

CAREERS IN INTERNATIONAL COMMERCIAL ARBITRATION

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For those young lawyers and students seeking work in international commercial arbitration, jobs in this field of legal practice are notoriously elusive. Despite the seeming impossibility of finding an entry level position in international commercial arbitration, the panel on Careers in International Commercial Arbitration, hosted by the Center on International Commercial Arbitration and sponsored by the Society on Dispute Resolution at American University's Washington College of Law, on March 29, 2010 provided important guidance for the an individual looking to enter this growing field of dispute resolution.

Given this reality, the panel, which included Jean Kalicki, Partner at Arnold and Porter LLP, Michael Jaffe Partner at Pillsbury Winthrop Shaw Pittman LLP and Marc Kantor an independent arbitrator, offered their advice to more than fifty students in attendance, that are looking to break into this area of practice.

First, students were encouraged to take courses in international law and international commercial arbitration. This is a sure way to demonstrate an interest in the field and gain the necessary academic background in the area. Students can also benefit from specialized courses in international commercial arbitration taught by leading academics and practitioners in the field, such as those offered by WCL's summer arbitration institute.

Ms. Kalicki did, however, say this with the caveat that students not specialize too early. While coursework in this specific area of the law is valuable, she advised that students not fear becoming a generalist early in their careers. All the panelists stressed that entry level positions in international commercial arbitration and investment treaty arbitration are limited. However, the skills required in the practice of international commercial arbitration can be learned through a generalist practice in the litigation group of a law firm. This will allow an individual to gain imperative litigation skills in the often less complex domestic legal practice and later apply those skills in an international commercial arbitration practice. In fact, Michael Jaffe commented that this is the 'traditional route' to an international commercial arbitration practice. Often young lawyers will initially work in the general litigation group of an international law firm, and transfer to an office that has a larger commercial arbitration practice. Michael Jaffe provided food for thought in suggesting that that young professionals work at arbitral institutions in staff positions in order to gain a strong understanding of how the institution works. This is one way that a candidate can make himself more attractive to firms; the experience of working at such an institution will provide that individual with the unique perspective that can be helpful in private practice.

Ultimately, the objective is to distinguish oneself in this area of practice. As a result, networking figures prominently in entering this practice area. Ms. Kalicki suggested involvement both inside and outside the law firm. She suggested involvement in bar associations and attendance of related events. This allows an individual hoping to work in international commercial arbitration to become a familiar face in the arbitration community, and also allows you to put some substance behind your interest in commercial arbitration. It helps prove the interest a student will claim to have during an interview.

Marc Kantor echoed this suggestion, but added that one join such trade organizations and events with a mind to learning the "language" of practice area. He made the very practical observation that any individual that is new at something will have to deal with the learning curve. However, by attending arbitration events, young lawyers will learn the "language" of the arbitration community and will seem to be higher up on the learning curve. This will allow them to present well in interviews and will make it more likely to secure the desired position. This also helps the candidate develop a reputation for being knowledgeable. This gives tangible effect to the oft stated truism that networking is valuable. Mr. Kantor provided a list of young arbitration groups that are active in the arbitral community. These include the ICC Young Arbitrators Forum, the ICDR/AAA group called ICDR Young & International, and an LCIA group called YIAG and ASA Below 40. Mr. Kantor also highlighted a group called "Arbitral Women" which often has meetings on the sidelines of arbitral conferences. He suggested that students and young professionals pay the often modest fees to become members of these and other institutions, and join their mailing lists to find out about arbitral events. The mailing lists that Mr. Kantor mentioned are particularly useful because some send out free "breaking news" email alerts and other current developments in international commercial arbitration. He suggested that one join the mailing list from the Global Arbitration Review, the Investment Arbitration Reporter, and Transnational Dispute Management. He also mentioned some active email discussion lists called "OGEMID" and "YOUNG-OGEMID", the latter of which is aimed specifically at young professionals.

Mr. Kantor also suggested that interested individuals seek to publish on relevant topics and should not limit themselves to publication in law reviews. He suggested writing shorter pieces, between 500 and 1500 words, for trade periodicals and journals that focus on practical issues. Such articles are useful to the audience in their daily practice, and are therefore likely to have wide readership among practitioners. The benefit is that the author of the article gains exposure and renown with practitioners in the field.

In addition, all the members of the panel placed emphasis on the importance of foreign language skills. The obvious international element of this area of practice makes such skills very helpful. The importance of foreign language skills is bolstered by the changing institutional landscape in international arbitration. For example, the ICC has recently opened a case management office in Hong Kong, indicating that the popularity of arbitration in East Asia is growing and that, correspondingly, there is a competitive advantage to be had by having an arbitration take place in the language of the parties, rather than having to have all the documents and oral submissions translated. Even absent proficiency to this extent, foreign language skills will be

applicable and helpful moving forward in this field. Similarly, the increase in number of bilateral investment treaties in Latin America has led to significant need for Spanish and Portuguese language skills. Even conversational language skills will serve to benefit a student interested in this line of work.

Ultimately, a student or young lawyer looking to practice in international commercial arbitration or investment treaty arbitration should rest assured that while international arbitration is a competitive field of practice, through persistence and focus on the desired skill set, one can break into this area of legal practice.