

Working Overseas: Asking The Right Questions Before You Take The Plunge

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I recently wrote a post on [Planning for a Legal Career Overseas](#) in which I touched on questions such as “Which practice areas are most conducive to working abroad as a U.S. lawyer?” and “What should I look for in a firm, if I would like to work abroad?”

Now let’s assume you have an opportunity to work overseas, either through your current firm or with a new firm. It is important to be sure you have all the information you need before deciding whether or not to accept that offer. You should know exactly what to expect before you make the move. It is also crucial for you and the new office to be on the same page.

What are some of the questions you should be asking before you accept that offer?

Salary & Benefits

- Will I be paid on the same pay scale as I am currently paid? Generally U.S. associates will be paid on the same pay scale as in New York, but some U.S. and non-U.S.-based firms will pay lower.
- Will I be paid in local currency, U.S. dollars, or can I choose? Firms will often let you take a percentage in local currency and a percentage in U.S. dollars.
- Will I still get a U.S. associate’s bonus or a bonus on the scale of a local lawyer? Generally if you are on a U.S. pay scale, you will get a U.S. associate’s bonus as well, but you should find out for sure.
- Is there a COLA (cost of living adjustment), a housing allowance or a tax gross up? Depending on the cost of living of the new city, there may be a cost of living

allowance in the form of a lump sum monthly or yearly payment, or you may be offered a protected (favorable) exchange rate that has the effect of being a cost of living adjustment. Some firms prefer to pay for the associate's housing. Some give compensation for higher tax rates in the new jurisdiction.

- Will I need to switch health insurance plans? The answer is likely yes. It's important to then look at the terms of the new plan and be sure the benefits are roughly equal to what you had in the U.S. Or, you may want to look into whether the new country offers more options or cheaper benefits if you purchase your own health insurance plan.
- Are there other benefits specific to my U.S. office that I may lose (gym membership reimbursement, local bar dues reimbursement, paternity leave rights)? Are there new benefits under the new office's policies or local laws that I will gain (lunch or local transport subsidies, additional annual vacation and/or maternity leave days)? Do not expect the benefits package to be exactly the same, but be sure it is a fair trade.
- If the new country's local language is not English, will the firm pay for language classes/tutoring for me? For my spouse as well? I would not necessarily expect this benefit, but it may be in the firm's best interest, as well as yours, so it may be worth asking!
- Will I receive any additional "expat" benefits, such as an annual flight back to the U.S. (for me and my family) or assistance with tax return preparation? Note that as a U.S. citizen or green card holder, you will have to file taxes in the U.S. as well as in the local jurisdiction.

Moving Expenses

- What will the firm pay for in terms of relocation costs? Most firms will reimburse actual costs, but some firms will also pay an "intangible" moving allowance to cover expenses such as new electronics if you are moving to a country with different plugs and voltage.
- Will the firm pay for temporary housing for the first month or so? Will they pay the broker's fee for my new apartment? If I am required to break a lease early to move, will they reimburse any expenses incurred? The answer to the latter question is probably no, but ultimately everything is up for negotiation.
- Will the firm pay to relocate my cat or dog? Are there quarantine rules I should be aware of? The latter is a question you should look into on your own, of course. Not an appropriate question to pose of the managing partner.

Going Local

- Am I expected to stay with this overseas office indefinitely or is the assumption that I am on a rotation of a fixed length? This may largely depend on your ability to maintain work authorization in the local jurisdiction. In some countries it is relatively easy to stay indefinitely, while, in some countries it is hard to obtain a visa to stay longer than 18-24 months.
- Is there a minimum expected stay in the overseas office? Of course you cannot be *forced* to stay in a job if you want to quit, but you may be required to reimburse moving expenses if you leave sooner than agreed.

- Will I be expected to become a member of the local bar? Is there some sort of reciprocity with my current bar membership, or would this be a significant obstacle? For example, every firm in France has its own rules on when you must become a local lawyer, but for reasons relating to a Social Security treaty between France and the U.S., you must become a local lawyer after 5 years maximum. The procedure is easier if you already have the New York bar, but by most accounts it's still much harder than taking the New York bar itself!
- If I am required to become a member of the local bar, are there consequences I should be aware of? For example, in France, when you become a local lawyer, you are reassigned from "employee" status to more of an independent contractor status. Some firms will lower your salary to align more with French market pay, while other firms will raise your salary to compensate for now higher taxes (including professional dues). Where employees are not easily fired under French law, independent contractors can be fired with three months' written notice.

Other Questions

- Will my tax rate be higher in the new jurisdiction? It may be worth having an initial chat with a tax accountant who specializes in working with expats. Often a COLA is designed to compensate for higher tax rates. Keep in mind, however, that while you may still pay U.S. federal tax, you will no longer need to pay state or city tax if you are an overseas resident. Surprisingly, my effective tax rate was slightly lower when I was working and living in Paris than when I was working and living in Manhattan.
- What sort of visa will I need? You may want to do some of your own research to find out if your stay in the new country on this visa counts towards permanent residence or citizenship if this is something you would be interested in obtaining one day.
- Will the firm also assist my spouse in obtaining work authorization? If not, how difficult would it be for him/her to get a visa on his/her own? Whether or not the firm will assist is not always in the firm's control, but they may have the ability to sponsor your spouse as well.

If you can find the answers to some of the above questions on your own, or by asking other associates who have recently moved, you should. Keep in mind that every office of every firm has a different package for associates working overseas, and sometimes it varies by associate. No firm will give you everything you want. Ultimately, working overseas is an incredibly rewarding opportunity and you should base your decision on much more than just overall comp. Showing up in the new office and already being known as the "high maintenance" or "overly demanding" associate will not make the best impression. Pick and choose your battles wisely.

If you are working with a recruiter, the recruiter may have some of these answers, and he or she can certainly help you determine which are appropriate questions for the law firm and which may not be. When it comes to negotiating your package, a recruiter may be able to assist. However, keep in mind that it's you and not the recruiter who will be facing your new employers day in and day out once you start the new position. Taking on the negotiation yourself may make you realize which points are deal breakers for you and which are not. Fighting your own battle in the post-offer stage will ultimately make you look more professional in the eyes of your new bosses.