

Putting Shovels in the Ground—Development in the Cayman Islands

Interviews and Profiles





Ward Sykes

VICE PRESIDENT OF CORPORATE AND LEGAL,

DART ENTERPRISES

CAYMAN ISLANDS

Camana Bay in the Cayman Islands is a meticulously groomed town, where native vegetation flanks walkways and bike trails that lead to office buildings, courtyards, restaurants and school grounds. The aesthetics are both beautiful and functional. Because every destination that spans this development is walkable, Camana Bay promotes social interaction and a low environmental impact. Dart Enterprises, where Ward Sykes is vice president of corporate and legal, is the parent company of Dart Realty, the developer of Camana Bay and the company responsible for the beautifully engineered community.

Sykes is originally from Calgary, a city in the province of Alberta, Canada — 2,824 miles away from Cayman. An area of foothills and prairie, Calgary, like Camana Bay, combines the convenience of city living with the sense of community often found in small towns. The discovery of oil, and particularly the Arab Oil Embargo of 1973 that drove up prices, placed Calgary on the cusp of massive development when Sykes was young. Within a few decades, it ballooned from a population of 250,000 to 1,096,833, according to a 2011 census. Thirty years ago skyscrapers started to dot the prairie, transforming downtown Calgary into what it looks like today.

In his early adult years, Sykes didn't venture too far from his hometown. He received his undergraduate and law degrees from the University of Saskatchewan. Called to the bar in Ontario, he worked in Toronto for eight years as a litigation lawyer. In that time he married, had a child and then his priorities began to shift. He says, "My wife and I had a young, bouncing two-year-old and one of the things we talked about was not raising her in the big city."

An opportunity in the Cayman Islands opened up and, propelled by a sense of adventure, he took a chance. The gamble paid off — they never left.

Before moving in-house with Dart Enterprises, Sykes worked as a firm lawyer, spending the bulk of his time with Appleby, the successor of the oldest legal practice in Cayman. While at Appleby, a firm known for its insolvency legal services as well as corporate and commercial expertise, Sykes developed, among other achievements, a strata law practice and often gave advice to condominium developers on a wide range of issues ranging from bylaw enforcement to insurance disputes to major redevelopment issues.

Comfort with local property law from a litigation perspective made Sykes an excellent candidate for his current role. Although he does not spend time in court, he is responsible for assessing risk and assisting colleagues with the decision making process. This reduces the possibility of legal difficulties, including legal actions. Having a litigation background, he is comfortable understanding and weighing the risk tolerance of the business against the practical risks of litigation — all with a view to assist the company in energetically pursuing commercial opportunities and minimizing legal disputes. This, of course, lowers litigation costs for the company. Other methods used to control costs are internal document collection and preparation of witness statements. For this type of lawyerly work there was no learning curve for Sykes.

When Sykes reflects on the challenges of moving in-house, he says, “I had to turn into a manager in a hurry.” This required a change in mindset: “I would spend a lot of time in the weeds, working on specific problems and doing technical analysis. The stuff that hard working lawyers all do.” Taking the helm of a legal department often requires taking a bird’s eye view when considering broad commercial aspects of the business, in addition to providing detailed legal advice. This is a substantially different role than providing legal advice on specific legal problems as is common with private practice lawyers. He says, “I still have to work hard to remind myself to think longer-term and work with broader strokes.” One way he takes this wide-gaze perspective is by starting his day with a perusal of local media in order to assess how the company is perceived and stay abreast of what else is going on in Cayman. He says, “We are a large entity in a small place. We’re very mindful of that. And we’re very careful about our relationships, about conducting ourselves in an ethical way. Dart is a very visible entity in that we are constantly putting shovels in the ground on large and small projects. And people see this being done and understand our relative size in the community.”

Being close to commercial decisions and serving a wide range of business units has also been an adjustment for Sykes. Dart Enterprises is involved in an array of industries, including construction, property management, development and sales, retail, hotels, food and beverage and event management. The legal team, which consists of five lawyers and 10 support staff, offers a spectrum of legal services.

For a company involved in construction projects, having a chief lawyer with an expertise in property law seems obvious. Experience in employment law is also something Sykes brings to the table. While at Appleby he represented both employers and employees in wrongful dismissal and breach of employment agreement actions. Although the necessity of such a skillset may at first glance seem ancillary, it certainly isn’t. The legal team often works with the human resources department on drafting nondisclosure agreements and employment contracts, and it also handles the occasional dispute.

Dart Enterprises employs about 650 people in the Cayman Islands, and the company strives to hire Caymanians whenever possible. In Cayman, within some industries, expatriates outnumber local Caymanians. Sykes observes: “High Caymanian employment numbers in our group of companies is a high priority for us.”

Cayman is only becoming more global. Sykes says, “It’s a skip away from the United States, so there’s a lot of tourism.” There is also a mix of nationalities, both visiting and working. A feature in the development of the economy is international compliance. The Cayman Islands is an impressive place in terms of the cleanliness of the industries and businesses. Sykes notes that this has been an ongoing process. He says, “We worked hard at moving from a fledgling offshore jurisdiction to a sophisticated, internationally compliant one. That’s been an interesting journey.”

