WELCOME

By Desiree Jaeger-Fine — desiree@jaeger-fine.com. Desiree is the founder of Jaeger-Fine Consulting LLC, a consultancy that specializes in advising foreign lawyers who seek to work in the U.S.

The Spring meeting is here and thousands of legal professionals are heading to D.C. from all over the world. The organizers set the stage for an amazing event, now it is up to us to make it a truly enriching experience. YIN is very much looking forward to meeting colleagues and friends, both new and old, and we are very excited about the coming days.

MEMBER SPOTLIGHT: GABRIEL DEJARDEN

Gabriel Dejarden is a partner at Dejarden Molina & Salcedo (DMS), a full service law firm based in Santo Domingo, Dominican Republic. Prior to founding DMS with his colleagues Edward Salcedo and Christian Molina, Gabriel was a senior associate in the only AmLaw 100 global firm with an office in the Dominican Republic.

He has a diverse transactional practice, focused on real estate and hospitality, financial services, labor and employment, trusts and corporate law matters. This implies assisting real estate development companies, representing borrowers and lenders in corporate finance, commercial real estate and international energy projects, and providing counsel to employers with complex labor matters, such as investigations and internal compliance audits. He is also regularly involved in general commercial contracting, asset acquisition, lease and sale transactions for Major League Baseball teams, banks and other businesses.

Gabriel first became aware of YIN in 2010 during that year’s Spring Meeting. There he met past YIN chair Hedwin Salmen Navarro, who encouraged him to become an active member of the committee by highlighting the various policy initiatives and networking opportunities that YIN had to offer. Since then, with the help of his YIN and other ABA colleagues, Gabriel has been a speaker at a fall program, served as ABA liaison to ANJE a Dominican business organization, served as social media ambassador during the last Spring meeting, and appointed vice-chair of the Latin American and Caribbean, Cross Border Real Estate Practice and our own YIN committee. More importantly, Gabriel adds “YIN has not only been very important in helping us advance our professional careers, but it has also been instrumental in helping us foster close personal relationships with international legal professionals that would likely endure a lifetime.”

CALL FOR CONTENT

Do you want to get published but don’t know where to start? Do you have a helpful tip or interesting bit of information that you would like to share with your fellow YIN/Outreach members? Or do you have an upcoming event or program you want YIN/Outreach members to know about? If so here is your opportunity! YIN and Outreach are currently soliciting content for our next quarterly newsletter. If you have ideas, suggestions, or would like to submit a brief article please contact Audrey Lustgarten (alustgarten@lustgartenglobal.com).
CHINA—A MARKET FOR U.S. LAWYERS?

By Asen Velinov—asen.velinov@grandall.com.cn. Asen is licensed in California and currently working with Grandall Law Firm in Shanghai.

Not long ago my previous law firm, the largest domestic firm, Dacheng, merged with Dentons to form the largest law firm in the world. Just this week Baker McKenzie formed a joint venture with a domestic firm in the Shanghai Free Trade Zone. Most large and mid-size US law firms not already here are “thinking about China” and “learning Mandarin.” The allure of China in the law business aspect is probably stronger than ever—the key reason being that for the first time in history Chinese companies have become major international investors and work is coming from China—in 2002 the total amount of Chinese outbound investment was a mere $2.7 billion. In 2014 this figure is $102.9 billion (an almost fifty-fold increase in just 12 years). On top of that, China is still one of the countries that offer the most significant opportunities to businesses, and there are various aspects of the history, culture and legal system that are fascinating.

All of the above, however, are not reasons to want to work as a new lawyer in China. What makes me “qualified” to talk about legal work in China is the fact that I am currently with one of the biggest domestic firms, and that out of law school I joined the biggest one. Also, most of my education, save for my JD, was received in China—I got my BA, MA and LLM in three of the top Chinese universities. Almost 13 years after I first moved to China and three after graduating from law school I have some insight, and would like to share some patronizing and general advice on what I think are the two key steps to take should one desire to explore a China-related law career, particularly in a Chinese law firm and in the field of corporate law and outbound work (the opportunities for a China career in other areas of law would wildly vary, with criminal law being perhaps the least feasible option, while there are opportunities in the areas of labor, family law and alternative dispute resolution.), and when said individual is not a Chinese national—i.e. would not be taking the Chinese Bar and getting on a true partnership track. I would give just two pieces of advice, and remain available for any particular questions.

