

Planning to Relocate to Australia

Question

I am a fourth year lawyer who is considering working overseas or possibly in Australia. What are the kinds of challenges that North American lawyers need to consider when trying to find employment as a lawyer in these countries?

Answer

Area of Practice. In recent times, the increasing amount of privatization and the ease of capital transfer globally has driven much of the demand for American lawyers overseas. Many foreign companies are obtaining capital in ways that require a great deal of familiarity with the American legal system.

Accordingly, the areas of practice that have attracted foreign law firms' interest in American lawyers overseas are project finance, M&A, debt/equity, capital markets, and generalized securities and derivate work. Given the differences in law between the Australia and American system of jurisprudence, it is very difficult for non-transactional lawyers, i.e. litigators and regulatory attorneys, to have success with firms in Australia. Note that overseas law firms or American law firms with offices overseas are seeking American attorneys with strong academic records, degrees from top American law schools, and solid transactional experience with a major recognized American law firm.

Qualification. While Australia and America share the same foundation in common law and democracy, qualification requirements differ greatly between the two countries. Similar to a Bar examination in the various states in the United States, most countries have certain qualification requirements for those practicing law. How one gains qualification to practice [law in a given country varies substantially from one country to another](#). Australia's qualification requirements are unique. There is no Bar examination in Australia. In Australia, a regulating authority approves undergraduate courses of study and graduates of those programs are entitled to undertake practical training and can then be admitted as lawyers. Hence, the first thing you must do is find out what the qualification requirements are to practice law in Australia and see if you meet those requirements.

In addition, most firms in Australia, Asia and Europe require certain years of Post Qualification Experience, or "PQE", for lateral lawyers, meaning that they expect you to have worked as a qualified lawyer in the subject country for a period of time before they would consider hiring you. Thus, even if you have the requisite experience, PQE might limit the chances of you obtaining a position in Australia. Certainly, in rare circumstances a native Australian law firm would be interested in a US lawyer with no Australian qualifications. On the other hand, US law firms with offices overseas tend to be more willing to consider non-PQE candidates. However, whether a given foreign office of an American firm may have a need for American attorneys is a product of the type of work performed by the firm. Just because a firm is based in the United States does not mean that it has a need for American attorneys.

Risk. In the past years, we have spoken to several American attorneys practicing overseas, and each appears to feel that they are having a good experience. However, it is important to note that relocating overseas is a difficult decision and can be very risky. When a country is prospering, lawyers with experience in a needed practice area can be in high demand, but work in an economically volatile or depressed region can dry up very quickly and American lawyers may be the first to be forced to seek out new positions. Additionally, the average salary for Australian firms (including the Australian offices of U.S. firms) generally is less than the salaries in, for instance, New York City. Accordingly, any attorney relocating overseas should

approach their search carefully.

See [Guidelines on Reciprocity or "Admission On Motion" among the States as per American Bar Association](#) for more information.

Immigration. Issuance of a visa to work in Australia is solely a decision for the relevant Australian government authority. Immigration is one issue that places you in a disadvantage over an equally qualified and credentialed Australian lawyer. But immigration issues have been overcome numerous times by the candidates we have placed overseas. Of course, if a firm is interested in hiring you, they would sponsor you to obtain the necessary visa.

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