

# ROPPONGI BAR ASSOCIATION

June 2006 Newsletter

[www.rbalaw.org](http://www.rbalaw.org)

## From the Publications Manager

By William Herbert  
RBA Publications Manager

### International Lawyers' Night of Wine!

The RBA Executive Board, in conjunction with the ACCJ Legal Services Committee is pleased to present the International Lawyers Night of Wine on June 23. Please see page 3 for more information.

### Former Teacher Fined for Interfering with Graduation Ceremony

In late May, Japanese media reported that the Tokyo District Court had fined a retired teacher for causing a disturbance at Itabashi Municipal High School.

The former teacher had encouraged parents at a graduation ceremony not to stand during the playing of the Japanese national anthem. The teacher was charged with the crime of "forcible interference with business" (Criminal Law, art. 234, para. 1) and indicted without arrest.

On May 30, the Tokyo District Court rejected the retired teacher's pleas that he was not guilty and fined him 200,000 yen. Prosecutors had asked for an eight-month jail sentence. The presiding judge determined that a fine, rather than imprisonment was the proper punishment, concluding that the former teacher's direct purpose was not to interfere with the ceremony, and that the ceremony had continued largely without incident.

According to the judgment, on March 11 2004, shortly before the 10 a.m. graduation ceremony was to begin, the former teacher had faced attendees sitting in the Itabashi High School gymnasium and shouted "Today's ceremony is a travesty. When the Japanese national anthem is played, please remain seated." When the schoolmaster attempted to stop the teacher, he resisted. When the school principal asked the teacher to leave, he refused, and raised a ruckus. The graduation ceremony was delayed for two minutes as a result.

After the former teacher was removed, the graduating students entered the gymnasium. Approximately ninety percent of the graduating students remained seated during the playing of the national anthem, although the court concluded that there was no causal relationship between the activities of the former teacher and the students' refusal to stand. The Tokyo Metropolitan Board of Education, which viewed the failure to stand during the national anthem as a problem, failed a complaint against the teacher with the Tokyo Prosecutor's Office. The Tokyo Prosecutor's Office in turn took the unusual step of indicting the former teacher without arrest.

The presiding judge determined that the elements of forcible interference with business had been met because the shouted utterance was not the type that was permissible in a school, because the principal, in discharging his official duties, could not ignore the retired teacher's outburst, and that the former teacher's act could be deemed "forcible," as used in the law. The former teacher did not comply with demands that he leave, and reacted with an angry outburst, thus the principal's business activities were interfered with.

The court rejected defense arguments that distributing leaflets and speaking out are permitted during time not devoted to official school activities and the schoolmaster had not warned the defendant not to urge graduation attendees to remain seated." The former teacher had attended the ceremony as a special guest to see off the students that he had instructed in his last year as a teacher.

#### **INSIDE THIS NEWSLETTER**

Announcements	Pg. 2
Upcoming RBA Events	Pg. 3
Career Opportunities	Pg. 5
2006 Membership Form	Pg. 11

## **Seeking Judges for Intercollegiate Negotiation Competition**

The Intercollegiate Negotiation Competition (INC), a homegrown competition here in Japan now in its fifth year, is seeking judges for this year's event, which will be held at Sophia University in Tokyo on December 2-3, 2006.

The two-day competition (which is sponsored by the Sumitomo Group Public Relations Committee, White & Case, and the Japan Association of Arbitrators) consists of an arbitration round and a negotiation round, with a Japanese-language division and an English-language division. Problems focus on international business transactions. (The address for the English language homepage for the INC is:

<http://www.osipp.osaka-u.ac.jp/inc/eng/>.

Problems for past years can be found through links under "Competition Results.") Teams of students (4-5 students per team, up to two teams in each division per university) receive rather lengthy fact patterns in early October and prepare intensively.

