

THE PRACTICE OF INTERNATIONAL LAW

Don Shemanski and Dickinson alum John Brew participated on the 2010 International Law and Human Rights Law Day Career Panel co-sponsored last spring by ILS and the Human Rights Law Society. Brew and Shemanski both shared valuable insight as regards to the practice of international law. ILS is fortunate to have an opportunity to gain a more intimate portrait of their respective careers:

Describe your career path and current position.



John Brew

My career path has been a bit random, but with certain logic to it – kind of like Darwin’s theory of evolution. During law school I worked at the Pennsylvania Attorney General’s Office, Criminal Appeals Division. I did a fair amount of work on seizure of property and did my law review article on the topic. After law school I clerked for Judge McEwen in the Pennsylvania Superior Court. Like now, it was tough to find a job after my clerkship – so I narrowed by search to anything that would pay. I was fortunate to find a position with a New York based customs and international trade boutique law firm.

I never studied any international law in school, let alone international trade law. But, at the time, US Customs was seizure and enforcement happy – so the firm was looking for someone with seizure and criminal experience. I soon learned that international trade work had evolved from a New York based tax type practice to more a Washington, DC based federal regulatory practice. Breaking out the want ads, I was able to find a job with a mid-sized (70 lawyer) firm in DC that specialized in international trade law and had just hired the Commissioner of Customs (they needed someone to do the grunt work). This was a great experience working with fun and talented people. But, the firm was more a US based practice, and to take my practice to the next level I felt it was necessary to join a more global or international firm. I am currently a partner in the International Trade and Arbitration Group at Crowell & Moring. Crowell has over 500 lawyers and is based in DC with offices and affiliates around the world. In addition to excellent lawyers, Crowell is known for having a great work environment and culture – the lawyers take their work seriously, but not themselves too seriously. In this profession it is difficult, but important, to work with people with whom you can get along (since you spend more time with your co-workers than with your family).

What is (or was) a rewarding aspect of your career?

Winning. Some of my practice is not adversarial in nature and involves providing clients nuanced advice on the interpretation of international agreements or rules. The intellectual aspects of this counseling work are rewarding. But, there is nothing as exciting as helping a client obtain a successful result in a hard fought adversarial matter. While I have worked on some high profile matters that have resulted in precedent setting, published decisions before US courts, the WTO and WCO, my favorite matters are those that have been resolved with little fanfare – through settlement or an extra word or line in legislation. One such case was a favorable interpretation of the NAFTA, which involved creative statutory interpretation, multi-country administrative negotiations and US legislative work – saving the client millions in duties. I also enjoy working on pro bono matters – such as helping displaced workers receive benefits under the Trade Adjustment Assistance Act. These matters may seem small in terms of legal significance, but are big on a personal level.

The Practice of International Law (Featuring John Brew) Continued

If you could change anything in the past regarding your career what would it be?

I feel that I have been fortunate in my career path. If anything I think it would have been helpful if I was able to diversify my experience in this field earlier in my career. For example, it would have been helpful if I had worked in the government, in a foreign country or with a corporation. Understanding different perspectives, and how different organizations or people think and work, is critical to be able to properly respond, communicate or advocate positions and arguments.

What skills or competencies do you consider most important for an international lawyer?

Generally, the basic skills and competencies for an international lawyer are no different than those of lawyers in other fields: strong writing, communication and analytical skills, attention to detail and thick skin (for calming burdened clients and handling time pressures and inane decisions). Another key is listening and being able to empathize with decision makers, adversaries, clients or potential clients. To persuade you must understand the positions of all interested parties and be able to adjust and adapt your position accordingly. Professor Kelley would grill students in contracts class on what the “issue” of a given case was. He would say “you are blowing your horn, but you’re in the strings section.” If you cannot adapt your positions based on the views of interested parties, then you might want to follow the advice of my father’s friend, upon hearing I was going to law school – “go to business school.”

Aside from these general skills, because there are so many different areas of international law, the specific skills or competencies for the different areas will vary. For example, international lawyers may work on corporate deals (M&A, joint ventures and finance), international arbitration (litigation), international policy (negotiation), or international trade (regulatory) matters. Most international lawyers will only be able to focus on one of these areas. Thus, it is important to understand the differences between the types of international law and consider which type best fits your skills or interests. International trade law tends to be more regulatory or administrative in nature, involving a lot of economic and accounting type analysis. In this area, being able to process, read and comprehend hard data is important. Political astuteness is also important for international trade work and obviously international policy work as well. If you do not favor politics, then international corporate or litigation work may be a better fit for you.

