential (Interview A. Boscoli and N. Rotenberg, Feb. 13, 2014).

But beyond these instrumental reasons, the story below has broader implications for those who study globalization and corporate law firms. Namely, that it is crucial to consider the significance of preceding historical developments

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531), noting that in other countries, such as France, there was a lack of regulation, which allowed, for example, American lawyers to serve as *conseil juridiques*.

and the activities of early legal pioneers who assisted in paving the way for what is seen today. Those American lawyers who came to Brazil beginning in 1913 saw it as essential to partner with Brazilian lawyers (who themselves were among the country's elites). Once established, these Americans, working with their Brazilian counterparts, became the key brokers for U.S. businesses seeking to enter Brazil and for Brazilian companies wanting to internationalize. (These American and Brazilian lawyers also became strong advocates for opening Brazil's economy to foreign investment and perhaps not surprisingly, many of the firms that they founded together continue to prominently exist to this day (albeit with different names)). In sum, the historical data support the theory that by establishing meaningful relationships, developing mutual bonds of trust, and serving as intermediaries for interested stakeholders, legal elites helped transform the corporate legal market in Brazil.

## **ELITE THEORY AND THE RELEVANCE TO BRAZIL'S CORPORATE LAW SECTOR**

A wide range of scholars from law, sociology, and political science, among other fields, have contributed to the literature on elite theory (see e.g., Hunter 1953; Mills 1956; Schattschneider 1960; Putnam 1976). Underlying much of this work is the concept that societies – irrespective of their system of governance – have groups of elites present who have power and influence and

shape governmental policy decisions (Ibid all cites; Michels 1962; Pareto 1963; Mosca 1966). Such elites are neither homogenous nor are they always in alignment, and they may or may not be formally tied to the state (Ibid all cites; Kaltwasser 2009: 1-5).

In his important work on elite theory, Kaltwasser shows how in post-colonial Latin America elites have been able to control the political and economic agendas of states such as Argentina, Brazil, Chile, and Mexico for long stretches of time. Yet Kaltwasser – drawing particularly on Pareto’s (1963) circulation of elites theory – hastens to note that such control is not in perpetuity and eventually gives way to new sets of elites who come to the fore (Kaltwasser 2009:25-26; Pareto 1963). That this type of “elite circulation” (Ibid: 25, 26; Pareto 1963) occurs even in a region famously known for entrenchment of the status quo highlights that elite actors cannot be totally insulated and are subject to having their position and influence change.<sup>4</sup>

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<sup>4</sup> In his treatise, Pareto (1963) famously discusses how elites can be categorized into two groups: foxes, who are daring, adventurous, and challenging, and lions who are cautious, conservative, and judicious. Societies, according to Pareto, are prone to experience cyclical changes between these two groups over the course of time.

As it relates to the development of the legal profession, the notion of elite circulation is one that this study argues is at the heart of what occurred in Brazil regarding the corporate bar during the first half of the twentieth century. Building upon valuable previous scholarship (see e.g., Dezalay and Garth 2002: 47-51), the data below support the theory that elite lawyers from the U.S. circulated into Brazil, embedded themselves within Brazilian legal culture, and then ably represented American businesses wishing to establish a market presence. Furthermore, these foreign legal elites brought with them skill sets, familiarity with the Western common law and international law, technology on how to run an efficient legal practice, and knowledge of how best to structure cross-border, transactional deals – all talents that American businesses found valuable as they expanded into Latin America (Ibid).

Yet this framework of legal elites – with such expertise – arriving into a new environment to do business needs another component. This study will argue that it was also necessary for the American lawyers to make alliances with key Brazilian lawyers and Brazilian state actors. These Brazilians were the ones with the connections, networks, and relationships; if the Americans wanted to be successful, it was essential that they join forces with local elites. In other words, this story must be seen as the “coming together of [Brazilian] local know-who with U.S. local know-how” (Ibid: 49). Or in Bourdieu’s terminology, the Brazilian elites had the necessary social capital vis-à-vis domestic clientele and

the state, which enabled them to serve as the crucial and necessary bridge – and even “pioneers” (Dezalay and Garth 2002: 49) – for those Americans circulating into the Brazilian market (Bourdieu 1985, 1986; also see Dezalay and Garth 2010: 1-19; Kay and Hagan 1999: 527).

Indeed the exporting of American corporate law norms and practices into Brazil – and then the subsequent interaction between American and Brazilian lawyers – fits into a broader narrative of Western legal elite-expansion (Dezalay and Garth 2010; Krishnan 2004). For example, colonies of European countries often saw expatriate lawyers enter in order to further the interests of the empire; thereafter these lawyers formed firms and hired local talent as a means of accomplishing this objective (Dezalay and Garth 2010; Krishnan 2010). After independence, many of these firms in these environments continued operating – often retaining their colonial names – but with local lawyers now fully in-charge (Ibid at both cites). In the narrative below, this framework applies as well – but with a twist. Rather than acting as lawyers who were de facto agents of the colonizing state, the American legal elites who went to Brazil were market driven and viewed their entrepreneurial success as contingent upon finding local counterparts who shared their values and worldview. As discussed below, the evidence shows that this American cohort who circulated in as early as 1913 succeeded in achieving this goal.



## **METHODOLOGY**

Before proceeding to the historical analysis of the interaction between the Brazilian Bar and the early American lawyers, the methodology used for this project is outlined here. Two of the three authors are bilingual in Portuguese and English and are fully proficient in reading both languages. One of the authors served as a visiting professor in Brazil at a prestigious university where early research on this topic was conducted. The sources upon which this study relies are listed in detail in the references section. Briefly, the authors consulted volumes of documents located in the archives of the Wisconsin Historical Society (WHS), which contained extensive information on the first American corporate lawyer to be licensed to practice in Brazil, Richard Paul Momsen. Momsen's children donated his personal and professional papers to the WHS, which included over six boxes, containing letters, scrapbooks, clippings, speeches, announcements, correspondences, and memoranda that total approximately 1,000 pages.

In terms of the two Depression Era emigrant lawyers, several original sources were examined. The authors received the personal diaries from the daughter of the lawyer that came to São Paulo in the early 1930s, Kenneth Demarest. Demarest would eventually co-found the corporate law firm *Demarest & Almeida*, which today is considered among the most prestigious of its cohort in

Brazil.<sup>5</sup> The authors also gained access to an internally circulated historical account of the Demarest firm, which was provided to them by current partners who knew and worked with Kenneth Demarest. For the other corporate lawyer, Carl Kincaid, who established *Kincaid Mendes Vianna Advogados*, the authors received a detailed, unpublished written lecture from the firm's current managing partner that was given at an 80<sup>th</sup> anniversary celebration. (The lecture documents how the firm came into being, and the authors also interviewed this managing partner.)

For all three lawyers – Momsen, Demarest, and Kincaid – as well as for the two key post-World War II American émigrés, Ulysses Grant Keener Jr. and Paul Griffith Garland, a range of secondary sources from those times were referenced, including bar journal articles, newspaper clippings, and legal and business periodicals. The *Revista do Instituto dos Advogados Brasileiros*, or the Journal of the Institute of Brazilian Attorneys, was also studied, as this publication had within it speeches of American and Brazilian lawyers from the different time periods. Secondary academic sources and the scholarly literature relevant to these historical moments were also vital for the study. In addition, the websites for each of the firms to be discussed below were researched. Finally,

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<sup>5</sup> *Demarest & Almeida* has since changed its name to *Demarest Advogados* only.

several extensive interviews were conducted with the children and colleagues of the various above-mentioned lawyers. Although many of these respondents were quite senior in age, they were still vibrant in terms of their recollections and provided valuable information. And the only American lawyer from this history alive and in good health – P.G. Garland – granted the authors an interview as well.

## **THE FIRST OF THE AMERICAN LEGAL ELITES IN BRAZIL:**

### **RICHARD MOMSEN**

Richard Paul Momsen was born in Milwaukee, Wisconsin, in 1891 and earned his law degree from George Washington University in 1912. Following graduation, Momsen worked as Secretary for Republican Congressman William J. Cary from Wisconsin's 4<sup>th</sup> District (Momsen, Oct. 1912). Later that same year Momsen received an offer from the U.S. State Department to join the American Consulate in Rio de Janeiro, which he accepted on December 16, 1912 (Momsen, Dec. 1912).

On January 11, 1913, Momsen set “sail from New York to Rio de Janeiro” (Momsen, Jan 1913). For the next four years Momsen devoted his professional life to his position at the American Consulate, but it was not his only focus. Although an exact date is not known, Momsen began studying law at the *Faculdade Livre de Sciencias Juridicas e Sociaes do Rio de Janeiro* – the current

Federal University of Rio de Janeiro Faculty of Law. Typically, the time to complete a Brazilian law degree was five years, but on December 24, 1917, Momsen sat for the Brazilian bar exam, which included a formal oral examination. (There is evidence that the *Faculdade* gave him credit for his LL.B. earned at George Washington University (Momsen, Jan. 1918)).

