

Practising law in a Wall Street law firm: a personal experience

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When I became a member of the Johannesburg Bar three years ago, nothing could have been further from my mind than that I would one day practise law in a prestigious Wall Street firm. Although when I joined the Bar, I knew I had entered terrain a far cry from my prior humble profession (for eight years) as a high school teacher, a trip to New York was the culmination of a childhood dream. Having obtained my Masters in International Business Law at the Vrije Universiteit in Holland, I had done some touring in Europe, and America was to be my next destination.

It all happened unexpectedly when a colleague of mine, Fayeeza Kathree, approached me regarding an American programme which recruits young black lawyers from South Africa to spend a year working in high profile Wall Street law firms. The programme was engineered by Joan Vermeulen, a courageous retired New York lawyer. I immediately jumped at the offer, was short-listed for an interview, and was selected as the only advocate together with six attorneys from various Johannesburg practices.

I found placement with one of the oldest and most prestigious law firms in America; namely, Cravath, Swaine & Moore. Those who know the firm would certainly know that it is involved in almost every major US case. Cravath recently successfully defended IBM in a 13-year long anti-trust matter against the government. By New York City standards, Cravath is not a large law firm. It has 80 partners, 398 associates, and more than one thousand supporting and administrative staff. A 'large' law firm in New York City has about 400 partners and more than one thousand associates. In terms of volume of work and earnings, however, Cravath ranks high on the list of the top twenty New York law firms.

I was privileged to be part of the team of litigation lawyers for the firm which specialises in representing large corporate defendants. Thanks to the tireless work of

Joan Vermeulen, I started at Cravath on 3 September 2002 as a foreign associate. Although the contract was for a year, I stayed six months before returning to South Africa.

The nature of the litigation I was exposed to at Cravath was of the type many lawyers – both South African practitioners and their US counterparts – can only dream of. I was involved in the following: the deposition of high-profile witnesses; preparation of documents and drafting of papers; and consultations and attendances at court with partners from the firm to argue cases. I had first-hand experience of the conduct of court proceedings in both Federal and State courts in New York. I perused briefs in anti-trust litigation on behalf of both Research Technologies and Bristol-Myers Squibb, and was involved in the team that represented America Online/Time Warner in its high-profile case against the Securities and Exchange Commission.

It was a turning point in my career, but I should also mention that, no matter how fascinating the experience was, my main aim was to learn the basic skills necessary in order to return to South Africa, where I believe my contribution to the legal profession is vital. It was on that basis that, after announcing my intention to return to South Africa, I rejected lucrative offers from various Wall Street law firms.

My experience at Cravath was a rewarding one: the staff members were very kind to me and everyone was always ready to help. I saw myself as part of a big family so that by the time I left the firm, I felt I was leaving behind people I had known for many years. Nonetheless, I experienced certain difficulties as a result of the differences which exist between the South African and the American legal systems, especially in the procedural law. The US system is not based on a division between advocates' and attorneys' professions – the principle of referral is thus foreign. All lawyers practise in firms as attorneys, and within the law firm there is a specialist litigation division. As an advocate, I come



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times found that environment confusing since effectively one is an employee and not an independent consultant, as is the case in South Africa. Also, the manner in which lawyers address the judge and conduct themselves in court is very informal, with the performance of witnesses and counsel in court often resembling a TV drama. This means that although a South African advocate going to the US to learn litigation skills will not necessarily learn court conduct relevant or applicable in South Africa, the aggressive nature of American litigation may help some to develop and improve their confidence.

I believe that this programme by the American Bar Association of the City of New York, by reaching out to lawyers from disadvantaged communities in South Africa, is a good one and should be supported by all South Africans. I have seen black advocates at the Bar struggling both financially and in terms of skills. I have seen black advocates lining up for *pro deo* briefs which do not pay the bills. I am convinced that this programme addresses the above situation and averts a perpetuation of the status quo, where black advocates at the Bar are not exposed to the type of work which can transfer the desirable professional skills. Many black advocates in South Africa do not get the opportunity of appearing with senior counsel as junior briefs, because no one briefs them. It goes