

# ROPPONGI BAR ASSOCIATION

March 2006 Newsletter

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

## From the Publications Manager

By William Herbert  
RBA Publications Manager

### March 30 Labour Law Event

On Thursday, March 30, the RBA Executive Board will welcome Mr. Peter Coney, Senior Solicitor with the Tokyo office of Herbert Smith.

Mr. Coney will speak on when and how a company can terminate a permanent employee in Japan. Japan is famous for its reputation of a jurisdiction in which it is very difficult to sever underperforming employees. Mr. Coney has extensive experience dealing with labour law disputes in the international context, and will share his insights learned from assisting clients in Japan, working with *bengoshi* in the courtroom on contentious termination cases, and strategizing in the early stages of disputes to avoid litigation when possible.

This discussion will be complimented by a fine buffet dinner served by the wonderful kitchen at Century Court.

Please RSVP by Friday, March 24 2006 to [events@rbalaw.org](mailto:events@rbalaw.org)

### An Attorney's Right to Offer Counsel

On February 28, the Tokyo High Court ruled on a Chiba Prefecture case regarding a "duty attorney" who had been kept waiting for an hour while a suspect arrested on suspicion of fraud was questioned by police on an unrelated charge. The duty attorney plaintiff was a member of the Chiba Prefecture Bar Association. The duty attorney claimed that being made to wait was interference with the constitutionally granted access to counsel and had demanded 3.3 million yen in damages.

While the duty attorney was waiting to see the suspect, the suspect was questioned on an unrelated case regarding the illegal disposal of a corpse. The suspect was later indicted on murder, and sentenced to ten years in prison.

The Tokyo High Court rejected the findings of the trial court, and held that making the duty attorney wait was illegal, and further that the suspect's right to counsel had been infringed. The Chiba Prefecture was ordered to pay the plaintiff 110,000 yen.

The duty attorney system is a system in which suspects may have a free consultation with an attorney before they are indicted.

A 1978 Supreme Court case had emphasized a suspect's right to see an attorney, and attorneys' inherent right to be able to communicate with such a person.

Under the 1978 case, when an attorney requests a meeting with a suspect, investigating officers must immediately let the attorney see the suspect or specify a time and place at which such a meeting may occur.

### February Event at Mako's

On February 23, the RBA Executive Board welcomed over thirty-five people to Mako Tokyo, at Izumi Garden Terrace, one of Tokyo's classiest restaurants. Even people who had been to the restaurant before were surprised by the nice lounge; I think that all were favorably impressed. The plentiful California Chinois Cuisine, free drinks, attentive staff, and warm cozy atmosphere were just what was needed to take the chill off the late winter night.

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# UPCOMING RBA EVENTS

Please RSVP by Friday, March 24<sup>th</sup> 2006 to [2Hevents@rbalaw.org](mailto:2Hevents@rbalaw.org)

## March 2006 Meeting

Thursday, March 30<sup>th</sup>, 2006

7:30 pm – 9:30 pm

@

WDI's Private Club

### ***CENTURY COURT***

Roi Building, 10<sup>th</sup> Floor

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

Telephone: 03-3478-4100

(Five minute walk from Roppongi Station on the Hibiya and Oedo lines)

Map: <http://www.century-court.com/e/map.html>

JPY 3,500 for members

JPY 4,000 for non-members

*(A fine Century Court Buffet dinner is included, cash bar)*

### Featured Speaker:

**Mr. Peter Coney,**  
Senior Solicitor, Herbert Smith

### **Topic:**

## **Employee Termination in Japan**

Join us in welcoming Mr. Coney for a discussion on when and how a company can terminate a permanent employee.

Does the notion of "Job for Life" still hold true? What can foreign companies do in the current labour law environment?

Mr. Coney has extensive experience dealing with labour law disputes in the international context, and will share his insights learned from assisting clients in Japan, working with *bengoshi* in the courtroom in contentious termination cases, and strategizing in the early stages of disputes to avoid litigation when possible.

You will not want to miss this fascinating discussion, complimented by a fine buffet dinner served by the wonderful kitchen at Century Court!

Please RSVP by Friday, March 24<sup>th</sup> 2006 to [events@rbalaw.org](mailto:events@rbalaw.org)

# ACKNOWLEDGMENTS

## The RBA Executive Board

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# 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 [3Hcareers@rbalaw.org](mailto:3Hcareers@rbalaw.org).*

## LISTINGS:

### **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.

### ***Foreign Associate***

**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 thirteen Japanese lawyers (two are also qualified in N.Y.) and two American lawyers 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 3 to 5 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 ([kikuchi@kojimalaw.jp](mailto:kikuchi@kojimalaw.jp))

### ***In-House Counsel Position (Tokyo)***

**Bloomberg L.P.**, a global financial information services company, is seeking an attorney for its Tokyo office. The successful candidate will have 3+ years of experience with general corporate and intellectual property matters in a top law firm and/or in-house corporate legal department. The candidate will actively work on matters across Asia and will be responsible for but not limited to the following: providing legal advice and support on a broad range of transactional

and corporate matters; drafting, analyzing and negotiating sales, data, telecom, media, and vendor agreements; and from time to time coordinating compliance with securities regulations.