What complimentary skills or competencies can be helpful to an international law career (e.g. courses in economics, policy-areas, specific technical skills, languages?)

Experience counts, so it is good if you can intern, take classes, write law review articles, or join groups like the International Law Society. This will help build the resume, help in interviews and provide a sound knowledge base for your international law area of choice. If you know what area of international law you wish to focus on, then you can target appropriate complimentary skills – e.g., economics, accounting, administrative law for trade, business related courses for corporate, and litigation courses for arbitration. Being fluent in a language is also very helpful and may be required in some areas such as international arbitration work. Further, many types of international work are regional in nature (e.g., representing clients in the Latin or South America Region), and being completely fluent in the main dialect of the region is necessary. Note that being able to speak a little Spanish is really not that helpful – you need to be completely fluent and able to conduct business and read legal documents in the language for your language skills to be a big plus.

The Practice of International Law (Featuring John Brew) Continued

Most law school students and graduates with an interest in international law focus on private law firms and governmental service, what are other avenues where a law degree with an international focus may be applied?

If you are seeking a career in international law, there are a number of alternatives to law firms and the government. Many non-governmental organizations (NGO's) and trade associations focus on international trade, development, economic and environmental issues. Also there are many consulting firms and big accounting firms that have large international practices. Clerkships at the US Court on International Trade, or working for a global business (whether in the legal department or not) offer other options for those seeking international law careers.

As globalization has increased the role of international law in many areas, do you see other areas of law emerging or becoming more important within the international arena?

Since the Doha Round of the WTO global trade negotiations have stalled, there have been a plethora of bilateral and regional agreements (investment and free trade) to expand trade development between countries. The last global trade agreement was in 1994 (the WTO Uruguay Round agreements), and the Doha Round started in 2001, with little hope of concluding this year. While the US has entered into numerous regional and bilateral trade agreements (the US has FTAs with 17 countries), other countries and regions (e.g., Mexico, Chile, the EU and Asia) have been even more active in seeking regional and bilateral trade agreements. Each of these agreements presents their own rules for governing trade in goods and services, investment and dispute resolution between contracting parties. Having so many different rules creates a paradise for international lawyers. Thus, I see an increase in disputes arising out of these agreements. These disputes may take the form of international dispute settlement or arbitration proceedings between countries based on alleged violations of the agreements, or disputes involving businesses that have been harmed by a country that has failed to follow its obligations or rules under the agreement. These will be the trends in my area, but many other areas of international law will be expanding as well, such as international laws related to the environment, labor, developing countries and intellectual property.

What advice would you give future international lawyers who are facing a tough job market?

Don't give up. When I started practicing in this area, US GDP related to global trade was about 5 percent, and now it is more than 30 percent. International law has grown from a niche practice to a diverse conglomeration of unique practices. The question used to be -- do you do international work. Now the question is -- what type of international work do you do. It is hard to find an area of the law that does not somehow touch or overlap with international issues. So, just because you do not have a job that has "international" in the title, or just because you work at a smaller firm, does not mean you cannot gain international experience, or experience that is helpful to an international law career. General corporate experience can be parlayed into international corporate work, and litigation experience can be parlayed into international arbitration work. If you get a job offer that is not purely international in focus, you need to think about how you can maximize that experience to obtain a more internationally focused position five years down the road (of course you do not want to tell potential employers that you want this job so you can leave to do international work).

The Practice of International Law (Featuring John Brew) Continued

What is your favorite country to visit? Why?

Despite being an international trade lawyer, on average most of my travels have been within the US. Traveling abroad on business it is not as romantic as it sounds. You are usually in conference rooms, or meetings, or looking at boxes of documents and rushing to get back to finish the work. There is not a lot of time to stroll down the Champs Elyse and sip fine wine. (This is an interview tip – don't say you want to do international law because you "love to travel." Any road wary international business traveler would roll their eyes and rather hear about your interest in the substantive international issue they handle.) That said, I have always has a soft spot for England and London -- having studied there and returned on business a number of times. But, that answer is a bit plain. Another country that I really enjoyed is Honduras. The people were very friendly and easy going, the diverse geography is beautiful, and they are huge soccer fans. If you can handle the landing in Tegucigalpa, then you are sure to enjoy your visit.

BONUS (Describe the nature of your International Law work.)