Major objectives in creating the competition were to encourage the spread of negotiation education and to improve student skills in negotiation and arbitration. We on the steering committee (Prof. Yoshiaki Nomura of Osaka University, Prof. Noboru Kashiwagi of Chuo University, Associate Prof. Tetsuo Morishita of Sophia University, and Profs. Shozo Ota and Daniel Foote of Tokyo University) believe those objectives are being achieved. The first year, about 70 students from four universities participated; by last year, we had already nearly reached the physical limits for the facilities, with over

200 participants from fourteen universities. In 2006, fifteen universities are scheduled to participate, including the Australian National University, which will send a team in the Japanese-language division for the second straight year. About two-thirds of the students participate in the Japanese-language division, about one-third in the English-language division. Those participating in the English-language division are split nearly evenly between Japanese students and foreign students, from a wide range of nations, enrolled either in undergraduate or graduate programs at the participating universities.

Judges for the competition are drawn from among practitioners (attorneys, businesspeople, and, in the case of the Japanese-language division, current and former judges) and academics. For the English-language division, we seek to ensure that each panel of three judges includes one or two native English speakers, without having to use academic advisors from one university to judge teams from other universities. We currently are seeking additional judges for the English-language division, and would welcome members of the RBA. (As mentioned above, this year's competition will be held on December 2 and 3 at Sophia University in Yotsuya. Judging one day or the other is an option. Judges also will be asked to attend a briefing session in advance of the competition.)

For anyone interested, please contact: Associate Professor Tetsuo Morishita, Sophia University, e-mail: [tetsu-mo@sophia.ac.jp](mailto:tetsu-mo@sophia.ac.jp).

# THE ROPPONGI BAR ASSOCIATION

in conjunction with the

## ACCJ LEGAL SERVICES COMMITTEE

is pleased to invite you to

# *The International Lawyers' Night of Wine*

@

Restaurant and Wine Bar  
Terroir

Friday, June 23<sup>rd</sup> 2006 7:30 p.m. – 10:00 p.m.

### Tickets

RBA Members: JPY 5,000 per person

Guests: JPY 6,000 per person

(Admission includes a selection of red, white and sparkling wines and a light buffet dinner)

*The Executive Board of the Roppongi Bar Association, in conjunction with the ACCJ Legal Services Committee, is happy to invite RBA members and guests to join together with other members of the international legal community for the 2006 International Lawyers' Night of Wine. This joint networking event is intended to bring together members of the legal community in Japan while enjoying delicious wines from France, Italy, Chile, New Zealand and Spain and light refreshments at one of Tokyo's nicest wine restaurants – Terroir. The Night of Wine will be on Friday, June 23<sup>rd</sup>, from 7:30 – 10:00 p.m.*

*As space for this event is limited, prepayment of the event fee is required to reserve your spot at what is sure to be a wonderful evening. To secure your spot, please RSVP to [events@rbalaw.org](mailto:events@rbalaw.org). Once you RSVP, a member of the RBA Executive Board will contact you with information on how to pay using bank transfer or in person.*

*A map to Restaurant and Wine Bar Terroir can be found at: <http://www.enoteca.jp/terroir-e.htm>*

*We look forward to welcoming many of our friends and colleagues to the 2006 International Lawyers' Night of Wine and encourage you to purchase a ticket early as the event will sell out quickly!*

# ACKNOWLEDGMENTS

## The RBA Executive Board

Account Manager

**William Herbert**

[accounts@rbalaw.org](mailto:accounts@rbalaw.org)

Events Coordinators

**Aaron Dauber**

**Aaron Kleiman**

[events@rbalaw.org](mailto:events@rbalaw.org)

Membership Coordinator

**Kevin Takeuchi**

[membership@rbalaw.org](mailto:membership@rbalaw.org)

Publications Manager

**William Herbert**

[accounts@rbalaw.org](mailto:accounts@rbalaw.org)

Careers Coordinator

**Aaron Dauber**

[careers@rbalaw.org](mailto:careers@rbalaw.org)

\* \* \*

Technology Assistants

**Igor Nikitenko**

[nisav@aol.com](mailto:nisav@aol.com)

