

# ***ЕКОНОМІЧНА ТЕОРІЯ ПРАВА***

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## **L. S. SHEVCHENKO**

Doctor of Economic Sciences, Full Professor,  
Head of Economic Theory Department,  
Yaroslav Mudryi National Law University,  
Ukraine, Kharkiv

e-mail: shevchenko\_ls@ukr.net

ORCID: <http://orcid.org/0000-0002-4567-0310>

ResearcherID:

<http://www.researcherid.com/rid/M-5894-2017>



## **INTERNATIONAL LAW FIRM NETWORKS: STRATEGIC PARTNERSHIP IN THE GLOBAL COMPETITIVE ENVIRONMENT<sup>1</sup>**

The author has indicated reasons of formation and the main features of network organizations. The article characterizes the main models of business networks and peculiarities of network interaction of entrepreneurs. The author has substantiated main levels, principles of creation, and types of international law firm networks, their competitive advantages and disadvantages. The author has paid particular attention to internationalization of business of Ukrainian law firms.

**Key words:** legal services market, professional partnership, business network, network partner, international law firm network.

**JEL Classification:** F20, D85, M0, K0.

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**Problem setting.** Development of professional partnership is a global tendency of a modern market of legal services. Lawyers of leading countries of the world form business (professional, entrepreneurial) networks, associations, and strategic alliances. At the same time, many researchers confirm that the very network organizations based on partnership are the most effective form of interaction between economic entities in the global competitive environment.

**Analysis of recent research and publications.** Contemporary scientific literature encompasses theoretical and applied research of business partnership and its importance for development of network business. Boddi and Peyton (1999) think that partnership is business relations based on the desire of parties for common activity according to single vision of ways for enhancement of meeting consumers' demand at all levels. They enable each of partners to benefit from chosen spheres of business. Partnership contemplates recognition of complementary opportunities of parties, search for ways of coordination of information and logistic flows, common long-term investments (p. 726). Gordon (2001) considers partner relations as the main asset of entrepreneurship, which guarantees a long life term for a company, a low level of risk, and an opportunity of the increase of incomes and profits (p. 18).

Izhevskiy (2016) substantiates theoretical frameworks of formation of business networks based on the transaction cost theory. Masiuk and Kulik (2014) examine the content of entrepreneurial networks. They delineate European and American approaches to creation and managing networks. Chertoryzhskiy (2013) analyzes variants of formation and usage of business networks in the cross-border environment. Kanaieva (2005) studies the role of European innovative networks in activation of innovative activity. Radaiev (2001) discloses the sense, types, functions, and operational parameters of business networks in his scientific papers.

There are discussions among Ukrainian practicing lawyers regarding expediency of entering into international law firm networks for law firms (Ruzhentseva, 2013). In previous publications, the article author has begun to analyze professional partnership of law firms in the form of foundation of international strategic alliances and associations (Shevchenko, 2017a, 2017b). Nevertheless, many theoretical problems have not been researched.

**Formulation of goals and the main hypothesis of research.** The article purpose is to analyze economic nature of international business networks, preconditions of formation, and consequences for legal service business in Ukraine and the world.

The main hypothesis of research: a law firm can form a competitive advantage at the expense of optimization or coordination of own relations with other law firms, including foreign ones, since their professional and economic activity closely interrelated.

**The main material presentation.** Network organizations, which considerably differ from market and hierarchic organizations, spread around the contemporary business world.

Kurkina and Kniazeva (2017) define a network as a complex of nodes connected by information, knowledge, transport, financial, commodity, and other flows. Any person or a social unit that accepts, accumulates, converts, and creates new information (a group, link, laboratory, firm, enterprise, organization, country, etc.) can be a node. Network organizations combine equal entities in order to cooperate and collaborate for achievement of common goals. They rely on new communication and computer technologies that allow urgently disseminating and converting information, fundamentally changing traditional institutions, organizations, and practices of the modern world. The networks can be easily configured, extend in different directions, encompass large spaces or, conversely, diminish. These capacities stipulate sustainability of the very network. Entering into a new network, a social subject may become a new node of the network as well as an element connecting this network with another one.

