August 2015

Young Lawyers Interest Network & Outreach Committee Joint Newsletter

WELCOME

By Audrey Lustgarten—alustgarten@lustgartenglobal.com. Audrey is the founder of Lustgarten Global LLC, a boutique law firm that specializes in representing employers in global (non-US) immigration matters.

Welcome to the new ABA year! It is an exciting time to welcome new and returning leaders and members alike. If you have been thinking about getting involved now is the perfect time. There are so many opportunities — you can write an article, organize a program, help with new member outreach and social media, or just join us on our monthly calls on the second Friday of the month at 11 a.m. EST. Speaking of opportunities, we are actively looking for a newsletter committee vice-chair, as well as newsletter committee members. After two years of chairing the newsletter, I will be leaving to co-chair the Immigration & Naturalization Committee. Our former newsletter vice-chair, Sabrina Damast, will be chairing the newsletter, assisted by our returning vice-chair, Desiree Jaeger-Fine. Please let us know by emailing alustgarten@lustgartenglobal.com if you are interested in getting involved!

MEMBER SPOTLIGHT: EMILY CHRISTIANSEN

Emily Christiansen is an associate at Kessler Topaz Meltzer & Check, LLP, a firm specializing in shareholder class actions, shareholder derivative suits, antitrust litigation and other complex litigation. Emily focuses her practice on securities fraud and other shareholder litigation outside the United States. She devotes her time to advising clients on the challenges and benefits of pursuing particular litigation in non-U.S. jurisdictions. In non-US actions where Kessler Topaz is actively involved, Emily liaises with local counsel, helps develop case strategy, reviews pleadings, and helps clients understand and successfully navigate the legal process. She is currently actively involved in litigation in the Netherlands, the U.K., France, Japan, and Portugal.

Emily received her Juris Doctor and Global Law certificate, cum laude, from Lewis and Clark Law School in 2012 and is a graduate of the University of Portland, where she received her Bachelor of Arts, cum laude, in Political Science and German Studies. During law school Emily worked as a law clerk at a law firm specializing in ERISA benefits litigation. She also interned in Trial Chambers III at the International Criminal Tribunal for the Former Yugoslavia (and while there was involved with the trial of the former Bosnian Serb President, Radovan Karadzic) and spent two months in India as a foreign legal trainee with the corporate law firm of Fox Mandal.

NEWSLETTER COMMITTEE

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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 Sabrina Damast (sabrina@sabrinadamast.com)
Emily is a 2007 recipient of a Fulbright Fellowship and is fluent in German.

Emily first became involved in the ABA Section of International Law while she was still in law school. In 2010 she attended her first Spring Meeting and she was inspired to become more involved in the Section and its activities. Emily has since organized and spoken on a Spring Meeting panel regarding the best methods to promote corporate social responsibility. She is also an active member of a number of committees. In the past she served as a Vice Chair of the International Anti-Money Laundering committee (2011-2014) and Vice Chair of the Corporate Social Responsibility Committee (2012-2015). Emily currently serves as the co-chair of the International Anti-Money Laundering committee (2014-present) and as a Vice Chair of YIN (2014 – Present). Emily has found the ABA Section of International Law, and YIN in particular, to be an incredible resource for career development and networking. Emily notes, “forming personal relationships with young lawyers from around the globe and having a supportive environment in which to learn about new international legal issues and practice areas are the reasons that I love being involved with YIN.”

SAVE THE DATE

YIN HAPPY HOUR IN LOS ANGELES

Los Angeles area YIN members are invited to a happy hour at the Standard Hotel Rooftop Bar. Meet your fellow YIN members, learn about their practice areas, and build your network – all while enjoying a cocktail. Happy Hour prices from 4-7 pm.

