

## Finding Legal Work in Japan

This guide has been prepared to assist Australian law students with some proficiency in Japanese already who are interested in finding work in the Japanese legal market. It reflects my perspective as just such a student, who researched the market extensively for a period of about six months from 2006-2007, and managed to acquire a graduate position with the Tokyo office of a large UK law firm.

Initially this was intended to be a roll of the various law firms in Japan and an evaluation of their accessibility and appeal for potential Australian applicants. However, this was abandoned, in part because such an analysis could be potentially libellous in some cases(!), but also because it would not be terribly helpful: my opinion of different firms is based largely on my own priorities and interests, and information on firms which was current in 2007 may not be for long. Instead, this guide has been written to provide you with a starting point from which to make your own enquiries, and, hopefully, find a firm that is suitable for you.

I start with an overview of the Japanese legal market as it exists for foreign lawyers and the options for work within that market. I then provide a list of helpful resources for researching firms in Japan, and criteria to bear in mind when researching. Lastly, I provide some suggestions as to how to go about applying for a position, following my own methods.

The following is based on my own research, my personal experiences, and anecdotal information gleaned from other people. As such, everything contained is no more than my own frank and personal opinion, and should only be relied upon as such.

### **The Japanese legal market**

Students with legal qualifications wanting to find work in Japan have several potential options in terms of types of job. These include:

- translator/proof-reader;
- summer/short-term intern;

- paralegal (these tend to be offered as short-term positions – one or two years – and can often be arranged as secondments by Australian firms);
- associate with 2-3 years experience (transferring to Japan after having received basic training at an Australian firm and the requisite number of years foreign experience necessary for registration in Japan); and
- newly qualified (graduate) associate.

Although many of the points in this guide apply equally to all types of jobs, this guide has been written with application for graduate positions in mind.

From the beginning, you should be aware that working in Japan basically means working in Tokyo (and within Tokyo, Roppongi and Marunouchi only!). No top tier firms, either Japanese or foreign, have offices in any other city (although several Osaka-based mid-tiers have small Tokyo offices), and the only foreign firm I know of with an office outside of Tokyo is a Norwegian maritime law firm with a tiny (literally, one lawyer and one secretary) office in Kobe.

It may be possible to find work as a paralegal or translator at an Osaka IP firm (Osaka having the country's only other IP court and second largest legal market), and I have heard of one person with a part-time paralegal position with a Kyoto law firm, but this is about the extent of non-Tokyo options. The proficiency in English and knowledge of common law that you would offer are only marketable skills where a large number of international transactions actually take place.

Secondly, working in Japan as an associate (rather than a paralegal or translator) also means applying directly to and working in the Tokyo office of a UK or US firm. No Australian firms currently have Tokyo offices, nor are they likely to in the near future (although I have heard very unsubstantiated rumours that Minter Ellison is contemplating a Tokyo office), and the only remaining international firm with both Australian and Japanese offices that could facilitate an internal transfer is Baker & McKenzie (and Skaddens, although it keeps a skeleton staff in Sydney).

Several top tier Australian firms can also facilitate short-term secondments (one to two years) to top tier Japanese firms, but otherwise direct recruitment of foreign-qualified

lawyers by Japanese firms is very rare: Japanese firms tend not to have the resources to train junior foreign lawyers, and prefer to hire experienced foreign partners to advise on non-Japanese matters.

None of this should discourage Australian applicants, however. US and UK firms tend to regard Australian and New Zealand lawyers quite highly (particularly as they are more likely to have Japanese language skills), and a significant proportion of lawyers already in Tokyo are Australians or Kiwis.

For foreign lawyers to practice in Japan it is technically necessary to be registered as a Registered Foreign Lawyer - *gaikokuho jimu bengoshi* (colloquially known as *gaiben*). Registration requires at least two years post-qualification experience in a jurisdiction outside Japan in which the applicant has been admitted. In practice, however, junior associates do not personally sign off on advices or take client meetings, and few firms require anyone below partner level to be registered.

Nevertheless, meeting the requirements of registration is something to consider in terms of future career advancement if you plan to stay in Japan long term. A number of firms will not take on associates with less than two years experience (although this is also because they prefer associates to have received basic training in a common law country), while others may take on recent graduates on the promise to second them to a UK or US office later.

