



***THE INTERNATIONAL LAW FIRM:
A GLOBAL MARKETING APPROACH***

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U.S. lawyers are no longer tethered to one jurisdiction. The practice of law has truly become international. A real-estate lawyer in Florida may be asked to advise a Chinese investor regarding potential investment opportunities in South Florida. Lawyers in Chicago may be retained to negotiate the acquisition of a privately held company in Bogota, Colombia. Counsel in Iowa may be asked by their clients to review a series of forum selection clauses in their international distribution agreements and advise as to the merits of arbitrating potential disputes before the London Court of International Arbitration or through the Stockholm Chamber of Commerce. The international marketplace is no longer the domain of large-cap companies. Today, even the smallest business owner may find him or herself involved in complex negotiations with potential partners, investors, and customers around the world. To stay competitive, U.S. law firms, large and small alike, must be prepared to “go global.”

In a recent article, David Van Zandt, Dean of Northwestern University’s School of Law, acknowledged the effect that the global marketplace is having on legal education.¹ Today,

¹ David E. Van Zandt, *Client-Ready Law Graduates*, LITIGATION, Vol. 36, Number 1, Fall 2009, 11.

students at Northwestern are taught that the ability to negotiate against different cultural backdrops and offer advice on the intricacies of foreign law is critical to successfully representing clients. At a bare minimum, the 21st century lawyer must have some basic knowledge of one or more languages, along with an appreciation for the manner in which business is done around the world. Although these new market realities will require attorneys to change the way they practice law, they will also bring new opportunities. Now that the door is open to the world, we offer the following advice for effectively marketing a global practice.

Location is everything, or is it? A “global” law firm need not have offices in all of the world’s financial capitals. Although there are many advantages to having a bricks and mortar presence in key cities around the world, the fact remains that an office in China or Dubai is not a precondition to building and marketing a global practice. Today, many law firms enter into working relationships – including non-exclusive cooperation agreements and more traditional joint ventures – to provide their clients with legal support in key markets. In addition, organizations like Primerus offer their members the ability to join forces with member law firms around the world to provide clients with legal services from trusted providers.

The importance of planning ahead. Regardless of whether you decide to team up with a foreign law firm or open up a branch office in a foreign jurisdiction, you must take the time to carefully plan your entry strategy. If you are interested in a joint venture or non-exclusive partnership with a foreign law firm, take the time to study the foreign market carefully. Identify potential law firms and learn as much as possible about their attorneys and reputation. If possible, travel to the jurisdiction and spend several days with the various law firms you are considering and get to know their working style and client base. You will find that foreign law firms will happily embrace a potential association with a U.S. law firm. In many jurisdictions,

this collaboration will give them prestige and local bragging rights. As a U.S. law firm, however, you will want to ensure that the quality of the services the foreign law firm will provide your clients, especially those who may be new to the region, will be comparable to your own.

If your goal is to open a branch office in a foreign jurisdiction, the planning required will be intense. You will need to determine whether there are any specific licensing requirements governing the opening and operation of your branch office. The licensing procedure in China, for example, can take several months, and has many requirements. If you are hiring local staff, you will need to understand the local labor and employment laws, and how they will affect your hiring and termination decisions. You will also need to decide how you will staff the branch office. Will you send a team of lawyers from the home office or other branch offices to help open the office, or will you hire only local lawyers? To the extent that you do hire local lawyers, you may want to consider having them spend several weeks or even months in the home office so that they can absorb the firm's working style and culture. These are only a few of the factors in a very long list that you will need to consider. Do not let this discourage you. Establishing a foreign presence can play a major role in your law firm's future growth.

The three rules of marketing a global practice? Whether you are opening up your own office, or teaming up with an established foreign law firm, your marketing strategy will need to communicate the following three things: an understanding of the local law, an appreciation of the local culture, and an ability to adapt to the local business environment. By staffing your law firm with attorneys that are knowledgeable in the intricacies of international deal-making and dispute resolution, a firm, even one without a bricks and mortar presence in a foreign jurisdiction, will be able to offer potential clients the ability to handle their legal issues in various jurisdictions. Take a moment to poll your attorneys. You may find that they already have

international experience – from studying and working abroad, to area and language studies – which can be used as a foundation to market the firm’s international practice.

A brief note on the culture of business. While knowledge of the local laws is important, attorneys must also be fluent in the cultural aspects of doing business in foreign jurisdictions. In China, for example, business cards are exchanged with two hands, with a moment or two spent studying the card before putting it away. The work week in Dubai runs from Sunday to Thursday, and most meetings begin with tea or coffee, and a discussion about each other’s family, their health, etc. In Latin America, a great deal of business is done over meals that can take several hours. Business may or may not be discussed during these meals, but do not lose sight of the fact that your counterparts will be taking stock of you and your suitability as a potential business partner. The same holds true in China, where business lunches and dinners follow a very organized pattern, from seating arrangements, to toasts.

Embrace the path less traveled. Thinking of opening an office in London or Frankfurt? Don’t. By now, these and other global financial centers are teeming with attorneys from the U.S. and the U.K. The markets are saturated, and unless you are prepared to offer a very unique, niche service, you will face an uphill and very expensive battle to gain market share and distinguish yourself.² Instead, consider other, less over-lawyered markets. The BRIC nations – Brazil, Russia, India, and China – offer significant opportunities. Other locations, including the Caspian Sea states, certain locations in Africa, and the Middle East, also offer opportunities for the intrepid lawyer. Of course, as we noted above, you must plan carefully. It would not make sense to jump into any of these markets without first conducting proper due diligence. These

² For example, when our law firm opened its office in Shanghai last year, we distinguished ourselves by marketing our unique strength in Sino-Latin American trade and investment opportunities. As one of the very few U.S. law firms with offices in Latin America and China, we offered our regional expertise, local trained attorneys, and Spanish and Mandarin language capabilities as unique selling points that were appealing to both prospective Chinese clients and law firms needing assistance in Latin America.

markets offer opportunity, but they can also be risky for the uninitiated. Just as your clients worry about security and political and economic stability, so should you.