

De la relation

DELSOL | AVOCATS
LA QUALITÉ DE LA RELATION

#15 November 2016

The DELSOL Avocats
newsletter



The joy of business

Dear clients and partners,

In the splendid novel *The Leopard*, later made into an iconic film, Tancredi Falconeri reminds the Prince Salina: *"If we want things to stay as they are, things will have to change"*.

Our new premises on quai Lassagne, on the banks of the Rhône, perfectly illustrate this maxim.

As a result of the refitting of the Lyon office, everything changes:

- you will no longer find us at number 12, but instead at number 11, quai Lassagne;
- you will now be crossing a fine, large 18th century courtyard to the entrance;
- all our appointments, meetings, conferences etc. will now be held on the ground floor;
- window stickers are used to screen the transparent walls of our rooms;
- mobile partitions can be used to modify the dimensions of several rooms;
- new-generation screens provide for frequent, remote and effective videoconferences.

A new reception and meeting space in Lyon

And yet everything is still the same:

- the quai Lassagne location was chosen in 1981 by our founder, Jean-Philippe DELSOL;
- we have kept the same names for our meeting rooms, symbolic of the agreements or negotiations enacted there, but also of the glories of our city;
- the slopes of the Croix-Rousse district, traditionally a place of work, from silk weavers to lawyers, for example, have not changed their allegiance.

The real question is fairly obvious: why want everything to stay the way it is?

The nature of our profession means that we stand by your side in exceptional circumstances, happy or sad. We share with you moments of great intensity, from which are forged extremely personal relations, such as confidence, intimacy and even friendship.

In short, we want to hold onto the joy of working in an entrepreneurial and convivial spirit. These new premises will enable us to nurture "the quality of the relationship", a concept to which we are particularly attached.

Amaury
NARDONE

Chairman of
the Board of
Directors



The quality of the relationship at the heart of our concerns



A new space where we can support you effectively

Our firm's roots in the Lyon business landscape run deep, for historical reasons, obviously, but also for strategic reasons. The Auvergne-Rhône-Alpes region has always been a richly stocked pool of talented, dynamic entrepreneurs. Our Lyon team, with 14 partners and 32 employees on strength, puts the firm among the leaders in the marketplace.

We strive every day to live up to our motto, "the quality of the relationship", in all our dealings with clients and partners. In addition, our sustained growth means we must regularly re-think the way we operate and work, in both human and material terms.

To keep pace with our growth and that of our clients, we had no alternative but to tailor our reception and meetings spaces to new ways of communicating and working together.

No matter how contemporary the furnishings and layout, however, we were determined to retain the historic grandeur of the remarkable building in which we located our reception area: exposed beams, French-style ceiling, stone vaulting, etc.

Acquiring part of number 11, quai Lassagne gave us an extra 250 m2 of floor space to house the reception area plus six meeting rooms equipped with state of the art digital technology, all with direct access from the street via an 18th century inner courtyard.

After six months of building work, masterfully overseen by architect Émilie Bouveur (Octopus Studio), we are proud of a result that is perfectly in keeping with the firm's raison d'être, supporting its clients through change.



The Soufflot district: a tradition of entrepreneurs

The so-called SOUFFLOT district, home to the firm's headquarters (11/12, quai Lassagne, Lyon 1^{er}), is one of Lyon's historic districts. It is made up of buildings separated by alleys known in the Lyon dialect as "traboules", pedestrian passageways linking one street to the next. What distinguishes the traboules of this district from those found elsewhere in Lyon is the fact they are made up of interior patios, sometimes featuring fountains and open bays looking onto the courtyards. The

district's most significant feature of all, however, and the one on which the firm's philosophy is founded, is that this is a district built by entrepreneurs for entrepreneurs.

Not only was its construction the first of Lyon's 17th century urban expansion programmes, it was also the first major property speculation launched by SOUFFLOT and his associates (1749). Continuing SOUFFLOT's work, MORAND, who had become SOUFFLOT's main

associate, bought up a number of plots and became the real promoter for this sector.

