

ROPPONGI BAR ASSOCIATION

RBALawNet.com

International Legal Network

April 2001

You Are Your Own PR

Several scenes of selfhood

Foreward by Jeff Shimamoto

RBA President

As I am sure all of you know, the RBA's continuing goal is to maintain its status as the premier legal networking organization in Japan. With this in mind, I am sharing with you this article that I came across on the Internet that I thought might be of interest to some of you. It certainly gave me some points on how to improve the way I interact with others. I hope you enjoy it and can use it to improve your already bright career. The following article is taken from a CNN interview with ETICON president and etiquette specialist Ann Humphries.

You've gotten "that handshake" before, haven't you? Unless you're something of a worm, yourself, you probably didn't care for it. But making a good, solid impression on people in your career hardly stops with your handshake. CNN asked ETICON president and etiquette specialist Ann Humphries about what you do to present yourself to best advantage in the workplace. She presented CNN with the following list.

You present yourself at the airport, at the hotel counter, at a luncheon registration table. You present yourself on the elevator, to a receptionist, at the community club bleachers. Granted, there are times when you want to be anonymous --

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Moving Right Along

Letter from the President

By Jeff Shimamoto

RBA President

The last year and three months have been a wonderful journey for the RBA and things are just getting better. Basically, we're moving right along in a very positive way.

On March 29th, the RBA held its 2001 Kick-Off Party at Dusk 'Till Dawn in Roppongi. Over 40 people attended this eat and drink fest and it seemed as though everyone who participated thoroughly enjoyed the new menu at Dusk 'Till Dawn and, of course, the free-flowing libations.

For those who were members in 2000, you know that the RBA has been working on improving its website. In the next four weeks, the website will be undergoing major renovations. Keep a lookout for RBALawNet.com in the coming months.

As of now, the website allows you to enter your personal information on a registration form and join the RBA. Soon, members will be able to update any changes in their contact information and inform others of their current whereabouts. The site will also have room for banner advertisements and links to various prospective employers and legal search firms.

In addition, we have obtained a sponsorship agreement from Martindale Hubbell for 2001. The RBA and Martindale Hubbell will be co-sponsoring a corporate counsel seminar to be held on Thursday, April 19th at Century Court in Roppongi. If you would like to participate, there is still time. Please contact me at 7Hjshimamoto@whitecase.com for more information.

This issue of the newsletter contains various

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and we won't list those. But for the most part, you need to be aware that, whether you like it or not, you're "on camera" all the time. Be aware of what you need to control. This involves connecting as individuals -- right down to when you're checking out at a grocery store, buying a movie ticket, registering at a doctor's office. We've all seen people ranting and raving in the checkout line. We saw this at a restaurant the other night -- the proprietor was screaming at his employees so much that it was disturbing.

Far from anything at that level, you need to have a sense for how subtle the signals you send can be. Here are some components for good presentation.

- Rehearse doing introductions until you don't sound rehearsed. Get that good at it. You don't want to be stumbling around or overbearing. Have a repertoire of introductions. You have to anticipate what's coming. If you just wing it -- that American-culture thing we do -- you can damage things. So plan how you'll meet people. What a concept, huh?

- You're at a business function -- maybe an awards lunch -- you know you're going to be recognized. So push your chair back. Get ready. They call out Margaret Jones from Columbia. All you can see is this hand waving. Not good enough. You have to get up. And when you do, you don't just pop up then fall right back -- don't be a banana-peel person. Be ready to stand up. Stop chewing. Spinach off teeth. On the other hand, don't be like those people you often see up on a podium, smoothing their hair, hiking up their britches. It's too late at that point. Be aware, when in front of group in such a situation, of how you're sitting. And are you going to have to go up onto the podium from the audience area? Then go in early and walk the room, just like performers do at awards ceremonies. Professionals know to do this. This is how we make our living. You're in public representing your organization, so don't ruin it with a splat.