Momsen learned he passed his exam four days later and thereafter he was awarded his diploma (Ibid), becoming the first holder of a “legal degree ever conferred upon an American in Brazil” (Ibid). This feat was nothing short of impressive. Momsen completed his legal studies, his oral examination, and wrote a comparative law thesis, which discussed commercial, civil, criminal, and constitutional law, all in Portuguese, where there is no evidence in any of his personal and professional papers that he had ever rigorously studied the language prior to arriving in Brazil.

As a young attorney in Rio, Momsen was mentored by Francisco Cavalcanti Pontes de Miranda, a brilliant lawyer who would later become one of Brazil’s foremost judges and scholars (Momsen, Jan. 1918). Momsen was also tutored by Ruy Barbosa, another prominent Brazilian lawyer, fierce defender of civil liberties, and an outspoken critic of Brazil’s system of slavery (Momsen, Jan. 1918). These important connections helped Momsen become active within Brazilian civil society. In 1916, for example, he was a leader in forming the American Chamber of Commerce in Brazil (Brazilian Bus. Rev. 1959: 26-28).

His work for the American government did not suffer either. Following the disappearance on the high seas of Alfred Louis Moreau Gottschalk, the sitting U.S. Consul General in Rio, Momsen was appointed to this post in February of 1918 (Momsen, Apr. 1918).

### **On to Private Practice**

Momsen's stint as Consul General was short-lived, lasting only about a year. He subsequently decided to focus on his career as a private lawyer in Brazil. To that end, Momsen recognized that despite his Brazilian education, Brazilian law license, and his Portuguese language skills, it would be impossible to accomplish this objective without working closely with – and learning from – Brazilian lawyers themselves. Beginning in 1919, Momsen started down a path that would make him and his Brazilian colleagues arguably among the most influential private law lawyers for generations to come. His first move was to establish a partnership with Edmundo Miranda Jordão and Pedro Americo Werneck, two highly-regarded, domestically-licensed corporate lawyers in Brazil.<sup>6</sup>

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<sup>6</sup> Up until 1963, Brazilian civil law governed the licensing of domestic practicing lawyers. All of the Brazilian lawyers with whom the Americans partnered were so licensed. Also, Momsen, and the other American lawyers

Together, Momsen, Jordão, and Werneck formed a law firm that focused on litigation and corporate law. Such a move was extremely unusual, because litigation was handled almost exclusively by solo practitioners (Gonçalves Neto 2005: 29). It was also during this time period that Momsen began an interesting parallel career path. Along with focusing his efforts on corporate law matters, he decided to train himself on the nuances of Brazilian patent and trademark law. Brazil had been a leader in this area dating back to 1809, when Portugal's King João VI's government enacted legislation (only the fourth of its type in the world at that time) protecting intellectual property rights for his country and colonies (Malavota 2011; Barbosa 2010; Cruzeiro and Newmarc n.d.).<sup>7</sup>

Momsen saw an opening where he could become a cross-border expert in a field in which he knew his corporate clients from the U.S., who were expanding

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discussed below were able to partner with Brazilian lawyers without any issues, because there were no regulations prohibiting such relationships. In fact, these Brazilian lawyers were allowed to continue to practice domestic law (and to litigate) even after these partnerships went into effect.

<sup>7</sup> See,

<http://www.newmarc.com.br/ingles/index.asp?p=informese.asp&m=000086>; and <http://www.economist.com/news/americas/21565606-getting-serious-about-patents-owning-ideas>.

into Brazil, had a deep interest. While continuing to build his practice with Jordão and Werneck, Momsen spent the next five years becoming a patent and trademarks expert. Indeed, Momsen viewed corporate law and intellectual property law as inextricably linked. There were over two dozen American companies that Momsen represented in Brazil, many of which were exporting goods into the country that these businesses wanted sold – and protected from imitation (Momsen, June 1923).

Additionally, in 1924, Momsen was granted permission to sit for the New York bar, which he subsequently passed. Licensed now in the most important commercial market in the United States, Momsen began what would become a full-scale international law career that would span the rest of his professional life. In 1924, Momsen opened a second law firm but this time in the state of New York. He partnered with Leslie E. Freeman, who had served as a representative to the American Chamber of Commerce in Brazil. Their firm, *Momsen & Freeman*, sought to leverage both lawyers' connections and client-bases in the U.S. and Brazil in order to be a preeminent international law firm that was truly unique in terms of serving client needs.

Momsen clearly had a penchant for being an entrepreneur. Just one year after forming *Momsen & Freeman*, and six years after partnering with Jordão and Werneck, he entered into another critical partnership – this time with Simeon W. Harris – to form an intellectual property law firm (Momsen, Nov. 1925). The

firm was based in Rio and Harris, who was Brazilian by birth, was the son of an American couple that had migrated to rural São Paulo during the American Civil War. Little is known about Harris except that he was born in the city of Americana, which was a haven for whites from the American South who continued to exploit slave labor (Harter, 1987). In Americana – as in other parts of Brazil – slavery had continued to exist and it was only in 1888 that the Brazilian government formally outlawed it (Ibid).

Harris' own views towards slavery remain unknown. It is difficult to imagine that Momsen, a northerner from Wisconsin who so abhorred “bigotry and hatred” (Momsen, Dec. 1912), who was mentored by the abolitionist Ruy Barbosa, and who prided himself on being a polyglot and internationalist, would associate himself with someone who supported the horrors of slavery. But the archival data on this relationship is silent. What is known is that just one year after forming his firm with Harris, Momsen continued his entrepreneurial ways by establishing two more firms in 1926 – a second corporate law firm in Rio and a new corporate law firm in the city of São Paulo (Momsen, n.d.).

This second firm in Rio was a partnership Momsen had with Eurico de Albuquerque Raja Gabaglia and William Monteiro de Barros. These Brazilians were lawyers that Momsen befriended and were part of Rio's high society during this era. Eurico Raja Gabaglia, in particular, was especially influential and he later would become the president of the *Instituto dos Advogados Brasileiros*.



Momsen also sought to expand his corporate law reach by moving north to São Paulo, Brazil's other key city of business, politics, and international commerce. In São Paulo, Momsen partnered with three *Paulistas*,<sup>8</sup> Arnaldo Olinto Bastos Filho, Manoel Carvalho Tavares da Silva, and Frank Harold Weiss. These three lawyers sat on multiple boards of corporations, including the Brazilian subsidiary of the *Columbia Broadcasting System* and the powerful *Tratores do Brasil, S.A.*, the Brazilian subsidiary of the LeTourneau-Westinghouse Company.

Clearly Momsen had friends with great social, economic, business, and political capital. Moreover, this entrepreneurial drive only continued. In 1928, Momsen partnered with Walter Carlos Becker to start an office in Porto Alegre, the capital of Rio Grande do Sul (Momsen, 1928a). The firm Momsen and Becker founded together in Rio Grande do Sul engaged in corporate transactions. Such a plan would not have been surprising given that the state had historically been prosperous and a hub for industries – both domestic and international (Herrlein Jr. 2000) – and many international clients with whom Momsen had relationships sought to work in Rio Grande do Sul.

By the end of the 1920s Momsen's vision for legal practice in Brazil was becoming a reality – namely, to work intensely with local Brazilian lawyers in

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<sup>8</sup> By Paulista, we are referring to those who saw Sao Paulo as their native home.

establishing specialized offices in major markets where he and his partners could draw upon their international legal experience to serve clients' needs and earn substantial profits. In a little over a decade after leaving his post as Consul-General, Momsen had established six offices in Brazil in three different cities, along with an office in New York with Freeman and an office in Buenos Aires that he and Freeman started with three Argentine lawyers in 1928 (Momsen, Oct. 1928b).<sup>9</sup>

Momsen did not create one mega-law firm with different satellite offices, but rather he, uniquely, formed distinct entities that operated as independent partnerships. It is true that these offices would occasionally work with one another; after all they were linked by a common founder. But they were each their own firm. Momsen made this choice partly because of the context of Brazil's legal landscape. Most lawyers then were solo practitioners, and where firms existed they were no larger than just a few lawyers (Cunha et al, 2007; Demarest Advogados 2013; Interview N. Rotenberg and A. Boscoli, Feb. 13, 2014; Interview D. Trubek, Mar. 25, 2014). Trying to build one large law firm would have flaunted existing norms of legal culture, and it is unclear even

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<sup>9</sup> The authors were unable to locate historical documentation on this Argentine firm (named Momsen, Freeman, & Goytia) beyond the statement above.

whether such a move would have been permitted by the bar. Yet Momsen also chose this boutique-firm route because it allowed the Brazilian partners at each respective firm to have a greater say in the operations of the business. Momsen recognized that he could not succeed without both intensely involving his local colleagues and delegating power to them (Brazilian Bus. Rev. 1959). This type of entrepreneurial, co-equal, deferential partnership model existed perhaps nowhere better than with the patent and trademarks firm he started with Harris, but which made its imprint after 1927.

