



Portfolio Media, Inc. | 230 Park Avenue, 7th Floor | New York, NY 10169 | www.law360.com  
Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

# Young Chinese Attys Face New Hurdles In BigLaw Job Chase

By **Xiumei Dong**

Law360 (June 6, 2024, 11:15 AM EDT) -- Law degrees from top U.S. universities were once prized by many Chinese students as tickets to secure jobs at major U.S. law firms. However, with these firms scaling back operations in China, aspiring lawyers face dwindling prospects and increased uncertainty about their futures.

For Chinese international students, securing employment in the U.S. has become increasingly difficult, mainly due to slim chances of obtaining H-1B visas, allocated through a **lottery system** with limited visas each year.

Traditionally, if their H-1B visa applications were unsuccessful or circumstances changed, these lawyers could pivot to opportunities in Asian offices, such as in Hong Kong, Beijing or Shanghai, leveraging their education and experience. However, recent graduates lament that such options are diminishing as firms retreat from the region.

Yun Ling, a 2021 Yale Law School graduate, said he noticed that "the wind is changing" as he completed his studies. Ling wanted to stay in the U.S. for personal reasons, but despite his proactive efforts to distinguish himself by specializing in capital markets with a focus on Asia, his firm, a top 50 firm on the **Law360 400 list**, ultimately let him go after he was unable to secure an H-1B visa through the lottery system.

"I feel like we are sort of the 'last generation,'" Ling said. He explained that many Chinese law students in the U.S. traditionally choose to work in capital markets and mergers and acquisitions, as these areas are in demand if they need to return to China. However, with these markets shrinking, Ling suggests that studying these fields may no longer be practical.

After a lengthy 18-month search, Ling found a role at a biotech startup. However, he acknowledged his privilege in being able to stay in the U.S. due to being able to later secure permanent residency and the flexibility it offered in changing practices. "But if the person doesn't have that and lost H-1B, it's going to be really hard," he noted.

Diming Xu, a 2022 graduate of the University of California, Berkeley School of Law, faced a familiar plight when her firm, a top 10 firm on the Law360 400 list, terminated her employment after she failed to secure an H-1B visa through the lottery system.

"I received a call from HR the day after the result came out by the end of March," Xu recounted. "I was told, 'I'm really sorry, [but] we have to let you go because this year we don't think there is any open spot in any other locations of our international offices, including London, Hong Kong, Singapore, etc.'"

This wasn't entirely unexpected, as Xu had noticed a lesser workload compared to peers who graduated a year or two before her. Despite attempting to stay through curricular practical training or CPT, Xu struggled to find a job in the U.S. and eventually returned to Beijing, where she faced stiff competition from top Chinese graduates and cutbacks by U.S. firms.

Eventually, Xu found a position at a midsize firm in Atlanta, where she received sponsorship for additional H-1B lottery entries. Despite her employer's support, Xu was not selected, leading her to rely on CPT to stay employed. Next year, she must persuade her employer to sponsor her again, but

the uncertainty surrounding her H-1B status adds stress, as she needs to prove her value for sponsorship.

"I am essentially adding expenses and costs to the firm that I am working for," Xu said. "So, I have to go an extra mile to prove myself for being valuable enough, to make more money for the firm so that they would not cut me off."

U.S. law firms have been retreating from China amid economic challenges, regulatory uncertainty and rising geopolitical tensions. Since mid-2023, **at least seven firms** have scaled back their presence in the country. Among them, Weil Gotshal & Manges LLP, Orrick Herrington & Sutcliffe LLP, Perkins Coie LLP and Latham & Watkins LLP closed offices in Shanghai and Beijing; Linklaters and Kirkland & Ellis LLP conducted layoffs; and Dentons shed thousands of lawyers in China when it separated from Dacheng.

Although these firms have reiterated their commitment to remain active in the country, Robert Kinney, founder and president of Kinney Recruiting, who handles attorney placements in Asia, noted that legal recruitment remains stagnant for numerous U.S. firms in China.

"This situation is pretty terrible for Chinese students who are looking to take their careers to Asia after a stint in the U.S.," Kinney said, sharing the story of an Ivy League law school graduate who accepted a low offer for a nonlawyer role at a top law firm in Hong Kong, only to be laid off three months later due to a lack of work.

Fortunately, the candidate managed to return to her previous firm in New York, Kinney noted, cautioning that such experiences could easily have prematurely ended her career in BigLaw.

"We are being very careful about recommending any moves to Asia at this time. It's just too unstable to take things at face value," Kinney added. However, he noted that associate recruiting in the U.S. market has remained active.

Yet, even in the U.S. legal market, Ling pointed out that those who manage to stay through other channels still find it difficult to compete for jobs with more senior associates, as they typically have only a year or two of experience by the time their optional practical training or OPT expires. OPT is a program allowing international students to work temporarily in the U.S. in fields related to their study, typically for 12 months. Students with degrees in science, technology, engineering or mathematics can apply for a 24-month extension, known as STEM OPT.

Similarly, Xu mentioned that she had to pivot her practice several times to stay employed, transitioning from a transactional lawyer at a big law firm to a trial attorney at a small firm, and then to a labor and employment litigator at her current firm.

Given the ongoing challenges, both Ling and Xu advised upcoming law graduates from China to keep an open mind and be prepared to adapt to different roles and practice areas.

"My only advice is just to keep an open mind and maybe look into nonformal, nontraditional ways of finding a job," Xu suggested. "Just being really open to meeting new people and being able to speak about their situations anytime when an opportunity opens."

Oleg Kobelev and Jabrina Robinson, associate deans for international studies at Duke University School of Law, have also observed that U.S. employers have become less inclined to relocate international students to overseas offices if their H-1B visa applications are unsuccessful. Robinson further noted that international students face more restricted options compared to American citizens, as they are ineligible for clerkships or positions in the U.S. government.

Despite the slowdown in the Chinese legal market, Kobelev and Robinson said that international Chinese students continue to show interest in pursuing law or master of laws degrees at leading U.S. universities. These students believe that gaining cross-border experience will set them apart, particularly in a competitive market with limited opportunities, they said.

"My experience is that Chinese law firms have greatly diversified over the last 10 years and become much more sophisticated in terms of their cross-border practice," Kobelev explained, noting that the

trend has driven an increased demand for lawyers with cross-border experience.

Still, given the cyclical nature of the legal market, Robinson advises law students to explore diverse interest areas and remain flexible, rather than solely pursuing trends or perceived "hot" areas.

"There's no magic class that you can take in law school that will make the difference between a job and no job," Kobelev said. Instead, he suggests that students focus on developing a narrative that showcases their knowledge and interest in broader legal fields, such as corporate law or transactional law.

Kobelev and Robinson also stressed the importance of building professional networks and relationships, which are crucial not only for securing first jobs but also for long-term career success and client development.

Additionally, they encourage students interested in opportunities in China to broaden their perspective beyond the dichotomy of U.S. versus Chinese law firms, exploring opportunities with firms from other regions entering the market, such as those from Europe or South America, or other interconnected global firms.

"I think having a U.S. law degree is actually going to be quite marketable," Robinson reiterated. "It will definitely help a student in the Chinese market to stand out more, and they'll stand out with a credential that'll be globally recognizable."

--Editing by Robert Rudinger.

---

All Content © 2003-2024, Portfolio Media, Inc.