- Now, let's say you get up to the microphone. You make sure the microphone is at your lips, not your throat. Make sure it works before you speak. Say your name so people can really get it. "Ann -- Humphries." Not "Ann Humphries." Think about what you're going to do when you introduce yourself -- and this is hard. Try to remember when introducing yourself to people that you want them to get what you can do for them. "I can help you with your drapes" is better than "I sell drapes." "I'm a dentist located over on BooBoo Lane and one of the newest things we have is..." or "I'm an eye doctor and I'm working with the laser surgery you might have heard is so good."

- You're checking into a hotel. Ask for the room with the king-size bed and the view. Use the clerk's name. You should have your name used back to you by that clerk, too. The name is used both to give and get good service.

- You're on a committee of eight people. It's time to go around the table, everybody's to do a little self-introduction. I saw a very attractive woman recently who, in a circumstance like this, would lean back in her chair, smacking her gum and telling you who she was. And you could just feel the others in the room thinking "Delete." That's a shame. She undersold herself.

- When you meet people in that or another context, make and hold eye contact. Hold it just long enough to get the name. It has to be genuine.

- And your approach cannot be, "You need to know who I am." The grandest people are the ones who always make you feel you're more important than they are.

- And now the handshake. We all think we know how to do it. And there's a wonderful variety of handshakes out there for various settings. But the generic, business handshake is what you want. The old rule was that the man waited for the woman to extend her hand. But in business that doesn't cut it. Women need to remember that some men will hold back, so the women should get their hands out. And some women will complain that they don't get as firm a handshake as men do. Your handshake should never be a bone-crusher. But don't just lay your hand in theirs, either. What you want is something right in the middle. If you do get a bone-crusher, squeeze back really firmly. The approach: Keep your hand wide open before you shake. Usually you do two shakes. If you're caught in a multi-pump shake, squeeze hard to let go. Whether you're meeting someone for the first time or introducing others or fielding questions from a podium or being called on to say a few words, the point is that you're always onstage. It's a small world. Always think of your reputation.

Ann Humphries, is founder and president of ETICON, Inc. and a Certified Professional Consultant to Management. You can contact her at 8Hwww.eticon.com ☺

CALENDAR OF EVENTS

APRIL MEETING

There will be no event in the month of April.

MAY MEETING

THURSDAY, MAY 31, 2001

7:00PM - 9:00PM

Century Court

Roi Building, 10th Floor

5-5-1 Roppongi, Minato-ku, Tokyo 106-8522

Tel: 03-3478-4100

(please call for directions)

JPY 3,500 for members

JPY 4,500 for non-members

(Buffet dinner included, cash bar)

RSVP by Tuesday, May 29th to

9Hjshimamoto@whitecase.com

FEATURED SPEAKER

EAMONN FINGLETON

AUTHOR AND JOURNALIST

TOPIC: "THE MYTH OF JAPAN'S
ECONOMIC MALAISE"

articles that have been submitted by members and non-members for publication. I hope the membership will continue to submit articles on their areas of expertise or of particular interest to them. In addition, we hope to devote each issue of the newsletter to a different area of legal practice. For this reason, our May issue will focus on attorneys employed as in house counsel. If you are currently employed by a company as in house counsel or have previously worked in such capacity and have some insight for those who wish to choose that route, please submit your articles and letters to me by the 25th of April.

In conclusion, I would like to stress to you that the RBA exists because of the support of its members. In our efforts to continue the positive influence foreign lawyers have on Japanese business culture, I urge you to get involved in the RBA. And, please let your friends in the legal community know that there is an organization that upholds the values and ideals of the profession we are all a part of.

Please note that there will be no event in April. I look forward to seeing you all on May 31st. ♦

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Miscellaneous Announcements

KOREA-JAPAN FRIENDSHIP CONCERT

NHK Symphony Danyu Orchestra
Date: April 15, 2001
Time: 2:00 p.m.
Place: Sumida Triphony Hall
Cost: JPY 1,000
(3 min. from JR Kinshicho Station North Exit)
For more information, call 03-3501-5638.

