

# Planning for a Legal Career Overseas

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If one of your career or personal goals is to work as a U.S. lawyer overseas, you need to start preparing and positioning yourself very early on. This means picking the right practice area, picking the right firm, and, if relevant, working on your language skills. You must also consider the potential downsides and sacrifices involved in working overseas for a portion of your career. And you need to start planning early, always keeping in mind the ideal timing for a move overseas (and possibly a move back home).

## **Which practice areas are most conducive to working abroad as a U.S. lawyer?**

The most important factor in picking a practice area is your level of interest in the work. It is extremely difficult to switch practice areas once your career has begun. So I strongly urge you to choose one you can see yourself enjoying over the long haul.

If, however, multiple practice areas appeal to you and you have a desire to work overseas, or you need to move overseas for personal reasons, there are better and worse practice areas to choose. Note the geographical differences and trends:

- *Capital markets/securities law:* This is your best shot overall at working overseas. U.S. lawyers rotating to foreign offices in Europe (for example, London, Paris, Milan, Frankfurt, Madrid), Asia (Hong Kong, Beijing, Shanghai, Singapore, Seoul) and Latin America (Mexico City, Buenos Aires, São Paulo) are more likely than not securities lawyers. These securities lawyers are expected to have experience with a variety of types of deals (debt and equity, IPOs, tender offers, issuer's and underwriters' side) and more and more often we are seeing requests (particularly in Europe) for associates with high yield debt experience. Capital markets practice for U.S. lawyers is virtually non-existent in the Middle East, however.

- *Project finance*: Not as sure a bet, but project finance is on the rise, especially in Latin America for associates with fluent Spanish or Portuguese, and to some extent in London.
- *M&A/Private Equity*: Once in a while you will find these openings for U.S.-qualified lawyers in London, or very infrequently elsewhere in Europe and in Asia. M&A is on the rise now in the Middle East, however.
- *Real Estate Finance*: We are seeing some of this work now in London and in the Middle East.
- *International Arbitration*: If you are not interested in corporate law, we do see international arbitration positions in London, Paris, Dubai, Geneva and Singapore. There are virtually no U.S. litigation needs overseas. The difficulty in positioning yourself for this practice is that very few associates in the U.S. are able to practice international arbitration exclusively; for an international arbitration post overseas, the firm will expect some solid years of international arbitration experience.
- *FCPA, Anti-Money Laundering, Internal Investigations, OFAC, Antitrust and Compliance*: This is a growing field in the U.S. but also in Europe and in Asia (particularly in China). We are not seeing too many openings for U.S. lawyers right now, but it's a field sure to be on the rise in coming years.

I have listed a number of practice areas above, but again, capital markets is still overwhelmingly the most likely practice area to send you overseas. And while not the only option, starting at a large firm in New York is the best way to gain this experience that may set you up for a rotation overseas.

### **What should I look for in a firm if I would like to work abroad?**

Not all firms allow or encourage their associates to work overseas, even if they have overseas offices. Some overseas offices are staffed exclusively with local lawyers. Do not rely on the firm's promotional materials targeted to potential clients when determining the strength of the firm's international platform and possibilities for working in a foreign office. You need to dig a little deeper and ask around.

As a general rule, prestige does matter. The majority of firms with overseas offices (and moreover, overseas offices that actually employ U.S. associates) are the top international firms overall. These are usually the firms with the greatest share of cross-border work. And in a foreign city where only the very top U.S. firms have any name recognition, prestige will carry extra weight.

It goes without saying that you should look to work at a firm that is very strong in the practice areas conducive to U.S. lawyers working overseas, with a strong platform in the U.S. to complement the overseas deal work. As I noted above, this usually means a strong capital markets practice with significant high yield debt (or at a minimum investment-grade debt) work and a strong cross-border deal footprint. On the non-corporate side, it usually means a firm with a strong international arbitration practice.

Keep in mind that a firm might have a strong international practice but no overseas/local office if work can be handled from another office. For example, a number of firms with a strong Latin American practice do this work entirely out of New York or Miami. Certain firms work on a number of deals involving French issuers but conduct all of this work out of their London office.

Find out if the firm has a rotation system only for U.S. associates, and if so, what is the expected length of stay? Would you be able to stay long-term if that is your hope? Would you have to return to a U.S. office to be considered for a promotion to counsel or partner?

