The legal profession has gone global. Today, even traditional domestic practices, such as tort law, corporate law, and contracts, have been affected by the growing body of international and foreign law. This is happening for several reasons. First, legal professionals are increasingly pursuing legal studies abroad or entering into practice in fields that encompass multinational law concepts. As practitioners become more familiar with foreign legal concepts, they become more attuned to the changing legal landscape and immerse themselves in a broad approach to legal problems. They begin to think creatively, applying theories, concepts, and even case law from other jurisdictions that may help lend insight, if not effective resolution, to the legal issues that face their practices. As legal professionals around the world become more knowledgeable about the development of different legal concepts and ideas, they become more versatile in their practice and more marketable as a result.

Second, the expansion of international trade has driven, to a large extent, the need to develop multijurisdictional practices. Modern clients are interested in learning how to expand their businesses overseas, how to engage in foreign investment, how to leverage their assets internationally, and how to attract and develop clients outside of their home country. Export-import businesses, small businesses sourcing inputs from abroad, and even many e-commerce
businesses face increasingly complex issues of law as they enter contracts, form partnerships, and, in many cases, experience disputes with their foreign counterparts. A successful international business manager today is well-versed in foreign affairs, often multilingual, and highly creative in his or her approach to doing business abroad. A successful legal professional requires similar skills to advise these clients and to protect them in the event they encounter trouble when working with partners and clients abroad.

Third, legal practitioners have developed multijurisdictional practices through partnerships with firms and attorneys abroad in order to generate a broader client base. Many firms are specializing in cross-border transactions between Mexico and the United States, for instance, or between Brazil and Argentina. These firms need a cadre of attorneys who can confidently and knowledgeably speak with new clients, answer questions about the distinctions in law between the two jurisdictions, and properly advise them on their actions. As more firms develop these cross-border practices, more attorneys must be prepared with cross-border legal skills.

This globalization of law has placed today’s legal practitioners at a crossroads—continue practicing in their area of specialization, maintaining a loyal base of domestic clients and referring them to other firms if and when they seek foreign expansion, or take steps to prepare now to be a leader in the movement to broaden the legal horizons of their practice, affirmatively seeking opportunities and ideas in the international legal marketplace. There is much to be said of the dedication that legal professionals have to their domestic clients and their local practice, and the maintenance of this practice may be an all-consuming process for many; however, just as a smart attorney always thinks ahead to prepare her client for contract breach in a business deal, a modern attorney should be thinking ahead to position himself and his clients for success in a growing global legal marketplace.

The Global Policy Forum, an international policy-monitoring organization, recently noted that law is becoming exceedingly international. “In response to this internationalization, and in order to serve giant, transnational companies, law firms are globalizing their practice. The biggest firms are merging across borders, creating mega practices with several thousand professionals in dozens of
Consider the opening lines of three of the largest international law firms today:

- **Shearman & Sterling LLP** is one of the few global law firms, with more than 1,000 lawyers located in all of the world’s financial capitals.
- Welcome to **Clifford Chance**, a truly integrated global law firm where our people believe in one approach—to help you achieve your objectives.
- **Baker & McKenzie** is the world’s leading global law firm. We have provided sophisticated legal advice and services to many of the world’s most dynamic and global organizations for more than 50 years.

But it is not just big firms that are feeling the push to expand their practices internationally. Consider the two-person firm of JD Global, based in California, that addresses a variety of legal issues, including immigration, trade, and family law. Or consider the 36-attorney firm of Lommen, Abdo, Cole, King & Stageberg, based in Minneapolis, Minnesota, which has no foreign offices but uses its broad international networks to work with clients around the world. Leveraging international networks and global law associations, small and medium-size firms in the United States and around the world have been able to expand their practice and assist clients in many foreign locations. *The National Law Journal* recently featured an article describing the proliferation of these networks.

The opportunities for a well-trained legal professional to expand her practice by taking on clients with cross-border issues, clients in foreign jurisdictions, or working with clients and partners abroad are rapidly expanding. Yet there is a clear lack of guidance

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for foreign legal practitioners who want to take the first step but are not certain how to do so. Thus, while this text does not provide advice on how to develop clients overseas, it helps legal practitioners communicate effectively in English, enhancing their body of legal knowledge by providing them with a comprehensive introduction to key concepts in U.S. law and legal processes.