Visual Information Systems Inc.

VIS is a registered Japanese Y.K. established in Japan in 1991. The president, Paul Diserio, has been involved in visual media since 1975 in the US, Australia and Japan working in both studios and broadcast television. VIS is an all-round video production company that focuses on the foreign communities needs for corporate, promotion, VNR's (video news releases) and documentary work. We also do media training with Gavin Anderson and Fleishman Hillard. A few years ago we completed a 90-minute documentary for the ACCJ entitled "Living in Japan" which was based on a publication going back some thirty years. For the last three years we have been producing video deposition work for US based lawyers. To date we have worked in Tokyo, Osaka and Nagoya for this type of production. We utilize digital cameras with output to DVCAM (SONY) professional videotape for mastering copies in a variety of tape formats with time/date stamping for use in court procedures.

We can be contacted via the following email/phone numbers and are available to discuss your needs. We can, upon request, provide references for our work and a more detailed client list.

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"Video production for the Internet age"

Deregulation of the German Legal Market

By Thomas Witty, Managing Partner
Haarmann, Hemmelrath & Partner

How can further deregulation of the Japanese legal market be accelerated? Are there any other examples of a country's legal market deregulation that can be applied to Japan? On March 12, 2001, the German attorney Thomas Witty held a presentation at the ACCJ legal committee's lunch meeting about deregulation of the German legal market in the last two decades.

The 1980s German legal market was quite similar to what is found in Japan today. Having completed an outdated seven-to-ten-year training period with emphasize on forensic training while leaving aside drafting and negotiation skills, tax law and accounting, most lawyers pursued their professional career as single practitioners. The principle of localization prohibited them from acting before any other than their home court. Multi-City-Partnerships ("MCP") were prohibited by guidelines set up by the Federal German Bar Association. An international, client-oriented business approach was widely unknown.

First steps towards legal market deregulation were taken by the European Union. In order to concert the realization of the common market by implementing the basic principle of freedom-of-establishment, the European Council in 1977 issued a directive permitting EU member state lawyers to act as home country jurisdiction legal advisors and temporarily represent clients in legal proceedings or before public authorities within the Union.

Some years later, in the 1984 European Court of Justice "Klopp" Decision, a German lawyer, who was already admitted in his home country, and had passed the French Bar Exam, too, applied to the French authorities to establish a branch office in Paris. His request was refused, because under French law, the establishment of branch offices was prohibited (as it was in Germany). The Court declared the refusal beeing a violation of the freedom-of-establishment principle.

The "Klopp" decision created an ambivalent situation for German lawyers: they were now free to associate with foreigners and establish branch offices in other EU member states, but not in their own country.

In a 1987 decision, the German Constitutional Court finally declared void the Federal Bar Association guidelines prohibiting the formation of MCP's. The Court tested these restrictions against the constitutional right to freely choose a profession. A similar rule is stipulated in Art. 22 of the Japanese Constitution. A 1989 Supreme Court Decision explicitly permitted the establishment of MCP's.

The 1987 and 1989 Court decisions initiated a wave of mergers between leading law firms all over Germany. The new alliances and entities offered client-oriented services and gathered international multidisciplinary specialists to provide one-stop-service. Soon, U.S. and U.K. firms began to show interest in the German legal market and started to established their first branch offices.

The 1994 German Lawyers Act amendment permitted foreign GATT/WTO member states lawyers to register with the German Bar Association and act under their respective professional title. The principle of localization was abandoned for municipal courts, and some years later for regional courts as well.

The Lawyers Act amendments and the general globalization trend powered by the “New Economy” led to another merger wave in the legal market. Many German law firms tied alliances with UK or US firms in order to establish worldwide networks and handle the increasing number of complex international M&A transactions. This process was supported by the 1998 European Council Directive permitting EU member state lawyers to be admitted in other EU member states and give advice in both their home and host country jurisdiction.