Demonstrate interest that goes beyond “it would be a good opportunity for me”

What I think was one of the better decisions I made was to get my LLM in China during my 2L year (that also meant paying Chinese tuition during that year, and that was a lot cheaper). You would need permission from your law school and to maybe take a summer school class if you do a whole year, but you could still do one semester and then go back and do the second one after you graduate in the US. A growing number of Chinese universities offer English LLM programs and they typically entail two semesters of classes and some time for thesis preparation and defense that can be done remotely. Ideally, the thesis topic should be a practical one, and the process should be used to make some contacts with lawyers in that area of law. Career services for foreign graduates appear to be uniformly useless, so as long as the school is a top one, it doesn’t make much more of a difference.
Educate yourself about the realities of the industry

The reality of the Chinese legal industry is such that you have limited options when it comes to the type of work you can do and the type of firms you can or want to work for. For the purposes of this newsletter, we are not talking about international firms—anyway they usually do not hire junior foreign associates locally and a couple have made high profile exits from China recently— with the focus of the work switching to outbound rather than foreign direct investment work, the domestic firms have become competitive when it comes to the type of work a foreign attorney would like to do. We are also not discussing small domestic firms, firms that focus on purely domestic work and also boutique firms—the former two would have almost no use for a foreign attorney, and the latter perhaps offer opportunities I am not familiar with. That limits the list of viable options to not so many. Also, many domestic firms are pure partnerships and the best approach is to get connected to partners who do relevant work and not approach the human resources department, more so than is the case in the US.

It is also noteworthy that it seems that the legal industry is not “opening up” to foreigners, on the contrary, recent policy changes signify a “closing up” direction—the newest catalogue for foreign investment designates foreign investment in legal services in China “prohibited” (an update from a “restricted” designation) and some firms have had issues with securing judicial department approval for new foreign hires. What that means in practice is still unclear—foreign nationals cannot take the Chinese Bar Exam, domestic firms cannot hire foreign “lawyers” and foreign law firms technically don’t “practice Chinese law.” This is the law. The legal “reality” is a bit different, but these are matters to consider.

In conclusion, the likelihood of getting a job in China, while outside of China, would be slim. The best way to prepare for a China career would be “remotely,” and only after carefully considering whether you would be willing to invest in developing your career in a country where your business card will say “not practicing law in China,” where you would likely never become partner and where you would to a large degree be creating your own job descriptions and developing your own business from day one. But, with the willingness to do that and some luck, the opportunities are truly endless.

MEET YIN AMBASSADORS AT THE SPRING MEETING

We are very much looking forward to meeting you!

The Spring meetings is not only a fantastic event, it can also be quite overwhelming for first time participants. We are not only happy to help but also excited to meet you. So please don’t be shy to introduce yourself to our YIN ambassadors in the hallway or reach out to us via email.

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You are your best advocate because only you know the extent of your accomplishments.

1. Timing is everything
Understand how and when raises are typically determined at your firm or company. In many cases, salary increases are communicated during annual review, and it may seem natural to use that meeting to negotiate. However, in most situations the annual review meeting is too late.

2. Do your homework
Research can help you learn what similar employers are paying those at your level. While your market may be different from others with more information available (salary ranges are rather different in Minneapolis compared with Washington, D.C.), it will help you craft your pitch if you can speak to outside data indicating what you are worth. Relationships with headhunters and outside recruiters can be a big asset. They have great information about the salaries paid to those in positions similar to yours.

3. Toot your horn loud and proud
Many people are uncomfortable telling others how great they are, but you are your best advocate. Only you know the extent of your accomplishments. What extra activities are you doing that make you worth the extra expense as opposed to another associate? Maybe you brought in business during your third year, when your firm doesn’t expect it until year five. Or you go to monthly bar association events, giving your company needed exposure in a new area.
Perhaps you were published, and people now know to call your firm when they require assistance in your practice area. Are you doing pro bono work in the community on the firm’s behalf? All of these are great ways to set yourself apart and show that you are adding value at a level beyond the expectations of your role at the firm or company. Bringing supporting documentation (e.g., articles, a list of accomplishments) to the discussion helps ensure that you don’t omit anything and that your supervisors can easily pass on the good word to other decision makers.

4. Don’t use other offers as leverage
It’s easy to think the best way to settle on the number you want is to get another offer and present it to your supervisor, but this is rarely a good idea. First, it tells your employer that even if you accept a counteroffer, you are actively looking at other employment opportunities and may leave at any time. Second, if your firm doesn’t counter, you must be ready to leave and take the outside offer.

5. Be sensitive
It’s important to have a strong pitch as to why you deserve a raise, but you don’t want to come across as entitled. It may seem counter-intuitive, but junior partners frequently earn less than senior associates at law firms when you take into account the buy-in for partnership—a fact not often advertised, but still true. Not only that, but while you may be billing enough hours to bring in enough revenue to pay your salary, from an employer’s perspective, you cost more than just a salary. There are benefits and general overhead costs (staff, office space, equipment, etc.) that are worth understanding before you begin a compensation discussion.

6. Go for it!
Depending on your employer, you may need to set a meeting with someone specific to discuss your salary, or a more informal process might be preferred. Bottom line: you’re doing amazing things, and you want to ensure that your employer knows it and fairly compensates you for it. But it won’t happen until you ask for it!