Undoubtedly, many cross-border practices do not involve U.S. clients or issues of U.S. law. This book does not attempt to address the vast array of potential cross-border relationships that any firm could develop. Rather, as a significant number of U.S. clients are moving into the global marketplace, and many foreign firms are considering entering the U.S. market, this book directs its attention to those situations.

What This Guide Offers

There are several legal English texts on the market today. Choosing the one that is most effective for your law practice or studies is critical. Some texts focus primarily on the U.S. legal system and leave a great deal to be desired about substantive areas of law that are of practical significance to most foreign legal practitioners. Some other texts provide brief explanations of certain topics and then spend the bulk of their text providing exercises on grammar and vocabulary, which is useful for the aspiring foreign LLM student studying in the United States but of much less value to the foreign legal practitioner.

This guide differs substantially from other texts in that it provides the foreign legal practitioner or advanced LLM student with the basics of the U.S. legal system and with the process of legal reasoning, but it spends the bulk of the time looking at substantive topics in U.S. law. By engaging the practitioner in a discussion about U.S. contract law, for instance, a practitioner can develop confidence in the use of the terms and concepts that he will frequently use in the U.S. legal system. By building bridges between the reader’s understanding of a legal concept in her system and language and those same concepts in the U.S. legal system, a practitioner develops neural networks between the two legal systems. This learning process is invaluable for the modern foreign legal practitioner.
The learning approach taken in this guide is a practical one. Readers are expected to have a good grasp of the English language but not necessarily complete fluency, and they are expected to have a solid understanding of their own legal system. With these skills in place, the guide provides easy access to key procedural and substantive concepts in U.S. law that the practitioner is most likely to encounter in his practice. The first unit addresses procedural issues, such as identifying and summarizing key U.S. legal decisions, researching case law online, appealing a particular judgment, and preparing a case summary for a client or partner. The guide addresses each concept using plain English language and, where appropriate, giving examples of concepts in practice to strengthen the reader’s understanding.

The second unit focuses on three key areas of U.S. law—contracts, commercial law, and legal research and reasoning. In each of these chapters, practitioners are introduced to both a broad outline of the area of law in the United States, such as how it developed and key legal precedent established over time, as well as central concepts of relevance to that area of law today. Thus, for example, the chapter on contracts will trace the highlights of contract law development in the United States, from its initial judicial approach of free contracting to the present-day form contracts and judicial oversight in the contracting process, helping the practitioner draw linkages between the development of her system and that of the U.S. It will then discuss cases that every foreign legal practitioner should be aware of in the practice of U.S. contract law, ensuring that they have a minimum level of fluency for discussions involving legal issues in U.S. contracting. Finally, each of these substantive chapters will conclude with a look at some of the pitfalls that a foreign legal practitioner could encounter when working in this area of U.S. law to help him approach these cases with a cautious eye to detail.

The third and final unit of the guide is intended to provide the practitioner with two useful tools. The first is an explanation of the practice of law in the United States. This section will discuss how a foreign legal practitioner might hope to practice law in the United States directly through admission to the bar or by utilizing other mechanisms through which he can apply U.S. legal knowledge and
skills. This section will also explain how the practitioner might fur-
ther his knowledge of U.S. law by studying law in the United States,
either through enrollment in a U.S. juris doctorate program or by
taking on an LLM or SJD program. The second tool is a specialized
legal English dictionary. It contains a list of carefully selected terms
and phrases that are most commonly used in the three substantive
areas and in the procedural practice area of law. The appendices
also include key sections of the Uniform Commercial Code and the

After reading this guide, a foreign legal practitioner will be bet-
ter positioned to discuss and negotiate using legal English concepts
common in the United States. This guide will not, however, substi-
tute for the completion of a law degree in the United States. Rather,
the practitioner should keep this guide as a desk reference to refer
to key concepts that she faces on an irregular or, perhaps, increas-
ingly common basis in her work. While not all of the answers to
every legal question involving U.S. law will be found in these pages,
the practitioner can be confident that these lessons will place her on
proper footing to find the right answer.