Despite these changes, the actual number of foreign lawyers has not increased significantly in Germany. Only a mere 200 foreign lawyers out of a total of 104,000 lawyers are registered with the German Bar Association. The deregulation process made it possible for German lawyers to participate in global networks and enjoy the larger firms’ benefits without giving up their national identity and traditions.

Mr. Witty concluded that the German legal market deregulation was mainly driven by individual lawyers taking legal action. He discussed whether this might be possible in Japan, too. A Japanese lawyer wanting to freely join a foreign law firm might raise an action on the grounds of a violation of Art. 22 of the Japanese constitution as seen in the 1975 “Pharmacy Case”.

Thomas Witty is a managing partner of the Tokyo Office of Haarmann, Hemmelrath & Partner, a German multidisciplinary law firm with 21 offices worldwide and approximately 600 professionals in total.

Career Opportunities

By Tom Chung

RBA Board Member

If you would like to place a career opportunities advertisement in future issues of the RBA Newsletter, please contact Tom Chung at fax no. 03-3403-8820 or by e-mail at chung@ttlaw.gr.jp.

TOKYO LISTINGS

ANDERSON MORI

An International Japanese law firm with a general corporate practice, wishes to engage a native English speaking attorney having at least two years of home jurisdiction experience, preferably in the corporate/commercial area, with strong corporate transactional experience, as a **FULL-TIME FOREIGN LEGAL ASSOCIATE**.

Japanese speaking and reading ability is not required for this position. The position is available from September 2000. Please address applications to Jim Minamoto, Esq. at Anderson Mori: fax 3214-8748; tel. 3214-3192;

james.minamoto@andersonmori.com.

ITOH INTERNATIONAL PATENT OFFICE

We are an international Japanese patent office established in 1967 with 9 Japanese Patent Attorneys, 30 Patent Engineers, 6 Translators, one U. S. lawyer, one Chinese patent Attorney, and a total of 75 staff members, including clerks. We seek to engage a U. S. Patent Attorney or Patent Agent having a technical background in electronics or electrical engineering for duties involving, among other things, the rewriting or checking of patent specifications for U.S. applications, counsel regarding U. S. patent law and practice, and providing advice for establishing a branch office in the U. S.

Japanese speaking and reading ability is preferred for this position. The salary will start at ten million yen, negotiable

depending upon the qualifications and experience of the applicant. The address of our office is: 32nd Floor Yebisu Garden Place Tower, 20-3 Ebisu 4-chome, Shibuya-ku, Tokyo, 150-6032, TEL: 5424-2511, FAX: 5424-2530, E-mail: itohpat@mb.infoweb.ne.jp, URL: <http://www.itohpat.co.jp>. Please address applications to Mr. Tadahiko Itoh, Japanese Patent Attorney, or Mr. Hiroyoshi Ojima by e-mail.

KOJIMA LAW OFFICES

Kojima Law Offices is a Tokyo law firm specializing in international commercial law matters including contracts, corporate, intellectual property and inbound and outbound investments. We have ten Japanese lawyers (three are also qualified in N.Y.) and one American lawyer qualified in N.Y. We are looking for a foreign associate who is a native speaker of the English language, qualified in a common law jurisdiction, with legal experience from 1 to 3 years principally in the fields of contract and/or corporate.

Applicants should send their resume with cover letter to Takeshi Kikuchi of Kojima Law Offices by fax (03-3222-1405) or by e-mail at kikuchi@kojimalaw.gr.jp.

MIYAKE&YAMAZAKI

Legal Editor/Paralegal

A mid-size Japanese law firm with an extensive international practice with a friendly atmosphere located in Nagata-Cho, Tokyo has an immediate opening for a position of legal editor/paralegal. The candidate will work with Japanese Bengoshi to draft and edit legal documents and letters in English, as well as on the firm's various support activities provided to an international bar association and other international ADR projects. The candidate must be a native English speaker. Japanese language ability is desirable, but not required.

