

Find out what foreign counsel look for when referring work to U.S. attorneys — and how U.S. firms are landing clients overseas



# How To Locate Lucrative International Work



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e spoke with four attorneys who handle bankruptcy and collections work about how to find clients in other countries; how they track down local help for foreign matters — and how to make it all go smoothly.

## How have you gotten referrals from attorneys in non-U.S. countries to work on money judgments or other bankruptcy/commercial law-related matters?

**FL:** I'm involved in a number of energy associations and those have foreign national companies. As a result, they get to know you through those associations, so if there's an issue in the U.S., a call may be made from there.

Also, I do a lot of writing and speaking, and as a result, over time — particularly with the Internet — people are able to research issues and who has worked on them and track down that lawyer.

**DG:** Referrals come from attorneys in places as far away as the United Kingdom or Japan, and as close as Mexico or Canada. Typically, referrals come through an existing client or another international relationship.

**SB:** As I am starting to build on my firm's international capabilities, I have begun seeking referrals both from former colleagues during my time working overseas, and also from local acquaintances who are aware of my interest and passion for international work. The best way to achieve this is by way of word of mouth and recommendations.

## Is international work a potential source of new growth for firms?

**FL:** The one thing that's very clear is that with globalization, you're going to have a footprint bigger than just in the U.S. Therefore, rather than shying away from it, we're trying to go in the other direction and embrace it, develop it and grow it. In our practice area, particularly in bankruptcy, the European restructuring market right now is stronger than the U.S. market, so many large law firms are doing significant work abroad.

**SB:** In today's global economy, all work has the potential to be international. The multinational company which an attorney is representing locally may have a need for trusted advice with respect to its international matters as well; it's therefore an opportunity for the attorney to identify that need and decide how best to provide that added value for the client.

**DG:** Chapter 15 bankruptcy proceedings are on the rise, providing many opportunities for international insolvency-related representation. Also, the international nature of business in this age presents plenty of challenges and opportunities for representations of foreign national creditors in bankruptcy proceedings in the U.S., as well as collections of U.S. judgments in foreign countries.

## What else can U.S. attorneys and firms do to get international work?

**SB:** The best way is just to start getting involved. Most large cities in the U.S. have foreign chambers of commerce, which promote business and relation-

## Industry Insiders



**Fran Lawall**, as a bankruptcy lawyer at 500-attorney firm Pepper Hamilton LLP, has worked with international clients from about a dozen countries that had bankruptcy matters in the U.S., serving as primary counsel and acting effectively as counsel for foreign entities.



**Philip Robben**, partner at Kelley Drye & Warren LLP, a 350-attorney firm, handles international arbitration work and related collection of judgments in 10-15 countries, including Nigeria, Romania, parts of Europe and India.



**David Gamble**, an associate in the bankruptcy and litigation sections of Wick Phillips Gould Martin, a Texas-based firm with more than 20 attorneys, has worked in practice areas including complex commercial litigation and creditors' rights. The firm has represented citizens and companies based in Latin America, Europe and Asia; Gamble has worked on bankruptcy matters for foreign clients based in four countries.



**Sean Barrett**, an associate at Wick Phillips in the corporate and finance section, has represented clients in a variety of transactional matters in the United States, China, France, Israel, Morocco, Germany, The Netherlands and Russia.

ships between their home country and the U.S. Join those organizations and assume a leadership role. Network and let it be known that you are seeking international opportunities. Increase your online presence and make yourself as visible as possible so that people know where to find you. Look for speaking or publishing opportunities that target the jurisdictions where you are seeking to develop a presence.

**FL:** In terms of developing a practice and trying to develop a broader name [to attract] business from foreign countries, my sense is it's being involved in a trade association and bar association with cross-border meetings, doing writing in publications that might get picked up by foreign publications as well as domestic ones — simply effectively getting out of your office and making sure you're out there developing your practice.

## How important is it to use local counsel in foreign matters?

**SB:** Although legal systems vary greatly from country to country, they all share one reality in common: The fact that law is intrinsically a local discipline. Each jurisdiction's legal system is shaped not only by its legislation and judicial system, but also by its culture, language and history (which in some countries has been influencing and shaping the local legal system for hundreds, if not thousands, of years).

**PR:** Where we are trying to go overseas and get collection on a judgment or do anything real — it could be discovery during a case or interviewing a witness — we rely on counsel in that country to help us because they know the process, speak the local language and know the local courts and administrative agencies. Even

if I were admitted in another country, I would get a local lawyer to do it.

## How do you typically track down local counsel?

**FL:** First, we will check within our own internal firm — we have 400 lawyers. Second, if I know someone within the country, I'll say to that person, 'I've got a particular issue, who do you think is [a strong candidate] in this city?'

**SB:** The first place to start is within your own network, both in and outside of your own firm. Even large firms that have offices all over the world are presented with opportunities in jurisdictions where their firms may not have a presence. Often-times, however, those firms will have a database or list of "best friend" firms with which they regularly partner all over the world. If you're not at one of these firms, chances are, you know someone who is — who would be happy to refer you to their preferred local counsel.