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BROADENING YOUR PROFESSIONAL HORIZONS THROUGH VOLUNTEERING

By Margaret Spicer – Margaret.Spicer410@gmail.com. Margaret is licensed to practice law in Florida and currently resides in Washington, D.C. where she primarily focuses in international trade litigation.

Breaking into a new city – or a new professional field – can be difficult. One of the best ways to take advantage of all the opportunities your area has to offer is to join a professional volunteer network. Organizations like the Washington International Trade Association (www.wita.org) and the American Society of International Law (www.asil.org) offer myriad opportunities for students and young professionals to get involved, and even send out newsletters highlighting upcoming events and job postings. Some of the benefits of volunteering include:

Building your knowledge base

Often volunteers are only needed for the beginning and end portions of talks and events. Once the ball starts rolling and the speakers begin, the volunteers can sit back and enjoy the talk. Take advantage of your all-access pass and learn great insider information that other professionals have to pay top dollar to access.

Having a purpose to introduce yourself can make it that much easier to meet new people.

Gaining access to large events (for free!)

Speaking of top dollar, major events and talks, especially those with high-profile speakers, can sometimes have registration fees that run in the hundreds of dollars. A three-day conference? Now you’re talking in the thousands. While attorneys backed by major law firms can write that expense off, it simply isn’t feasible for a young professional. Volunteering at these events will allow you free registration and sometimes even free CLE credit.

Making connections

In the end, building your professional base is all about making connections. Whether it is the speakers, attendees, or your fellow volunteers, every person you meet is a potential future partner in your career growth. For those nervous about starting a conversation with an established practitioner, volunteering is a great way to break the ice. Having a purpose to introduce yourself, through managing the check-in desk or assisting the speakers, can make it that much easier to meet new people. Oftentimes, senior attorneys will remember what it felt like starting out in their careers and go out of their way to initiate a conversation with volunteers.

Volunteering is a great first step towards integrating into a professional network. You’ll gain insider knowledge of the field, meet experienced practitioners with a wealth of knowledge and advice, and even make a few friends along the way.
I believe that Juris Doctor degree from a U.S. law school provides multiple benefits and opportunities not only in the United States, but in the whole world.

Employers look at you as an asset right away because they understand that a Juris Doctor degree is not just a legal degree, but it is complemented with strategic and critical thinking, ability to negotiate and provide arguments, write clearly and articulate thoughts in a concise manner. Moreover, we should not forget about a positive effect of the Socratic method that is used at U.S. law schools: You are not afraid anymore and you actually learn how to enjoy life outside your comfort zone.

At the end of the day, you never know where and when life takes you, but you should be prepared for surprises, you should be looking for new opportunities all the time and you should be thankful for any challenge life brings to you because this is how we grow as individuals and professionals.

Being originally from Belarus and having graduated from Northwestern University School of Law with LL.M and J.D. degrees, I started my legal career at Baker & McKenzie LLP, one of the most prominent international law firms in Chicago, primarily focusing on project finance, the long-term financing and development of infrastructure through public-private partnerships and international corporate transactions. After gaining some legal experience in the United States, I moved to Moscow, Russia where I worked for Cleary Gottlieb Steen & Hamilton LLC and was involved in several high-level transactions involving capital markets and mergers and acquisitions, and had the opportunity to deal with large infrastructure companies and interact directly with top managers. There are a lot of challenges you are going to face as a junior associate in an international legal environment, but credibility and respect come with time. If you have the right attitude and a high level of emotional intelligence, you are hardworking and ambitious - yet humble - you will be fine.
I find my legal education and experience in the U.S. and Russia very useful in my current role at the UN where I help foster meaningful collaborations between the government, civil society, private parties and international organizations. In this constantly changing world we should always strive for excellence, but how do we know that our skills and talents are constantly in demand? We just need to get out of our current roles and allow ourselves to expand the existing horizons, especially in the countries where we are coming from. You will learn so much about yourself, achieve new levels and be impressed by results you have never expected you can reach.

As to the YIN membership, I truly believe in the power of networking and while one model does not fit all, such initiatives are definitely helpful for young attorneys who are trying to find their own way in the legal practice. In addition to networking, YIN can be helpful to learn about opportunities and new trends in the legal sphere. YIN can be a door to the professional advancement and development in many ways. YIN members have access to resources that help them become better and stronger practitioners in the United States and around the world.