Lastly, for junior lawyers in particular, be aware that a degree of Japanese fluency is crucial. Many foreign partners will speak little to no Japanese and will conduct meetings even with Japanese clients in English, but junior lawyers will generally be expected to do grunt work like due diligence or discovery that may require sorting through mounds of Japanese documents. Partners may also expect Japanese-fluent juniors to act as liaisons between them and Japanese partners.

### **Researching the firms**

There are perhaps 30-40 US and UK firms with some sort of representation in Japan,

although for Australian students perhaps only 5-10 of these are really feasible options (many firms recruit from their head offices, for example, and some US firms will only hire associates qualified in New York or California). These are generally the top tier “Magic Circle” (UK) or “White Shoe” (US) firms (look these lists up on Wikipedia if you have never heard of them before!), although you should be very cautious in that the reputation of firms in their own country or globally does not necessarily reflect their market position in Tokyo.

Starting with the websites of these firms and looking particularly for publications produced by their Tokyo offices is a good start, but additional resources that you can use in conducting your own research into these firms include:

- The PLC Which Lawyer and Global 50 websites – include very detailed reviews of the Tokyo offices of most firms and their principal partners
- Annual rankings and awards (such as Chambers) for the Asia-Pacific: give a good indication of how different firms are performing from year to year
- LegalWeek Wiki – has extraordinarily detailed profiles of the head offices of the main UK firms, and some US firms
- RollOnFriday – a UK weekly newsletter written by and for young lawyers, which contains tongue-in-cheek insights into the working environments in the major UK and US firms (as well as survey-based salary comparisons)
- Above the Law ([www.abovethelaw.com](http://www.abovethelaw.com)) and WSJ Law Blogs – perform a similar function in the US
- The International Financial Law Review – actually a weekly magazine, reports principally on major financial transactions around the world, but also has detailed country profiles (it has a subscription-only website, but your law library may have a subscription, or else you may be able to sign up for a free trial)
- The Lawyer’s website ([thelawyer.com](http://thelawyer.com)) – carries a similar but broader range of stories, and for free
- Lawyers Weekly (the Australian trade publication, which you can subscribe to for free through your university law society) – frequently carry articles on the pros and cons of working in overseas offices which profile top tier UK or US firms, but also advertises positions overseas

Also consider contacting the Roppongi Bar Association ([www.rba.org](http://www.rba.org)) and asking to be

added to their newsletter mailing list. The RBA is very US-centric and its newsletter mainly advertises upcoming events, but it is worth noting which firms are sponsoring those events, and can help in making contacts.

### **Selecting a firm**

Having researched the firms available, you should be in a position to make a short list of firms to apply to. The following are points for consideration that may guide your selection. Many, however, will not become apparent until later in the application process, after having talked with junior lawyers at a handful of firms.

- Size of the firm – bigger does not necessarily mean better, but the larger the number of foreign (i.e. non-Japanese) lawyers, the more likely it is that you will be able to receive proper training to build up your skills, and will not be thrown in the deep end by being given work beyond your competency. I have heard anecdotally of busy firms with too few lawyers sending first-years to client meetings alone, or giving them work that would ordinarily be done by a third-year elsewhere.
- Ratio of foreign to Japanese lawyers – in assessing the size of a firm, generally the only accurate indicator is the number of foreign lawyers, not the number of lawyers overall. As a consequence of earlier regulation of foreign law firms, which required them to enter into joint ventures with Japanese firms in order to practice under their own name in Japan, many foreign firms have less than cohesive relationships with domestic firms, which continue to service their own clients away from the joint venture. The following should be considered with respect to the ratio of foreign-Japanese lawyers:
  - à If the two firms do not work cohesively, are you likely to be caught up in the office politics? Anecdotally, junior lawyers with Japanese skills are often shuttled back and forth to liaise in conflicts between foreign and Japanese partners.
  - à Did the Japanese firm within the group have a substantial domestic profile prior to the joint venture? If so, it may consider itself to be the dominant partner firm, and the division of labour problem could be exacerbated.
  - à How much opportunity are you going to get to use your Japanese language skills or learn about Japanese law? That is, if the foreign firm leaves domestic

matters to the Japanese firm, how much of an opportunity will you get to co-ordinate professionally with Japanese lawyers?

