



Posted Abroad: Law Firm Associates Go International

[Matthew Ahn]

Talk of “global” law firms was once just propaganda from national or regional firms wishing to appear more impressive to their clients. But today, more and more attorneys are finding themselves at firms with truly worldwide reach.

Over the past decade, international has become the buzzword of choice for almost every industry, and law is no exception. The idea of the global law firm made the transition from pipe dream to reality as foreign legal markets began to open up and domestic law firms began to spawn overseas branches by the dozen. This has been particularly true of large U.S. law firms, which have been able to capitalize on the near-universal acceptance of American corporate law as the international legal standard. Almost any foreign transaction which has repercussions in the U.S. (read: virtually every foreign transaction) is subject to regulation by the U.S. Securities and Exchange Commission; as a result, a whole new spectrum of opportunities has opened up to attorneys.

Ramez Nasser, an associate in the U.S. law group of Allen & Overy in London, describes the global lawyer as someone who delights in a “truly international practice with a genuinely entrepreneurial spirit. Those who enjoy accepting responsibility, travel, and intellectual challenge will find it a perfect fit.”

Who Can Go Abroad?

JDs are regularly offered the chance to travel outside the country to work on single transactions or arbitrations, and firms encourage them to accept temporary overseas postings. Tsugu Watanabe, a partner in the global project finance department at Milbank Tweed Hadley & McCloy in New York, regularly travels to the Tokyo office. “Rising second-year associates at Milbank are offered the opportunity to undertake a voluntary rotation

in an overseas office for two to three months. This program is designed to expose associates at an early stage in their careers to the breadth and excitement of practicing in one of our international offices,” says Watanabe. “Because our overseas offices are smaller and the number of lawyers staffed on deals is lower, young associates often have more individual responsibility and get greater hands-on experience than they might in one of our U.S. domestic offices.”

At the same time, Watanabe points out, it’s not a sink-or-swim mentality: “Though we want our young associates to accept a lot of responsibility in the foreign offices, assistance and support are always waiting for them from our domestic offices.”

Since most of the work done in the foreign offices of American or British firms is transactional, corporate lawyers often get first dibs on overseas assignments. Still, litigators can avail themselves of chances to work on international arbitrations, though these opportunities are harder to come by. Moreover, there are some notable exceptions to the rule: Morrison & Foerster’s Tokyo office, which opened in response to clients’ litigation needs, is one of the few foreign offices of an American firm that offer litigators an opportunity to work abroad on a permanent basis.

Many large law firms with multiple foreign offices allow summer associates to spend several weeks at one of their branches. This is a relatively risk-free way for law students to try it out before they take the plunge

and commit to a foreign placement. Sarah Whittington, a student from Harvard Law School who summerved at the London office of Kirkland & Ellis, notes, “Even though I had worked in England before, working there as a lawyer was really eye-opening. A lot is expected of you even on the first day, so I felt that there were no artificial limitations put on me simply because I was a summer associate.”

Others who are benefiting from the globalization of law firms are LLMs, who are generally older and have more work experience than their JD classmates. Since they already have contacts and experience, they may be able to bring more to the table than their younger counterparts; LLMs often act as the bridge between domestic and foreign attorneys. Andrew Mitchell, a recent LLM graduate of the Harvard Law School, has worked on both sides of the Pacific—at Farris, Vaughan, Wills & Murphy in Vancouver and Allens Arthur Robinson in Melbourne—and has straddled the Atlantic as well, spending a summer at Davis Polk & Wardwell in New York before continuing his studies in international trade law at the University of Cambridge. Firms seeking more versatile and seasoned lawyers who are unafraid of spending time abroad are finding LLMs like Mitchell increasingly attractive as prospective recruits.

Why Go Abroad?

Perhaps the two most obvious reasons to go are great learning opportunities and the satisfaction of wanderlust. Watanabe notes, “One of the purposes of [Milbank’s foreign

rotation] program is to give young associates who are interested in working overseas the opportunity to test the waters and see if it's really for them. We want to create a larger group of attorneys who are knowledgeable about and have experience in our foreign offices—these are often the attorneys who later decide to undertake longer work rotations abroad."

Whittington agrees: "Because the [London] office was smaller than Kirkland's American offices, the work environment was a lot more intimate and I received a higher degree of responsibility than I would have back in the States."

For those law students and associates who are fortunate enough to know exactly which practice area they want to be in, working in overseas offices may be one of the best options for training, since they often specialize in particular fields. "Kirkland's London office does a lot of private equity work, which is definitely what I want to do," says Whittington. "I was able to really focus in on private equity without feeling any pressure to work in different practice groups."

In addition, there are numerous benefits to living abroad. Many firms will provide substantial cost of living adjustment stipends and expense accounts for necessities, and even pay the costs associated with moving a family. If you wind up spending a great deal of time overseas, you might find yourself at least partially exempt from American income tax and paying a lower income tax in the host country.

