



MEET AN IBA PRO BONO COMMITTEE OFFICER DAVID FLECHNER NORTH AMERICA REGIONAL OFFICER

1. How did you get into the law/ your area of practice? / Why did you become a lawyer?

Like many corporate lawyers, my path to law firm practice was not an entirely direct one! I studied political economy in university, focusing on Latin American economic development theory, and I only had a tangential interest in Law. Following graduation, and about three months into my independent research program as a Fulbright Scholar in Madrid, Spain, I came to the acute realization that I was much happier working with teams on daily puzzles that needed solving rather than pontificating endlessly about the next big idea in my chosen area of academic specialization. The Ivory Tower was not for me, and practicing law seemed like a good fit.

After enrolling in law school and considering a career in the U.S. foreign service or possibly an international organization, I found that my internship at a large global law firm afforded me ample time and resources to dedicate to pro bono projects involving international human rights. My practice quickly narrowed to involve representing Latin American companies and sovereign governments seeking financing in the international capital markets. There's a wonderful overlap in my persistent intellectual passion and the practical ins and outs of my job. I feel very fortunate!

2. If you were not a lawyer, what would you do?

I would probably work in economic policy at an international organization or in some international trade or diplomatic post within the U.S. federal government.

3. What advice would you give to someone new to your area of practice / new to your jurisdiction / new to being a lawyer?

Try to find ways to integrate your interests into your daily job description. Remember that the practice of law requires a steep learning curve, so err on the side of putting too much time and too much effort into your projects. That approach will give you more experience on different types of work and is more likely to expose you to more peers and potential mentors. You'll be surprised by how much more confidence you'll have making decisions about your career. Also, supervising attorneys love hard-working junior lawyers, so you're likely to have more options before you after demonstrating your commitment.

4. How has your role changed post-financial crisis?

I work in the international financial markets, and my practice focuses on securities offerings by emerging markets issuers. As a result, following the financial crisis my role as a trusted adviser on risk-fraught transactions has become more important to key decision-makers on the business side of each deal. I spend more time going through risk mitigation plans and compliance matters, and I'm asked on a daily basis by senior management what latent risks could arise. The fear of unknown risks continues to make both issuers and investors very nervous following the crisis.

Beyond that, my pro bono practice has shown me that charities take an enormous hit in donations and resource access following market-based dislocations like the global financial crisis. It has never

been more important to continue supporting international pro bono commitments by lawyers in both private and public organizations. There is astounding unmet need.

5. What area of your work do you enjoy the most? The least?

I most enjoy problem solving: working with teams to come up with well-tailored solutions to my clients' intractable legal issues. It's incredibly satisfying to take a complex instruction and translate it into a comprehensive action plan that generates an excellent outcome for clients.

Least? I don't particularly care for the unpredictable nature of working in financial markets. I would readily give up the adrenaline rush generated by meeting a time-sensitive deadline after successive late nights in order to gain more certainty and control over project calendars.

6. What are the current challenges facing your area of practice?

Much of my pro bono work these days focuses on representing applicants for asylum before the U.S. immigration authorities. There is an incredible amount of uncertainty around outcomes even for the clearest cases for candidates fearing for their lives as they flee persecution in their native countries. U.S. immigration policy has been in flux for years, but we're currently experiencing a level of unpredictability that seems truly unprecedented.

7. What has been the biggest challenge of your career?

I was in an extremely complex negotiation about five years ago with very hostile counterparties – and an almost equally hostile client. I quickly realized that no outcome would be satisfactory on any level: a true lose-lose situation.

8. How did you overcome it?

I grinned, and I bore it. Sometimes that's the only way forward. In those circumstances, remaining calm and constructive is the best one can do.

9. What are the ethical issues facing your area of practice?

One of the most difficult balancing acts I find in practice at a large global law firm is managing conflicts of interest. We need to remain constantly vigilant. Even with great intentions, lawyers need to ensure that their professional ethics will not be compromised by new instructions that pose potential conflicts of interest.

10. If you could put together a 'wish list' of changes you would bring about in the profession, or to your area of practice, what would you include?

My "wish list" for changes to the legal profession would definitely focus on ways to continue fostering cross-jurisdictional dialogue and influence across legal systems. Human beings have never been more connected across borders than they are today, and our local and global legal institutions need to continue to adapt. There is still much work to do on this front – and the IBA serves an important purpose in this quest! I see the international human rights movement as an incredibly successful means of articulating a baseline vocabulary and set of norms from which citizens of no country should be exempt. We have made some real strides implementing international financial and commercial law frameworks, and I hope that the current rising tide of scepticism around all

things global does not erode that progress. “International lawyers” across sectors have a truly central role to play.

11. What do you do in your free time? / How do you relax?

I am avid recreational runner, and there are few things I enjoy more than taking leisurely jogs along the river parks in New York. I’ll be running my first New York City marathon this coming November, along with the team fundraising for the American Society for the Prevention of Cruelty to Animals. Wish me luck!

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