### **The Momsen-Leonardos Relationship**

In just its first year that it was founded, the Rio-based Momsen-Harris law firm served as legal counsel for the registration and renewal of more than 200 trademarks (Momsen, 1925). Momsen's ties to the two-dozen American companies that were his clients – in addition to his presidency of the American Chamber of Commerce for Brazil and connections to local Brazilian businesses – help to explain why this firm was so busy from its inception. This upward trajectory only continued as the firm added a lawyer who would become Momsen's most important professional colleague: Thomas Leonardos. Leonardos joined *Momsen & Harris* on August 1, 1927, shortly after he received his law degree from the Federal University of Rio de Janeiro (Interview M. Leonardos, Apr. 7, 2014; Momsen & Leonardos, 1994; Leonardos, Feb. 1964).

Thomas Leonardos was hired to serve as the head of the legal department at *Momsen & Harris*. In 1944, Simeon Harris died, and subsequently Momsen asked Leonardos to join as a co-partner, and the firm's name was changed to *Momsen & Leonardos*. Over the next six decades, *Momsen & Leonardos* would become the preeminent intellectual property law firm in Brazil. As a sign of the reputation and influence they had developed, Momsen and Leonardos formed an interest group in 1950, *Associação dos Agentes de Propriedade Industrial*, which worked closely with Brazil's first Patent and Trademark Office (PTO) – *INPI* – to shape public policy. For Momsen, it was crucial that clients who sought intellectual property protection have an influential lawyer within an organization that could advocate on their behalf to the government beyond standard administrative proceedings (Interview M. Leonardos, April 7, 2014). This development underscores Momsen's immense social capital and networks within and outside of the state. That he was able to establish a good working relationship with the government, help create intellectual property law policy, and serve his firm's financial needs – but as he also believed, the needs of innovators and designers throughout Brazil (Leonardos, 1964) – illustrates the enormity of influence that he possessed.

Thomas Leonardos was also equally invested in the firm. He believed in growing the firm through the diverse hiring of professionals beyond just lawyers,

which was unique for the time.<sup>10</sup> Engineers, accountants, physicians, and science and technology experts were all part of the firm (Momsen and Leonardos, 1994). In addition, during the 1950s, Leonardos' three sons became partners. Luiz Leonardos was the only lawyer of the three; Maurício Leonardos was a chemical engineer; and Tomaz Leonardos was a civil engineer. Later, in the 1990s, four other members of the Leonardos family joined. The firm also continued to expand during the next several decades. By the mid-1990s, it had nearly 150 employees and had opened an office in São Paulo (Momsen and Leonardos, 1994). Between 1996 and 2001, the firm nearly doubled in size, and over the past two decades it has been involved in tens of thousands of administrative proceedings (mainly in the trademark and patent areas) with the Brazilian PTO.<sup>11</sup> However, in 2012 divisions emerged within the firm and that year it split into two: *Luiz Leonardos Intellectual Property Firm* and *Kasznar Leonardos Propriedade Intelectual*.

As for Momsen, he departed Brazil in February of 1964, one month before the military takeover of the government (Interview B. Momsen, Mar. 4, 2014). It

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<sup>10</sup> There was no regulation at the time prohibiting making such diverse hires in the firm.

<sup>11</sup> Available, [http://www.conjur.com.br/2008-out-31/propriedade\\_intelectual\\_evidencia\\_advocacia](http://www.conjur.com.br/2008-out-31/propriedade_intelectual_evidencia_advocacia).

is unclear from the archival and interview data whether he left because he feared the political instability that was underway, or whether he simply wished to reduce his personal workload. (By that time, he was 72 years old.) He returned to New York but then shortly thereafter he died of lung cancer. (He was a heavy smoker).

In reflecting on all that Momsen established, interestingly not one of the above-mentioned firms has retained his name to this date. The firms have either transformed into differently-named entities or closed. Ironically, the most prominent and international of the firms – *Momsen & Leonardos* – during its split, had as one of its main points of contention a disagreement on who would keep the Momsen name. (The parties agreed that neither would.) (Interview M. Leonardos, April 7, 2014).

By immersing himself in the culture, politics, language, and law of Brazil – and by working intimately with Brazilian lawyers, businesspeople, and state officials – Momsen established himself as a pioneering globalizer well before the 21<sup>st</sup> century's era of globalization. Never mind that his name is no longer visible on the placards of the institutions he founded. His legacy clearly lives.

## **SEEKING REFUGE FROM THE GREAT DEPRESSION FOR TWO AMERICAN LEGAL ELITES**

*Demarest Advogados* and *Kincaid Mendes Vianna Advogados* are two highly-regarded corporate law firms in Brazil today. *Demarest* has 260 lawyers

(44 of whom are partners) working in the firm, with offices in São Paulo, Rio de Janeiro, Brasília, *and* New York (Correspondence with Coelho da Rocha 2014). *Kincaid* has over 40 lawyers who work in four different offices in the country (São Paulo, Rio de Janeiro, Brasília, and Vitória) (Ibid). Indeed *Demarest* and *Kincaid* are considered two of Brazil's truly global law firms.

Therefore, it may come as a surprise to many that the history of each of these firms dates back to two American lawyers. Both Kenneth Demarest and Carl Kincaid reached Brazil in the early 1930s. For both men, “Dick Momsen” (Demarest Jan. 14, 1947) served as a key mentor for how to work within the country. But Demarest and Kincaid also had their own worldviews on the best ways to navigate and integrate into Brazilian legal society, and in fact their strategies resulted in creating the distinctly global firms that are seen today.

### **The Story of Kenneth Demarest**

Demarest was born in the U.S. state of New Jersey in 1897 (Interview S. Demarest, Feb. 28, 2014). Demarest graduated from Princeton University in 1920, after having his undergraduate studies interrupted by his service in World War I (Ibid; Princeton Alumni Weekly, 1985). He then enrolled at the New York Law School and subsequently became licensed to practice law in both New York

and New Jersey.<sup>12</sup> But life was hard during these years. Bryant Garth (2013) has described the difficulty that Depression-Era lawyers faced during this time, and there was little difference for Demarest. Moreover, coinciding with the crash of the markets in 1929, Demarest's father died, which placed the young Demarest in the position of having to support his mother and younger siblings (Correspondence with G. Demarest, Feb. 26, 2014).

With few prospects for attaining sustainable employment, Demarest eventually found an in-house counsel job in the early 1930's with the *Electric Bond and Share Company*, which posted him to Brazil to work in its subsidiary in

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<sup>12</sup> It is unclear exactly when, if at all, Demarest earned his law degree. The New York bar has him being admitted in 1928, eight years after graduating from Princeton. But the Princeton Alumni Weekly (1985) obituary states that he enrolled in law school following graduation. The authors contacted New York Law School (NYLS), which had records of Demarest attending from 1922-1923 and then from 1923-1924. The NYLS librarians – with special thanks to Professor Michael Roffer, in particular – noted that they did not have a record of Demarest graduating, however, although he was indeed formally affiliated with the school. (In that era, one could have still been admitted to the bar without graduating, the authors were told.)



Rio, the *American and Foreign Power Company* (Demarest Advogados 2013).<sup>13</sup> This Brazilian subsidiary was in the midst of a legal dispute with a rival industry, the *Sao Paulo Railway Company*, and Demarest was asked to focus his efforts on this matter. Family members' recollections and existing data suggest that Demarest worked in Brazil for much of the 1930s, until he was called upon to serve in the American Navy during World War II (Ibid; Interview S. Demarest, Feb. 28, 2014).

Following the war, Demarest returned to New York where he took a position as a lawyer with the elite corporate firm of *Willkie Farr & Gallagher* (Correspondence with H. Chu, Apr. 22 2014). He was at the firm for less than two years, however, before he decided to return to Rio in January of 1947 to work as in-house counsel for the company where he had been previously employed (Demarest Advogados 2013).

Demarest was ambitious, and like Momsen, he was entrepreneurial. While Rio's legal and business markets had been expanding, Demarest saw great potential for growth in São Paulo. He traveled frequently to São Paulo and during one of his visits he met with a lawyer who would prove influential to him and to

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<sup>13</sup> The exact year of Demarest's departure to Brazil is not certain, but it is believed to be between 1930 and 1932.

how the corporate law scene would develop in Brazil over the next several decades – João Batista Pereira de Almeida.

Almeida was a 1940 graduate from the University of São Paulo Faculty of Law. He worked at his cousin's law firm for a short period of time before leaving to serve as legal counsel for both the Federation of Industries of São Paulo (*Federation*) – *Federação das Indústrias de São Paulo* – and the São Paulo office of the American Chamber of Commerce (Ibid). At the former, Almeida became friends with Manoel Garcia Filho, who was the director of the *Federation* and an important executive affiliated with the multinational company *Goodyear*. At the Chamber, Almeida became familiar with Demarest through Momsen, who was prominent within this organization in both Rio and São Paulo.