- Your intended area of specialisation – most firms only have a narrow range of practice areas in their Tokyo offices (perhaps only two or three), and certainly nowhere near the variety in their head offices. The small number of tightly-integrated practice groups also means that Tokyo offices tend not to offer rotations to recent graduates as do Australian firms, and require them to specialise from the beginning.
- Portability of legal skills - related to the choice of practice areas, how relevant or useful will the skills developed in Japan be if you later try to come back to Australia (or a third country) as a third or fourth year lawyer? Generally M&A or banking and finance tend to be the most generic skill sets and the safest bet.
- The next step – for that matter, do you want to return to Australia, or use the Tokyo office as a springboard to London, New York or somewhere else? Some firms are more willing than others to facilitate a move to another office. This is also something to bear in mind for *gaiben* registration requirements.
- Reputation of the firm – if you do want to return to Australia or a third country, be conscious again of the difference in reputation the firm might enjoy in Tokyo and globally.
- Lastly, work/life balance – in other words, hours of work, billable hour targets, flexibility of work structures, etc. This is often related to the size of the firm, and the size of the pay-packet. As a crude generalisation, US firms tend to pay far more than UK firms, but also extract more than their pound of flesh.

### **How to apply**

Jobs with law firms in Japan are rarely advertised through legal recruiters, and graduate positions never are (those positions that are advertised tend to be specialised, requiring 5 years finance experience but not Japanese language skills, for example). Really the only way in is to contact a firm directly and try to impress them with your CV.

Use the firm's website to find a contact person in the Tokyo office: if there is no HR or personnel manager then contact the managing partner or another senior partner. Don't

contact the parent firm in London or New York. Tokyo offices tend to be run fairly autonomously from head office, and head office HR both won't have a clear understanding of the Tokyo office's needs and will have very different ideas about how recruitment should occur, preferring Tokyo recruits to be taken in through the ordinary London or New York graduate intake stream and later seconded (I heard both of these complaints a lot from partners in Japan).

Send an email expressing an interest in the firm and attaching a copy of your CV (in English and Japanese if possible) "for their reference". Particularly when emailing busy partners you might not receive an immediate reply, but persistence here is the key. With some firms I had to try emailing a different person or email the same person ("following up the progress" of my last email) four or five times before I received a reply. Generally only a response along the lines of "we have no plans to hire recent graduates in the next few years", or, "we only hire US-trained lawyers" will be conclusive.

I would suggest that following up any response with an in-person meeting is critical. If you have plans to travel to Japan for a student exchange or just for a holiday then try to use this time to arrange a quick coffee with someone from the firm (in fact, it is probably better not to email until a few months before you intend to go). Even if you have received a response to the effect that the firm does not hire graduates, it is worth arranging a meeting anyway to establish contact for the future. Since I was going to Japan on exchange I arranged to meet with a handful of firms in the space of two weeks to "discuss the Japanese legal market" rather than asking for a job outright, but this also meant that in one or two cases I was palmed off onto junior associates without an opportunity to meet with a partner.

Meeting with junior lawyers, though, and discussing their experiences can be an invaluable way to get an insight into the firm and what sort of work you might be expected to do yourself (as well as to find out why they chose their firm over any other). Ask to meet with a junior lawyer (preferably an Australian) if the partner has not already suggested it.

Another option, if a firm indicates they do not hire graduates, is to request a short

internship. There is a limited pool of common law jurisdiction lawyers with Japanese proficiencies, and even if they cannot hire you immediately many firms will be as eager as you to establish a rapport and to create a good impression. Like a boozy summer clerkship in Australia, an internship can be an effective way of “locking in” prospective future recruits.

Above all, be persistent, and don't be discouraged by rejection! I contacted 20-30 firms in my investigations, of which only about half responded, of which only about half agreed to meet with me, of which I received only two firm offers.

But if it's the right firm, then hopefully only one offer will do. Good luck!