**Justin Itin**

[jitin@aol.com](mailto:jitin@aol.com)

# Career Opportunities

*If you would like to place a job listing in future issues of the RBA Newsletter or notify the RBA Membership of any career opportunities, please send e-mail to the RBA at [careers@rbalaw.org](mailto:careers@rbalaw.org).*

## LISTINGS:

### **Counsel, Business and Legal Affairs, Asia Region**

#### **WARNER BROS.**

1. Day-to-day responsibilities including:
  - Negotiate and draft acquisition agreements.
  - Negotiate, advise on and draft agreements in connection with packaging, promotions, tie-in and other marketing issues.
  - Negotiate and draft physical distribution agreements.
  - Negotiate and draft video duplication and replication agreements.
  - Negotiate and draft extensions for expiring agreements.
  - Negotiate and draft license agreements.
  - Prepare documentation related to corporate structure.
  - Analyze and draft documents for various litigation matters including settlement agreements and demand letters.
  - Review and revise form agreements for Asia Region.
  - Review and advise on music and talent clearance issues.
  - Liaise with local counsel within Asia Region.
  - Research and advise on antitrust issues.
2. Coordinate with WB Anti-Piracy Group and MPA on anti-piracy initiatives.
3. Handle claims and litigation within the Pacific Region.
4. Attend meetings within Asia Region regarding new technology as WHV representative, as needed.
5. Work directly for SVP Business and Legal Affairs and EVP Pacific Region on special projects.

#### **Education**

B.A./B.S. college degree required.  
J.D. required.

#### **Knowledge/Skills**

Experience with drafting agreements and negotiating.

#### **Work Experience**

Minimum 6-8 years legal experience required.  
Major law firm experience/training.

#### **Licenses or Certificates**

California Bar and/or non-U.S. equivalent

#### **Mental Demands**

Must have strong leadership skills and the ability to supervise others effectively. Must have the ability to communicate effectively and tactfully with persons on all levels, in person and on the telephone. Must have the ability to pay close attention to detail and understand written and oral instructions. Must have the ability to organize and schedule work effectively.

Must have the ability to work well under time constraints. Must be able to handle multiple tasks. Must be able to work in a fast paced environment.

Please contact:

Carrie Miyoko Clark  
Director, Recruitment  
Warner Bros. Entertainment  
p (818) 954-6326  
f (818) 954-4265  
[carrie.clark@warnerbros.com](mailto:carrie.clark@warnerbros.com)

#### ***Bilingual Associate***

**Hudson Global Resources** is a worldwide leader in the provision of recruitment and human capital solutions. We have consultants specializing in Accounting & Financial Services, Engineering, Scientific & Operations, Healthcare, IT&T, Legal, Sales and Marketing. We are part of the Hudson Highland Group, Inc. the world's largest combined executive search, specialty staffing and related consulting services firm.

The Legal Services team in Tokyo currently seeks a bilingual **Associate** to support consultants with candidate searches and appointment setting, screening, and candidate selection. As your skills develop, you will also conduct interviews with

candidates and transact on vacancies. The full scope of responsibilities will depend upon the hired person's overall experience, ability, and motivation.

**Basic Scope:**

- Contact potential candidates by telephone to arrange either in-person or telephone interviews between the candidate and the appropriate consultant
- Create job ads for current openings at our client companies and post them to various internet and print media
- Update and maintain the candidate database to ensure effective and efficient cross-referencing of candidates with open positions

**Intermediate Scope:**

- In addition to the tasks above, the **Associate** will perform initial pre-screening interviews with candidates by telephone and complete evaluation forms
- Analyze gaps in our research and candidate database vis-à-vis current market conditions and coordinate with our research team to ensure market coverage is complete and accurate
- Proactively and creatively devise and implement strategies for developing and improving the candidate database

**Advanced Scope:**

- In addition to the tasks above, the **Associate** will meet and interview prospective candidates
- Notify active candidates of appropriate positions via e-mail
- Write informative and accurate candidate reports to be sent to clients

Future opportunities at Hudson include possibility of promotion to **Associate Consultant**, or **Consultant**, where one takes responsibility for providing high-quality recruitment services to particular clients or market segments.

