



BY JANET H. MOORE

Globalization increases daily. All lawyers — including solos and small firm lawyers — must be prepared to handle (or refer) international issues that arise.

UNDERSTANDING WHAT IS INVOLVED

International lawyers manage a lot of uncertainty every day. Differences between legal systems (civil, common, and sharia law systems) and conflicts between specific laws often preclude clear answers. A good international lawyer needs to know how to help clients with foreign law questions (which may require referring the matter), when to confirm legal conclusions with foreign counsel, and — perhaps most important — how to confirm those conclusions in a way that gets an accurate, insightful, and useful response from foreign counsel. (If in doubt, American lawyers should ask foreign counsel the same question several times, rephrasing it each time. This can ferret out a misunderstanding simply due to language translation.)

To be able to spot relevant foreign law issues, attorneys should learn some basic legal principles of international practice. Depending on their practice area, they could audit a class on international business transactions, international litigation and arbitration, or public international law. Attorneys can read

texts such as the American Bar Association's (ABA) *International Lawyer's Deskbook (Second Edition)*, which introduces international payment methods, customs, and other key topics. Larger foreign law firms usually distribute complimentary newsletters — a great resource for learning about foreign laws.

Lawyers can access many good international resources on the web. Databases such as the Electronic Information System for International Law (www.eisil.org) publish international treaties and other materials. Good overviews of many foreign countries' laws can be found on legal research websites or by searching under titles such as "Doing Business in [name of foreign country]."

Getting a better grasp of different legal systems, the laws of certain foreign countries, and common legal issues that arise can help equip lawyers to spot critical issues — and save their clients from pitfalls that less internationally savvy attorneys might miss.

BUILDING RELATIONSHIPS WITH INTERNATIONAL LAWYERS

Talking to experienced international lawyers is a good way to gain insights into the various kinds of international practice,

as well as critically important recommendations on competent foreign counsel and traveler-friendly office technology. Many international lawyers congregate at events sponsored by the international sections of local bar associations, the State Bar of Texas, and the ABA. The annual conference of the International Bar Association draws thousands of lawyers. (The Hieros Gamos website, www.hg.org, lists such bar associations.) Lawyers particularly interested in international arbitration should investigate the Dallas-based Institute for Transnational Arbitration.

By becoming involved in a few of these groups, lawyers can build significant relationships with experienced international attorneys — and gain not only information but perhaps also some informal mentoring.

DEVELOPING INTERNATIONAL WORK

Many small firms and solos wonder whether they can compete in the international arena. The answer is yes, and there are many examples of lawyers who have done so.

Dan Harris, a founding partner in Seattle-based Harris & Moure, P.L.L.C., has developed a highly successful practice focusing on China. “All aspects of law are becoming international and that is to the advantage of small firms,” Harris says. “Small businesses are going international at a rapid pace and even practice areas such as estate planning, family law, bankruptcy, and real estate are getting internationalized.

“Small firms with international experience are better equipped for this sort of work than the big firms because small companies and individuals simply cannot afford the staffing and the rates of big law,” he says.

Sensing that trend early on, Harris used cost-effective marketing tools such as blogging to showcase his expertise. His China Law Blog has been honored by the ABA, and thanks to that recognition, Harris has been quoted often in the national media about Chinese legal matters. His firm has now grown to 13 lawyers, but it started with just a handful.

However, attracting clients abroad can pose challenges. “Developing clients abroad is no easy feat: What works in the United States often doesn’t work overseas,” says Dr. Silvia Hodges, who teaches legal marketing at Fordham Law School. “In many markets, developing business takes even more time than back home and clients won’t buy from you unless you *first* build a relationship with them. Learn to play to the local market: Understand who makes buying decisions on the overseas client side? How? Who influences their opinion? What do they value in their lawyers? What would convince them that you/your firm is a better choice than its competitors?”

As Dr. Hodges explains, in many cultures a close personal relationship must develop before a substantial business relationship can evolve. As a general rule, American lawyers should be prepared to spend more time cultivating certain foreign clients than they would American clients. Precisely because relationships are so valued, personal introductions and recommendations carry a lot of weight.

Given these differences, attorneys should enhance their cross-cultural awareness. Many American lawyers use a forceful, direct communication style that can put off clients from other cultures — and the prospect may be far too polite to acknowledge the offense. Lawyers can increase their knowledge by reading books about multicultural business etiquette (such as those in the *Kiss, Bow or Shake Hands* series).

Even better, attorneys should seek opportunities to interact in a business context with people from other cultures. For example, Texas chapters of the World Affairs Council and the Council on Foreign Relations and university-sponsored organizations such as Rice University’s James A. Baker III Institute for Public Policy and Texas A&M University’s Bush School of Government and Public Service host well-attended lectures on international topics. Developing rapport with business people from other cultures increases cross-cultural acumen — and may attract legal work, too.

HANDLING GLOBAL WORK

International lawyers work across time zones and cultures, even when doing so isn’t necessarily enjoyable or convenient. They regularly grapple with jetlag and other physical side effects of a global work life.

To work internationally, lawyers must have the technical and other resources necessary to meet clients’ demands. This requires more than merely having a cell phone with a global data plan.

Houston-based Cogan & Partners, L.L.P. is a small firm that has committed to meeting client demands wherever they arise. Says partner Elizabeth Cogan Molino, “Our globetrotting lawyers’ motto is ‘have laptop, will travel.’”

However, the five-attorney firm did not want to be saddled with high administrative or technical costs. This led the firm to choose an IT solution that enabled its attorneys to securely log in “whether in Houston, London, or Rio de Janeiro.”

Molino also notes the importance of satisfying clients’ billing requirements. “On the client service side, if we are dealing with a European client, our bills should be dated according to the European standard; if our client prefers to be billed in pounds or kroner rather than dollars, we should be able to cater to that.”

Client expectations will change depending on the client’s cultural expectations. Lawyers must meet those needs or risk losing the client.

PREPARING TO GO GLOBAL

As the pace of globalization quickens, so does the importance of becoming internationally adept. The wise sole or small firm practitioner should be positioned — as quickly as possible — to “go global” with the rest of the world. ☘



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