Over the course of the next several months, Almeida, Demarest, and Filho had discussions about how São Paulo needed more law firms to handle the expansion of corporate work being conducted within the city. In 1948, just one year after returning to Brazil, Demarest formally organized a partnership with Almeida, *Demarest & Almeida*, where both men sought to draw upon their various contacts and past legal experiences to build what they envisioned would be an international, global law firm (Ibid). Both Demarest and Almeida believed they could strategically complement one another to achieve this goal. Demarest's strengths were in his ability to network, form and nurture professional and personal friendships, and leverage his knowledge of American law and American

businesses (Interview N. Rotenberg and A. Boscoli, Feb. 13, 2014). He would eventually become the firm's main "rainmaker" (Ibid; Demarest Advogados 2013). At the same time, his Portuguese language skills, while passable, were never fluent, and unlike Momsen, he was not a Brazilian certified lawyer (Interview S. Demarest, Feb. 28, 2014). Almeida, on the other hand, was locally-licensed and a well-connected *Paulista*. In addition, he was a good day-to-day manager of the office with sharp financial knowledge and with the keen ability to judge local talent that the firm should hire (Interview P. G. Garland, Mar. 17, 2014).

Nevertheless, *Demarest & Almeida* initially struggled. Finding clients beyond those that came from the *Federation* and the Chamber was difficult, and even more challenging was locating work that would be on-going. There were few repeat-clients, and as a result reliable, baseline profits were low as well. As one lawyer who was hired as a junior associate by the firm in 1951 recalled, his wages at that time consisted solely of money to cover his food and transportation-costs (Cristo, 2013). Moreover, soon after the partnership formed, Almeida became terribly ill and was out-of-work for various stretches of time, which hampered business development and disrupted the internal administration of the firm (Ibid; Demarest Advogados 2013).

The fortunes of the firm changed, however, with a shipping accident that occurred in the port city of Santos, just outside of São Paulo. One of the parties

involved was the American oil company, Texaco. Texaco had been in Brazil since 1915, and by the 1950s it was a major supplier of petroleum-products for the country's burgeoning auto industry (Chevron, 2014: 03). It was during this time that one of its ships collided with another vessel; Texaco thereafter hired *Demarest & Almeida* to represent it on this case and on subsequent legal matters (Demarest Advogados 2013; Cristo, 2013). The fees that derived from the shipping case approximated nearly \$7,000 USD – the equivalent of \$68, 859.09 today<sup>14</sup> – which helped the firm stabilize its finances (Demarest Advogados 2013). Furthermore, there was an important reputational boost that accompanied the relationship with Texaco. Other American companies began calling on *Demarest & Almeida* to represent them. In addition, throughout the 1950s the firm's domestic client-base grew as well (Interview A. Boscoli, and N. Rotenberg, Feb. 13, 2014). Indeed, by the end of the decade, Almeida was on the board of over 50 American and Brazilian companies, illustrating how high in demand he was among corporate executives (Demarest Advogados 2013; Cristo, 2013).

By the late 1950s, Demarest and Almeida had achieved their goal. They had become global lawyers with an international client base who had skills to

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<sup>14</sup> Calculation of inflation rate of \$7,000 USD as of 1950 according Bureau of Labor Statistic's Inflation calculation available at:

[http://www.bls.gov/data/inflation\\_calculator.htm](http://www.bls.gov/data/inflation_calculator.htm).

serve the needs of those requiring legal services in more than one jurisdiction. In 1963, Demarest, who was 66 years old, decided to retire and return to the U.S. Although he was not particularly old and would live for two more decades, he left Brazil in large part because he had saved enough money to spend his remaining years residing in the scenic state of Vermont (Demarest Advogados 2013). The political climate (including the agitation of the military) and uncertain economic conditions within Brazil also played a role in his decision to depart (Ibid). Finally, Demarest was emotionally drained. Colleagues reported that he was tired and that he felt he had “accomplished his objective” (Interview A. Boscoli, and N. Rotenberg, Feb. 13, 2014). In fact, during his retirement, he was repeatedly contacted to serve as a consultant on different legal matters, but he refused all professional work obligations (Interview S. Demarest, Feb. 28, 2014).

At the time of Demarest’s departure, the firm had five lawyers. This number might seem small, but in a country where almost all lawyers were solo practitioners, the presence of a law firm of this type was novel. As for Almeida, he continued to serve as the firm’s leader for the next several years. He worked in tandem with Naum Rotenberg, the above-referenced lawyer who was hired in the early 1950s, to lead the firm until 1975. During the first half of the 1970s the size of the firm tripled. Thereafter, Altamiro Boscoli joined the two, making it a tripartite leadership structure (Correspondence with A. Boscoli, May 4, 2014). Boscoli was hired by the firm in 1965; he had completed his studies at the

University of São Paulo in 1962, and then had earned an LL.M. at Harvard Law School shortly before joining. It was during Almeida, Rotenberg, and Boscoli's tenure that the firm became a powerhouse within Brazil's corporate legal market.

Boscoli and Rotenberg, who were interviewed together for this project, recalled that by 1980 the firm had between 60 and 70 lawyers and that over the next two decades it grew even more rapidly (Interview A. Boscoli and N. Rotenberg, Feb. 13, 2014). By 2007, the firm had 70 partners, 310 associates, over 2,000 clients, and approximately 70 million dollars in revenue (Onaga, 2007). (Since then, the firm has reduced its size due to a strategic decision to discontinue its mass litigation business, which resulted in approximately 140 lawyers departing (Correspondence with Coelho da Rocha 2014)). Even though Boscoli and Rotenberg are seen as among Brazil's most talented corporate lawyers who transformed the firm into what it is today, they both attribute the firm's success to the "visionary" leadership of Kenneth Demarest (Interview A. Boscoli and N. Rotenberg, Feb. 13, 2014).

In 2013, the firm dropped Almeida's name from the official title, calling itself simply: *Demarest Advogados*. It had conducted a branding exercise among its constituents, and as a brand-name, *Demarest* was how lawyers, judges, law students, and clients from around the globe knew the firm (Ibid; Correspondence with Coelho da Rocha 2014). Given Demarest's own view that his success depended on the assistance of Almeida and the many other Brazilians with whom

he worked, such a gesture likely would have made him self-conscious – despite how fitting the move really was.

### **The “Advogado Americano:” Carl Kincaid’s Story**

In terms of age, Carl Kincaid was senior to both Momsen and Demarest. Born in Texas, in 1883, Kincaid was the son of a well-regarded lawyer, W.A. Kincaid (Interview G. M. Vianna, Feb. 27, 2014). The senior Kincaid was a justice on the Supreme Court of the Philippines (an American protectorate at the time). Because of his father’s status and professional success, Carl Kincaid was afforded the opportunity to spend much of his youth traveling both domestically and overseas. He met professionals from around the world, and given that several other members of his family were lawyers, by the time Kincaid graduated from Yale College in 1908, it was a foregone conclusion that he would go to law school and then seek to become a member of the bar (Interview C. Kincaid Jr., March 13, 2014).

Kincaid studied law at the University of Michigan, although a records-check indicates that he did not graduate (Correspondence with B. Garavaglia, June 19, 2014). (Note at this time it was not always necessary to hold a law degree to be a member of a state bar or a working lawyer.) In the early 1910s, he appears to have traveled to Manila to clerk for his father (Correspondence with C. Kincaid Jr., March 13, 2014). Kincaid then returned to Texas where he took a job

working in-house for the Standard Oil Company (Interview C. Kincaid Jr., Mar. 13, 2014). In the 1920s, Standard Oil transferred Kincaid to Mexico and then shortly thereafter to Argentina (Ibid). In 1929, Kincaid once again moved within the region – this time to Rio, a city that he would come to love and adopt as his home for the rest of his life.

Kincaid thrived on being an outsider who was in Brazil to learn, absorb, and live out his desire to be a global professional (Ibid). Moreover, given the economic climate and impact of the crash of the markets in the United States, he had little inkling to return home (Ibid; Interview G. M. Vianna, Feb. 27, 2014). Kincaid managed himself very well; he spoke both Spanish and Portuguese (and often mixed the two in conversations, which is known in Brazil as *Portuñol*). He developed friendships and important connections, including with Momsen, and overall acclimatized himself to Brazilian life.

The relationship with Momsen was special. Even though Kincaid was nearly ten years older, Momsen served as a mentor for Kincaid in how the latter thought about the law, the internationalization of business, and the ways in which to succeed as an American legal practitioner in Brazil (Interview C. Kincaid Jr., Mar. 13, 2014). Momsen's contacts and his entrepreneurialism were inspiring to Kincaid. The savviness with which Momsen so nimbly operated taught Kincaid important lessons. Indeed Momsen helped connect Kincaid with different clients



– both domestic and international – and Momsen served as a key link in a relationship that Kincaid began with Demarest (Ibid).

In 1932, after being situated in Rio for nearly three years, Kincaid decided to begin his own law firm. Recall that Demarest was working as in-house counsel for a Brazilian subsidiary of an American company, and during this time Demarest served as a source of business for Kincaid (Ibid). But Kincaid knew that in order to penetrate the Brazilian market, it would not be enough to rely only on connections to Americans; there needed to be a strong nexus with local lawyers and local businesspeople. He thus asked two lawyers with whom he had a very collegial relationship to become his law firm partners – Rodrigo Octavio Filho and João Pedro Gouvêa Vieira (Ibid; Vianna, 2012). Octavio Filho was a prominent lawyer, literary critic, and high-ranking government official.<sup>15</sup> He had immense social capital and was known throughout the country as a powerful, eloquent statesman with a brilliant legal mind (ABL, 2014). In addition to his legal talent, Octavio Filho's use to the firm was through the connections he had, while the day-to-day operations would be handled by Kincaid and Gouvêa Vieira.