### **How important are language skills?**

For certain overseas opportunities, you must be fluent in a foreign language; for other opportunities proficiency may suffice or no language skills may be required.

- *Europe*: If you want to move to London, English may suffice, though knowledge of another European language (especially French or Russian) will be a big plus. For corporate work in other European capitals, fluency or a very solid proficiency in the native language is essential. For international arbitration work, the language skills are not as necessary (unless the group is bringing you on for a specific matter) but you will be much happier if you have enough of the local language to get by in the office and in the new city in general. You will also be expected to take the local bar exam if you want to stay long-term, and that will require fluency.
- *Latin America*: Expect any opening to require fluent Spanish or Portuguese.
- *Middle East*: Arabic is of course a big plus, but generally speaking foreign language skills are not required.
- *Asia*: English will suffice for Singapore, but Mandarin is required for almost all job openings in Mainland China and even in Hong Kong. Korean is required for Seoul, and/or sometimes Mandarin if China work is done out of the Seoul office.

What does fluency mean? While business fluency is a big plus, you will not be expected to know all the industry terminology upon arrival, just as you inevitably take some time to learn those terms in English when you first start at a firm in the U.S. It's also quite common in the legal and business worlds to hear a mix of the local language and English. In Paris, for example, *franglais* was the *lingua franca*. Never will you hear even a French lawyer discussing a *conférence téléphonique*. It is always referred to as "*le conf call*".

### **Caveats about working abroad as a U.S. lawyer**

There are pros and cons to working overseas. Generally, the overseas offices are smaller offices and hence there may not be as developed training and other mentoring structures as in the larger home office. They may have fewer support staff and you may not have that junior associate to delegate work to anymore!

Smaller offices may have a smaller variety of work, and certainly the work for U.S. associates may be less diverse. It is easy to get pigeonholed and not gain the same level of experience and professional development that you would gain in the U.S.

It is hard to come back to the U.S. if you spend too long overseas. At least on the corporate side, your skills for domestic-based deal work may not be as sharp. If nothing else, your skills may be *perceived* as less sharp. Even if you are returning to the same firm's U.S. office, you should expect to be deferred for partnership consideration if you have spent more than a couple of years overseas or if you return

past your 6<sup>th</sup> year. If you want to just do a 1-, 2- or 3-year rotation overseas, go fairly early (once you feel you can more or less run deals on your own). Come back to the U.S. before you are too senior (unless you want to stay overseas very long-term).

Keep in mind that interviewing is hard from overseas, if you are looking to move back to a new firm in the U.S. Given the choice between scheduling interviews with you and an equally qualified candidate living in the same city, a firm will choose the local resident.

Despite the drawbacks to working in an overseas office, there are of course huge benefits: the experience working with smaller teams, learning a new legal system, developing your language skills, learning about a new culture, allowing yourself the personal challenge. Just know what you are signing up for before you commit! Talk with other associates from your firm who have worked abroad. Have a conversation with the partners about the implications (positive and negative) of you moving overseas and their short- and long-term expectations for you. It's a huge commitment for a firm to move you overseas, so it's in their best interest as well to be sure that everyone is on the same page.

### **What should I be doing now to best position myself for going overseas?**

There are several things you should start doing early on if your goal is to make it overseas as a U.S. lawyer.

First, get the right experience. It is extremely hard to rebrand yourself and switch practice areas once you have started your legal career. But if you are going to try to make a switch, it is usually much easier to move practice areas within your own firm than to find someone willing to hire you as a lateral associate into a new practice area. Remember, the lateral market is not the same as the market for summer or first year associates. Being smart, interesting and personable is no longer good enough. You will only be hired if you have the right skills and experience.

Keep the timing in mind. You should give yourself a solid year or preferably two of training in the U.S. before you go overseas, but you also do not want to head overseas too late in your career. If you need a visa to work overseas, factor in that this process could add a few months to the timeline.

Tell your firm early on about your interest in potentially going overseas. Put yourself on the appropriate partner's radar.

Brush up on your language skills if they will be relevant. Be prepared for interviews in the local language of the new office.

Finally, remember that recruiters can be a great source of information on firms, the latest regional trends and requirements for working overseas. Any good recruiter will be happy to share their knowledge even if you are not looking to move firms imminently. But be sure to do your research. Work with a recruiter who knows the particular market you are interested in, or who works in conjunction with a colleague or team of colleagues who know that particular market.