

ASIAN LEGAL BUSINESS

ALB



THOMSON REUTERS

JUNE 2015
ASIA EDITION

ISSN 0219-6875 05
9 770219 687507
MCI (P) 178/01/2015
ISSN 0219 - 6875
KDN PPS 1793/07/2013(025520)



Women IN LAW

LEADING FEMALE LAWYERS TALK
INSPIRATION, CHALLENGES, AND
THE ROAD TO SUCCESS

RIISING TIGER

GC strategies amidst
the Philippines boom

PAGE 20

TROUBLED WATERS

Lawyers on Malaysia's
shipping woes

PAGE 22

JAPAN AWARDS

Nagashima Ohno, MHM
lead the pack

PAGE 42

INSIDE

■ BIG STORY	3
■ LEAGUE TABLES	4
■ DEALS	6
■ APPOINTMENTS	18

ASIAN LEGAL BUSINESS

The background of the cover features a low-angle shot of the Statue of Justice atop the dome of the Old Bailey in London. The statue is a woman holding a sword and scales, set against a blue sky with wispy clouds. Large, flowing yellow lines swirl around the central text.

Women in Law

The Statue of Justice, depicted as a women with a sword in one hand and scale in her other, is seen on top of the London Central Criminal Court, the Old Bailey in London . REUTERS/Russell Boyce

Women may hold up half the sky, at least according to Mao Zedong, but when it comes to occupying senior positions in the workplace, women's numbers fall far short of men. Only 24 percent of managerial roles globally are held by women, and a mere 5% of these are Fortune CEOs, according to a 2014 study by Grant Thornton.

Law schools worldwide churn out female lawyers at numbers at least on par with males, but rates of attrition, particularly in childbearing years, show that fulfilling demanding roles in both boardroom and family home are a difficult challenge to balance. And with 60 million more men on the planet than women — the highest ever in history — the battle for equality of the sexes in all realms has never been more relevant.

Asia, particularly Southeast Asia, is on path to reaching the highest gender parity worldwide — between 38 and 40 percent in Indonesia, the Philippines, China and Thailand — and the legal industry is no exception to the last two decades' changing tide of progress. But how do female partners at law firms and top in-house counsel juggle multiple roles as mothers, wives, lawyers and managers? What skills does it take to rise through the ranks and stay?

We speak to women across Asia to find out.

By **DANA MACLEAN**



Mitsuru
CLAIRE CHINO

Executive Officer,
General Counsel

Itochu Corporation
Tokyo

'OUR THOUGHT PROCESSES ARE DEFINED BY OUR EXPERIENCES'

WHEN MITSURU CLAIRE CHINO — now the first female executive of the third largest trading company in Japan — was a 25-year-old litigator fresh out of law school, her California-based firm put her in charge of handling a lawsuit by herself. Chino was tasked with going to trial, taking depositions and questioning witnesses in practice for the first time, and all on her own.

"I felt like I was thrown into hot water," she says, "It was a very daunting task."

But when she eventually won the case, the boost in confidence contributed to a momentum that eventually propelled her in 1999 to becoming a partner at a law firm where there were less than 10 percent female partners at the time.

Even in the U.S., where women have pounded the pavement since the 1960s in staunch rebellion against traditional gender roles and demanding equal work opportunities, the legal profession can be tough. But armed with the understanding that gaining advantage is often part of the game, she barrelled on ahead in her career and eventually rose through the ranks to become the first female executive of a major trading Japanese trading company.

As the executive officer and general counsel for Itochu Corporation based in Tokyo, Chino handles cross-border transactions for the company around the world — an area she continues to find fascinating.

"There is a very big cultural difference in how contracts are approached. In Japan, where relationships are not simply contract-based, civil contracts tend to be very short, while US companies like to spell out everything," she explains. Chino, who is bilingual, serves as the perfect bridge between the two cultures.

At Itochu, she champions women's advancement in law and corporate diversity, recognising from her own experiences the integral role of mentorship as a "sounding board" and support system in the early years. "People who have mentors have higher levels of self-confidence. If there is something they are thinking about trying out, without a mentor or any precedent, it's scary to try that by him or herself," she says. "If there is a mentor, the mentee can vicariously experience that, knowing they are not on their own."

