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Two Brown Rudnick attorneys see opportunities in Cuba for Boston-area companies

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The United States and Cuba are in the midst of historic talks to restore diplomatic ties, and the opportunities that such a thawing between the two countries might create for Boston-area companies is not lost on two Brown Rudnick lawyers.

The details of the new U.S.-Cuba diplomacy are not clear yet, but at first blush it would seem that biotech, life sciences and healthcare are the industries in which partnerships between Boston-area companies and Cuban companies most likely could develop, said Adolfo Garcia and Aynel Alvarez Guerra. Both men are originally from Cuba.

"Cuba has made investments in these areas," said Garcia, who is a corporate partner at Brown Rudnick. "It's surprisingly advanced and sophisticated."

What Cuba is missing, particularly in the area of health care, is access to state-of-the-art equipment and technology, the lawyers said. But already, South Americans, who haven't been constrained by restrictions on travel to Cuba in the way U.S. citizens have, are traveling to Cuba for medical care, Garcia said.

Brown Rudnick clients — some in Boston, others in New York, Florida and elsewhere — have been reaching out to the law firm to see what the diplomatic changes might mean for them, the lawyers said.

"We've had quite a few conversations with clients of the firm who have been interested in what this means, and when and how. And we've had several meetings and presentations," Garcia said.

Conversations about Cuba are more than just business for Garcia and Guerra. For Garcia, in particular, Cuba is a bittersweet discussion. He left the country in 1961, when he was 12-years-old, and he has not returned since.

It's not because Garcia can't go to Cuba. His wife, children, and a grandchild all have made the trek. But Garcia refuses to go.

"My parents suffered terribly. I have no love lost for the Castro regime. They inflicted tremendous pain and suffering," Garcia said, explaining that his father had been a successful businessman whose property was seized by the government.

Still, Garcia said, he can separate his personal history with Cuba from the potential opportunities that are on the table today.

"My personal emotional baggage is directly related to my parents, and it has nothing to do with the reality of 2015 and what policy should be and what is best for the United States and what's best for Cuba," he said.

Guerra, for his part, does not have the same painful relationship with his homeland. He left Cuba in 2007 to pursue an education and has returned there on vacation during the eight years since he's been gone.

Today, Guerra is a foreign staff associate in Brown Rudnick's corporate group and graduated from Harvard Law School in 2010 with a master of laws degree. He received a law degree from the University of Havana.

Moving forward, the biggest question about the opportunities in Cuba is how the Cuban government will react to international corporate partnerships, the lawyers said. The Cuban government still believes in "tremendous control and tremendous regulation on how entities can do business together," he said.

"Typically the Cuban government is a partner or investor or owner in those enterprises and there's a real question on how the Cuban government will proceed with us as partners and investors," he said.

Cuba has enacted a new foreign investment law and its government officials are studying new, and possibly more attractive, corporate laws, Guerra said.

Meanwhile, Guerra said, he and Garcia are presenting ideas to clients for shorter-term opportunities in Cuba – attending professional meetings there, for example.

"It will be great for our clients to see Cuba," he said.

When asked if Brown Rudnick one day might open an office in Havana, both Garcia and Guerra said it's not out of the question but still too early to tell if the U.S.-Cuba relationship will be robust enough to justify a bricks-and-mortar location.

Garcia pointed out that Cuba is a small country with a relatively small population.

"I don't know if Cuba can support a Brown Rudnick," he said.

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