PATHWAYS TO EMPLOYMENT

The Section of International Law’s Pathways to Employment in International Law Program is winding down for the spring, however, we plan to have a program sponsored by YIN in Atlanta, GA in Fall 2015 (more details to come soon). To see what schools are on the list visit the Student Headquarters’ website for program details and other relevant information for Spring 2014 at: http://www.americanbar.org/groups/international_law/students.html

To host a program at your school contact Membership Director Angela Benson at angela.benson@americanbar.org.
POINTS OF ENTRY INTO INTERNATIONAL LAW THROUGH ART LAW

By Alexander M. Ritchie, Esq.—Alexander.ritchie.esq@gmail.com

Over the past two years there has been an explosion of investment and purchases within the art market by collectors and investors. Auction totals last year reached a record $54 billion. This flood of new wealth into the market has created an increased demand for legal services. While there are barriers to entry for jobs in the art market, an attorney seeking a career in international law can take advantage of this situation and develop a career via art law as the point of entry and may find it leading to a world of new contacts and unexpected opportunities.

Art Law as a Practice Area

Art law as a practice area is in reality an amalgam of several practice areas:

- Contracts – the basis of most legal work with art where familiarity with multiple jurisdictions can prove a unique asset when international parties are involved
- Trust and Estates - the purchase and sale of pieces and collections come about via testamentary disposition and experience in this area can be key
- Tax - a lot of collectors and investors look to art as an asset and seek the legal advice necessary to guide them to their tax-saving goals
- Litigation - Even though most of the work in art law is transactional, a background in litigation can be immeasurably valuable. Since a smaller percentage of attorneys have litigation experience, firms and institutions involved in the art market see this as a unique and valuable asset for any potential hire

Overview of Art Market Institutions

While securing a position internationally in art law can be difficult as a general practitioner, a background or skill set as discussed above can narrow the focus and better one’s chances. Most large law firms by their size and client base have international offices and typically have practice groups focusing on art through trusts and estates even if they do not have an exclusive art law practice group. A large international firm would be a good avenue for an attorney with top marks coming out of law school or with a previous background at a large firm. Boutique firms offer another approach for attorneys from less traditional paths in that their entire firm practice may revolve around art law or they have a dedicated practice group. These firms have the ability to offer attorneys greater exposure to a wider variety of issues and often a more nuanced experience compared to an associate carrying out limited tasks at a large firm. Though full time positions in such firms are infrequent, a background in client development will help secure the attention of potential employers. Auction houses are the institutions that are driving the biggest sales in the art market at the moment. While major auction houses might appear the most attractive, don’t overlook smaller auction houses centered in major international cities. Legal positions with these organizations are coveted with very few openings occurring but a successful background in working with commercial entities or recruiting new clients can be a key factor in getting hired. A final area of consideration is the family office/high net worth individual route.

This involves representing either an individual or the office managing the wealth and legal affairs of a family which would involve art. Among all the options discussed above this type of job can prove the most interesting with novel and in-depth legal issues surrounding high net worth individuals and families but job opportunities can prove highly elusive. Selection for working with such entities can require a unique background but pursuing such an option is well worth it with such positions providing some of the most fruitful contacts and challenges for an interesting international career. A background in art or art history can be helpful but is not necessary to enter this field. This area is ripe with opportunity and if one has the passion and fortitude to steer through the barriers to entry then the rewards and opportunities supporting an international legal career are manifold and worth exploration in this presently burgeoning market.
ALL ABOUT YIN

What is YIN?
YIN is the Young Lawyer’s Interest Network. As the name implies, YIN exists to provide networking opportunities for young practitioners, and to promote stronger relationships among young lawyer organizations worldwide. YIN is a network for new lawyers who have a special interest in international law. Yet YIN can be more than a simple place to meet, greet and talk shop. In the words of past chair Marcelo Bombau, YIN is what its members choose it to be.

YIN holds a special place within the framework of the ABA. YIN is a committee within the ABA’s Section of International Law (SIL). ABA-SIL has 61 committees, mostly organized by geographic interests or practice areas (e.g. arbitration, customs law, human rights). There are some committees, however, that are identified by the ABA-SIL constituents who make them up, such as the committee of US Lawyers Practicing Abroad, and YIN. YIN’s specialty is to connect young lawyers both to each other and to seasoned hands. For, since YIN is a network, that network can be plugged in to the broader community of international law practitioners. In this way, YIN is a miniature, specialized version of the generalist Young Lawyers Division, which helps connect new attorneys with veterans.

Because YIN is a network, staying in touch is the best form of participation. You can connect to YIN in many ways:

On the web - YIN website

On Facebook – YIN Facebook page

On Twitter – @ABA_YIN

On LinkedIn – YIN LinkedIn

On Instagram – ABA_YIN

YIN Committees include Programs, Special Projects, Publications, Policy, Membership and Communications/Website.

Please reach out to us if you would like to learn more about a particular committee. We are actively recruiting committee members (especially for programming, special projects, publications and website) so please consider volunteering!

Images in this newsletter are courtesy of David Castillo Dominici, Winnond, Evgeni Dinev at FreeDigitalPhotos.net and unsplash.com.