Christopher Rose, an associate at Squire Sanders & Dempsey in London, adds, "A lot of firms pay a substantial living adjustment, [though] I don't know of any firm that pays for housing. Permanent residents like me pay U.K. taxes, which end up being about the same as in the U.S. The true perk is the ability to travel anywhere in Europe on a moment's notice. The Amalfi Coast of Italy sure beats the Jersey Shore."

Those who go abroad can also expect differences, some obvious and some subtle, in the way day-to-day work is conducted in other countries. For example, in many parts of Asia it is expected that attorneys will come in to the office on Saturdays regardless of their workload; likewise, the overall number of hours spent in the office may be higher than in a typical U.S. office. In Europe, attorneys might find that face time is still expected, and that they can't take the afternoon off even when there's nothing to do. In short, those going abroad should familiarize themselves with the cultural differences, even if the work itself is going to be similar.

"The culture at my firm is collegial and laid back," says Rose. "I chose this firm over a rather prestigious New York firm because I understood the hours to be more tolerable. With certain exceptions, I work 9:30 a.m. to 7:30 p.m. with occasional weekends."

Where You Can Go

Lawyers who are contemplating working overseas should also recognize that they have options beyond large New York firms with extensive overseas networks. Firms in the United Kingdom, particularly those in London's prestigious Magic Circle, have also been expanding into other countries. These firms generally have many more overseas offices than American firms do and often have specialized U.S. law groups which hire American lawyers to do international transactional work.

"Allen & Overy has a real commitment to growing its U.S. law practice," comments Jeffrey Golden, a partner in the London office and co-head of its U.S. Law Group. "In the past year alone, the number of U.S. lawyers joining the firm grew by 40 percent. The number of U.S.-qualified attorneys at Allen & Overy is currently more than 150."

Increasingly, British law firms are marketing

themselves as the only truly global law firms in the world. While there used to be unspoken rules that even U.S. offices of such firms would only advise on U.K. law, they have now moved into the U.S. market and are increasingly becoming competitors for domestic business in addition to foreign transactions.

"In the last few years especially, the depth of our U.S. law capabilities has increased considerably. We are advising in an ever-increasing variety of areas, including equity and debt offerings, mergers and acquisitions, derivatives, project finance, securitization, banking, asset finance, insolvency and U.S. tax," adds Thomas Jones, another partner in A&O's U.S. Law Group. "The recent addition of a number of high-profile partners has allowed us to reach out into new practice areas and has solidified our standing in the international legal marketplace."

Prove Your Case

While firms often send associates to countries where the deals they are working on are based, other factors may come into play for permanent postings. Experience in the destination country or a plausible connection to it might be a prerequisite.

"Firms want to know that you are serious about being here and that you will at least stay a couple of years, preferably longer," says Rose. "Another factor is the type of experience you have. Some require capital markets experience, since that is all some U.S. firms do here. My general corporate experience proved to be an asset. It also helped during interviews when I demonstrated a connection to Europe; I have a brother who lives in Moscow that I rarely see. Moving to London made it possible for me to see him—and my five-year-old nephew—more often."

Language skills are useful, but as Watanabe points out, "Neither language ability nor prior experience in the destination country is required. Those factors may certainly help make



you feel more comfortable in social settings, but all of our work is conducted in English.”

In the end, most firms are unable to fill their larger foreign offices’ demands for more U.S. trained attorneys. It was rumored that in the offices of some prominent New York firms, associates would find themselves on planes the minute the words “Hong Kong” crossed their lips. While such stories may be apocryphal, the general trend seems to be that firms are more than happy to send people to foreign offices that handle a high number of transactions. Unfortunately for young associates, these offices generally aren’t the most popular tourist destinations.

Look Before You Leap

Until a few years ago, being sent abroad usually meant you were no longer on the partnership track. Returning to the U.S. after a period abroad would generally put you at a disadvantage when new partners were being elected. But this may be changing. “Some feel working overseas actually improves your chances at partnership,” says one associate, “since it shows the partners you’re a team player and willing to travel for the greater good of the firm. I’m not sure the statistics bear that out; however, it certainly can’t hurt, and partners do tend to encourage it, so there may be some truth to that.”

Still, he discourages new attorneys from starting out overseas: “As for starting in a foreign office, I wouldn’t recommend it, because it’s important to understand how a firm functions and to get a feel for the firm’s culture if you want to get the most out of your tenure there. Only in the main office can you get that sense. Also, it’s the best opportunity to meet and work with most of the big guns at the firm.”

Rose concurs: “With respect to partnership prospects, years ago, working at a branch office may have been a detriment unless you were at a firm that encouraged foreign post-

ings. Today, I think that is much less the case. Training is another story. Few if any U.S. firms in London are prepared to train a new lawyer. Most firms would not start you out here and the ones that do would probably not be looking out for your best interests. Also, starting out at a far-flung office would position you for practicing in that niche area—and leave you less flexibility upon your return. I’d recommend learning the nuts and bolts of transactional practice in the U.S. for a few years before moving across the pond.”