

The Foreign Lawyer's¹ Top Ten List for Success in the U.S. Legal Market

by Carole Silver²

Introduction

Increasing numbers of foreign lawyers are enrolling in U.S. law schools for the one-year LL.M. degree, and many hope to stay in the U.S. following graduation for a period of practical experience. The search for U.S. employment for these foreign lawyers presents unique challenges, different both from those faced by their J.D. classmates and from the home legal market for most LL.M. graduates. While many J.D. students secure a job through the on-campus interviewing that occurs each fall, LL.M.s often are excluded from these interviews. There is a good explanation for this: law firms in the U.S. hire on the basis of law school reputation and grades, and LL.M. students have no grades from their U.S. schools at the time of the fall interviewing season. The emphasis on grades distinguishes the U.S. hiring market from many foreign legal markets, where other credentials take precedence. This reliance on grades is tempered somewhat in the U.S. market for LL.M. graduates, where personal and professional contacts play a secondary but important role, too.

In approaching the search for employment, foreign LL.M. students must act as translators for potential employers. They must translate their experience into a form that can be easily understood by U.S. lawyers. The resume is a translation device that may be used to educate potential employers about a student's credentials. U.S. employers are accustomed to assessing a law student's resume very quickly. The aim of the foreign LL.M. student, then, should be to present information in her resume that allows a potential employer to quickly discern the ways in which a foreign student's experiences differ from those of the typical J.D. candidate, and to assess how the foreign LL.M. student compares to her J.D. classmates.

Use the following ten rules to guide your efforts to find a job in the U.S. legal market.

1. Prepare a resume and cover letter that reflect a professional image.

Your resume and cover letter are important because they are the basis for an employer's decision to grant an interview. These documents should present a professional image. They should be written in clear and concise English, and should not contain misspelled words or typographical errors. U.S. lawyers are notoriously particular and detail-oriented. A misspelling or ungrammatical

¹ The term "Foreign Lawyer" means a person whose primary legal education was received outside of the U.S.

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sentence is apt to be noticed. It is a good idea to proofread your resume and cover letter several times before mailing them, and students often ask another person to proofread for them as well. LL.M. students might organize a proofreading cooperative for these purposes, in which students proofread each other's resumes and cover letters.

2. Include your grades and other indicia of academic achievement on your resume.

U.S. law firms generally hire law students on the basis of their law school academic records. U.S. J.D. students typically include their law school grades and other indicia of academic achievement, such as a merit scholarship or law review position, on their resumes. You should include as much information as possible about your home country legal academic record; this may require a brief explanation of the education system in your home country. For example, a German student might include her scores on the First and Second State Exams, with an indication of the percentile ranking for her score, if available; when applying to law firms without an international practice, a German LL.M. student might even include a brief explanation of the role of these exams in the training of German lawyers.

You also should include information about your U.S. LL.M. academic record. Employers may place more emphasis on your U.S. record than on your home country record simply because they understand the U.S. law school information better and are able to use it in comparative assessment.

3. Highlight your legal professional experience, and explain its relevance, if any, to the U.S. legal market.

U.S. law firms increasingly are hiring lawyers with some experience, especially to staff their foreign offices, and this may provide you with another path to employment. If your experience is relevant to a particular substantive practice area, use your resume to describe the relevance in order to position yourself for consideration as a lateral hire. For example, a Latin American student who spent several years practicing corporate and commercial law in a law firm in his home country should highlight his experience for potential employers who represent multinational corporations doing business there. Similarly, the Italian student who worked for an Italian international commercial arbitration specialist has experience that may be valued by U.S. law firms with international arbitration interests. Highlighting your legal experience distinguishes you from U.S. J.D. students, who generally have no significant legal experience when they graduate.

4. Use your resume to explain what is foreign to U.S. lawyers generally, but only include information that truly informs.

Avoid explaining what is universal and already clear to lawyers. For example, if your work as a law clerk in your home country involved reviewing contracts,

preparing memoranda, and conferring with clients, there is no need to describe your duties in any detail because they are common to all lawyers.

However, if you worked in the Office of the Australian Bank Ombudsman, your resume should describe your responsibilities and might even explain the role of the Ombudsman's office, since no analogous agency exists in the U.S.. It is important to know the U.S. system and to understand how it differs from your home country's system in order to decide what information to include (more about this later).

5. Get to know one or more of your U.S. law school professors and ask them to serve as references for you.

U.S. employers are much more likely to check a reference with a U.S. law professor than a foreign lawyer or professor, simply because of comfort and convenience. If your only references are foreign lawyers, be sure to include information about their language abilities so that the employer knows whether she will be able to communicate with the reference.

6. Know what type of position you want and what you will accept.

Use the law firms' websites and recruiting material in your school's career office to determine whether a formal foreign lawyer training or internship program is available, whether there is a need for foreign lawyers in a firm's foreign offices, and whether the firm employs foreign legal consultants. Limitations on foreign lawyers sitting for the bar examination in certain states may impact employment opportunities at particular law firms.³ In Chicago, for example, where the LL.M. degree does not qualify foreign lawyers to sit for the Illinois bar, few firms hire foreign lawyers as permanent associates for their Illinois offices because of this licensing problem.