A business (professional, entrepreneurial) network is a group of firms (network partners), which join their activity for common usage of own competitive advantages in the process of common implementation of a business strategy and entrepreneurial projects. Becoming members of a business network and relying on trust to own business partners, firms apply a relational or partnership approach to doing business. The latter means that members of the network aim at common activity, which occurs in conformity with single vision of ways of meeting consumers' demand in markets. In many cases, they purposefully abandon the competitive contraposition and harmonize their behavior to protect own production, to decrease competitive risks, and to provide sustainability of economic conjuncture. Firms substitute relative contracts for non-recurrent contracts. Such operations facilitate horizontal integration of the firms. As a result, an information resource becomes a network good.

The main features of business network organizations include:

- strategic interdependence of entities in contrast to strategic independence under a market mechanism and strategic dependence of a periphery on a center under a hierarchic mechanism;
- the significant role of informal relations and personal relations under a high level of responsibility and mutual obligations of parties that influence results of joint ventures;
- mainly horizontal relations of network entities and collaboration between them. Network enterprises of different levels (firms with project, matrix, or program and target structure as well as corporations and global alliances) connect activity of various entities on a temporary contractual basis. Depending upon an industry, firms may create vertically integrated business networks (according to the principle

of a technological chain), virtually integrated networks (clusters), in which all financial decisions are made collectively and on the basis of local compromises, and combined networks (they combine peculiarities of horizontal and vertical networks) (Masiuk & Kulik, 2014);

– coordination as a basic principle of managing in contrast to self-organizing under a market mechanism and the combination of centralization with decentralization under a hierarchic mechanism (Kurkina & Kniazeva, 2017; Katenev, 2007).

Scientists delineate the European and American approaches to creation a business network. The European model contemplates the flexible structure, members of which collaborate for achievement of competitive edges. In the American model, networks are sustainable organizations with similar interests, which interact between each other and maintain informal contacts. Simultaneously, networks in the American model are controlled by a single center (a network integrator), which concentrates the main managerial functions such as development of a strategy, managing technological and economic development of a network, financial and marketing functions, activity coordination, etc. In practice, members of a business network remain completely independent in a majority of cases. Therefore, scientists define networks as one of complex forms of meta-corporation, which is referred to as a combination of a particular number of business entities that does not have legal personality (Masiuk & Kulik, 2014).

There is a need to agree with those researchers, who note that network interaction of entrepreneurs contemplates a rejection of the utility maximization principle and diminishes economic efficiency of their activity. Instability of the economic order, which deforms social institutions of regulation and compels an entrepreneur to consciously refuse a part of own profit in favor of maintaining relations with business partners (Svetunkov, 2011). From the standpoint of transactional analysis, the frequent change of business partners leads to the significant increase of transactional costs of each market participators (costs for search of new partners, negotiations and conclusion of agreements, costs for observation and control over fulfillment of agreements). The mentioned operations are not directly related with production or providing customers with services. However, their existence is inevitable. It may be long-term and considerably increase transactional costs of a firm. Subsequently, a current situation is estimated every time at each new negotiation and conclusion of agreements between the same firms. The situation can change under the influence of competition. Any previously concluded contract «connects» partners and makes it difficult for them to find the same one oriented towards achievement of similar purposes and goals after the expiry of the contract. Hence, the change of a market partner is sometimes impossible. Eventually there is a need to form a union of partners within a single organization such as a business network instead of recurrent search of necessary market agents and conclusion of

new agreements. Establishment of relations between one pair of business partners contemplates emergence of relations between other business partners in the network. Contributions in network relations have a long payback period and benefit a firm for a long time, diminishing transactional costs and impeding other firms to enter an industry and a market.