Interested applicants should contact James Graham with an update resume or CV.

James Graham

Legal Manager Consultant, Financial Services

t: 81 3 3511 6486

f: 81 3 3511 5670

[james.graham@hudson.com](mailto:james.graham@hudson.com)

[www.hudson.com](http://www.hudson.com)

From great people to great performance <sup>SM</sup>

***Foreign Associate***

**Nishimura & Partners**, one of Japan's premier international law firms, is seeking an energetic attorney to join its Cross-Border Transactions Group.

We are one of the leading and oldest full service law firms in Japan. We advise many of Japan's blue-chip companies and various multinational enterprises in connection with their operations in Japan.

We currently have approximately 210 attorneys, making us one of the largest law firms in Japan. All of the firm's Japanese attorneys are graduates of Japan's most prestigious universities, and almost all of our senior attorneys have studied and/or practiced law abroad and are admitted to practice law in the United States.

As a result of increased deal flow, we are seeking an additional associate to join our Cross-Border Transactions Group, which is an integral part of Nishimura & Partners. The candidate should enjoy working with teams of highly qualified colleagues, and have:

- at least three years' experience at a top-tier US or UK law firm;
- significant experience in mergers and acquisitions, private equity and venture capital, or other cross-border transactions;
- excellent technical skills and a strong desire to produce a quality work product; and
- entrepreneurial drive to develop a practice.

Japanese language and Japan deal related experience is desirable, but not essential. The position is ideal for a candidate who enjoys participating in a transaction from its early stages in order to provide structuring and strategic advice, not solely legal counsel.

An attractive salary will be negotiated with the right person, commensurate with background and experience.

Applicants meeting these criteria are encouraged to e-mail their resume to Stephen Bohrer at:

[s\\_bohrer@jurists.co.jp](mailto:s_bohrer@jurists.co.jp)

### ***Native English Speaking Lawyer***

**ATSUMI & Partners** wishes to hire one lawyer licensed to practice law in a common law jurisdiction. Native English speaking ability is required. Japanese language skills are desirable but not required. We prefer that candidates have at least two years of transaction experience in the home jurisdiction or at a major non-Japanese law firm. The firm's practice areas include securitization, structured finance, investment fund formation, secured loans, venture capital transactions, and M&A, among others. The successful candidate will be expected to draft documents in English for these kinds of transactions. This is a partner-track position. ATSUMI & Partners is the only Japanese law firm that has formed a "Kyodo Jigyo" office without being affiliated with a non-Japanese firm. This is a unique opportunity to participate in the creation of a truly international Japanese law firm. Interested candidates should send resumes to our partner, **Bonnie L. Dixon**, by e-mail at [b.dixon@apap.gr.jp](mailto:b.dixon@apap.gr.jp) or by fax at 03-5501-2211.

### ***Translators***

**ATSUMI & Partners** wishes to hire one or more full-time translators. Candidates should be native speakers of English capable of translating legal documents from Japanese to English. Tasks will include translation of contracts, memoranda, statutory material, published articles and corporate documents. Experience in a law firm environment is helpful.

Successful candidates will join an existing team of Japanese and non-Japanese translators. Interested candidates should send resumes to Phil Ryan, by e-mail at [p.ryan@apap.gr.jp](mailto:p.ryan@apap.gr.jp) or by fax at 03-5501-2211.

### ***Native English Speaking Common Law Attorney***

**Kao Corporation**, a leading Japanese manufacturer of household products, cosmetics, and chemical products, is looking for a native English-speaking attorney qualified in a common law jurisdiction to join its Legal Department. Ideal candidate should have two to three years of law firm or in-house experience. Japanese language skills would be a definite plus.

Main job responsibilities include assisting Japanese legal staff with the drafting and editing of English-language agreements, reviewing legal documents in English, coordinating with English-speaking outside legal counsel in cross-border transactions, and when necessary, conducting basic legal research.