Where: Rooftop Bar at the Standard Hotel, 550 S. Flower Street, Los Angeles, CA 90071

When: Thursday, August 20, 2015, 6 pm

Why: To meet and enjoy the company of fellow YIN members and discuss future YIN events in the Los Angeles area

Street parking is available near the hotel, but availability is not guaranteed. Valet parking at the hotel is $20. Each member is responsible for his or her own tab. For more information, email Sabrina Damast at sabrina@sabrinadamast.com.
INTERNATIONAL PRO BONO OPPORTUNITIES

By Alisa Shekhtman — alisa.shekhtman@gmail.com

One of the most rewarding and valuable experiences for a young lawyer is the opportunity to do pro bono work, which frequently allows new attorneys to adopt a greater degree of responsibility over their work and to practice drafting and advocacy skills while working directly with clients on meaningful projects. The opportunities below are just a few of the many pro bono opportunities in international law available to young attorneys, and an illustration of the wide variety of different projects cultivated by the international law community.

Public International Law and Policy Group (PILPG)

For those seeking an opportunity to work on cutting-edge issues of international law on a pro bono basis, there are several organizations which allow young lawyers to join their efforts, some even remotely.

One such organization is the Public International Law and Policy Group (PILPG), a non-profit organization which operates as a pro bono law firm to provide free legal assistance to states and non-state actors involved in peace negotiations, advise states on drafting post-conflict constitutions, and assist in prosecuting war criminals. The organization’s past efforts have been nominated for the Noble Peace Prize. PILPG has continued to develop and expand, recently opening offices in Burma and Myanmar, and has worked with clients in Kosovo, Kenya and the Hague on cases involving international human rights law, as well as in South Sudan on issues related to constitutional development and the ongoing peace process.

PILPG features multiple ways for young lawyers to get involved with their events in the United States or their legal work abroad. The firm holds negotiation simulations and similar training events in both New York and Washington, D.C., for those interested in attending in person to develop their skills and become a more integral part of the international human rights community in both cities. For those interested in contributing substantively to the organization’s work, PILPG works closely with its law firm partners to craft legal analysis that goes directly to their clients, in the form of memoranda analyzing particular issues of law, or providing comments and review of draft legislation or constitutional language.

Justice Project Pakistan (JPP)

In addition to American organizations which operate overseas, there are also regional pro bono organizations which focus on particular areas or countries in need. For instance, the Justice Project Pakistan (JPP), recently featured in a National Public Radio broadcast, is a non-profit human rights law firm established in Lahore in 2009. JPP provides direct pro bono legal services to prisoners in the Pakistani justice system, particularly victims of police brutality, mentally ill prisoners, or those facing the death penalty. The organization is just one of many regionally-focused groups recruiting volunteers to contribute time and passion for their project. JPP is currently welcoming applications for part-time research interns to join their Pakistan Police Torture Project, which aims to shed light on the practices used by police to extract information and confessions from civilians and to hold the police accountable for their actions.
The project aims to make such treatment socially and politically unacceptable, with the ultimate goal of reducing incidences of police torture in Pakistan. The interns will help with the launch of the project report including research, organizing public commissions, and coordinating with victims and their families. JPP’s website contains more information on the internship.

Additional Resources

In addition to the organizations featured above, there are websites devoted to international pro bono opportunities which have been created to develop a network of attorneys working on these issues throughout the world. These are hosted by the International Bar Association: the Pro Bono Institute.

YIN MONTHLY CALLS

To learn more about YIN happenings join our Monthly Members Call on the second Friday of every month at 11 a.m. EST. Call-in information is as follows:

Toll-free dial-in number
(U.S. and Canada): 866-646-6488

International dial-in number: 707-287-9583

Conference code: 8429003830
FOR CHINA LEGAL COOPERATION, PERSONAL RELATIONS MATTER

By Asen Velinov — sensv@yahoo.com

Outbound investment from China has seen an almost fifty-fold increase in the last decade. It continues to grow, and some speculate that after the recent stock exchange events it will grow even faster. Chinese companies have become major international investors and that in turn has made law firms around the world “think about China.” With various restrictions still in place, in addition to the financially burdensome and complex process of directly entering the market, that thinking takes many of those firms in the direction of wishing to establish partnerships with local firms. This indeed makes sense, as the investors are already clients of these local firms and might even be going to their lawyers with requests to help them identify viable investment targets. For foreign firms, it is also easier to approach colleagues than to market to potential clients, but they need to be aware of some specific soft concerns Chinese lawyers have. In many outbound deals there is true cooperation between the legal teams - the Chinese lawyers typically stay on as lead counsel, especially if the deal is multi-jurisdictional. What follows are some thoughts from working on many such transactions with some of the larger domestic firms in China.