An international business network combines entrepreneurial organizations of various countries. Economic globalization is the main motivational factor of its formation. Demand and supply for goods and services becomes global rather than local. Therefore, their producers should have an opportunity to render them all around the world, servicing customers in various countries, and interact with other members of the network, which are aware of local economic, political, and legal factors of business development. Any profession, which functions at the local level but have customers in different places, is a potential member of professional services networks. For instance, in the sphere of professional services, business networks in legal services business, accounting, and auditing are the most widespread. Separate networks are created in the spheres of investment and banking, insurance activity, and real estate.

International networks of law firms have begun to form at the end of 1980s long after than networks of auditors and accountants. Analysts think that quite slow processes of internationalization of legal services business, which only in 1990s have transformed into globalization, are the main reason for this. In addition, the very legal profession is more restricted than accounting because of the necessity of obtaining a license for doing legal services business in other countries or a requirement regarding presence of a partner name in a law firm's name. In any case, only in 1949 American law firm Baker & McKenzie began to exploit legal services markets, which are not related to the USA, to help its customers to work in other countries.

The first international law firm networks have been called *clubs* and usually included no more than ten law firms in various countries. Their activity has consisted in holding several meetings of managing partners per year for alignment of the main matters of doing business. Business relations have developed with a word of caution about possible competitive actions on the part of each member of the club. In 1980s, the clubs have transformed into *networks*. The first official data on their activity have arisen («Law Firm Network», 2017).

Researchers distinguish four network and association levels of the law firms (McGarry, 2017, p. 7–8). Now the international law firm networks are horizontal level 3 networks. In the organizational context, they are based on the following principles:

a) voluntary membership (with payment of a membership fee), when all the members ensure their administrative, financial, and operational integrity and can leave

the network (suspend the membership in the next year) at any time; nevertheless, the network members can exclude a particular firm, which is not able to maintain a necessary level of services or has been infringed internal rules, from the network. Law firms, which try to maintain their independence and extend opportunities of servicing customers in the world legal services markets, are most frequently involved in the networks (to have the positive effect of economies of scale);

b) accessibility of resources and services of each legal services firm included into the network for customers, particularly in other jurisdictions;

c) accessibility of network resources for each participating law firm with simultaneous assumption of financial and reputational risks related to obligations of other members of the network in all the countries;

d) territorial exclusivity: if a customer of a law firm in one country needs legal services in other country, there will be only one law firm (a network member) servicing this customer. Such peculiarity excludes competition (Lakhuti, 2013).

Members of a legal services network share some characteristics:

usage of a single brand – the same name, corporate style, single approaches to presentation of information, etc.;

following rules of the head office (usually, it is located at a large commercial center) and managing bodies. However, companies included into a network are mainly independent legal entities. A person being responsible for managing a network may be called an executive director or president. The network may be regulated by a board of directors consulting on general matters of business development («Law Firm Network», 2017);

single standards and methodical instruments for rendering services being very beneficial in the process of servicing international customers;

a single system for control of service quality (Boiko, 2017).

Nowadays, there are the following types of networks:

international universal law firms, which accept only large law firms with a corresponding business reputation. The most universal networks are Lex Mundi, Terra Lex, World Law Group, etc. (Table 1);

specialized networks created on the basis of professional specialization. They encompass: Biolegis (includes independent European law firms specialized in the areas of biological sciences, biotechnologies, pharmaceuticals, medical equipment, and related areas of law); L2B Aviation (members of the network provide consultations on aviation law for producers, financial institutions, aviation companies, and airports all around the world); ISFIN (functions in the area of Islamic investment products). Many lawyers think that specialized networks have considerable competitive advantages if they are created owing to combining the best representatives of the certain practice (specialization). In any case, customers believe that law firms are professionals of their business (Official site of Asters, 2017);

inter-professional networks founded by law firms as well as auditing and accounting firms. For instance, World Services Group joins firms providing services in the area of jurisprudence, investment and banking, and accounting services (Official site of World Services Group, 2017). Significant benefit for customers requiring a wide range of consultants, especially in case of large transactions, is considered as an advantage of such collaboration. Nevertheless, simultaneous involvement of lawyers and accountants does not create the multi-disciplinary practice because all the firms are separate legal entities. In addition, the multi-disciplinary practices are still regulated or even prohibited in many countries and jurisdictions («Law Firm Network», 2017).