If you are eligible to take the state bar examination where you are applying for a job and if you intend to do so, you might state your intention in your cover letter. If you are ineligible to take the bar examination where you are applying for a job, consider whether taking another state's bar would be relevant (for example, if the firm has an office in that other state), and also whether your opportunities would increase if you became licensed as a foreign legal consultant.⁴

³ For information on the ability of a foreign lawyer LL.M. graduate to sit for the bar examination in particular states, see ABA Section of Legal Education and Admissions to the Bar and National Conference of Bar Examiners, Comprehensive Guide to Bar Admission Requirements 1997-98.

The ABA Committee on Legal Education has indicated its concern that state bar examiners misunderstand the absence of accreditation for LL.M. programs. See http://www.abanet.org/legaled/postjd_letter.html (visited November 29, 1999); Siobhan Roth, "ABA body wants tighter rules on licensing lawyers trained abroad," The National Law Journal (April 26, 1999).

⁴ For information on state licensing of foreign legal consultants, see generally, Carole Silver, "Regulatory Mismatch in the International Market for Legal Services," Northwestern J. Int'l Law & Bus. (forthcoming)

Law firms hire foreign lawyers as interns, as permanent associates and partners, and even as paralegals, law clerks and project directors. Decide what position you want, keeping in mind visa restrictions, and consider whether you will accept other positions as well. While it may not be appropriate to discuss this information in your resume or cover letter, this awareness may offer you a more flexible mindset.

7. Inform yourself about the U.S. legal market and about particular law firms by reading publications that U.S. lawyers read.

Deciding which law firms and organizations you should write to is time consuming and confusing for foreign law students. You can begin informing yourself about potential employers even before you reach the U.S. by reading those publications that report on the practice of law in the U.S. and internationally. These publications regularly highlight particular law firms and lawyers, and provide regular readers with a general knowledge of the organizations active in particular substantive and geographic areas. National publications include the American Lawyer, the National Law Journal, and the American Bar Association Journal; the International Financial Law Review reports on the international sphere and its participants; and local bar journals and legal publications may complete the picture. You might register with www.law.com, which includes articles from a number of different U.S. journals, to receive their daily email reports about the practice and profession. In addition, many U.S. law firms have websites that are informative on their practices and hiring needs.⁵ Certain local bar associations may have groups that focus on international practice issues, and these may be useful for gathering names, too. One example is the The Association of the Bar of the City of New York's Task force on International Legal Services.

8. The cover letter can establish your relationship to the organization to which you are writing, or it can express a more general interest in the organization, but in either case do not overstate.

Use the cover letter to mention lawyers at the organization with whom you have worked, or to explain the basis of your interest in the organization. For example, if you worked on a privatization in your home country, and Jane Doe, a lawyer with the firm to which you are writing, also worked on the privatization, state this in the letter. But do not overstate relationships as this may lead to misunderstandings. If you have no personal knowledge of the firm, your interest may be based upon the international nature of the firm's practice, the fact that the

2003); Sydney M. Cone III, *International Trade in Legal Services*, chapter 4 (New York: Little Brown and Company 1996); www.crossingthebar.com.

⁵ Some LL.M. students use law firm websites to identify partners from their home countries; the students believe that writing to co-nationals increases their chances of being offered an interview.

firm has opened an office in your home country or the neighboring region, or even the inclusion of the firm's name on a listing of organizations involved in international practice.

9. Help the interviewer feel comfortable with your "foreign-ness."

There are two difficulties that commonly occur in interviews with foreign lawyers: an absence of eye contact and uncertainty about pronouncing the applicant's name. You can put the interviewer at ease by introducing yourself and carefully pronouncing your name at the beginning of the interview. You may even want to repeat your name, slowly, if it is especially difficult to pronounce for Americans. Asian students might need to clarify which name is their surname, as well.

Eye contact is important as an indication of assertiveness. U.S. lawyers are assertive, and are interested in hiring students who resemble them in this regard. If you are too timid or deferential, an employer may be concerned that you will not be capable of performing the job of a U.S. lawyer.

It may seem strange to think that your job is to put the interviewer at ease rather than the other way around. The more relaxed the interviewer is, however, the better she will feel about the interview. You can help her relate to you as an individual by making sure that she knows how to address you and by making eye contact.

10. Practice speaking English before your interview.

This may seem obvious, but it is worth stressing: language is the stock-in-trade of the U.S. lawyer, and oral and written language ability is crucial. You must be able to communicate effectively in English in order to work as a lawyer in the U.S. Practice speaking English with Americans and other foreign students.

Conclusion

Finding a job is challenging for foreign LL.M. students who have a limited time in the U.S. (because of visa restrictions and economic considerations) and who present different strengths and limitations than U.S. J.D. graduates. Foreign lawyers are best able to present their strengths if they understand the comparative similarities and differences in the legal professions and the roles of law generally between the U.S. and their home countries. It is time consuming to gain such a comparative understanding, but doing so enables foreign lawyers to frame their credentials in the most meaningful way for U.S. law firms and lawyers. The investment is well worth the trouble.