Number 11 quai Lassagne, which now houses the firm's reception area, was modified in 1825 by architect BENOÎT to harmonise with the design of the buildings lining the quayside, a combination of straight lines with double-doored carriage entrances, plus tall windows often featuring ornate balconies. The notion of embellishment they



brought to the quayside is testament to the cultivation of the bourgeois businessmen of the period, traders and manufacturers who, even two



Interview with Émilie BOUVEUR, interior architect

Émilie BOUVEUR, you are an interior architect and head of project at Octopus Studio. Can you tell us a little more about yourself?

I now have about ten years' working experience after studying interior architecture. Octopus Studio, where I have worked for almost six years now, operates almost exclusively in B2B, in two main sectors: office design and luxury retail. Our job is to help our clients enhance their image through the premises they occupy, whilst taking into account technical, administrative and financial constraints. We design the space they are looking for and coordinate its realisation with the other partners on the project.

You have just completed a major project for DELSOL Avocats. Can you tell us what it entailed?

In 2015, DELSOL Avocats invited bids from several architects for a project to link two previously separate buildings and to reorganise the layout to create a new reception and meeting area. Since confidentiality is an essential requirement in the legal profession, DELSOL Avocats was keen to be able to welcome outside visitors to new, dedicated spaces. We were thrilled to be selected, on the strength of two key points that I think made the difference. Firstly, we found a way to preserve and showcase the historic nature of the building. And then we made the bold gamble, which certainly paid off, of moving the traditional reception area at 12, quai Lassagne to number 11. We thought it would be a good idea to make the most of the magnificent listed, and superbly preserved, interior courtyard. This was an all-embracing project, of course, given that we managed it all the way from feasibility study to completion, but also because we worked with the firm as a real team. The project committee set up to oversee the work met regularly and productively throughout.

What were the challenges and constraints of the project?

One of the biggest challenges was the historical value of the setting, with one of the buildings dating from the 18th century and the other from the 19th. Both are listed buildings, which inevitably means close oversight from the architects of the Bâtiments de France heritage agency, backed by very strict planning regulations. The success of a project like this necessarily depends on the most meticulous organisation of all the stakeholders: building firms, partners, the different co-ownership syndicates and so on, while guaranteeing our client compliance with the overall architectural design and with deadlines, despite the administrative and technical constraints. We set out to make the most of the space, with every respect for its history, by adopting contemporary solutions. For an interior architect, working in buildings like these is truly extraordinary. The goal is to carry the work forward into the future without undermining its nature. This was the challenge I kept before me throughout the project. I am delighted to have had the opportunity to work on a site like this.



centuries ago, were already frequent visitors to Paris, England, Spain and Italy.

Lyon

Three of counsel lawyers appointed

In addition to the reorganisation of working areas, the firm's growth dynamic is also reflected in the reinforcement of its teams. This summer, three lawyers at the Lyon office were appointed of counsel: Audrey BABORIER and Colomban de LA MONNERAY in the Employment Law-Social Welfare Law department, and Florence ROUILLON-LÉCHÈRE in the Not-for-profit Organisations department.

Audrey BABORIER



Audrey BABORIER (33) was called to the Lyon Bar in 2009, after graduating from the University of Lyon III with a post-graduate degree (DESS-DJCE) specialising in social law. She first joined the Employment Law-Social Welfare Law department at DELSOL Avocats in 2008.

Audrey is involved as counsel and in litigation on behalf of a varied client base consisting of SMEs, not-for-profit organisations and major international groups. She assists her clients on the handling of standard issues, both individual and collective, arising from employment and social security law, and on matters to do with collective bargaining. Thanks to her fluency in English, she frequently works with overseas colleague and with groups based in the UK and US.

Audrey also works on a regular basis with the Company Law-Mergers & Acquisitions and Not-for-profit Organisations departments on transformation operations (disposals, acquisitions, mergers).

Colomban de LA MONNERAYE



Colomban de LA MONNERAYE (36) was a member of the Bar in Paris and Luxembourg from 2006 to 2009 and was called to the Lyon Bar in 2010.

A graduate of the University of Poitiers (DJCE in Business Law), Colomban also holds a certificate in tax and international trade and a Master's degree in Comparative Private Law from the University of Adelaide in Australia.

After four years with the firm of Noble & Scheidecker in Luxembourg, in 2010 he joined the Employment Law-Social Welfare Law department at DELSOL Avocats.