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<sup>15</sup> Kincaid was not a domestically-licensed lawyer and so his relationship with these Brazilians was crucial. Also note Rodrigo Octavio Filho's biography: <http://www.academia.org.br/abl/cgi/cgilua.exe/sys/start.htm?infoid=200&sid=322>

Gouvêa Vieira was an ideal partner for Kincaid – but also vice versa. At the time he joined the firm, Gouvêa Vieira was a young lawyer who was seeking to gain legal experience and thus was willing to do the (often tedious and laborious) administrative tasks necessary to help make this nascent firm competitive (Vianna, 2012; Interview G. M. Vianna, Feb. 27, 2014). In addition, it helped Kincaid that Gouvêa Vieira came from a wealthy family that had political and economic connections, including his personal relationship with President Getulio Vargas (Vieira, 1989). This was also an opportunity of a lifetime for Gouvêa Vieira. He was able to have the prominent Octavio Filho serve as a mentor while also working with Kincaid, who he viewed as a global, entrepreneurial lawyer (Vianna, 2012; Interview G. M. Vianna, Feb. 27, 2014).

The formation of this firm also occurred during a time when Rio was undergoing a major shift in its economy – a point not lost upon any of these three lawyers. Prior to the 1930s, Brazil’s economy was primarily agricultural, with coffee serving as the major export (Ianni, 2009; Skidmore, 1999; Baer, 2001). But as Kincaid, Octavio Filho, and Gouvêa Vieira were establishing their firm, the industrialization process was gaining speed within the country, particularly in Rio.

These changes were fortuitous for the Kincaid Law Office, which assumed the formal name of *Escritórios de Advocacia de Kincaid*. A few years after the firm opened, it hired Antônio de Pádua Martins Britto. Britto was from the state

of Piauí, located in northeastern Brazil (Interview G. M. Vianna, Feb. 27, 2014). He was considered to be a brilliant litigator and someone who had worked as a clerk in Rio de Janeiro's Civil Court, which was the key judicial venue for the country's most complicated litigation matters (Ibid; Vianna, 2012).

Because of his government service, Britto was well-known by the bench, bar, and the city's powerful politicians and civil servants. His decision to join Kincaid was a major coup for the firm. At the same time, however, Britto recognized the financial benefits he would be receiving as well. Kincaid and his colleagues were earning a great deal of money and had developed a reputation as the leading law firm in the country for advising on matters relating to maritime and shipping law (Vianna, 2012). Britto's joining the firm as a partner was therefore seen as a win-win for both sides.

Soon Britto became the everyday manager of the firm. He did not know English, so Kincaid decided to divide up the labor between them. Kincaid – in the vein of Demarest – took on the role of 'rainmaker,' bringing in foreign clients to the firm (Ibid; G. M. Vianna and C. M. Vianna Cardoso, 2012). Kincaid was charged with generating the major revenue for the firm, while Britto played an administrative and logistical role (G. M. Vianna and C. M. Vianna Cardoso, 2012). For example, in the early 1940s, the Brazilian government passed significant legislation overhauling labor laws within the country (see *Consolidação das Leis Trabalhistas*, 1943). The firm had clients who sought both

to benefit from these laws as well as defend themselves against lawsuits. Britto was in charge of hiring lawyers who would cater to these needs, and to that end he recruited Brazilians who could practice in the courts as everyday litigators (Vianna, 2012).

One of these lawyers he hired was José Thomaz Nabuco. Nabuco was skilled in different areas of Brazilian law, including in intellectual property, but he was an important hire for the firm because he sought to further accelerate the internationalization of Kincaid's law office (Interview G. M. Vianna, Feb. 27, 2014). (Nabuco would remain with the firm for nearly fifty years, and in fact after he passed, his grandson would provide the office with a portrait of Kincaid entitled "The Advogado Americano", which remains hanging to this day (Ibid)).<sup>16</sup> Two other key people that Britto hired in 1956 and 1960, respectively, were João Batista Louzada Câmara and Antônio Carlos Mendes Vianna. Both were highly-respected lawyers and were inspired by Kincaid and Britto's vision of continuing to make the firm global while remaining committed to assisting domestic legal

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<sup>16</sup> The practice of these American lawyers hiring Brazilian lawyers with experience was strategic and not uncommon (unlike in the U.S. during this same period. Hiring lateral lawyers with experience did not occur in the U.S. with the same vigor until the 1980s (see Galanter and Palay 1991). (Also, Nabuco had likely gained his most important experience as a solo practitioner).

needs (Ibid; Vianna, 2012). Louzada Câmara and Mendes Vianna helped usher in a new cohort of lawyers who moved the firm beyond its staple areas of shipping, labor, and litigation. By 1960, the firm had lawyers within it who were working on a range of transnational, transactional deals.

Sadly, however, two years earlier, in 1958, Kincaid died. Because of his love for Brazil and the fact that he identified himself as a *Carioca* (a native of Rio), he requested his family to bury him in the nearby city of Petropolis (Interview C. Kincaid Jr., Mar. 17, 2014). Yet his dream of seeing his firm continue as a global enterprise endured. Throughout the 1970s and 1980s the firm prospered and expanded its client-base. In 1987, Mendes Vianna's son, Godofredo, was hired, and then three years later his daughter, Camila, joined (G. M. Vianna and C. M. Vianna Cardoso, 2012). While these hires reflected the traditional patterns of Brazilian kinship-employment and provided a sense of continuity to clients, the children had substantive global *bona fides* and an international vision for the firm, which they gained through their legal and educational experiences abroad.

The firm today, *Kincaid Mendes Vianna*, remains among the most reputable in the country and has 4 offices, 45 lawyers, over 400 staff (Interview G. M. Vianna, Feb 27 2014). Godofredo and Camila serve as key leaders, and they attribute the firm's eighty-year history and success, in large part, to the

strength, character, and foresight of the people who were there at the beginning – especially Kincaid (G. M. Vianna and C. M. Vianna Cardoso, 2012).

### **A THIRD MOMENT OF LEGAL-ELITE MIGRATION TO BRAZIL: 1954 AND ON**

Research exists highlighting how following World War II, the American government and American philanthropic organizations, such as the Ford Foundation, began to look for ways to assist and influence legal systems in different parts of the world (Krishnan 2004, 2012). Lawyers were key to these initiatives, but lawyers working for – or seeking to start their own – law firms also were attracted to international possibilities. Brazil was one such market of focus.

#### **Paul Griffith Garland**

One person who became a major global lawyer during this period in São Paulo was Paul Griffith Garland. Garland was born in 1930 and after receiving his bachelor's degree in Spanish from Yale, he enrolled at Harvard Law School in 1952. However, Garland broke with the norm of earning his law degree in three years. In 1954, following his second year of law school, Garland applied for a non-profit fellowship, which he won (Interview P. G. Garland, March 17, 2014). This funding allowed him to work in Brazil as a legal intern as well as to pursue academic studies within the country (Ibid).

The place where Garland received his first foreign employment opportunity was at *Demarest & Almeida*. At the firm, he met and worked with both named partners and had distinct impressions of each. For Garland, Demarest was an “inspiration” (Ibid), but he was also stereotypically American – someone who meant and did well but who did not fully assimilate into the country (by, for example, not being able to speak Portuguese fluently) (Ibid). Almeida, according to Garland “was good in the traditional areas of Brazilian law and wise enough to bring in specialists, case by case on more modern matters, such as tax questions” (Correspondence with P.G. Garland, Apr. 17, 2014).

Following his internship in 1955, Garland enrolled at the *Faculdade de Direito do Amazonas*, where he studied law within a remote, completely Portuguese-speaking environment (Interview P.G. Garland, March 17, 2014). Upon completion of this abridged program, which had accepted his law school academic credits from Harvard, he received a degree and license to practice law in Brazil (Ibid).

Garland subsequently returned to Harvard where he finished his law degree in 1957. Thereafter, he took a position with the prestigious New York law firm of *Sullivan & Cromwell*, where he was tasked to “work on all things Latin American” (Ibid). In particular, he focused on securities and tax issues and assisted U.S. clients who were seeking to make inroads into South America (Ibid). In late 1958, Garland received a call from Russell Baker, a named partner of the

Chicago-based *Baker & McKenzie* (*B & M*), who was seeking to revamp his firm's Brazil-practice (Ibid; Bauman 1999: 181-183). Up until that time, *B & M* had a fraught relationship with a local Brazilian firm, and Baker consequently wanted to move forward on setting up his own office within the country (Interview P. G. Garland, March 17, 2014). He thus approached Garland – whom he came to know through a mutual friend at *Sullivan* – to serve as *B & M's* head partner in a new São Paulo office (Ibid).