Table 1

## 10 largest international law firm networks in 2017

Network name	Year of foundation	Network type	Number of specialists	Jurisdictions	Number of offices	Number of members	Participation of Ukrainian firms
Lex Mundi	1989	universal	21,000 of lawyers	more than 100 countries	600	160 law firms	–
World Services Group (WSG)	2003	inter-professional	20,000 of specialists	n/a	n/a	n/a	Law firm «Asters»
TerraLex	1991	universal	19,000 of lawyers	more than 100 countries	600	n/a	Law firm «Vasil Kisil & Partners»
World Law Group (WLG)	1988	universal	more than 18,000 of lawyers	78 countries	360	57 law firms	–
State Capital Group (SCG Legal)	1989	universal	more than 11,500 of lawyers	82 countries	450	148 law firms	Arzinger, Attorneys at Law
ALFA International	1980	universal	more than 9,000 of lawyers	n/a	n/a	150 law firms	–
Multilaw	1990	universal	more than 9,000 of lawyers	n/a	150	80 law firms	–

*End of Table 1*

Network name	Year of foundation	Network type	Number of specialists	Jurisdictions	Number of offices	Number of members	Participation of Ukrainian firms
Techlaw Group	1986	universal	more than 8,400 of lawyers	35 countries	n/a	25 law firms	–
First Law International	2003	universal	more than 8,000 of lawyers	more than 75 countries	n/a	n/a	–
Meritas	1990	universal	7597 lawyers	89 countries	n/a	182 law firms	–

Source: Developed by the author on the basis of: Ruzhentseva, 2013; Official site of ALFA International, 2017; Official site of First Law International, 2017; Official site of Lex Mundi, 2017; Official site of Meritas, 2017; Official site of Multilaw, 2017; Official site of State Capital Group (SCG Legal), 2017; Official site of Techlaw Group, 2017; Official site of TerraLex, 2017; Official site of World Law Group, 2017.

The generalized statistics on the law firm networks are shown in the table 2.

*Table 2*

### Law Firm Networks Statistics in 2017

All Law Firm Networks Statistics	Cumulative Statistics
Total Law and Multidisciplinary Networks: 150.	Attorneys: 300,000+.
Leading Networks (staffed with budget) Global: 20, Regional: 15, Specialty: 8.	Offices: 5,000.
Geographic Coverage Countries: 150, US States: 50, Canadian Provinces: 10.	Revenues: \$125 billion USD.
	Global Legal Market Share: ~20%.
	Member Clients: Virtually all significant businesses on earth.

Source: McGarry, 2017, p. X.



Connecting professional and business activity of a law firm, the membership in the international business networks enables to obtain important competitive edges (Ruzhentseva, 2013):

prospects of rapid access to foreign markets of legal services, usage of experience belonged to foreign members of the network;

involvement of new customers in another country and those foreign customers, interests of which are in a region of law firm activity. At the same time, territorial exclusivity minimizes conflicts of interest;

the recurrent increase of legal services quality;

saving funds for marketing researches, programs of international promotion of legal services, and opening of foreign branches;

the growth of a business without the need for merger with more powerful member in a legal services market and without risks of loss of independence.

Nevertheless, a considerable number of problems remain to be unsolved. Many specialists point out that international law firm networks are less reliable and influential than accounting and auditing firms. Moreover, American international law firms are network in themselves. Some customers want to collaborate with them, believing that managers control quality of their services better and a process of providing services is more consistent.

Formation of the network legal service business is also restrained by differences in national legislation of various countries, different methodical approaches to remuneration of lawyers, establishment of prices for legal services, the necessity to pay membership fees in the international networks, and other reasons.

It is important to notice that firms operating in legal services markets remain competitors and aim at strengthening of own position. As a result, some law firms in one way or another begin to influence activity of other law firms, i.e. gain some power and, eventually, make efforts to acquire weaker partners. Hence, there is a need to use advantages of alternative business formations, e.g. international strategic alliances (alliance networks) or associations.

