

Women Gain Traction In Japanese Legal Landscape

By **Aebra Coe**

Law360, New York (August 22, 2016, 2:32 PM ET) -- As BigLaw points its cannon at gender diversity, aiming to remedy the disparities in the legal profession, the effort seems to be taking hold in a country that has long lagged behind the rest of the developed world in gender equality: Japan.

The Land of the Rising Sun has been a tough place for women to achieve pay equality and break into top roles in the corporate and political worlds, consistently ranking in the bottom third of the world's countries in the World Economic Forum's Global Gender Gap Report. But women working as lawyers and legal recruiters in Japan report that a number of positive cultural and political changes have begun to gain traction and bolster the professional careers of female lawyers there.

The numbers, as of this year, are still bleak: Among the four largest law firms headquartered in Japan, just over 10 percent of partners are women. That's half of the approximately 20 percent of the partners at U.S. firms that are women.

Data from the Japan Federation of Bar Associations shows that as of June 1, there were nearly 7,000 female lawyers in Japan, 18 percent of the country's total lawyer population. In the U.S., nearly 36 percent of lawyers are female.

Nevertheless, there appears to be a consensus among many female lawyers in Japan that those numbers are poised for a shake-up.

The percentage of Japanese lawyers who are women has increased from 5.8 percent in 1991 to 10.1 percent in 2001, and now linger just below 20 percent.

In 2013, the Shinzo Abe government ushered in dramatic reforms commonly referred to as "womenomics," aimed at increasing the number of women in the workforce with the goal of improving the nation's overall economic performance.

While one of the prime minister's primary goals — for women to obtain 30 percent of executive leadership positions in the country by 2020 — has been altered when progress was slower than originally hoped, the effort is plodding along with the government pushing and incentivizing the private sector to place more women in leadership roles.

As that happens, more women are now obtaining positions as in-house counsel at major corporations, which may have a positive effect on the careers of female attorneys in private practice, experts say.

"I think that Japan is going in the right direction on women and it's a matter of keeping on going," said Louise Stoupe, an intellectual property partner at Morrison & Foerster LLP in Japan. "In my lifetime there has been a significant change, and I think as more women are provided with career opportunities in general — particularly at the C-suite level — that will continue to have an impact."

Laurie Lebrun, a Tokyo-based partner at legal recruiting firm Major Lindsey & Africa LLC, says that an "increasing number" of women have begun to secure senior in-house roles in Japanese corporations and multinational companies in Japan in recent years. She pointed to Angela Krantz, Amazon Japan's legal director and global associate general counsel.

"I do think it's very helpful for women who want to develop business and become partners in the firms they're in," Lebrun said, speaking about the influx of female in-house lawyers. "As female in-house lawyers and business leaders progress in their careers, it will help open additional windows for female associates to develop business and make a case for partnership."

Stoupe's colleague, Chie Yakura, who is also an IP partner at Morrison & Foerster in Tokyo, said that a lot has changed since she first became a lawyer in Japan nearly two decades ago.

"[Eighteen years ago,] I didn't see many successful women litigators that represented large corporations and obtained big victories, because companies did not try to retain women litigators," Yakura said. "But now, the environment has been changing and we are getting to be seeing more women litigators and also corporate lawyers who handle large deals."

One of the biggest obstacles facing women who are pursuing demanding professional careers in Japan, according to Yakura, has been the cultural tradition that expects women to remain in the home in a supporting role to men.

Even as the Abe government has pushed to include women at the upper reaches of the corporate world, deeply ingrained cultural mores have made it difficult for women to thrive, when, for instance, day care and the availability of nannies in the country is lacking and, in many households, women are expected to perform domestic duties such as cleaning and cooking in addition to any professional responsibilities they take on.

"I think the culture is now changing, but for example, Japanese women still have some difficulty in getting their work done and household work done," she said. "In Japan, it is very difficult to find babysitters and housekeepers as they are quite expensive."

She explained that strict immigration policies have made it nearly impossible to find non-Japanese domestic workers, and those that are Japanese often demand wages that are unaffordable to many.

"Generally, I think Japanese women still do the [household] work," Yakura said. "There's some cooperation from men, but still the majority of chores are done by women."

Despite these serious obstacles, some women in law have had a leg up on those in other sectors as large, global law firms continue to expand in Japan and bring with them policies that are more friendly to gender diversity.

"Japanese local law firms tend to prefer lawyers working in their office. Some people work from home,

but preferably it is better to be in the office," Yakura said. "Global firms like MoFo are quite flexible like that — as long as we get things done, it's fine. We can work from home and no one complains about it."

Lebrun pointed out that foreign women who practice law in Japan also often have the right visa status to be able to sponsor a domestic assistant to help with child care, freeing up more time to dedicate to their careers.

She added that the highly respected status of lawyers in Japan means that there is often a widespread respect for men and women who practice law there, as compared to the United States.

The Japanese bar exam is known as one of the most difficult in the world, with only around 20 percent of law school graduates passing each year.

"In Japan, the bar passage rate for lawyers is very low. Because it's so low, it's been more of a meritocracy than other fields," Lebrun said. "If you are able to pass that test, you are imbued with respect."

That respect, and other factors like the push for equality in the corporate world by the prime minister have positively impacted not only existing lawyers, but also the enrollment of young women in Japanese law schools, according to Yakura.

"I think, gradually, women lawyers will be more accepted and more successful in Japan," she said.

--Editing by Katherine Rautenberg and Kelly Duncan.