Cayman is a developing place on the verge — this was Calgary when he was growing up. In some respects, Sykes has come full circle. He left Canada wanting to give his daughter a small town environment. Although Cayman is small, it is anything but insular. For instance, his daughter’s classmates have been from all over the world — the Cayman Islands, United States, Switzerland, Colombia, Brazil, the UK, Canada and elsewhere.

There are challenges that come with living where they do. The fact that he lives on an island makes international travel less spontaneous. Furthermore, Sykes’ preferred mode of transportation, to the ACC Annual Meeting and elsewhere, is a motorcycle. Long motorcycle rides across the United States and Canada are a favorite pastime. “I keep a motorbike in Florida and in Cayman,” he says. “I ride to work every day, rain or shine.”

Getting to know Ward Sykes...

WHY DID YOU DECIDE TO GO TO LAW SCHOOL?

I didn’t know quite what to expect when I started law school. But once I got in, I found that I liked the challenge, discipline and hard work. It was a positive experience. I still consider law school a very special part of my life.

WHAT DID YOU LEARN IN LAW SCHOOL THAT YOU STILL CARRY WITH YOU TODAY?

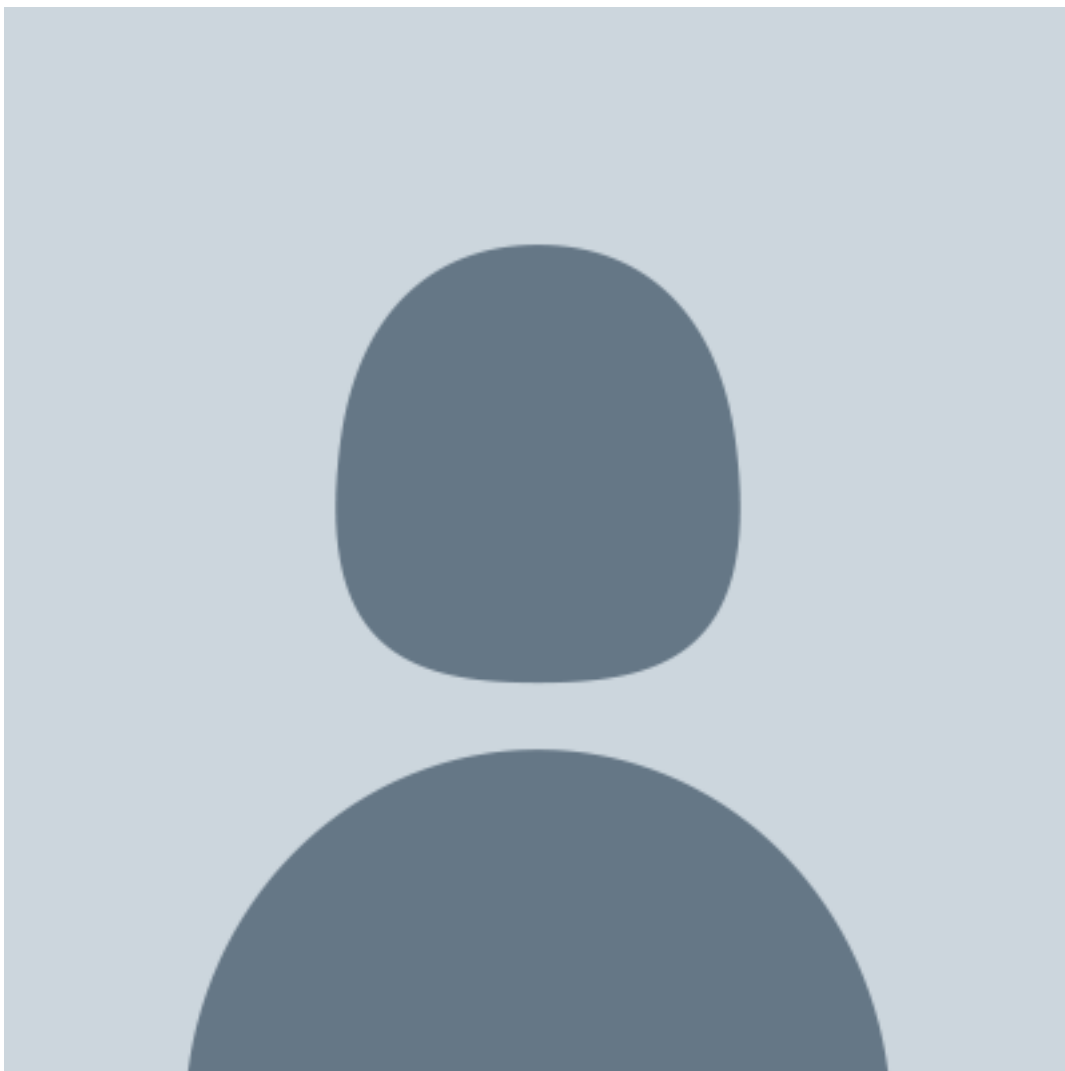
I learned how to dissect a problem. Lawyers tend to dissect and analyze problems, and everyone has their own methodology. Lawyers tend to look at things from a multitude of perspectives. That was something I picked up in law school, and I never lost it.

WHAT’S THE BEST PIECE OF ADVICE YOU’VE EVER RECEIVED?

If you fail, make something of it. Every failure has its lesson, and the real tragedy would be not to learn it.

WHERE DO YOU WANT TO RETIRE?

A place with long and winding roads would be good.



Freelance Writer for the ACC Docket