

THE PRACTICE OF PRIVATE INTERNATIONAL LAW



WORLD DOMINATION

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The field of international law today presents a wide-open opportunity for both seasoned attorneys as well as for newer attorneys starting out.

But as is the case with most practice areas, ‘international law’ covers a wide gamut of legal disciplines requiring a variety of legal skills. As we previously covered in our Executive Search & Recruiting (ESR) series, international law is typically broken down into public international law—where the parties are nation-states—and private international law, where private entities are engaged in cross-border legal matters. We will examine the opportunities available for the practice of private international law.

Private Transactions—International Consensus

Private International Law governs the resolution of conflicts related to private transactions between citizens of different nations. In order to establish a systematic, uniform body of laws applicable to such conflicts, nations have formulated conventions, guides, and other instruments with which to achieve an international consensus. This process calls for balancing sovereign domestic concepts from disparate jurisdictions in order to arrive at universally accepted model laws to regulate private relationships across national borders and resolve the conflicts arising from those relationships.

What Are the Common Practice Areas?

Not unlike domestic practice, private international law disputes can arise over such matters as contracts, recognition of judgments, child adoption and abduction cases, marriage and divorce, and various taxation disputes. However, in addition, private entity matters that are more of a business nature also demand cross-border legal expertise. These include Banking Law and Financial Securities, Mergers and Acquisitions, Intellectual Property, and ADR, to name just a few. Mass Tort Litigation requires the

representation of both sides in litigating claims that can result from disasters that are related to the environment, industrial accidents, aeronautic mishaps, and maritime losses.

Getting in the Door

So, where does the legal practitioner start in pursuit of a career in the practice of private international law? Geographically, most private law firms specializing in international law maintain their offices on either the East or West coast; therefore, the job-seeker in this field should be realistic as to relocation being involved. In terms of skillset, despite the fact that English is considered the ‘international business language’—and indeed, English will be the likely language of cross-border contracts, model laws, and conventions carved out between parties from totally different cultures and languages—the candidate who presents with additional language skills will certainly offer superior credentials over the candidate without such a value-added skill.

In addition to the likelihood of domestic relocation, the lawyer willing to relocate overseas will also have an advantage. For many years U.S. international law firms have maintained offices in London and Brussels for their European matters and in Hong Kong and Japan for the benefit of their clients doing business in Asia. However, like the global economy

Executive Summary

› The Issue

What practice areas are covered under the practice of private international law, and what opportunities exist?

› The Gravamen

This growing field of law draws upon several legal skill sets and therefore provides opportunities for lawyers with diverse legal backgrounds.

› The Path Forward

As cross-border transactions expand, the demand for private international law practitioners is correspondingly expanding.

itself, the practice of international law is hardly static, and the past decade has seen explosive growth of overseas offices and affiliate relationships in Dubai, China, Singapore, and many other commercial and financial market capitals around the world.

The ASIL Resource

Spending a year or even a semester of law school studying in an overseas exchange program can lend both cultural as well as language experience, which can prove quite valuable later on in the legal marketplace. In addition, the American Society of International Law (ASIL) publishes an online resource guide that can be quite useful to students, instructors, currently-practicing international lawyers, and academics engaged in international law research. The self-study format of the guide covers important areas of international law and is augmented by the Electronic Information System for International Law (EISIL), a free online database that includes links to resources covering the full spectrum of international law practice and provides a wide range of SME content.

Mediation and Arbitration

One particular niche in the practice of private international law is the specialty of mediation and arbitration. As business interests expand globally, the need for skilled mediators and arbitrators to resolve the inherent disputes that arise is growing in tandem. Interestingly, mediation and arbitration practitioners are not just called upon to resolve a conflict but also to prevent them! The skillful drafter of enforceable arbitration agreements may, in

fact, provide the 'cure' before the 'disease' by putting in place a process that is both recognized and can be enforced internationally. And, in the event an arbitration process is begun, it can sometimes be shortened considerably after the arbitrators gain a clear insight as to what the parties agreed to upfront.

A helpful resource of mediation and arbitration practitioners is the Association of Conflict Resolution, and for those interested in pursuing a career in this area, familiarity with the New York Convention (more formally known as the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of 1958) is crucial.

