

Dr. Wienand Meilicke
on 17 September 2019
on the occasion of the celebration of the 70th jubilee of
Meilicke Hoffmann & Partner in Bonn

First of all, I would like to thank you all very much for coming in such large numbers to celebrate our 70th anniversary. 70 years ago, when I was four years old, I didn't contribute much. I must therefore tell you something about my father Heinz Meilicke, who pitched his tents in Bonn a good 70 years ago, in February 1949.

People pass away, but their values persist and are passed on from generation to generation. Under this motto I want to speak about the values that have shaped us at Meilicke Hoffmann & Partner over the decades and continue to shape us today.

My father was not from Bonn, but came from a Berlin merchant family. When my father moved from Berlin to Bonn, he was not a beginner, but already 45 years old. He brought his clients from Berlin to Bonn with him.

After his assessor examination in 1930, my father first went to a German lawyer in London. Life in the centre of the British Empire made a lasting impression on him. After almost two years as a lawyer in London, he returned to Berlin in 1932. He brought with him numerous connections to British clients; and good English language skills, especially for legal matters - a rarity in Germany at the time.

And he brought something else with him: a different view of Germany: from outside.

After his return to Berlin, my father first found employment in the respected Jewish law firm of Kempner Pinner. From 1 January 1933 he went to Conrad Böttcher, a few years his senior, also in Berlin. Only one month later the National Socialists seized power.

The Böttcher/Meilicke partnership soon prospered with a large number of industrial mandates. My father always openly admitted that the rapid economic success of the Böttcher/Meilicke law firm was partly due to the suppression of Jewish competition by the Nazis.

However, the fact that the Böttcher/Meilicke entrepreneurs were mandating Böttcher/Meilicke over the other remaining law firms was due to the above-average talent for economically meaningful designs and the inventiveness of both Conrad Böttcher and my father.

Böttcher/Meilicke also published much in the specialist literature, among them e.g. the long leading commentary on the law of transformation, 1st edition 1937. But my father was not faithful enough to the Nazis. So one of his essay manuscripts was rejected by the Juristische Wochenschrift. When he then offered the manuscript for publication to another publishing house, he received a harsh reply: what would come to his mind to offer an essay for publication that had already been rejected by another publishing

house? My father learned from this that there was already a secret censorship for scientific essays. His essay had already failed that censorship.

Among the clients whom my father had brought from England were numerous Jews with assets in Berlin. They needed advice in order to protect their assets from the Nazis. The domestic Jewish fellow citizens had a similar need for advice. This meant that my father also advised a number of Jewish clients.

An example of the contortions that had to be made at that time:

My father advised a publishing house and his publisher. The founder of the publishing house had been a Jew who had been married to an Aryan Christian. In the terminology of the time was a "Halbjude" (half-jew). With the help of my father, the client asserted to the authorities that he had emerged from an extramarital relationship between his mother and an authorized signatory of the publishing house. This saved the publishing house from aryazation and the client from the concentration camp. Such common experiences combine: we have been advising this publishing house for decades, until the eighties, when the publishing house belonged to his client's now grey-haired children.

The Führer decree of 19 December 1938 prohibited Aryan lawyers from working for Jewish clients. But one does not that easily let down one's clients. Thus it came about that in 1941 my father was charged with a court procedure because for unauthorized representation of Jews.

In the first instance, before the Gauehengericht, the accusation led to a reprimand in 1941.

One year later, on my father's complaint, the Court of Honour of the National Socialist Law Enforcement Association aggravated the punishment: expulsion from the legal profession.

My father wanted to appeal the verdict further. However, a friend of the family, by profession an appeals court judge, advised him against it:

- Yesterday you only got a reprimand for it,
- today you are expelled from the bar,
- tomorrow you might be sent to a concentration camp for it, and
- the day after tomorrow, there may face the death penalty.

The expulsion from the bar deprived my father of his livelihood; he therefore regarded it as a great misfortune. But after the end of the war this proved to be great luck. For he was the 27th citizen of Berlin to be certified to have been untainted by National Socialism. This enabled him to resume his work as a lawyer immediately after the end of the war.

Since at first there were no untainted public prosecutors, he had to work as a public prosecutor for a while. Together with a fellow public prosecutor he intended to publish

a commentary on the denazification law. One day, the two had posters affixed to the Litwas columns in Berlin, to advertise their commentary.

The commentary never appeared. But the following day, clients queued up for advice at my father's office on the 4th floor. The queue of those seeking advice went down the stairs case over four floors right down to the street! Mind you: it was not about the defense of war criminals, but of persons who tried to prove that they had always been against the Nazis. Often these were entrepreneurs who needed the certificate of good conduct and of political harmlessness in order to be allowed to enter their company again. Numerous relationships of trust and mandate developed out of these consultations, some of which lasted for decades.

First advising Jews against the Nazis and later advising persons against the occupying powers was not a contradiction for my father, but an outgrowth of the lawyer's ethos, according to which everyone has the right to legal representation and advice.