Thinking about China is timely and a reasonable cooperation strategy could pay off nicely for firms that are properly positioned and prepared.

When picking local counsel in a foreign jurisdiction, the optimal fit according to Chinese lawyers is: not too small, willing to negotiate rates, no presence in China. The size of the firm is important, because decision making is often fragmented and every link in the chain is averse to extra risk - it is often easier to choose a firm that is of palatable size for Chinese standards than to have to explain why a tiny one is the right fit; the lawyers follow that lead and go for a firm whose size will not be an issue. Chinese clients usually reject U.S. style billing - caps and flat fees are strongly favored, and should the envisioned investment fail, an abortion fee is expected. While a China office usually means that the foreign firm in question understands Chinese clients better, that is seen as making it more likely that such a firm will “steal” the client, and while incoming work from these firms is welcome, unless there are other considerations, outbound work is usually not referred to them.

Once a relationship has been established, foreign firms often bring up exclusive cooperation agreements. These are rarely possible, given that the larger Chinese firms are not centralized and partners are rarely able to bind the entire firm. Moreover, sometimes lawyers specifically wish to not work with firms that another lawyer from their firm has previously cooperated with, out of a concern that when said foreign firm sends work to China, it may create tension. In the course of cooperation, perhaps the most valuable quality is patience - conference calls are plentiful, lengthy and often on very short notice; minds change often and it is not uncommon that a project is dropped at the very last moment.

The one approach that works is fostering close personal relationships. Successful cooperation with a Chinese law firm is very often a relationship with a particular lawyer and not with the entire firm; that is, however, sufficient, if it is with the right partner. I coordinated a couple of month-long lawyer exchanges that followed strategic cooperation agreements. Spending a meaningful amount of time together does streamline the remote work process - whether it makes business sense to invest in that, however, is a different matter. In brief, thinking about China is timely and a reasonable cooperation strategy could pay off nicely for firms that are properly positioned and prepared to think of the cooperation in each case as a three party one - with the client and the Chinese team, and thus the best way to ensure ongoing cooperation would necessitate addressing each of theirs specific needs and concerns.
NUTS AND BOLTS OF STUDYING FOR AN LL.M. IN THE U.S.

By Berna Shamansurova - bshamansurova@gmail.com. Berna Shamansurova recently completed her LL.M. at the American University Washington College of Law and resides in Washington, DC with her husband and two daughters. She is originally from Uzbekistan where she obtained her law degree at the University of World Economy and Diplomacy.

Studying for a Master of Laws (LL.M.) in the United States was not an easy task for me as during my studies I had to take care of my children, be a good wife and a good student. Despite my family commitments, I decided to invest in advanced education to boost my legal skills in the U.S. and be able to practice law in the United States with my foreign law degree. Pursuing an LL.M. degree in the United States is a good way to specialize in certain areas of law including Intellectual Property, Tax Law, Comparative Law, Human Rights, International Arbitration, Environmental Law and many other fields. An LL.M. degree expands job prospects and opens door for employment at various international organizations, global law firms, non-profit organizations, and civil service. Before applying at any law school in the United States, LL.M. applicants should develop long-term career goals and make a bigger picture of their career path. They should research what area of law they would like to specialize in and which law school provides LL.M. programs related to their desired field. One should consider applying at high ranking law schools as the career prospects will increase exponentially given better career and networking opportunities provided by these law schools, and that employers prefer to hire graduates from the top law schools.

