

# ROPPONGI BAR ASSOCIATION

May 2006 Newsletter

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

## From the Publications Manager

By William Herbert  
RBA Publications Manager

### Get Involved --Join the RBA Executive Board!

The RBA is made possible by the work of a small handful of individuals that form the Executive Board. The monthly substantive and social events that we hold, this Newsletter, and the legal networking opportunities the RBA offers would not be possible without the Board. If, in the past few years, you have attended an RBA event, applied for a job listed in the Newsletter, or benefited in some other way from the RBA community, I would ask you to please contact me or one of the other Executive Board members listed on page three to see how you can help sustain the RBA into the future.

### Tokyo Prosecutor's Office Pilot Program to Record Suspect Interrogations

In early May, Japanese media outlets reported that the Supreme Public Prosecutors' Office had determined that beginning in July the Tokyo Regional Prosecutors' Office would use video and audio equipment to record suspect interrogations. The Supreme Prosecutor's Office administers the nationwide system of prosecutors' offices.

This change, which comes on the heels of a 2004 Diet resolution that called for increasing transparency in criminal interrogations, and amidst recent cases involving claims that criminal confessions had been coerced, was the recommendation of a secret team of prosecutors created to study transparency in the criminal justice system. The move also appears to be based on prosecutors' feeling of unease with the adoption of the lay judge system in 2009.

The team that made the recommendation began by reviewing recent criminal cases in which the accuracy of the written interrogation record had been called into question. The team came to the conclusion that in thirty problematic cases over the past three years, lay judges would not have trusted the written records that had been offered into evidence, and likely would have found the defendant not guilty. One prosecutor noted that professional judges have a certain amount of understanding and sympathy toward

the work of prosecutors, but lay judges chosen from the citizenry would not. The team concluded that interrogations should be recorded using video or audio equipment. The Supreme Prosecutors' Office was quoted as saying that the move will guarantee the accuracy of what transpires during interrogations and that this will be a new prosecutorial tool.

However, resistance to videotaping is strong, with many prosecutors complaining that suspects will not open up when recording devices are rolling.

In the pilot program, the decision to record interrogations will be at the discretion of individual prosecutors. If the prosecutor anticipates that there may be a dispute at trial as to whether the suspect's confession was voluntary or had been coerced, then the suspect will be informed, and the interrogation will be recorded. All recordings will be ancillary evidence and may be offered before the court if the contents of the written interrogation record come into dispute. The recordings will also be provided to the defendant's attorney upon demand.

Because recording will occur only after the police have referred a case to prosecutors, police interrogations will not be recorded. A National Police Agency spokesperson stated that because police officers in the early stages of investigation are in a position different from that of prosecutors, increased transparency at that stage is unnecessary.

The Japan Federation of Bar Associations noted that giving the investigating prosecutor the discretion to record interrogations and the fact that police interrogations will not be recorded are two issues that must be addressed in the future. The statement also noted that if only a portion of the prosecutor's interrogation is recorded, questions relating to accuracy and trust would remain unresolved.

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# MAY MEETING

Please RSVP by Friday, May 19<sup>th</sup> 2006 to [OHevents@rbalaw.org](mailto:OHevents@rbalaw.org)

## May 2006 Meeting

Thursday, May 25<sup>th</sup>, 2006

7:30pm – 9:30pm

@

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 Speakers:

Gerald McAlinn, Professor, Keio Law School

Lawrence Repeta, Professor, Omiya Law School

Dan Rosen, Professor, Chuo Law School

## **Topic:**

## **Japan's New Law Schools – A Progress Report**

On April 1, 2004, more than sixty new graduate professional law schools opened their doors in Japan. These new law schools specialize in training legal professionals and are part of an overall effort to increase the number of attorneys and to foster the rule of law in Japan.

How are these schools preparing Japan's next generation of lawyers? What will that generation look like, and how will it differ from the present? What role do non-Japanese legal professionals play in these new schools? Please join us in welcoming our distinguished panelists who will share their observations gleaned from teaching at three of the new law schools.

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, May 19<sup>th</sup> 2006 to [events@rbalaw.org](mailto:events@rbalaw.org)

# UPCOMING RBA EVENTS

## ROPPONGI BAR ASSOCIATION

presents

### **International Lawyers' Night of Wine 2006**

Friday June 23rd, 2006

7:00pm – 10:00pm

@

Restaurant and Wine Bar Terroir (Roppongi)

**JPY 5,000 for RBA Members**

**JPY 6,000 for non-RBA members**

Details are being finalized and will be sent shortly!

As space for this event is limited, payment must be made by bank transfer or in person in advance of the event. Bank transfer instructions will be included with the official flyer event that will be sent this week.

RSVP: [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 [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.

#### ***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)

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#### ***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.

# People you'll connect with



## Great Lawyers are Hard to Find

Tokyo's Top **Legal & Compliance** Recruitment Specialists  
are Ready to Help You

### Roles we've filled:

Head of Legal

Foreign-qualified Partner

Regional Head of Legal

Bengoshi Partner

Head of Compliance

Bengoshi Associate Paralegal

For Finance and Foreign Lawyers

**James Graham** (ジェームス・グラハム)

+813 3511-6486

james.graham@hudson.com

For Compliance Officers and Finance Bengoshi

**Hiroshi Kurosaka** (黒坂 大)

+813 3511-6487

hiroshi.kurosaka@hudson.com

For Corporate Legal, Paralegals and Bengoshi

**Izumi Kikuchi** (菊池 泉)

+813 3511-6513

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, Senior Consultant***

Daniel is a New Zealander, and graduate of Auckland University. He came to Japan in 1998 and has been working in Finance and IT industry. He has a strong focus in Senior Back and Middle office professional.  
[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.

## *Your career*

### ***Compliance Officer 1123/YK***

A major Global Investment bank is search for compliance officer's at all levels for their Internal control and Equity Advisory. At senior levels, bar admittance is a plus, but not required, especially at staff levels. Excellent Salary is being offered.

### ***Corporate Counsel –5244/DN***

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.

### ***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.

### ***Contract Manager – 5329/DN***

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)).