Excited by this opportunity, Garland agreed to leave New York and move to Brazil in early 1959. Although he was only twenty-nine years old, he was given free-reign to build the firm in his own vision (Ibid). Among one of his early moves was to hire a Brazilian lawyer, Carlos Emilio Stroeter, to be his partner. Stroeter had earned his LL.M. from Harvard Law School, but had returned to São Paulo when Garland recruited him. Furthermore, rather than referring to the office as *Baker & McKenzie Brazil*, Garland intentionally opted to have Stroeter's name featured with his own, branding the São Paulo office as *Garland & Stroeter* (Interview P. G. Garland, March 17, 2014; Matsuura 2009). Given his fluency in Portuguese and his education at a Brazilian university, along with the fact that he had passed the Brazilian bar exam and felt “100% Brazilian” (Ibid), Garland believed that it made more sense to market *B & M* subtly – namely through the highlighting of two locally licensed lawyers. (Garland noted that he kept the U.S. *B & M* office regularly apprised of his activities in Brazil, and that



this strategy he adopted would become one that *B & M* would replicate around the world.)

Over the course of the next ten years, *Garland & Stroeter* thrived. The firm grew from two partners to eighteen (Ibid). It developed an international client base, serving the interests of corporations mainly from the U.S., Brazil, and Canada, but also occasionally from Europe and other parts of Latin America. *B & M* had secured its desired foothold within a market that it valued. And individually Garland and Stroeter became wealthy men (Ibid).

With the military takeover in 1964, the macro-political situation changed. The military government was deemed by many to be an ally of the United States (Skidmore 1999: 155-157), but there were elites within civil society – including powerful lawyers within the bar – who resented the American government’s support of the regime (Interview P. G. Garland, March 17, 2014; also see more generally: França, 2009; Skidmore, 1999: 160-166; Ferreira, 2012). By the end of the 1960s, strife seeped into *Garland & Stroeter* as well, where conflict emerged among the Brazilian lawyers and the founding partner (Interview P. G. Garland, March 17, 2014).

By 1972, Garland decided to leave his Brazilian firm and *B & M* entirely and return to the United States. *B & M* retained its presence in Brazil through

*Garland & Stroeter*, although the latter would take on different names over the years, eventually becoming what it is today: *Trench, Rossi & Watanabe* (TRW).<sup>17</sup>

### **Ulysses Grant Keener Jr.**

Around the same time that Garland first came to Brazil, another American lawyer also made his way into the country. In 1955, Ulysses Grant Keener Jr. began working as an associate in Rio at the firm led by Carl Kincaid (18 Tex. B.J. 225, 1955). Keener, however, was different than the other American attorneys who had come to Brazil up until that point, namely because he was born in the country in 1926 while his parents were serving as missionaries (Indeed Portuguese was his first language.) Eventually the family returned to the U.S., where Keener received most of his education, including his law degree from

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<sup>17</sup> Beyond São Paulo, the firm today has offices in Brasília, Porto Alegre, and Rio. As a bit of irony, on October 30, 2010 the head of *TRW*, Eduardo Leite, a Uruguayan-born and Brazilian-educated lawyer, assumed the chairmanship of the executive committee of *B & M* (Jones 2010). It should be noted that Leite also attended the University of Uruguay before attending the University of São Paulo (for his LL.B) and New York University (for his M.C.J.) (See <https://secure.globeadvisor.com/servlet/ArticleNews/story/gam/20120709/RBAT-THEOPLEITEATL>; <http://www.bakermckenzie.com/EduardoLeite/>).

University of Oklahoma College of Law in 1951. Following graduation, Keener practiced law in Houston, Texas – the state where Kincaid retained strong home-ties. Through mutual networks, Keener learned that Kincaid was looking to expand his Rio office, and upon applying for a position he was hired by the Brazilian firm (Interview C. Kincaid Jr., Mar. 17, 2014).

Both Kincaid and Keener recognized that the latter was limited in terms of being allowed to practice domestic Brazilian law. However, Keener was not hired for that reason. Rather Kincaid, who was in the later stages of his career, sought to mentor Keener and to train him to become a lawyer who could leverage his American ties and Portuguese language skills for the purposes of developing cross-border business opportunities for the firm. Unfortunately, Kincaid died less than three years after Keener arrived and shortly afterward, Keener decided to leave the Kincaid law firm.

Keener aspired to form his own enterprise. He thus joined with someone who he had come to know, José Geraldo Garcia de Souza, in May of 1959 to establish *Garcia & Keener Advogados* (Garcia & Keener, 2014). Garcia was a law graduate from the Federal University of Rio de Janeiro, and he specialized in corporate law, maritime law, and labor law (Conjur, 2004). Together, they both recruited a female lawyer to join them – a progressive move for the era – Lourdes Carvalho, who would be the firm’s main tax lawyer (Interview L. Carvalho, Feb. 27, 2014). (Carvalho continues to work as a partner at the firm.) Keener’s main

duties for the firm were clear: to procure business clients from abroad who wanted to engage the Brazilian market (Ibid). He was very successful in this role, courting companies like those owned by shipping magnate and billionaire Daniel K. Ludwig (Ibid; also see Pinto, 1986).

Over the course of the next three decades, Keener played a crucial role in growing the firm, in terms of profits, reputation, and size. Keener's adroit business skills, extensive connections in both Brazil and the U.S., and eventual receipt of a Brazilian law license (Lawyers 2014), proved to be of great benefit for his Brazilian firm – and for his Houston-based firm, *Keener & Associates*, which continued to operate and work closely with *Garcia & Keener* (Interview L. Carvalho, Feb. 27, 2014). Today, *Garcia & Keener* remains headquartered in Rio, but has expanded to São Paulo, Campinas, and Manaus, employing a total of thirty lawyers (Garcia and Keener, 2014)).

## CONCLUSION

The theoretical framework established at the beginning of this article argued that when they are willing to immerse themselves within a local environment and strategically partner with domestic stakeholders, foreign legal elites have the ability to transform a society's legal practice system and legal culture. In the Brazilian context, the evidence provided above supports this theory and highlights the influence American legal elites had on the Brazilian

corporate law sector during the first half of the twentieth century. Indeed this story complements important scholarship that has discussed the American influence on the Brazilian legal landscape, particularly after the 1960s (see e.g., Dezalay and Garth 2002: 11, 2010; Trubek 2011).

As the findings suggest, the likes of elites such as Momsen, Demarest, Kincaid, Garland, and Keener arrived in Brazil and helped to transform the structure of law firms in ways that have continued to impact the practice of law to this day. Moreover, these lawyers came at a time when regulatory prohibitions on them were absent. Yet they were astute enough to immerse themselves within the culture, to partner with local lawyers, and to learn from their Brazilian colleagues on how to navigate the legal and business landscape. These American legal settlers brought a new type of knowledge to their new environment but were savvy enough to recognize that they needed the social connections, networks, and ties of their domestic counterparts in order to be successful. Together, these American and Brazilian elites operated as brokers on behalf of U.S. businesses seeking to enter Brazil, as well as on behalf of local Brazilian clients – including those wishing to go abroad. They were, to be sure, “pioneers” (Dezalay and Garth 2002: 49).

Ultimately, with the exception of Keener, who would continue to travel between the U.S. and Brazil through the 1980s and 1990s, the last of this elite American cohort circulated out by the early 1970s. A new wave came in, led by,

among others, the United States Agency for International Development and the Ford Foundation, which worked with a new set of on-the-ground elites from the Brazilian bar and state (see e.g., Dezalay and Garth 2002; Trubek 2011; Migalhas, 2012; *Análise Advocacia*, 2013; Interview D. Trubek, March 25, 2014). But as the narrative here shows, the first group of American elites, who came starting in 1913, made a significant imprint on the Brazilian corporate bar, and in doing so, had a lasting legacy on a legal environment for generations to come.

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## **REFERENCES (LISTED CHRONOLOGICALLY)**

### **Interviews**

Altamiro Boscoli and Naum Rotenberg, interview by all authors, February 13, 2014.

Godofredo Mendes Vianna, interview by all authors, February 27, 2014.

Lourdes Carvalho, interview by two authors, February 27, 2014.

Suzanne Demarest, interview by all authors, February 28, 2014.

Beatrice Momsen, interview by two authors, March 4, 2014.

Carl Kincaid Jr., interview by all authors, March 13, 2014.

Paul Griffith Garland, interview by two authors, March 17, 2014.

David Trubek, interview by one author, March 25, 2014.

Maurício Leonardos, interview by one author, April 7, 2014.

### **Correspondences and archival resources**

Boscoli, Altamiro, e-mail message to authors, May 4, 2014.

Coelho da Rocha, Paulo, email to authors, December 10, 2014

Demarest, George, e-mail message to authors, February 26, 2014.

Demarest, Kenneth. January 14, 1947. Personal journal (in authors' possession).

Garavaglia, Barbara, e-mail message to authors, June 19, 2014.

Garland, Paul Griffith, e-mail message to authors, April 17, 2014.