Compensation and work schedule will be determined upon negotiation.

If you are interested, please send your resume to Mr. Minakawa ([minakawa.kaname@kao.co.jp](mailto:minakawa.kaname@kao.co.jp)). For further information, please send your inquiry to the same mail address.

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# People you'll connect with



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For Finance and Foreign Lawyers

**James Graham** (ジェームス・グラハム)

+813 3511-6486

[james.graham@hudson.com](mailto:james.graham@hudson.com)

For Compliance Officers and Finance Bengoshi

**Hiroshi Kurosaka** (黒坂 大)

+813 3511-6487

[hiroshi.kurosaka@hudson.com](mailto:hiroshi.kurosaka@hudson.com)

For Corporate Legal, Paralegals and Bengoshi

**Izumi Kikuchi** (菊池 泉)

+813 3511-6513

[izumi.kikuchi@hudson.com](mailto:izumi.kikuchi@hudson.com)

Asiamoney 2006 Headhunters' Poll - James Graham voted #1 Headhunter for Middle Office Recruiting (LEGAL) in Japan.

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If you wish to discuss your career options in complete confidence please contact the relevant person below.



**Damion Way, BA Hons., Solicitor**  
**Managing Director - Legal Futures Group**  
**Manager - Private Practice & Corporate Teams (Japan)**

Damion is the Managing Director of the Legal Futures Group and is currently based in Tokyo, he is also the Representative Director for the Japan office. A qualified solicitor, admitted in England & Wales and Hong Kong, Damion commenced his articles in London with leading international law firm Allen & Overy. He qualified with them as a finance and securities lawyer working out of their Hong Kong and Tokyo offices for almost three years. During this time, he was seconded to two investment banks, one in each location. He has lived and worked in either the legal or legal recruitment industry in Hong Kong, Singapore, Tokyo and Sydney since 1996 and in his role as the Manager of the Private Practice & Corporate Teams in Tokyo, he and his team are responsible for private practice and corporate in-house appointments.

Direct Telephone: + 813 3580 3103  
E-mail: [damion.way@legalfutures.com](mailto:damion.way@legalfutures.com)



**Matt Anderson, BA Hons., Solicitor**  
**Head of Regional Compliance Practice**  
**Manager - Banking & Finance Team (Japan)**

Matt heads up the Banking & Finance team in Japan and he and his team are responsible for the recruitment of lawyers, documentation officers, paralegals, compliance officers and mid-office placements at all levels for the investment banking sector in Japan. Matt also heads up our regional Compliance Practice and notable successes in Japan include the placement of numerous Head of Compliance positions and multiple placements at a number of the leading banks and securities firms across their respective legal and compliance teams. Before joining Legal Futures, Matt taught commercial law in New Zealand before joining leading Japanese law firm Nishimura & Partners assisting the firm's corporate, banking and securities practice. Matt has lived in Japan for many years and speaks Japanese fluently and he is admitted as a solicitor in New Zealand.

Direct Telephone: + 813 3580 3107  
E-mail: [matt.anderson@legalfutures.com](mailto:matt.anderson@legalfutures.com)

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# CDS : Legal & Compliance

CDS' Legal Team provides a legal and compliance consulting service to Japanese and foreign legal professionals seeking to improve their careers and/or working environments in Japan.

Our legal team is a mix of seasoned recruiters and lawyers and we demonstrate a strong understanding of candidates' needs and objectives.

CDS has wide access to the legal departments of Fortune 500 companies in the following industries: Information Technology, Consumer Goods and Services, Advertising / Communications / Marketing, Financial /Asset Management / Real Estate / Insurance, Medical /Health.



## *Our people*

### **Daniel Nicholls, Team Leader,**

Daniel is a New Zealander, and graduate of Auckland University. He came to Japan in 1998 and has been working for CDS since 2002. He handles senior legal and finance related positions across a range of industries.