Most law schools offer one-year LL.M. programs with some programs continuing for two years. Unlike education in many other countries, the education in the United States is based on credits, with each course ranging from 1 to 4 credits. LL.M. programs generally require 24 credits and LL.M. students planning to take a bar exam in the United States upon their graduation are required to take certain courses to fulfill the requirements set by each state jurisdiction. For example, New York and California currently allow foreign-trained lawyers to sit for their bar exams, but have different rules. The New York Board of Bar Examiners requires that LL.M. students take a minimum of 12 credits including courses in subjects such as Contracts Law, Business Law, Criminal Law, Legal Research and Writing, American Legal Institutions, Legal Ethics and other courses. Therefore, it is crucial for students to plan their studies based on their potential bar exams. As the bar exams take place in February and July of each year, LL.M. students should apply and register for the bar exam at least 9 to 12 months before the actual bar exam.

Job Opportunities Start During Law School

While it is important to study well and have good grades to enhance employment prospects, students should utilize all the potential career opportunities provided during their LL.M. studies, including internships and externships, judicial clerkships, memberships in law reviews and journals and student organizations.
Internships & Externships

When I started my LL.M. studies, I had a general idea about the importance of internships and externships for my future legal career. While both types are important, the differences between internships and externships are that externships shall be taken for academic credit and they involve practical training in an actual organization. Nowadays, many employers in the United States and other countries place significant importance on legal experience that law students gain during internships and externships. Although many internships are unpaid, it is a good way to advance legal research and writing skills and learn about a certain area of law in a law firm, non-profit organization or international organization. Both internship and externship opportunities enable law students to build professional connections that may sometimes lead to post-graduate employment. I would advise students to start searching and applying for internships at the beginning of the first semester as many internships are advertised at least a semester before actual work commences. LL.M. students should not disregard international internships that provide enormous opportunities to hone legal skills in public and private international law at various international organizations and tribunals.

Judicial Clerkships

Although many judges prefer to hire J.D. students and have certain restrictions with regard to immigration status, many state and federal courts allow U.S. permanent residents and some other immigrants to apply for judicial clerkships. Working for a judge exposes students to litigation practice, equips them with advanced legal writing and analytical skills, and enhances their knowledge of the U.S. court system. Having experience as a judicial clerk will open a door to many law firms and other organizations. However, keep in mind that these clerkships are very popular and competitive and require your earliest attention and application submission.

Membership and Participation in Law Reviews, Journals, Moot Courts and Student Run Organizations

Consider applying for student run publications, such as law reviews, briefs or journals that will significantly improve legal research and writing skills and boost chances for potential employment opportunities. Employers put enormous emphasis on the experience that law students gain by contributing to such publications.

LL.M. students are encouraged to participate in Moot Court competitions that provide law students with opportunities to draft legal briefs for simulated hearings and debates, and to deliver oral arguments, thus boosting litigation and real lawyering skills. Recruiters appreciate law students’ extracurricular activities, and in turn, this increases a student’s chances of landing a dream job.

Joining student organizations that focus on various legal areas and causes is an excellent way to organize events and seminars and network with lawyers, judges and other legal professionals.

Networking with Fellow Students

Unfortunately, because of family commitments I did not have the chance to participate in many social events organized by my fellow classmates. Being a mother limited my mobility and networking abilities. It is very important to stay connected and build friendships with classmates who will become well-respected attorneys, judges or diplomats and may help you land a dream job or support your project ideas.

LL.M. studies require hard work, patience and perseverance but these qualities and positive thinking will pave the way for a successful legal career.
TREND OF LEGAL SERVICES FOR WEALTHY INVESTORS DURING ECONOMIC RISE AND FALL

By Alexander Ritchie—aritchie@privatecapitalconsulting.com. Alexander is licensed in New York and California. During his time abroad he was based in Geneva, Switzerland for two years. He is currently with Private Capital Consulting, LLC in New York.