George Washington University. 1923. Certificate of Attendance to Law School of Richard Paul Momsen (in authors' possession).

Hornbostel, Peter. n.d. Correspondence to Gabriel Lacerda.

Huy Chu, e-mail message to authors, April 22, 2014.

Kincaid Jr., Carl, e-mail message to authors, March 13, 2014.

Leonardos, Thomas Otton. February 25, 1964. Correspondence to Dorothea Momsen (in authors' possession).

Momsen, Richard Paul. October 31, 1912. Correspondence to the Voters of the 4th Congressional District (in authors' possession).

-----. December 16, 1912. Correspondence to Wilbur J. Cary (in authors' possession).

-----. January 5, 1913. Correspondence to Wilbur J. Cary (in authors' possession).

-----. January 2, 1918. Correspondence to Momsen's other (in authors' possession).

-----. April 18, 1918. Correspondence to Wilbur J. Cary (in authors' possession).

-----. October 14, 1921. Statement before the Committee on Industrial Arts and Expositions of the House of Representatives. Washington, D.C.: Government Printing Office (in authors' possession).

-----. February 6, 1923. Correspondence to the President of New York State Board of Law Examiners with Momsen's application to the New York Bar (in authors' possession).

-----. 1925. "Foreign Trademarks Registered in Brazil to be Renewed in 1925" (in authors' possession).

-----. November 23, 1925. Business card with the announcement of the partnership with Mr. Simeon Harris (in authors' possession).

-----. November 1926. Business card with the announcement of Momsen & Torres opening.

-----. 1928(a). Business card with the announcement of the partnership with Mr. Walter Carlos Becker (in authors' possession).



-----. October 13, 1928(b). Business card with the announcement of the partnership between Momsen & Freeman with Daniel, Vitor D., and Robert D. Goytia in Argentina.

-----. June 5, 1951. Speech upon being awarded with the *Medalha Cruzeiro do Sul* (in authors' possession).

-----. n.d. Momsen's Curriculum Vitae.

Roffer, Michael. June 24, 2014. Email correspondence with New York Law School on the dates that Demarest attended.

#### **Articles, books, and other reference works**

Academia Brasileira de Letras. 2014. "Academia Brasileira de Letras – Rodrigo Octavio Filho – Biografia." <http://www.academia.org.br/abl/cgi/cgilua.exe/sys/start.htm?infoid=200&sid=322> (accessed June 18, 2014).

Almeida, Frederico de. 2010. "A Nobreza Togada: as Elites Jurídicas e a Política da Justiça no Brasil." (PhD diss., Universidade de São Paulo, 2010).

Almeida, Frederico de, and Paulo André Nassar. 2012. "The *Ordem Dos Advogados Do Brazil* and the Politics of Professional Regulation in Brazil." Paper presented at the 8º Encontro Da Associação Brasileira de Ciência Política, Gramado, Brazil, August 01-04.

Análise Advocacia. 2013. Análise Advocacia 500: Os Escritório Mais Admirados do Brasil pelas Maiores Empresas. *Análise Advocacia*, August, 2013.

Baer, Werner. 2001. *The Brazilian Economy: Growth and Development*. Westport, CT: Praeger Publishers. Kindle Edition.

Barbosa, Denis Borges. 2010. *Uma Introdução à Propriedade Intelectual*. Rio de Janeiro, RJ: Editora Lúmen Juris.

Bauman, Jon R. 1999. *Pioneering a Global Vision: the Story of Baker & McKenzie*. Chicago, IL: Harcourt Professional Education Group.

Brazilian Business Review. 1959. "Brazilian Business". *Brazilian Business Review* 39 (1-4).

Cachapuz, Paulo Brandi de Barros. 2010. "Getúlio Vargas." In Alzira Alves de et al (coords.), *Dicionário Histórico-Biográfico Brasileiro – Pós-1930*.

Rio de Janeiro, RJ: CPDOC. :

<http://cpdoc.fgv.br/sites/default/files/brasil/dhbb/Getulio%20Vargas.pdf>

(Accessed June 20, 2014).

Castro, Carlos Roberto Siqueira. 2012. "Proposta de Provimento Ao Conselho Federal Da Ordem Dos Advogados Do Brasil."

<http://s.conjur.com.br/dl/proposta-siqueira-castro-advogados.pdf> (accessed May 10, 2014).

Chambers & Partners. 2014. "Kincaid | Mendes Vianna Advogados – Rio de Janeiro – RJ – Law Firm Profile – Chambers Global 2014 – Chambers and

Partners”. <http://www.chambersandpartners.com/firm/156492/2> (accessed on June 20 2014).

-----, 2014. “Demarest Advogados – São Paulo – SP – Law Firm Profile – Chambers Global 2014 – Chambers and Partners.”

<http://www.chambersandpartners.com/firm/2342/2> (accessed June 20, 2014).

Chevron. 2014. “Brazil Fact Sheet.”

<http://www.chevron.com/documents/pdf/brazilfactsheet.pdf> (accessed June 15, 2014).

Cone, Sydney M III. 1996. *International Trade in Legal Services*. New York: Little Brown.

Conjur. 2004. “José Geraldo Garcia de Souza morre aos 88 anos de idade.” [http://www.conjur.com.br/2004-jan-15/jose\\_geraldo\\_garcia\\_souza\\_morre\\_aos\\_88\\_anos\\_idade](http://www.conjur.com.br/2004-jan-15/jose_geraldo_garcia_souza_morre_aos_88_anos_idade) (accessed June 20, 2014).

*Consolidação das Leis Trabalhistas of 1943*. Brazil: Presidência da República.

Cristo, Alessandro. 2013. “Testemunha da História: ‘Primeira coisa que advogado deve fazer é estudar fora.’” <http://www.conjur.com.br/2013-mai-05/entrevista-naum-rotenberg-socio-escritorio-demarest-advogados> (accessed June 15, 2014).

Cruzeiro/Newmarc Intellectual Property. “History of Patent and Trademark Protection in Brazil.”

<http://www.newmarc.com.br/ingles/index.asp?p=informese.asp&m=000086>

(accessed March 15, 2014).

Demarest Advogados, ed. Pedro Cavalcanti. 2013. *Demarest e Almeida: 65 Anos de Apoio ao Desenvolvimento Empresarial*. São Paulo, SP: Demarest Advogados.

Dezalay, Yves and Bryant Garth. 1996. *Dealing in Virtue: International Commercial Arbitration and the Construction of Transnational Legal Order*. Chicago, IL: The University of Chicago Press.

----- . 2002. *The Internationalization of Palace Wars: Lawyers, Economists and the Contest to Transform Latin American States*. Chicago, IL: The University of Chicago Press.

----- . 2010. *Asian Legal Revivals: Lawyers in the Shadow of Empire*. Chicago, IL: The University of Chicago Press.

Ferreira, Túlio Sérgio Henriques. 2012. “O Antiamericanismo de Cátedra: Desenvolvimento E Nacionalismo No Brasil Na Década de 1950.” (PhD diss., Universidade de Brasília, 2012).

França, Andréa da Conceição Pires. 2009. “Doutrina e legislação: os bastidores da política dos militares no Brasil (1964-1985)”. (Master Thesis, Universidade de São Paulo)

Forthcoming *Law & Social Inquiry* (2015)  
Krishnan, Dias, Pence

Friedman, Lawrence M. and Rogelio Perez-Perdomo. 2003. *Legal Culture in the Age of Globalization: Latin America and Latin Europe*. Stanford, CA: Stanford University Press.

Galanter, Marc and Thomas Palay. 1991. *Tournament of Lawyers: the Transformation of the Big Law Firm*. Chicago, IL: The University of Chicago Press.

Garcia & Keener Advogados. 2014. "História | Garcia & Keener Advogados". <http://www.garciakeener.com.br/nossa-historia/> (accessed June 20, 2014).

Garth, Bryant. 2013. "Crises, Crisis Rhetoric, and Competition in Legal Education: A Sociological Perspective the (Latest) Crisis of the Legal Profession and Legal Education," *Stanford Law & Policy Review* 24 (2): 503-532.

Gonçalves Neto, Alfredo de Assis. 2005. *Sociedade de Advogados*. São Paulo: Lex.

Gray, Jeff. 2012. "A global leader in a time of change." <https://secure.globeadvisor.com/servlet/ArticleNews/story/gam/20120709/RBATTHETOPLEITEATL> (accessed June 20, 2014).

Harter, Eugene C. 1987. *A Colônia Perdida da Confederação: a Imigração Norte-Americana para o Brasil após a Guerra de Secessão*. Rio de Janeiro, RJ: Nórdica.

Herrlein Jr., Ronaldo. 2000. “Desenvolvimento Industrial E Mercado de Trabalho No Rio Grande Do Sul: 1920-1950.” *Revista de Sociologia e Política*, no. 14: 103–18.

Hunter, Floyd. 1953. *Community Power Structure: A Study of Decision Makers*. Chapel Hill, NC: The University of North Carolina Press.

Ianni, Octavio. 2009. *Estado e Planejamento Econômico no Brasil*. Rio de Janeiro, RJ: Universidade Federal do Rio de Janeiro.