Compensation will commensurate with experience. Please send your resume to Mr. Yoshinori Ono by fax (813-3580-5400) or by e-mail (ono@mylaw.co.jp).

MORRISON AND FOERSTER

A large U.S. law firm is seeking a NATIVE ENGLISH TRANSLATOR for the Tokyo office. Salary commensurate with experience. Attractive terms and working environment. Send resume to Translation Section, Morrison and Foerster, 11F AIG BLDG, 1-1-3 Marunouchi, Chiyoda-ku, Tokyo 100-0005

DEDICATED LEGAL & COMPLIANCE
RECRUITERS ACTIVE THROUGHOUT THE
ASIA-PACIFIC REGION

Legal Futures is the legal and compliance division of Wall Street Associates, one of Asia's leading and fastest growing executive search and selection consultancies as recognised by the Economist Intelligence Unit. Founded in 1998, Legal Futures is headquartered out of Hong Kong with offices in Tokyo and Singapore. From Hong Kong we service our clients in the PRC, and we service Thailand and Malaysia from Singapore. In addition to these offices, our affiliates provide coverage in Europe and Australia. Our clients are currently seeking:

HONG KONG

Telecommunications Partner / Senior Associate

A well-established global private practice is seeking a Partner / Senior Associate (with or without a team) to continue the development of its Internet, IT, telecommunications and e-commerce practice. The ideal candidate will have five years' solid practical telecommunications experience and a thorough understanding of the laws, regulations and policies in this sector. Chinese language skills, whilst preferred, are not essential for the role.

Associate Counsel (3-5 years)

Our client, a leading European investment bank, is currently seeking an Associate Counsel to be based in Hong Kong for its regional operations. Although the major emphasis of the role will be the effective management and development of Corporate Finance transactions throughout the Asia-Pacific region (excluding Japan), there will be some involvement in the bank's equity capital market transactions. The successful candidate, who will report directly to the General Counsel, should possess at least three to five years' post-qualification experience in these areas with an investment bank or a recognized City law firm. Hong Kong admission is a prerequisite for the position, with Chinese language skills being advantageous but not essential. The role represents an ideal opportunity for a dynamic and team-minded lawyer to develop a career with one of the world's leading financial institutions.

TOKYO

Paralegal/Legal Officer

The legal department of a market-leading Asian specialist in the manufacture of chemically engineered products is seeking a bi-lingual Paralegal/Legal Officer. Responsibilities include assisting two senior attorneys in a diverse range of matters relating to large-scale cross-border transaction management, copyright/trademark issues and liaison with relevant authorities on compliance issues in connection with export-import notification, handling of chemical substances and health and environmental matters. The successful candidate will have experience of assisting UK, US or Japanese qualified lawyers on general corporate and IP/IT matters as well as liaising with local counsels for external research/advise. Exposure to the documentation/drafting of Japanese and English legal documentation is an advantage but not a pre-requisite.

Compliance (All levels)

Many of our leading investment bank, securities houses and asset management clients have a strong need for assistance in their compliance departments. We have openings from Tokyo Head of Compliance downwards. If you have any experience of securities, equities or asset management compliance in Tokyo and have good English language ability then please contact us to discuss these opportunities.

Transaction Management

A number of top tier investment banks are looking for transaction managers to assist with the preparation of legal documentation relating to a variety of products. The roles often encompass working with external counsel together with client servicing & marketing work. The preference is for Japanese persons with good English language ability or bi-lingual westerners. Formal legal training or documentation experience is not always required although junior lawyers are gladly considered.