[nicholls@cds-consulting.com](mailto:nicholls@cds-consulting.com)

### **Yukie Kaneko, Senior Consultant**

Yukie has a B.A. from Rikkyo (St. Paul's) University in Tokyo, and an MA from Emerson College in Boston. Prior to joining CDS, Yukie worked as a consultant for an executive search firm in New York for 6 years.

[kaneko@cds-consulting.com](mailto:kaneko@cds-consulting.com)

### **Yuichi Kimura, Researcher**

Yuichi graduated from Temple University with a B.A. in Psychology. Prior to joining CDS, he worked for a well known Japanese e-commerce company where he developed his research skills. A fluent English speaker, he specializes in legal, finance and back office related searches.

[Kimura@cds-consulting.com](mailto:Kimura@cds-consulting.com)

## *Your career*

### ***Legal Counsel 1123/YK***

An International Investment Bank is searching for a qualified Japanese bengoshi to support their real estate finance, leveraged finance, project finance business functions. At minimum 3 years experience in similar role is expected. Excellent Salary is offered.

### ***Foreign Associate – 244/DN***

A leading global law firm seeks a mid level associate for work with the foreign clients in their Corporate group. English is a must, Japanese is helpful. Foreign bar admission is preferable. 3-5 years experience. More information upon application

### ***Cross Border Transactions Lawyer 1448/DN***

A top tier Tokyo Law firm is looking for a foreign lawyer with 3-4 years of M&A/ Private Equity experience with a US or UK law firm. Japanese Language skills are not required, but would be a plus. Salary levels commensurate with NY salaries.

### ***Corporate Counsel – 5329/DN***

A global retail firm that has recently entered the Japanese market through multiple acquisitions is looking for a Legal Director. M&A, licensing, IP and experience working in a domestic environment is ideal. Requirements are business English, solid contract experience and a 'can-do' attitude.

***Other:*** we also have openings for paralegals, Japanese junior counsels, senior counsels and bengoshi to work within a number of our European and US software, internet, and consumer goods related businesses.

Please contact us at [legalinfo@cds-consulting.com](mailto:legalinfo@cds-consulting.com) or call on 03.5766.5822

Visit us at <http://www.cds-consulting.com/>





# REGISTRATION FORM 2006

Welcome to the Roppongi Bar Association. RBA members receive access to our monthly newsletter, which includes up to date listings of legal-related career opportunities in Japan, advance notice of all RBA events, discounted attendance fees to some RBA events, and access to members-only events. In addition, you will be helping to support the unique and valuable resource that is the RBA!

**FEES:** The fee for 2006 RBA membership is **JPY 5,000** for new members who join from January through March, JPY 4,000 for new members who join from April through June, JPY 3,000 for new members who join from July through September and JPY 7,000\* for new members who join from October through December (\*includes annual fee for following year). Students are JPY 2,000 at any time of year.

**\*NOTE:** Members who are renewing their memberships from 2005 must pay JPY 5,000 regardless of the date of renewal in 2005.

Member Information:

<b>Last Name:</b>	<b>First Name:</b>	<b>Middle Name/Initial:</b>
<b>Company Name:</b>		<b>Job Title/Description:</b>
<b>Office Address:</b>		<b>Home Address: (Optional)</b>
<b>Office Telephone:</b>		<b>Home Telephone: (Optional)</b>
<b>Office Fax:</b>		<b>Home Fax: (Optional)</b>
<b>E-Mail Address:</b>		<b>Nationality:</b>
<b>Date of Payment/Bank Transfer:</b>		<b>Amount Paid:</b>

Bank Transfer Information:

Please make payment by bank transfer (if you are unfamiliar with the furikomi bank transfer system, please see our furikomi instructions document), please deposit to:

**Bank of Tokyo Mitsubishi - Jimbocho Branch**

Account Type: Ordinary

Account Number: 1283202

Account Name: "Roppongi Bar Association"

Please e-mail this form as an attachment to ([membership@rbalaw.org](mailto:membership@rbalaw.org)).