The candidate must possess excellent writing skills, strong verbal, and interpersonal skills, and the ability to work flexibly in a team/corporate environment. Must have native fluency in written and spoken Japanese. To apply, please visit <http://quote.bloomberg.com/apps/career?action=1&jobid=17329&T=career/detail.wm>

### ***Native English-speaking Common Law Lawyer***

**JONES DAY TOKYO** wishes to hire a native English-speaking lawyer licensed to practice law in a common law jurisdiction, with up to five (5) years' experience in corporate, real estate or financial transactions. Japanese language skills are preferred but not required. Jones Day's Tokyo office includes over 40 lawyers who practice across a range of practice areas, both contentious and transactional, and ranks among the twenty largest law practices in Japan. The successful candidate will work most extensively in M&A, securitization, real estate and structured finance. Interested candidates should send resumes to Eric W. Sedlak by e-mail to [esedlak@jonesday.com](mailto:esedlak@jonesday.com) or by fax to 03-5401-2725.

AUSTRALIA

CHINA

HONG KONG

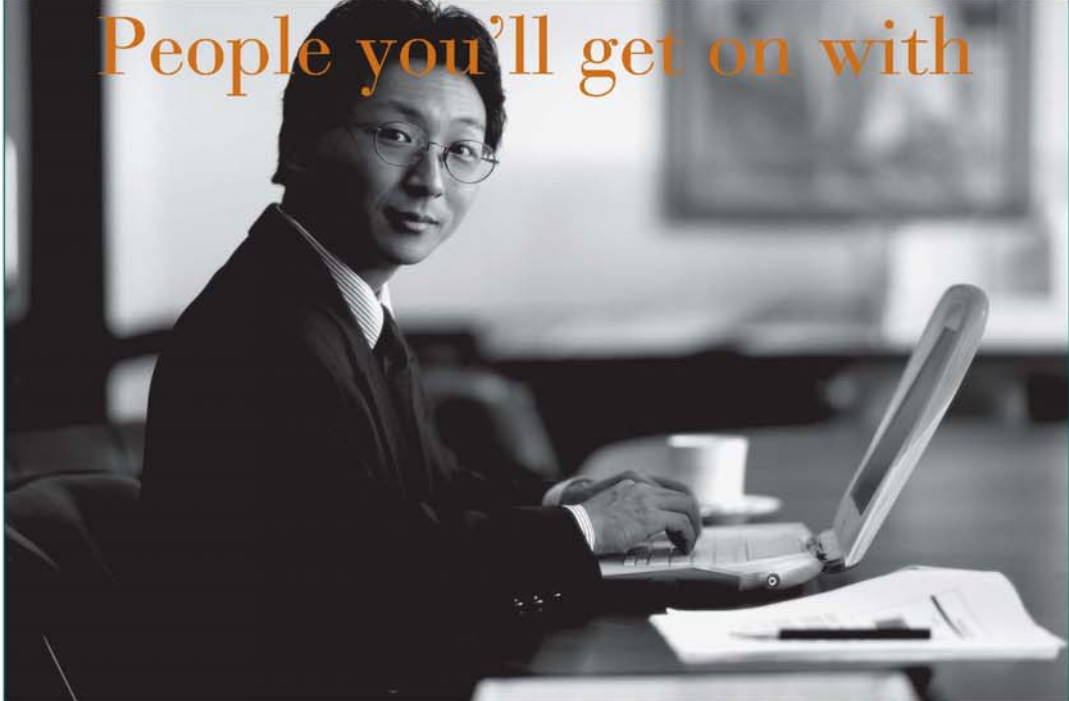
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People you'll get on with



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are Ready to Help You

### Roles we've filled:

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HR Director  
Senior Generalist  
Compensation and Benefits Specialists  
Training and Development Specialists  
Recruitment Specialists

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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)

**Japan | Hong Kong | Singapore**

# 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*

### ***Julie Grewar, Consultant, Solicitor***

Julie Grewar is a UK qualified solicitor with experience in the fields of Technology, Intellectual Property and E-commerce. She is a graduate of the University of Edinburgh and has worked both in private practice and as an in-house lawyer.

Mail to: [grewar@cds-consulting.com](mailto:grewar@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.

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

### ***Jem Ryoko Stevens, Associate Consultant***

Jem is a Law graduate from the London School of Economics. She came to Japan in 2000 on the Daiwa Anglo-Japanese Scholarship program where she gained experience with various legal associations and event coordination in Tokyo. Jem has also worked with the United Nations in Geneva. She is a fluent Japanese speaker.

Mail to: [stevens@cds-consulting.com](mailto:stevens@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.

## *Your career*

### ***Corporate Counsel –5244/JG***

A US high tech company seeks a Corporate Counsel with a NY or California bar admission. The candidate must speak fluent English, and have around 5 years of experience working in a legal department or law firm.

### ***Legal Manager 5710-JG***

US pharmaceutical company seeks Legal Manager to join its existing legal team of four. Around ten years of experience required, ideally in the pharmaceutical industry. LLM and excellent English preferred.

### ***Contract Manager –5554/JG***

IT consulting company is looking for a Legal Manager to deal with contract review and negotiation of mainly Japanese contracts. 3-5 years of experience required, ideally in an IT company. English preferred but not required.

### ***Contract Manager – 5329/JG***

Leading e-commerce company is looking for a Legal Manager to support the Legal Director. 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)).