**PR:** It really is a word-of-mouth type search. I'll ask if anyone has a recommendation for a lawyer to work with in another country. That typically results in one, if not more recommendations. [I generally start] within my firm; if that doesn't work, I sometimes go to the client, particularly if I'm doing business somewhere they will have local contacts.

## What qualities do you look for when selecting local counsel?

**FL:** Familiarity with litigation in respect to the particular tribunal where the case is. Someone who is clearly knowledgeable in a particular area; also someone I feel I could establish a strong, solid work relationship with. Rates may or may not come into the issue.

**SB:** A referral from a reliable source is probably the most important quality one can look for when selecting local counsel. It is also important to ensure that the local counsel you are considering has the experience and sophistication advising foreign clients with respect to the [applicable] type of transaction. Request specific examples of similar transactions on which the local firm has advised clients in the past.

**PR:** I usually will do a little due diligence on them once I've got a name to check, see if they have a Web page and review what type of work they've done in the past. If they have [many] years of practice, that's always nice. Typically, once I've done that and feel OK about them, I will call them on the phone or e-mail and start a discussion.

## And finally — do you have any tips to offer an attorney/firm to make the process of finding and completing international work go well?

**FL:** [It's important to] be very mindful of the fact that just because things are done one particular way in the U.S. doesn't mean it's the way it's going to be done in a foreign country — especially with a collection of judgments. Many countries won't give full faith and credit to a U.S. judgment. In the U.K., Eurozone, Israel — a judgment from the U.S. may still require you to retry it in that country.

**PR:** Our litigation practice here in terms of discovery and the nature of how it operates, the power given to juries and some extent judges is very, very foreign to non-U.S. people. They typically don't come into contact with anything like that in their jurisdictions at home. [It can help to] explain to them how U.S. litigation works.

If your firm is out of line with what you think a client might expect with fees, definitely put that on the table — it's better just to discuss that at the beginning and come to some agreement rather than

starting the work without ever discussing it and having a big fallout with a client because they weren't expecting a bill of that size.

Communicate with them as regularly

as possible. Sometimes the economics don't allow it, but if you can have a face-to-face meeting at the beginning of the matter, I always find it helps you build a rapport. ●

## Agency International

Madrid-based debt collection group Juris Justitia Creditor has focused its services in the last 20 years mainly in collection of claims against Spanish debtors (B2B and B2C) and foreigners who live in their country, including bankruptcies and insolvency proceedings.

After forming a joint venture with a Mexico City-based collection agency in the 1990s, collection agency STA International, headquartered in New York, continued to grow by expanding its London office by purchasing a major credit information provider's debt collection business.

Both companies have worked in at least 50 countries. We asked STA President Jeffrey Tulchin and Juris International Manager Ela Blasco how each company navigates international work.

### What's the advantage of working with an agency or attorney in a country where you're trying to collect/perform a service?

**JT:** We do our own investigative work. That being said, if we don't have a good contact within two weeks, the file goes to our external agent, unless we know the debt is uncollectible.

**EB:** It is crucial to work with local lawyers. They have a better knowledge, not only of the legislation, but of the bureaucratic parts of the processes, which could make a real difference when it comes to a speedy and efficient result.

### Are there any specific qualities you look for in companies you work with in other countries?

**JT:** We rely on word-of-mouth recommendations from our longstanding well-trusted partners. We share experiences with our good agent friends — to get good information, the secret is to give good information.

**EB:** We are members of the CLLA, which provides us the best source for hiring the services of lawyers around the world. Years of experience is very important, as well as the speed in providing closed budgets with legal fees, as clients get very upset if we do not come with a fixed estimation of legal costs upon their request.

### Do you feel international work referrals are a growing area for agencies?

**JT:** International business has to be a growing area. When you look at the economic growth of non-Western countries, you have to realize that there are huge opportunities for debt collection.

### Is there any advice you'd give to agencies that hope to find international work?

**JT:** Patience is important. Willingness to accept that your clients may have expectations that are quite unreasonable — that you may have to teach them continuously and repetitively how debt collection works, both in the U.S and in other countries.

**EB:** I find that attending to international meetings is a very good way of meeting clients and future working partners around the world. Being a member of an international list of lawyers like ALQ/CLLA helps.

### How can agencies make the process of working with a foreign company or client on a collection matter go smoothly?

**JT:** Communication is very important. While “no collection, no fee” is easily understood, once legal referral occurs, things get very complicated. Our foreign agents and clients always ask us about legal costs, and our explanations about legal fees, suit fees, court costs, noncontingent suit fees, lawyers in 50 states and judgment enforcement are very hard for anyone to digest and comprehend. We don't rely only on e-mail communication. We reach out by telephone to speak to our agents and clients.

**EB:** My advice would be to get good, reliable information upfront on legal costs (what it is included and not included in the budget) and chances of successful outcome, taking into account: a) applicable local prescription terms ; b) analysis of the documents that we count on and advice on whether they are enough in the country where the procedure will take place; c) and be sure to have a clear idea of the defendant's actual situation; insolvent, untraced, not operative, etc.