### **Conclusions.**

1. Formation of international business networks is one of organizational forms for internationalization of legal service business. Although such processes occur at a slow pace compared to areas of accounting and auditing, formation of stable economic relations between law firms of various countries is an established fact. Entering a business network, a law firm is encouraged by own business needs and interests and orients towards the increase of own competitiveness in world markets of legal services. Nevertheless, the economic interests of the very law firm, which may differ from interests of network subjects, form over time.

2. Ukrainian law firms gain experience of participation in international legal services networks. For example, the law firm Asters is a member of the world inter-

professional network World Services Group, the law firm Vasil Kasil & Partners and Arzinger, Attorneys at Law participate in the universal law firm networks TerraLex i State Capital Group (SCG Legal) respectively. In order to enter international legal service markets and to access to law firm networks, Ukrainian law firms need thorough managerial preparation such as economic analysis of an international legal services market, formation of prognostications for development of the legal services industry, implementation of principles of strategic management and marketing, particularly formation of own strategy of internationalization by each entity of the legal services market.

3. In theory, matters of managing the legal service business under competition and globalization need further research. This is related to liberalization of legislation of certain countries regarding the access of foreign lawyers and law firms to internal markets of legal services as well as world processes of globalization in general. Examination of nature of international business networks, substantiation of the economic, organizational and legal content of interaction between members of international business networks is of considerable importance.

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**Л. С. ШЕВЧЕНКО**

доктор экономических наук, профессор, заведующая кафедрой экономической теории Национального юридического университета имени Ярослава Мудрого, Украина, г. Харьков

**МЕЖДУНАРОДНЫЕ ЮРИДИЧЕСКИЕ СЕТИ: СТРАТЕГИЧЕСКОЕ ПАРТНЕРСТВО В ГЛОБАЛЬНОЙ КОНКУРЕНТНОЙ СРЕДЕ**

В статье раскрываются причины формирования и сущностные признаки сетевых организаций. Автор характеризует основные модели деловых сетей и особенности сетевого взаимодействия предпринимателей. Обосновывает уровни, организационные принципы и типы международных сетей юридических фирм, их конкурентные преимущества и недостатки. Особое внимание уделяется интернационализации бизнеса украинских юридических фирм.

**Ключевые слова:** рынок юридических услуг, профессиональное партнерство, деловая сеть, сетевой партнер, международная сеть юридических фирм.

**Л. С. ШЕВЧЕНКО**

доктор економічних наук, професор, завідувач кафедри економічної теорії Національного юридичного університету імені Ярослава Мудрого, Україна, м. Харків

**МІЖНАРОДНІ ЮРИДИЧНІ МЕРЕЖІ:  
СТРАТЕГІЧНЕ ПАРТНЕРСТВО В ГЛОБАЛЬНОМУ  
КОНКУРЕНТНОМУ СЕРЕДОВИЩІ**

**Постановка проблеми.** Глобальною тенденцією сучасного ринку юридичних послуг є розвиток професійного партнерства. Юристи провідних країн світу ство-

рюють ділові мережі, асоціації та стратегічні альянси. Значна частина з них набуває статусу міжнародних. При цьому саме мережеві структури є найбільш ефективною формою взаємодії економічних суб'єктів у глобальному конкурентному середовищі.

**Аналіз останніх досліджень і публікацій.** П. Г. Іжевський, Н. Н. Масюк і Д. Г. Кулик, В. Черторижський, М. О. Канаєва, В. Радаєв та інші науковці досліджують розвиток мережевого бізнесу. В Україні ведуться дискусії серед юристів-практиків щодо доцільності вступу юридичних фірм (ЮФ) у міжнародні юридичні мережі. Однак багато теоретичних, насамперед управлінських, проблем залишаються недослідженими.

**Мета статті** – аналіз економічної природи міжнародних ділових мереж, передумов їх створення та наслідків для юридичного бізнесу в Україні та світі.