International Legal Research Group. “ILRG 250 Largest Law Firms in the U.S.” <http://www.ilrg.com/nlj250> (accessed June 20, 2014).’

Jones, Ashby. 2010. “For New Chairman, Baker & McKenzie Goes Brazilian.” <http://blogs.wsj.com/law/2010/06/03/for-new-chairman-baker-mckenzie-goes-brazilian/> (accessed June 20, 2014).

Kaltwasser, Cristóbal Roviera. “Towards a Historical Analysis of Elites in Latin America.” Paper presented at the 21st World Congress of Political Science, Santiago, Chile, July 12-16, 2009.

Krishnan, Jayanth K. 2004. “Professor Kingsfield Goes to Delhi: American Academics , the Ford Foundation , and the Development of Legal Education in India.” *The American Journal of Legal History* 46: 447–99.

-----, 2010. “Globetrotting Law Firms.” *Georgetown Journal of Legal Ethics* 23 (1): 57–102.

-----, 2012. “Academic SAILERS: The Ford Foundation and the Efforts to Shape Legal Education in Africa, Academic SAILERS: The Ford Foundation and the Efforts to Shape Legal Education in Africa, 1957-1977.” *The American Journal of Legal History* 52: 261–324.

Latin Lawyer 250. 2013. Latin Lawyer 250: Brazil. *Latin Lawyer* 250.

*Lei No. 4215 of 1963*. Brazil: Presidência da República.

Liu, Sida. 2008. “Globalization as Boundary-Blurring: International and Local Law Firms in China’ S Corporate Law Market.” *Law & Society Review* 42 (4): 771–804.

Malavota, Leandro. 2011. *A Construção do Sistema de Patentes no Brasil: um Olhar Histórico*. Rio de Janeiro, RJ: Editora Lúmen Juris.

Matsuura, Lilian. 2009. “Hogan Lovells Nasce em Maio com 2 mil Advogados”. <http://www.conjur.com.br/2009-dez-23/mercado-juridico-hogan-lovells-mil-advogados-40-escritorios> (accessed June 15, 2014).

Michels, Robert. 1962. *Political Parties: a Sociological Study of the Oligarchical Tendencies of Modern Democracy*. New York, NY: Crowell-Collier.

Migalhas. 2012. “Pinheiro Neto Advogados Completa 70 anos: História Iniciada por J. M. Pinheiro Neto em 1942 Marca Evolução da Advocacia.” <http://www.migalhas.com.br/Quentes/17,MI162304,41046-Pinheiro+Neto+Advogados+completa+70+anos> (accessed June 21, 2014).

Mills, Charles Wright. 1956. *The Power Elite*. New York, NY: Oxford University Press.

Momsen & Leonardos. 1994. "Memorandum upon the Anniversary of 70 Years of Momsen & Leonardos." Unpublished (in authors' possession).

Mosca, Gaetano. 1966. *The Ruling Class*. New York, NY: McGraw-Hill Book Company.

Onaga, Marcelo. 2007. "A Vida Ficou Mais Dura no Escritório Demarest & Almeida." <http://exame.abril.com.br/revista-exame/edicoes/0896/noticias/a-vida-ficou-mais-dura-m0132395> (accessed June 15, 2014).

Pareto, Vilfredo. 1963. *The Mind and Society: a Treatise on General Sociology*. New York, NY: Harcourt, Brace and Company.

Perez-Perdomo, Rogelio. 2003. *Latin American Lawyers: A Historical Introduction*. Stanford, CA: Stanford University Press.

Persky, Anna Stolley. 2011. "Despite Globalization, Lawyers Find New Barriers to Practicing Abroad." *ABA Journal*, Nov. 11. [http://www.abajournal.com/magazine/article/the\\_new\\_world\\_despite\\_globalization\\_lawyers\\_find\\_new\\_barriers\\_to\\_practicing/](http://www.abajournal.com/magazine/article/the_new_world_despite_globalization_lawyers_find_new_barriers_to_practicing/)

Pinto, Lúcio Flávio. 1986. *Jari, Toda a Verdade sobre o Projeto de Ludwig: as relações entre Estado e Multinacional na Amazônia*. São Paulo, SP: Editora Marco Zero.



Princeton Alumni Weekly. 1985. "Memorials". *Princeton Alumni Weekly*  
86 (7).

Pritchard, John. 2013. International Firms in Latin America: Guide to Law  
Firms 2013. *The Legal 500*. Kindle Edition.

-----, 2013. Brazil: Guide to Law Firms 2013. *The Legal 500*. Kindle  
Edition.

-----, 2013. UK Guide to Law Firms 2013: London. *The Legal 500*.  
Kindle Edition.

*Provimento No. 91 of 2000*. Brazil: Ordem dos Advogados do Brasil.

Putnam, Robert D. 1976. *The Comparative Study of Political Elites*. New  
Jersey, NJ: Prentice Hall.

Schattschneider, Elmer Eric. 1960. *The Semisovereign People: A Realist's*  
*View of Democracy in America*. Holt.

Silver, Carole. 2003. "Regulatory Mismatch in the International Market  
for Legal Services." *Northwestern Journal of International Law and Business*.  
23: 487-550.

-----, 2009. "Educating Lawyers for the Global Economy: National  
Challenges." *Kyung Hee University Law Review*.

-----, 2014. "Globalization and the Monopoly of ABA-Approved Law  
Schools: Missed Opportunities or Dodged Bullets?" *Fordham Law Review* 82:  
2869–2902.

Skidmore, Thomas E. 1999. *Brazil: Five Centuries of Change*. New York, NY: Oxford University Press.

Souza, Nali de Jesus. 2007. “Desenvolvimento Econômico Do Rio Grande Do Sul: Das Origens Aos Dias Atuais”. *Working Paper No. 08*.

Tauil, Ivan. 2011. “Associação Com Escritório Estrangeiro Não É Uma Ameaça.” <http://www.conjur.com.br/2011-out-11/escritorios-estrangeiros-brasil-nao-sao-ameaca-contrario> (accessed March 25, 2014).

Terry, Laurel S. 2012. “Preserving the Rule of Law in the 21st Century: The Importance of Infrastructure and the Need to Create a Global Lawyer Regulatory Umbrella Organization.” *Michigan State Law Review* 735 (2012): 735–768.

-----, 2013. “Transnational Legal Practice (International).” *The Year in Review. An Annual Publication of the ABA/Section of International Law*. 47: 485-498.

-----, 2014. “Putting the Legal Profession’s Monopoly on the Practice of Law in a Global Context.” *Fordham Law Review* 82: 2903–37.

Texas Bar Journal. 1955. *Texas Bar Journal* 18: 225.

The Economist. 2012. “Intellectual Property in Brazil: Owning Ideas.” <http://www.economist.com/news/americas/21565606-getting-serious-about-patents-owning-ideas> (accessed March 15, 2014).

Trubek, David M. 2011(a). “Globalization, Lawyers, and Emerging Economies: Preliminary Thoughts about the GLEE Project.” Presentation at KoGuan Law School, China, June (2011), [http://www.law.harvard.edu/programs/plp/pdf/Preliminary\\_Thoughts\\_on\\_GLEE\\_Project.pdf](http://www.law.harvard.edu/programs/plp/pdf/Preliminary_Thoughts_on_GLEE_Project.pdf) (accessed June 22, 2014).

Trubek, David M. 2011(b). “Reforming Legal Education in Brazil: From the Ceped Experiment to the Law Schools at the Getulio Vargas Foundation.” *University of Wisconsin Legal Studies Research Paper*, no. 1180.

Trubek, David M, Diogo R. Coutinho, and Mario G. Schapiro. 2012. “Towards a New Law and Development: New State Activism in Brazil and the Challenge for Legal Institutions.” *University of Wisconsin Legal Studies Research Paper Series*, no. 1207.

Trubek, David and Marc Galanter. 1974. “Scholars in Self-Estrangement: Some Reflections on the Crisis in Law and Development Studies in the United States.” *Wisconsin Law Review* 1974 (4): 1062-1103.

Vianna, Godofredo M. 2012. *Discurso por Celebração dos 80 Anos do Escritório Kincaid | Mendes Vianna Advogados*. Unpublished (in author’s possession).

-----, and Camilla Mendes Vianna Cardoso. 2012. Interview by Infomarket. [http://www.kincaid.com.br/b\\_noticias.php?id\\_noticia=967](http://www.kincaid.com.br/b_noticias.php?id_noticia=967) (accessed May 14, 2014).

Forthcoming *Law & Social Inquiry* (2015)  
Krishnan, Dias, Pence

Vieira, João Pedro Gouvêa. “João Pedro Gouvêa Vieira (depoimento).”  
<http://www.fgv.br/cpdoc/historal/arq/Entrevista245.pdf> (accessed oJune 12,  
2014).

Wilkins, David B. and Mihaela Papa. 2013. “The Rise of the Corporate  
Legal Elite in the BRICS: Implications for Global Governance.” *Boston College  
Law Review* 2013 (54): 1149-1184.