I represent a diverse group of clients, including large global corporations, smaller businesses, foreign governments and non-governmental organizations. International trade and customs law involves cross border trade in goods. Clients may wish to lower tariffs on imported goods, obtain licenses to export restricted goods, maximize use of free trade agreements like NAFTA, obtain advice on international laws related to unfairly trade imports or exports (antidumping and countervailing duty laws), or seek assistance in opening markets that restrict imports or exports. While this practice tends to be focused I frequently deal with a broad array of government agencies and organizations, such as the Department of Homeland Security (US Customs and Border Protection), Department of Commerce (International Trade Administration), US International Trade Commission, Office of the United States Trade Representative, Department of the Treasury, Department of the Treasury, World Trade Organization, World Customs Organization. US Court of International Trade, Court of Appeals for the Federal Circuit, and last but not least the US Congress. Solving clients' international trade problems often requires a multi-disciplinary approach – combining legal, economic, political and public relations expertise to obtain the optimal result. Also, since many of the international trade rules applied in different countries are based on international agreements, I often work with foreign counsel in a given country providing advice on how such international rules should be interpreted by that country.

Describe your career path and current position.



Don Shemanski

I received my J.D. from Georgetown in 1981, after having done my undergraduate studies here at Penn State (B.A. in German, 1978). After law school, I spent a year as a Fulbright scholar studying German civil law at the Goethe University in Frankfurt, Germany. I then spent several years as an associate attorney with the international law firm Walter, Conston & Schurtman in New York City (the firm has undergone several overhauls and is now part of Atlanta-based Alston & Bird).

The Practice of International Law (Featuring Don Shemanski) Continued

In 1985 I joined the U.S. Foreign Service, and spent 23 years serving as a U.S. diplomat in Washington and in a number of countries, including Germany, Austria, Italy, Bosnia, Pakistan, Afghanistan and Cyprus. My diplomatic assignments have included serving as coordinator for State Department refugee assistance programs for the former Yugoslavia, delegate to the U.S. Delegation to the Vienna CSCE Follow-up Meeting, Deputy Special Envoy to the Afghan Mujahedin and Alternate U.S. Delegate to the foundation "Remembrance, Responsibility and the Future," which administered payments to former World War II-era forced and slave laborers of the Nazi regime. I retired from the Foreign Service in 2008 and joined the faculty in Penn State's college of Information Sciences and Technology as a Professor of Practice. I teach undergraduate courses focusing on the threat of terrorism and crime as well on the legal and regulatory environment of information science, privacy and information security.

What is (or was) a rewarding aspect of your career?

As coordinator for State Department refugee assistance programs for the former Yugoslavia, I played a key role in arranging U.S. Government funding for a number of important humanitarian projects. I felt that I helped make a real difference in improving the lives of Bosnian and Croatian refugees and displaced persons.

If you could change anything in the past regarding your career what would it be?

If anything, I would have preferred to have begun my third career – as professor -- a bit earlier. I am really enjoying teaching and find also find it very rewarding.

What skills or competencies do you consider most important for an international lawyer?

As with most legal positions, effective speaking and drafting skills are crucial. Familiarity with non-U.S. legal structures and systems is a big plus. Finally, competency in foreign language and experience with foreign culture/societies is very useful.

What complimentary skills or competencies can be helpful to an international law career (e.g. courses in economics, policy-areas, specific technical skills, languages?)

Foreign language ability is key, as mentioned above. In today's increasingly interconnected world, basic computer and information technology skills are also important. A familiarity with the architecture of international organizations is also quite useful.

Most law school students and graduates with an interest in international law focus on private law firms and governmental service, are other avenues where a law degree with an international focus can be applied?

Many positions in international organizations are staffed by lawyers. The United Nations, for example, has a large international staff with quite a few positions that have either a direct or tangential connection to law. As the pace of globalization increases, so will the number of large, multinational corporations, most of whom will require lawyers who can think globally and operate in a cross-cultural, international environment.

The Practice of International Law (Featuring Don Shemanski) Continued

As globalization has increased the role of international law in many areas, do you see other areas of law emerging or becoming more important within the international arena?

Legal aspects of information technology, including emerging issues related to data privacy and Internet law, will be a growth industry. Similarly, more and more issues relating to intellectual property rights will become "internationalized" as a result of increasingly globalized markets and interconnected enterprises.

What advice would you give future international lawyers who are facing a tough job market?

My best advice would be to try to carve out a niche, such as a particular area of expertise - including foreign language or area expertise, that will distinguish you from other young lawyers competing for scarce jobs. As someone who has at times sifted through stacks of resumes in making hiring decisions, I can assure you that the applicant has done something different or who has interesting, atypical skills will immediately attract positive attention.

What is your favorite country to visit? Why?

Italy. The historical and archeological offerings are immense, the climate and scenery are wonderful, and you have to work hard to find a restaurant that doesn't have great food.