Achieving Harmony

Regardless of distinct practice areas, the practice of private international law serves to streamline legal processes, peaceably resolve disputes, and in general, foster harmony between peoples. For the private international law practitioner, what could be more rewarding?

“INSOFAR AS INTERNATIONAL LAW IS OBSERVED, IT PROVIDES US WITH STABILITY AND ORDER AND WITH A MEANS OF PREDICTING THE BEHAVIOR OF THOSE WITH WHOM WE HAVE RECIPROCAL LEGAL OBLIGATIONS.”

- J. WILLIAM FULBRIGHT, FORMER U.S. SENATOR FROM MISSOURI

Action

1 Preparing Professionally:

For those who have not yet graduated from law school, consider spending a semester or more on an overseas program so as to become familiar with cultures and languages other than those of your birthplace.

2 Explore Relocation Opportunities:

Whether seeking work in the U.S. domestic office of an international law firm or at an overseas branch, be aware that relocation from your current place of residence will likely be required.

3 Which Niche to Specialize In:

The practice of private international law includes many disciplines, some related to private individuals and others related to business entities; be open-minded as to the variety of practice areas under this rubric.

4 Utilize Available Resources:

Several professional organizations exist that can be of tremendous value both to learning about international law and to placement advice, and the interested candidate should avail himself or herself of these resources.

Further Reading

1. <https://tcglobal.com/careers-in-international-law-a-comprehensive-guide/>
2. <https://www.thelawyerportal.com/careers/areas-of-law/what-is-international-law/>
3. <https://www.careers.ox.ac.uk/international-law>
4. <https://openeducationonline.com/careers/careers-in-international-law/>
5. <https://www.lawsocieties.eu/news/private-international-law-key-features-and-responsible-institutions/6001671.article>
6. <https://peacepalacelibrary.nl/research-guide/international-arbitration>





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After receiving his Juris Doctor degree from The John Marshall Law School in Chicago, Mr. Brochin served as an Administrative Law Judge with the Illinois Department of Labor for six years where he presided over cases dealing with job separation issues and matters pertaining to contested Unemployment Insurance claims. He also co-wrote the agency's administrative rules, and periodically served as a 'ghost writer' for Board of Review decisions.

Following that position, he was Director of Development for a Chicago-area non-profit college where he was responsible for High Net Worth donations to the institution. For the next eighteen years he practiced as a solo practitioner attorney with an emphasis in the fields of Real Estate law and Commercial Contracts transactions, and was an agent for several national title insurance agencies.

In 2003 he was recruited to head up a U.S. title insurance research office in Israel, a position he held for four years, and between 2007-2017 he participated in litigation support for several high-profile cases. He has taught Business Law as a faculty member of the Jerusalem College of Technology, and has authored a wide variety of legal White Papers and timely legal articles as a professional legal content writer for GPL clients. Separate from his legal writing, he has co-authored academic articles on Middle East security topics that have been published in peer-reviewed publications.



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William Anderson is Managing Director and Head of Law & Compliance. He leads the GreenPoint practice in providing regulatory, legal, and technology solutions to law firms, legal publishers, and in-house law departments around the world, overseeing our team of experienced US attorneys and data and technology experts. Will has over 25 years' experience working with corporations to improve the management of their legal and corporate compliance functions. Will began his legal career as a litigator with a predecessor firm to Drinker, Biddle LLP. He then served as in-house counsel to Andersen Consulting LLP, managing risk and working with outside counsel on active litigation involving the firm.

Will has leveraged his legal experience interpreting regulations and appearing before federal (DOJ, SEC, FTC) and state agencies (NYAG) to oversee research and other areas at Bear Stearns. In this capacity, he counseled analysts on regulatory risk and evolving compliance requirements. Will also consulted on the development of a proprietary tool to ensure effective documentation of compliance clearance of research reports. Will then went on to work in product development and content creation for a global online compliance development firm pioneering the dynamic updating of regulated firms' policies and procedures from online updates and resources. Will holds a Juris Doctorate with High Honors from the Washington University School of Law in Saint Louis and is admitted to state and federal bars. He lives in Pawling, NY, with his wife and daughter.



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