**Основна гіпотеза дослідження:** ЮФ може створити конкурентну перевагу за рахунок оптимізації або координації своїх зв'язків з іншими ЮФ, у тому числі зарубіжними, оскільки їх професійна та господарська діяльність тісно взаємопов'язані.

**Виклад основного матеріалу.** Автор статті досліджує сутність і особливості мережевих структур, які істотно відрізняються від структур ринкового та ієрархічного типу. Стаючи членами ділової мережі, фірми діють відповідно до єдиного бачення способів задоволення клієнтів, у багатьох ситуаціях відмовляються від конкуренції й узгоджують свою поведінку, аби захистити власне виробництво, знизити ризики та забезпечити стійкість економічної кон'юнктури.

Міжнародні юридичні мережі об'єднують ЮФ різних країн. Головним мотивуючим фактором їх утворення є економічна глобалізація. Дослідники виокремлюють чотири рівні розвитку мережевих відносин ЮФ – від формальних клубів (рівень 1) до професіональних глобальних сервісних мереж (рівень 4). На цей час більшість міжнародних юридичних мереж є горизонтальними мережами третього рівня. В організаційному плані вони базуються на принципах: 1) добровільного членства ЮФ, причому всі фірми зберігають адміністративну, фінансову й операційну самостійність; 2) доступності для клієнтів ресурсів і послуг кожної з ЮФ, яка входить до мережі; 3) доступності для кожної ЮФ ресурсів мережі з одночасним прийняттям на себе фінансових і репутаційних ризиків по зобов'язаннях інших учасників мережі в усіх країнах; 4) територіальної ексклюзивності.

Автор розкриває особливості міжнародних універсальних, спеціалізованих і міжпрофесійних юридичних мереж, наводить узагальнені статистичні дані розвитку найбільших юридичних мереж.

У статті виявлено конкурентні переваги ЮФ від членства в міжнародних ділових мережах, зокрема: перспективи швидкого доступу до зарубіжних ринків юридичних послуг, використання досвіду зарубіжних учасників мережі; залучення нових клієнтів в інших країнах; підвищення якості юридичних послуг та економії коштів на маркетингові програми міжнародного просування юридичних послуг; зростання бізнесу без ризиків утрати самостійності.

Формування юридичного мережевого бізнесу стримують відмінності в національному законодавстві різних країн, різні методичні підходи до оплати праці юристів та ціноутворення на юридичні послуги, необхідність сплачувати членські внески та інші причини. Важливо й те, що фірми, які діють на ринках юридичних послуг, залишаються конкурентами і бажають посилити насамперед свою власну позицію.

#### **Висновки.**

1. Вступаючи до міжнародної ділової мережі, ЮФ мають на меті підвищення своєї конкурентоспроможності на світових ринках юридичних послуг. Однак із часом формуються економічні інтереси самої юридичної мережі, які можуть відрізнятись від інтересів мережевих суб'єктів.

2. Для вступу в міжнародні юридичні мережі українським ЮФ потрібна ретельна управлінська підготовка: формування прогнозів розвитку юридичної галузі, упровадження принципів стратегічного менеджменту і маркетингу, розробка ефективної стратегії інтернаціоналізації.

3. Подальших досліджень потребують питання глобального менеджменту юридичного бізнесу, економічного й організаційно-правового змісту взаємодії учасників міжнародних ділових мереж.

#### **Коротка анотація до статті**

**Анотація.** У статті розкриваються причини формування й сутнісні ознаки мережевих організацій. Автор характеризує основні моделі ділових мереж та особливості мережевої взаємодії підприємців. Обґрунтовує рівні, організаційні принципи і типи міжнародних мереж юридичних фірм, їх конкурентні переваги та недоліки. Особлива увага приділяється інтернаціоналізації бізнесу українських юридичних фірм.

**Ключові слова:** ринок юридичних послуг, професійне партнерство, ділова мережа, мережевий партнер, міжнародна мережа юридичних фірм.

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