Senior Projects Lawyer (6 years+)

A well-established and successful law firm is seeking a senior lawyer to join its successful and expanding projects group in Tokyo. The successful candidate will have experience in working for Japanese companies on project/project finance work in Asia and/or in the States; will have a proven track record to promote and attract work; is willing to work in a team environment and has a qualification in the US or the UK and has been practicing for at least 6 years. Japanese language ability will be a

plus is not a pre-requisite. Partnership is immediately available for the right candidate.

Structured Finance Lawyers – (3/4 years)

One of the top UK practices is looking for structured finance lawyers to join a busy practice group. You need 3 or 4 years experience with a top firm, any of US / UK / Aus / NZ / Korean admission, Japanese fluency is not required. There is a generous expatriate package on offer.

Senior Corporate & Securities (6 years+)

A senior US qualified corporate & securities lawyer is sought by one of the leading firms in Tokyo to expand the existing team. A local following is ideally required and partnership is available for the right candidate.

Legal Counsel (5 years+)

Our client is one of the largest and most profitable high tech companies in the world and is seeking a senior legal counsel in Tokyo. This person will serve as the legal focal point supporting teams negotiating sales, licensing and services contracts and related transactions and ensuring the company complies with all local laws. The successful candidate will be bi-lingual in English and Japanese and have a minimum of five years experience of fast paced contract negotiation and corporate compliance in Japan.

Securitisation Lawyers (All levels)

A fast growing European law firm wants to set up a securitisation division in Tokyo. They are seeking ambitious and career driven lawyers with the requisite securitisation experience and a commonwealth jurisdiction qualification. No following is required and there is an interest for lawyers at all levels. Japanese fluency is not required and there is a generous salary and an attractive performance based bonus on offer.

Legal Counsel (4 years+)

This venture capital arm of a household name technology company is seeking a lawyer with experience of international transactions including advising on financing, mergers & acquisitions and public offerings of portfolio companies, also to assist in carrying out and identifying promising companies and technologies, advising on the appropriate investment strategy and vehicle, participating in negotiations and drafting contracts. The successful candidate must be bilingual in English and Japanese.

Paralegals, secretaries and translators

Many of the top US and UK law firms are looking for paralegals and secretaries with bi-lingual language skills and also translators. The packages include a good basic salary, overtime and visa sponsorship if required.

WWW.WSAGROUP.COM

For more information in absolute confidence please contact:

Rikuro Kobori for legal positions on 5537 7221,
rikuro.kobori@legalfuturesjapan.com

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E-mail: info@legalfuturesjapan.com
Web: www.wsagroup.com

ROPPONGI BAR ASSOCIATION

International Legal Network

Registration Form 2001

Introduction:

Welcome to the Roppongi Bar Association. Membership in the RBA entitles you to a monthly newsletter, access to the most up to date listings of career opportunities in Japan and discounted meeting attendance fees.

The annual membership fee for the RBA is **JPY 5,000** for individuals who join between January and March, JPY 4,000 for individuals who join between April and June, JPY 3,000 for individuals who join between July and September and JPY 7,000* for individuals who join between October and December (*includes annual fee for following year).

Members who are renewing their memberships from 2000 must pay JPY 5,000 regardless of the date joined in 2001.

Member Information:

Last Name:	First Name:	Middle Name/Initial:
Company Name:		Job Title/Description:
Office Address:		Home Address: (Optional)
Office Telephone:		Home Telephone: (Optional)
Office Fax:		Home Fax: (Optional)
E-Mail Address:		Nationality:
Date of Registration:		Amount Paid:

Bank Transfer Information:

For those individuals who wish to pay their annual dues by bank transfer, please deposit to:

Bank of Tokyo Mitsubishi - Jimbocho Branch

Account Type: Ordinary

Account Number: 1283202

Account Name: "Roppongi Bar Association"

Upon the transfer of funds, please fax this form and the bank transfer receipt to Noriko Fujimoto at 03-3239-1428 and Greg Pigott at 03-5561-9711.