We have always tried not to allow ourselves to be instrumentalized unilaterally for the interests of one side and have therefore represented

- both employees and employers,
- both majority and minority shareholders .

You advise better if you can put yourself in the position of both sides. Those who only have the interests of one side in mind (literally: "in their eye") are blind on the other eye.

At the time of the blockade of Berlin in 1948 my father thought advisable to bring his family to safety in the West. Apart from his doctorate in 1928 with Prof. Alfred Hensel from Bonn on the unification land transfer tax, my father had no special relationship with Bonn before 1949. My father's decision to go in Bonn was rather due to the shortage of housing, i.e. ultimately to chance: a client provided him with an apartment on the ground floor of our later office, namely in the house at Poppelsdorfer Allee 106. My father could not know at the time that Bonn would become the capital, for our move to Bonn took place already in February 1949.

Nobody foresaw that Bonn would become such a long provisional capital. In the beginning my father still maintained his office in Berlin, until in the middle of the 50's he was forbidden to maintain several branch offices which was deemed professional misconduct.

My first own memory of my father's work as a lawyer concerned his client Hermann Krages, a timber merchant from Bremen, who at the time caused a considerable stir in the business press. Immediately after the currency reform, Hermann Krages had acquired shares in Gelsenkirchener Bergwerks-AG, among others, at favorable prices and had almost reached a 25 per cent holding with which he could have prevented amendments to the articles of association. He thus threatened to thwart the plans of the Ruhr barons to reassemble the various coal mines of the Ruhr area which had been disassembled as a consequence of the dismantling of the United Steelworks.

Shortly before the blocking minority was reached by Mr. Krages, the Board of Managing Directors increased the capital with the help of the deposit voting rights of the major German banks and by excluding the shareholders' subscription rights. At the age of ten or eleven, my father explained to me the importance of the banks' voting rights for securities in the accounts of their customers and the shareholders' subscription rights.

My father made himself highly unpopular with the representatives of Deutschland AG, including the major German banks, in the proceedings for Mr. Krages before the German courts and the High Commission in Luxembourg at the time.

To have in the past been against the Nazis was not a compliment everywhere.

So I learned early on that as a lawyer you cannot please everyone.

As a result of the Krages mandate my father developed a strong interest in the rights of minority shareholders and conducted a number of lawsuits in their interest. This was also reflected in the major reform of the Stock Corporation Act of 1965.

This commitment to stock corporation law later gave rise to the area that is now so competently managed by Mr. Heidel and Mr. Lochner.

In addition to his work as a lawyer, my father taught tax law at the Free University of Berlin and published numerous specialist books and essays up to a ripe old age. This, too, is a tradition of our firm. In order to withstand criticism from the specialist public, one must deal with the subject in a more well-founded way than one can do in a - necessarily one-sided - lawyer's brief. That sharpens the mind and is at the same time the best advertisement. My father was a fighter here too:

In his textbook on tax law, he taught that one had to take account,

"that most judges of the BFH and the former RFH were finance officials and bring along a hunting desire maintained in decades of professional practice against taxpayers."

The formulation brought him a charge of insult, filed by the chairman of the IV. Senate of the BFH (Supreme Tax Court). My father immediately compiled material to prove the truth of his allegation. Much to my father's regret

the prosecuting attorney closed the case because it was time-barred.

However, the economic basis for my father's practice was not so much the conducting of lawsuits but rather the advice on structuring entrepreneurs and their companies, especially in the tax area. The friends of the major German banks belonged less to his clients, but all the more German family businesses and large British and American corporations with regard to their activities located in Germany. When I was 18, the head of the tax department of the American company Dupont de Nemours once told me:

"We come to your father not just for tax advice. Tax advice we can also get elsewhere. We come to your father, because he tells us what to do in practice."

My father was not only a lawyer, but also a merchant. He was able to embed his tax and business law advice in the economic goals of his clients. A good lawyer must not leave his client alone with the legal analysis. He must help him to draw the right economic and psychological consequences, taking into account the legal opportunities and risks.

Sometimes it is also necessary to lead the client to his happiness.

Finally, I would like to draw a line to today. In Bonn, my father practiced for a quarter of a century only together with his long-time partner Klaus Hohlfeld. When I joined in 1975, coming from New York, I had already absorbed - like a sponge - 15 years of my father's teachings and experiences.

Even today, I still reach into my father's extensive bag of tricks.

When Mr. Hohlfeld retired from his job from one day to the next in 1984 due to illness, I was suddenly alone with my 80 year old father. Jürgen Hoffmann saved us by postponing his dissertation and competently taking over Mr. Hohlfeld's orphaned mandates. In the following years, Jürgen Hoffmann played a leading role in the broader positioning of our firm, also in terms of personnel.

Most of our current 15 professionals no longer knew my father.

But the values my father left behind have shaped us all.

I am pleased that we are able to use these values to inspire young lawyers to pursue our profession and thus to support numerous clients in the spirit of the founder of our firm.

With this in mind: Thank you very much, and ad multos annos!