After the financial crisis, investors have been disappointed with the performance of alternative investments (hedge funds, private equity funds) compared to investing directly into the markets or directly into companies, also referred to as direct deals. The trend among family offices and high net worth individuals has been to focus on direct deals. Within this framework the demand for legal services has slowly and steadily increased. Investors are focusing on direct deals in a private equity structure which in its simplest form involves a private individual or company investing in another private entity. This has been a growing trend for investors seeking higher rates of return than those offered by investment in alternatives such as hedge funds, private equity funds, or the bond market.

Within this trend, the demand for legal services has been primarily compliance with companies and investors needing legal assistance to conduct a greater volume of due diligence to ensure conformity with federal laws (often securities law) relevant to the amount of deals they have to review prior to deciding on an investment. Having the Certified Anti-Money Laundering Specialist (CAMS) credential can be useful and attractive to clients and employers in this area. There is also a demand for lawyers with an experience in business law related to entrepreneurial activities. With companies and investors considering investment in start-ups and smaller companies, familiarity with businesses at this level is a great asset.

With companies and investors considering investment in start-ups and smaller companies, familiarity with businesses at this level is a great asset.

With profits rising, companies and investors will likely continue this investment trend and the legal market will keep pace. There is still a surge in direct investment because a lot of private companies (particularly technology and venture) are posting high valuations. A large number of employees at these companies are selling their illiquid shares on the secondary market because until their shares vest, this is their best option to obtain liquidity. Family offices and high net worth individuals have the means and are willing to buy these shares. Since these assets are illiquid, there is a need for legal services to assist with interpretation of shareholder agreements and with the purchase or sale of these assets on the secondary market.

However, when an economic downturn occurs, there is a pattern that legal services follow where a bubble may burst. Once a downturn occurs, companies and investors caught off-guard will find themselves in need of cash to cover other positions and unanticipated expenses. The typical way this can be done is by selling their interests they made during the more prosperous times. Typically the private equity investments will be then sold on the secondary market to other private parties and often with great confidentiality. The concern for confidentiality stems from investors who are selling being identified publicly and negative assumptions being made amid speculation about the reason the investor is selling.

For the secondary market, there is again the demand for attorneys versed in securities law and financial transactions. Due diligence and compliance work is very valuable and often more complex as now the same attorney may be required to determine the veracity of both buyer and seller in the transaction. Where large institutions such as banks and investment firms may be involved (CitiBank, BlackRock, etc.) on either side of the transaction, a familiarity or background in working with such institutions would be highly valued.

While it is unknown what and when may prompt another economic downturn, it is wise as an attorney to prepare for all circumstances. While generally seen as negative, shifts in the investment environment can prompt a change in legal services demanded and provide a prepared attorney with continuous work and potential new business. Focusing on the areas discussed above can help offset a reduction in client business and present an attorney as a versatile and capable counselor through any economic season, rain or shine.
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!

YIN AND SIN COLLABORATE—HOW YOU CAN HELP!

By Jennifer Diaz and Norman Greene

The ABA Section of International Law (SIL) has various committees you can join (all for FREE once you join SIL). The Young Lawyers Interest Network (YIN) and the Senior Lawyers Interest Network (SIN) have recently started new collaborations and we’d love your involvement. Both YIN and SIN are open to all who have an interest in the issues affecting young lawyers and senior lawyers. YIN and SIN bring its own perspective to the other, and may advocate for the other’s issues. How may this be accomplished? Suggestions so far include joint or separate newsletter submissions, collaboration on programming for SIL conferences, mentorship dinners, and, a delegate from YIN and SIN that will join the other committee calls to provide a monthly update on the collaboration efforts. SIN and YIN hope for a successful partnership, and perhaps we will be leaders starting a new trend for the Section -- apparent (but not actual) opposites working together on common goals! We are open to additional ideas and committee members that wish to work on this collaboration. Please contact the YIN Co-Chairs at gdejarden@dms.com.do or mbucaram@manh.com to get involved!