

Law Abroad: the Big Apple

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The city that never sleeps

New York City is home to more nationalities and communities than any other place on Earth, with Aussie lawyers making up just one of its varied tribes

NEW YORK City can be an overwhelming place. Its vibrancy, attractions and sheer signs of life are arguably unrivalled, no matter how hard the Shanghais and Londons of the world try to compete.

But for those who turn up in the Big Apple with a larger suitcase planning a more permanent stay, it can be positively daunting trying to find your place in a metropolis with nearly 20 million people.

It's for that reason that in 2012 the Law Council of Australia initiated its first International Law Section chapter in New York, providing a platform for a now-thriving community of Australian

legal professionals to emerge in this most exciting – if hostile – of locales.

According to LCA president Duncan McConnell – speaking to *Lawyers Weekly* from the very different metropolis of Canberra – the aim is to provide Australian lawyers working in the US with access to seminars and meetings with visiting Australian judges, professionals and dignitaries.

Susan M Davies, a former ANU law medal recipient and now a partner in one of New York's leading commercial litigation boutiques, was one of the first Australian expats to put up her hand. She is now convenor of the chapter and also

the founder of the 234-strong Australian Lawyers in NYC LinkedIn group that operates alongside the chapter's events and activities.

Beyond the council president's appropriately official-sounding description of the chapter's activities, Ms Davies says its true value lies in the personal connections.

"The real service the community provides is to new arrivals or younger lawyers coming over here that may have questions about the Bar exam or need introductions to people in the profession or help 'Americanising' their resume and so on," she explains.

"Australian lawyers who are more established here are very generous in supporting the new arrivals. There is a need for this mentorship and there is a real appreciation of the service."

In addition, Ms Davies explains that a more formal business referral network is also now in place.

But while the emergence of a close community of Aussie lawyers has been undoubtedly a wonderful resource and light in the storm for wide-eyed new arrivals, making friends and attending seminars is not the only motivation for moving stateside, of course.

American appeal

Michael Bromley, managing director of Australia-based recruitment firm EA International (which has placed many a prospective Aussie expat in private practice in New York) says the demand for such experience has continued unabated, even with international firms setting up shop back home.

"The US is a very attractive option for Australian lawyers looking to move, and that hasn't changed at all," Mr Bromley says. "The work quality is second to none, and obviously many people harbour a desire to live in great cities like New York, so it's very attractive for Australians."

The recruiter and former Clayton Utz lawyer says personal finances may also be a motivation, suggesting associates in American firms may be paid "far better" than their antipodean peers.

Mr McConnell says in addition to New York's inherent excitement, Australian legal employers look favourably upon US work experience, especially those lawyers who were able to work on significant litigation and transactional matters that often dwarf similar Australian cases.

For Ms Davies, the appeal is more fundamental. "Australians love New York," she heralds, adding that the popularity of

the 1990s TV sitcom *Seinfeld* down under as a sign of a cultural affinity for the grand city. However, on a more serious note, she also says New York is unparalleled for the opportunities that exist, especially for commercial lawyers and those working in M&A, private equity and capital markets.

When she first arrived in the city – back when *Seinfeld* was in its early seasons – Ms Davies encountered an immigration system that was "challenging" if not unnavigable. However, in more recent years, the advent of the E3 Visa has smoothed the path for Australian lawyers.

The E3 is described by the US Embassy in Australia as a non-immigrant status visa awarded to "nationals of Australia going to the US solely to work in a specialty occupation". Given that such an occupation is defined as one that requires a "theoretical and practical application of a body of specialised knowledge" in addition to a specialised bachelor's degree or higher, legal practitioners generally make the cut.

All of the commentators canvassed for this article singled out this visa, which is said to have been introduced as part of the agreement for Australia to join its ally in the Iraq War, as a significant development in opening the American dream to Australian

lawyers. It is renewable and comes at a minimal or no cost to the employer, making it the envy of the world.

Nonetheless, obstacles remain. Perhaps the most obvious is the Bar exam required to practise. In addition to being notoriously difficult, there is an associated challenge of taking time, and therefore money, from a prospective US employer.

Outside of New York and California, Australians would need to go back to law school, as Australian qualifications are not recognised in other states.

Mr McConnell points out that Bar exams in New York are only held in February and July each year, which may be inconvenient depending on when the candidate is planning to make the switch.

Mr Bromley says that for lawyers who do not specialise in commercial law and those practice areas of most use to New York's economy, the path will be even more treacherous.

"This is not to talk down people's prospects, as we move very good people to the US regularly. However, it is certainly far more difficult and less predictable than other jurisdictions and it's worth being aware of this when commencing the process," he says.

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Susan M Davies
commercial litigator

West Coast rival

While New York is undoubtedly the bigger brother when it comes to demand from Australian lawyers, the cities of California are catching up. Home to almost 40 million people and one of the world's largest economies, 'Cali' has a voracious demand for legal advice, including beyond the financial hub matters of its east coast rival. As global headquarters of the start-up revolution, Silicon Valley and the San Francisco Bay Area are proving to be particularly attractive to a growing number of Australian lawyers, both practising and non-practising.

Ms Davies says she is aware of a number of her chapter's members who have headed west in search of new opportunities – and better weather.

She says some of these Aussies-turned-New-Yorkers-turned-Californians feel closer to home being on the Pacific Ocean and within reach of sea breezes.

The Law Council of Australia has not missed the trend, and President McConnell says the organisation has been busy building strong relationships with stakeholders in the golden state, including the California Bar.

The Big Apple still looms large, but don't be surprised to see a thriving council chapter in LA or San Fran someday soon. ●

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