Finding time to rebalance from work should also not be underestimated, she says, as life experiences contribute to creativity — a much needed skill in the legal field.

"To be a good lawyer you have to be able to think outside the box," she says. "If your experience is limited, you can only think one way. Our thought processes are defined by our experiences."



Melli

DARSA

–
Founder

–
Melli Darsa & Co.
Jakarta

'BE GENEROUS TO OTHERS IN TERMS OF SKILLS AND OPPORTUNITIES'

What challenges have you encountered during your career, and how did you overcome them?

Like all lawyers ascending the firm ladder, I faced the challenge of making partner while having a young family and being a young mother. I also had to do this while trying to get my additional qualifications with the LLM at Harvard and passing the New York Bar, for which I had to separate from my then-husband and baby.

I overcame challenges due to a supportive family network, particularly from my mother and sisters. Up till today, the key factor to being able to have a wonderful career and beautiful family, is due to the people who love me. Life has to be lived. There are challenges always but if you surround yourself with people who love you, and this includes clients, then your life and work will be much more manageable and enjoyable.

How has the industry in Indonesia changed in the past decade for women with multiple roles?

Indonesia had been already accommodating but nowadays, my young lawyers' parents are my age or slightly older but still leading very active lives. Unlike me, young parents must depend on professional care, the quality of which may not be always good. I had it easier when I was young. In fact now in Indonesia, it is harder for young mothers. This is why on the one hand law firms must have pro-mother/wife policies. But the female lawyers must understand they cannot have special privileges all the time if they want to be treated as equal. In law firms, no matter what clients have to come first and clients must be able to depend on us.

What advice would you give to aspiring female lawyers?

Don't ever quit or be discouraged when the going gets tough. Learn to rest when tired, let out steam when stressed, and never have regrets. Most of all, be generous to others in terms of skills and opportunities. A great lawyer is one who is also one who is a great mentor and leader. **ALB**



Annabel

MOORE

–
General Counsel,
Asia Pacific

–
Diageo
Singapore

'REMAIN INSPIRED, ENJOY WHAT YOU DO AND CONTINUE TO PUSH YOURSELF'

AS A YOUNG LAWYER building a career in London in the 1990s, Annabel Moore never imagined that she would move nearly 11,000 kilometres around the globe to become the Asia Pacific general counsel for a leading high-end beverage company. Though there was no previous regional legal function, and Moore had never worked outside of the UK, she nevertheless accepted the offer and dived wholeheartedly into creating the blueprint for Diageo's legal risk management.

The sheer volume of work— which involved constant travel to market to a diverse range of groups and working with companies, joint ventures, and distributors — kickstarted the learning curve for juggling multiple priorities and responsibilities.

"I have always been challenged in my role, always learning and enjoying the journey and I never did it for the title," says Moore, who has also had four children, now aged eight to sixteen, along the way.

"Diageo has been fantastic because it really does respect ways of working really so that you are trusted to get the work done, if that means working from home or going home a bit early to see the kids," she says, explaining that prioritising family life is "absolutely accepted and that makes life possible" alongside the challenging work.

Diageo, which also boasts high rates of diversity and near-equal female representation on the board, is working to bridge the gender equity gap through progressive diversity policies. For example, staff with children under the age of seven have an additional six days of leave per year.

"I never sensed at any moment that I couldn't do something I wanted to do, gender was irrelevant," says Moore, who believes her roles as both mother and lawyer mutually reinforce the other with a sense of balance, common sense and practical judgement.