Colomban focuses particularly on corporate restructuring operations and international mobility. He has also developed management support systems for his clients for everyday human resources and cost optimisation. He works largely with industrial and services firms, and is equally at home working in English or French.

Florence ROUILLON-LÉCHÈRE



Florence ROUILLON-LÉCHÈRE (40), a member of the Lyon Bar, holds a post-graduate degree (DESS) in litigation from the University of Nancy. After two years as a lawyer with Toison Villey Broud in Paris from 2002 to 2006, following two years with SCP Dupuy, Duval & Associés, Florence joined DELSOL Avocats in 2008 in the Not-for-profit Organisations department. Florence has acquired established expertise in the organisation and restructuring of not-for-profit organisations. She assists organisations in dealing with financial difficulties and collective redundancy procedures and advises them on the handling of disputes internally and by means of litigation.

Events



A reception was held in early September to mark the official opening of the new visitor reception area at 11, quai Lassagne, which combines history and ornate decoration with contemporary and high-tech features.

Anne IMBERT, partner in the Employment Law-Social Welfare Law department at DELSOL Avocats, and **Laurent BUTSTRAËN**, partner in the Not-for-profit Organisations department, organised a breakfast meeting in Lyon on the theme: "Directors of not-for-profit organisations: are you fully aware of your responsibilities?"

Camille ROUSSET, partner in the Employment Law-Social Welfare Law department, invited her Italian counterparts on 14 October to take part in a conference-debate on the theme: "The 'Jobs Act', Italy's reform of the employment market: an example to follow? Critique and analogy with the El Khomri Act".

On 19 October, at the Forum National des Associations & Fondations, **Alexis BECQUART** and **Lionel DEVIC**, partners in the Not-for-profit Organisations department, jointly

hosted a conference on the transformation of not-for-profits and endowment funds into charitable foundations. **Laurent BUTSTRAËN**, from the same department, spoke on the changes currently facing not-for-profit organisations.

Camille ROUSSET and lawyer **Fanny CHEKHAR** ran a training session in Lyon on Tuesday 11 October, entitled: "The new model for the sole employee representative body: how it works and practical recommendations".

Alexis BECQUART has often taken part in training courses organised by Francis Lefebvre on the taxation and legal management of not-for-profits, foundations and endowment funds. He also spoke on the theme of "Managing a tourist office: food for thought on a strategic choice" at the Offices de Tourisme convention held in Saint-Étienne in September.

Lionel DEVIC took part in a training course in September run by P&NP Finance on the theme: "Developing donations and social investment as part of wealth management: an enrichment of the client relationship".

In conjunction with consultancy firm Prophyl, **Xavier DELSOL**, a partner in the Not-for-profit Organisations department presented four proposals to facilitate the development of shareholder foundations, at the first European conference on the subject, held in Bercy on 20 September.

Camille ROUSSET and **Delphine BRETAGNOLLE**, partners in the Employment Law-Social Welfare Law department, held a breakfast meeting in Lyon on 20 and 27 September on the theme of the El Khomri Act.

« All you wanted to know about France but never dared ask ! » : DELSOL Avocats played host in Paris to TELFA, the international alliance of business law firms, of which DELSOL Avocats is a member, for its annual seminar held on 3 - 5 November, the theme of which was: « Why & how invest in France ».

In the press...

Camille ROUSSET, a partner in the Employment Law-Social Welfare Law department, was a guest on the "L'Eco du Grand Lyon" programme broadcast on 18 October on Radio Lyon 1ère (90.2 FM), alongside the heads of three Lyon businesses, discussing the latest national and regional business news.

Henri-Louis DELSOL, a partner in the Company Law-Mergers & Acquisitions department, penned an analysis for the 6 October edition of Option Finance magazine of the impact of the introduction of unpredictability into French contract law and the new wording of the "MAC clause".

DELSOL Avocats was mentioned in the October issue of Gestion de Fortune magazine, in an article on the Constitutional Council's striking down of the 5% fine applicable to balances on undeclared bank accounts opened outside France.

