

# What Are the Challenges for American Attorneys Working in Australia?

By Harrison Barnes from Los Angeles Office Managing Director

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

## Area of Practice

In recent times, the increasing amount of privatization and the ease of capital transfer globally have 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 Australian 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 are the qualification requirements 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 said 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, only in rare circumstances would a native Australian law firm be interested in a US lawyer with no Australian qualifications. On the other hand, US law firms with offices in 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 US firms) generally is lesser than the salaries in, for instance, New York City. Accordingly, any [attorney relocating overseas](#) should approach their search carefully.

## Immigration

Issuance of a visa to work in Australia is solely a decision of 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.