As for her advice to women entering the legal field, she says: "Don't give up! Too often I see young women resigning from their roles because they believe the challenges of juggling work and domestic responsibilities is too great... Remain inspired, enjoy what you do and continue to push yourself." **ALB**



| Quality Legal Service with an Edge |

MDC

www.darsalaw.com

KEY AREAS OF PRACTICE

- Capital Market & Securities
- Mergers & Acquisition
- Banking & Finance
- Corporate Finance
- Project Finance
- Corporate Commercial
- Mining & Energy
- Restructuring
- Media & Telecommunication
- Anti Trust
- Property
- Commercial Litigation

Melli Darsa

Founding & Managing Partner
(melli_darsa@darsalaw.com)

Manarihon SM. Ondi Panggabean

Senior Of Counsel
(ondi_panggabean@darsalaw.com)

Kusumohadiani

Junior Partner
(kusumohadiani@darsalaw.com)

Indra Allen Nasution

Junior Partner
(indra_allen@darsalaw.com)

Aditya Kesha Wijayanto

Junior Partner
(aditya_kesha@darsalaw.com)

Danar Respati Sunartoputra

Managing Associate
(danar_respati@darsalaw.com)

MELLI DARSA & Co.

Menara Standard Chartered 19th Floor
Jl. Prof. Dr. Satrio No. 164
Jakarta 12950 - Indonesia
Phone. +62 -21 2553 2019
Fax. +62-21 2553 2020
www.darsalaw.com



Marcia
WIBISONO

–
Managing Partner

–
Yang & Co.
Jakarta

'TECHNOLOGY MAKES IT A LOT EASIER'

YEARS AGO, Marcia Wibisono, was doing the unthinkable. Four days out of five in a work week, she travelled to cities hundreds of kilometres outside of Jakarta to attend court hearings, waiting for hours on end for trials to start, and returning home only after 10PM on most nights. She was doing that until she was six months pregnant.

"It was no problem for me because thankfully both of my pregnancies were very healthy," says the former litigator and mother of two, who only cut back on travel only in her third trimesters.

Wibisono, who now practices corporate law and has advised banks, insurance, mining, oil and gas companies, operating in Indonesia, got her start at OC Kaligis & Associates before moving to HPRP.

Now, after more than a decade of practicing law in Indonesia — where regulations often change with governments, particularly for foreign investors — the greatest challenge remains adapting to new laws and staying on top of government regulations.

"I always try learn about everything, and not get stuck in one practice area. A few years ago, mining was booming, but now it's [not anymore], so if I didn't expand, I would also suffer," she says. "Indonesia is a very unique country to work in, so lawyers have to be very creative," she said, noting that using online networks and actively checking with relevant government institutions, is one way that lawyers keep up with fluctuating policy.

Wibisono balances her commitments to work and her family by making the most of technology, and hours, stuck in the infamously congested Jakarta traffic.

"Now I am very used to working in cars, at home, everywhere, from my smartphone. Technology makes it a lot easier," she said.

Advice she often gives to her younger associates is to think of being a good lawyer as being similar to the work of an architect.

"You have to provide the structure of the law, built for the preferences of your client. As an architect, your client might ask you to build a very beautiful house. But if the legal foundation itself is not strong, the house won't last long." **ALB**



Sarah
BOWER

–
Principal,
Head of Legal –
Transactions and
Restructuring

–
KPMG China
Hong Kong

'KEEP THE DOOR OPEN. YOU WILL FIGURE IT OUT'

EVEN AS A 12-YEAR-OLD growing up New South Wales, Australia, Sarah Bower always knew she didn't want to have a menial job. As a university student years later, she automatically gravitated towards law, drawn to its complexity. Twenty-two years on, as a partner and Chief Legal Counsel with KPMG in Hong Kong after eight years with the Lehman Brothers in Asia, law has not lost its shine for her.

"Every case has its different set of pieces. I love that it is fresh each time," says Bower, who has worked in Asia for the past fifteen years.

Though her track record — successfully restructuring high profile Chinese businesses, managing the Lehman Brothers Cross-Border Insolvency Protocol to facilitate cross-border settlements and heading KPMG's Deal Advisory legal team— is impressive, to say the least, she says it was never about reaching dizzying heights, but more about the challenge, which there are always new ways to address.

"About one decade ago I had a eureka moment when I realized that the best product comes from speaking to a broad range of people, whose brains are wired differently to mine," she says.

By abandoning fixed, "black and white" types of thinking, the possibilities and strategies that could become opportunities for clients multiplied — ideas which can only be born through cross-discipline collaboration came to light. "A diverse range of thinking can produce the best results," says Bower, who applies this concept in all her work today, which includes transactions, restructuring and commercial disputes in her role as a multiple jurisdiction in-house lawyer.