Philippe PACOTTE, a partner in the Employment Law-Social Welfare Law department, made several contributions, with the aid of his team, to the law journal Jurisprudence Sociale Lamy, on matters relating to employers' legal obligations in cases of psychological harassment, economic redundancy or workplace accident.

Mathieu LE TACON, a partner in the Tax Law department, shared his expertise on a number of occasions over the latter half of the year: on LeMonde.fr, for example, on the subject of harsher penalties for overseas bank accounts; in Finance & Gestion magazine, with a review of the fiscal integration regime; on Europe 1 to debate the abolition of the ISF wealth tax; and in Les Echos, on the subject of the contribution-sale mechanism that qualifies for deferred taxation.



DELSOL Avocats endowment fund annual awards: organisations defending human dignity once again recognised

At a ceremony held as part of the Forum National des Associations & Fondations held in Paris on 19 October, the first prize of €17,000 was awarded to APESA France, the second prize of €8,000 to Fraternité en Irak, and the third prize of €5,000 to Le Rocher Oasis des Cités, all not-for-profit organisations.

The following day, we contacted **Marc BINNIÉ**, President of APESA France, the winners of the 1st prize.

Mr BINNIÉ, could you tell us something about APESA France and the role it plays?

Firstly I would like to extend my warmest thanks to your firm and reiterate how pleased we are to have won this award, which will give greater resonance to what started out as simply a "little idea" on a local scale. APESA is the result of an encounter between a court clerk (myself) and Jean-Luc Douillard, a clinical psychologist specialising in suicide prevention. APESA (which stands for psychological aid for entrepreneurs in acute distress) was set up to prevent suicide among entrepreneurs in difficulty. It is organised as follows: within the jurisdictions in which the scheme operates, we have trained what we call "sentinels" (judges, receivers, court clerks, lawyers, bankers, employees, etc.), whose role is to recognise psychological suffering in the entrepreneurs they come into contact with, and to offer them the possibility of psychological help. At the same time, we have built up a network of psychologists

who are also trained in insolvency proceedings. When faced with an entrepreneur showing signs of acute psychological distress, the sentinels send out a warning to the platform operated by our partner, Ressources Mutuelle Assistance. After an initial assessment interview, the case is then passed on to a psychologist in the APESA network. No more than 24 hours elapses between the alert being triggered and the intervention of a psychologist.

There is very little recognition of the psychological distress of the entrepreneur. Why is that?

It is difficult to admit to distress when you are supposed to be the embodiment of authority. This is the case for both entrepreneurs and self-employed professionals. Others often envy their situation. And yet there are many factors that put these professional categories at high risk. First of all, there is their independence, which means the weight of responsibility falls heavily, and exclusively, on their shoulders. And there are no legal working hours for entrepreneurs, and no occupational health checks. Little or no thought is given to the health of entrepreneurs and independent



professionals. In addition, they frequently over-identify with their business. So when difficulties present themselves, these former decision-makers are already vulnerable. It is difficult for them to accept the fact that they must put themselves in the hands of others. It is important to be able to recognise suffering in order to transform it into experience. Our scheme shows that it is possible, with simple tools, to channel this suffering and convert it into positive energy.

You won the top prize in the 2016

DELSOL Avocats endowment fund awards that were just announced. What projects will this sum enable you to pursue?

First of all, we plan to complete our website and its translation into English and Spanish. We would also like to give some thought to structuring communication tools for our various audiences: sentinels, psychologists, entrepreneurs, professional and institutional bodies, and so forth.

We also need to work on our geographical deployment and on making our organisation more widely known in order to win as many jurisdictions as possible to our cause. We currently operate in 11 jurisdictions. Another 34 are pending, four or five of which will have adopted APESA by the end of the year. We are very proud to see jurisdictions, which are by their very nature independent, choosing to adopt a shared approach. Local structures that contribute to the financing of the scheme currently enjoy tax benefits. Our hope is that we will be able in the future to bring in businesses to join us, in the same spirit. The type of suffering we seek to help is a direct outcome of taking on an independent professional activity. It is therefore for the business world to show solidarity with those experiencing difficulties. "Strength rests with the law" is the saying. I would add: and fragility with humankind. Our goal is to preserve and restore the dignity of the entrepreneur in distress.