Commercial acumen, and understanding commercial realities based on a sound legal platform, is fundamental to meeting clients' true needs, she adds.

But how does she balance the work she is clearly passionate about with a family life? It is made possible only with one key ingredient, says the mother of three: equality at home. "I am fortunate to have had a husband who stepped up to do his fair share of child-raising," says Bower, who leaves the house before 7AM most days to get a headstart on the day's tasks.

"Sometimes women give up their careers in the anticipation of the stress of motherhood, but don't leave, keep the door open. You will figure it out. Train your husband early to make sure you have his commitment from the get-go, and find a way to stay in the game," she adds. **ALB**



Law Office
YANG & CO
In association with **Schnader**

Yang & Co. comprises of qualified lawyers with multidisciplinary qualifications and who are also registered advocates licensed to represent you in legal proceedings before the Indonesian courts and other legal matters outside the courts. Our lawyers are multilingual in Bahasa Indonesia, Mandarin and English.

Practices Area:

- Competition & Regulatory
- Corporate, Commercial Law and Business Contracts
- Mergers & Acquisitions
- Banking & Finance
- Restructuring & Insolvency
- Commercial Litigation, Arbitration and Bankruptcy
- Labour and Employment
- Land and Property
- Company Liquidation
- Environmental and Sustainability
- Mining, Oil and Gas
- Plantation, Forestry and Pulp and Paper
- WTO Trade Remedies



Contact Details:

Office:

Multivision Tower, 3rd Floor
Jl. Kuningan Mulia Lot 9B
Jakarta Selatan 12980
Jakarta – Indonesia

P: +62 21 293 808 78
F: +62 21 293 808 77
www.yangandco.com

Contact Person:

Mr. Ferry Yang
ferryyang@yangandco.com

Mrs. Marcia Wibisono
mwibisono@yangandco.com

Ms. Saniah Wu
swu@yangandco.com



Lily
KHAIRI

Head of Legal and
Managing Counsel

Shell Malaysia
Kuala Lumpur

'HAVE THE BELIEF THAT YOU ARE AS GOOD AS YOUR MALE COUNTERPARTS'

What motivated you to become a lawyer?

The chance to contribute, make a difference, and to ensure I help the organisations I am involved in to do the right things within the proper legal framework. My aspiration is to reach the highest level of my potential, and I believe it is a continuous learning process.

How do you manage a work/ life balance? What personal sacrifices have you made along the way?


I think the work-life balance is a fallacy. The more accurate description is work life priorities. There are days when you have to prioritise work and your career, and there are times when you prioritise personal commitments, aspirations and family over work. It is about choices that you have to make every day and being comfortable living with the decisions that you made.

I like working, I love what I do, but at the same time I have other priorities, such as family and personal aspirations. When these clashes, you need to make certain sacrifices, but you must not regret the decision you made if it was the right one at that moment in time. One reason that has kept me in Malaysia is my 11-year-old daughter, a special needs child who requires round-the-clock care. We have established a good support system here in KL and I will prioritise her above work opportunities overseas.

What is a lawyer's most integral skill?

I would say curiosity and ability to think out of the box to achieve legally sound commercial solutions. As an in-house lawyer, you must continue to evolve and anticipate the needs of your clients if you are to remain relevant and add value to your clients and their businesses. You do have to invest in learning and keeping up to date with the latest developments in law and regulatory framework, be the corporate conscience of the company and business partner simultaneously. .

What advice would you give to aspiring female lawyers?

Have the strong self-belief that you are as good as your male counterparts, and can achieve all that you set out to do, but also don't forget to have fun and experience all that life can bring. 



Sophia
PK YAP

Global Deputy Chief
Ethics & Compliance
Officer

CBRE
Hong Kong

'THE PUSH-AND-PULL COMPROMISE IS WHAT CREATES BALANCE'


WHEN THE CAR IN FRONT OF HER reversed back and smashed into Sophia Yap's front bumper, she had no idea how fateful the incident would turn out to be. The other driver sped off and later claimed Yap had rear-ended her vehicle. Determined to defend herself out of principle, the then law school student in her early 20s took the case to court, litigating for the first time in her own front-end collision suit. Though she didn't win, it was standing before the judge that she realised just what she wanted to do.

"I was hit with a sudden surge of adrenaline, and just woke up to my passion. My family is more geared towards banking, so I had to battle tradition," says Yap, who since then has been unstoppable.

After six years at Baker & McKenzie, Yap became APAC senior counsel for General Electric. Following a stint as senior vice-president with a private equity firm, she joined global real estate firm CB Richard Ellis (CBRE) in 2008, where she has built up the Asia Pacific Legal and Compliance team from scratch.

With regards to career and family, the mother of two also believes win-wins are possible in the ongoing balancing act. "Whenever I have a role change, I get my husband and kids to vote on if I should take the job. I want stakeholder buy-in!" she jokes.

Though there are tough moments trying to meet the needs of both work and children, if both sides provide the space to meet urgent demands, the push-and-pull compromise is what creates balance, says Yap, who once left the hairdresser's with half a haircut together with her two-year-old daughter in tow on a mom-daughter day out, after the office called with an emergency. "There has to be a two-way give-and-take for emergencies," she says.

Yap, who also chairs the CBRE Women's Network, advises young lawyers to use the support offered by firms, and get involved in steering the development of companies, too. "If you enter new areas, talk to other lawyers, it becomes a channel for new opportunities and fun." 

'SET ASIDE TIME TO THINK ABOUT WHAT YOU WANT TO ACHIEVE, AND TAKE STEPS TO MOVE TOWARDS THAT'

AS A CHILD, Pamela Mak always knew she wanted to be a lawyer. "From a young age, I dreamed of being a lawyer after seeing fictional lawyers on TV," says the youngest of three, whose elder sister and brother-in-law are also lawyers.

Known for her extensive litigation experience across many sectors and skillfully employing Mareva injunctions to protect her clients, Mak made partner with Tanner De Witt in 2010 and attributes a large part of her career triumphs to mentorship.

"My supervisor of more than ten years at Tanner De Witt has been a great role model for me," says the litigator, who has been with the firm since 2003 after studying law in Hong Kong and Sydney. "It is so helpful to have support and hear others' experiences especially early on in your career," she adds.

With this in mind, Mak runs the firm's two-year trainee programme for graduates straight out of law school and says the ratio of female to male graduates is high and continues to grow. "We see more applications every year from females which reflects this trend," she explains.


The availability, and affordability, of childcare in Hong Kong paves the way for women to pursue full-time careers, according to Mak, who has an eight-year-old son.

KIM BOREHAM, a partner at Tanner De Witt since 2008, got her start defending employment rights at the most unlikely of places. "I was working at McDonalds during a break from university and ended up putting in a submission against the Employment Contracts Bill in New Zealand". Having decided law wasn't "so boring after all", she transferred into law at the University of Waikato and now successfully handles multi-million dollar employment claims.

She believes that balancing work with life takes deliberate management, and finding the right firm with both quality and diversity of work is key for young lawyers.

"I deliberately chose Tanner De Witt for that reason," says the mother of one, who played rugby competitively and represented Hong Kong at a tournament in Kazakhstan during her first week as a partner.

Boreham sees a growing acceptance of the need for more diverse work practices and that part time work and flexible hours are becoming more common in Hong Kong. "With more women lawyers and women in senior roles within the professions and corporate clients, law firms also have to change how they approach marketing," she says.

She recommends young lawyers take control of their careers, utilise the networks in their communities, and carve out their own goals. "Set aside time to think about what you want to achieve, and take steps to move towards that. Tell your employers where you want your legal practice to go." 



Pamela

MAK

—
Partner

—
Tanner De Witt
Hong Kong



Kim

BOREHAM

—
Partner

—
Tanner De Witt
Hong Kong



Established. Independent. Hong Kong Law.

1806 Tower 2 Lippo Centre
89 Queensway
Hong Kong

www.tannerdewitt.com

T: +852 2573 5000
F: +852 2802 3553