

Analysis **Law Firm Client Relationships**

Kon'nichiwa: U.S. Lawyers Are Gaining a Foothold in Japan

Lawyers representing Japanese Clients in litigation in the U.S. explain how they get—and keep—clients.

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(l-r) Michael Zogby of Barnes & Thornburgh, Koichiro Sato of Masuda Funai, and York Faulkner, an attorney based in Nashville, Tenn. Courtesy photos

Legal and cultural differences between Japan and the U.S. can be complicated.

So when Japanese corporations face trouble with their U.S. business ventures, the American attorneys staffing these cases need a special combination of legal knowledge and cultural awareness.

Some top firms like Skadden Arps and Latham & Watkins have gained a foothold in Japan with help from their own, fully staffed offices in Tokyo.

But there's also a place in this market for smaller firms and solo practitioners, who can get ahead if they have a knack for building client relationships.

Law.com interviewed lawyers who represent Japanese companies in U.S. litigation, asking about how they make inroads and bridge cultural differences with Asian executives.

Here's how they do it.

'It's an Art Form'

Attorney Michael Zogby suggests firms must be ready with prepackaged training to educate clients on the U.S. court system; and be prepared to answer questions about existing clients—a typically unusual request in the U.S.

And cultural slips, both major and minute, could mean the difference between gaining a new client or leaving empty-handed.

But there's a bonus: U.S. law firms don't need to have a physical presence in Japan—like some might assume—to do business there.

Zogby represents Japanese corporations in U.S. litigation from the Morristown, New Jersey office of Barnes & Thornburg.

He joined the firm in 2022 after a long stint at Faegre Drinker Biddle & Reath and its predecessor, Drinker Biddle.

It was Barnes & Thornburg's well-developed Japanese practice and infrastructure for helping attorneys navigate cultural differences that served as the primary factor in inducing Zogby to make the move.

There, he can call on Kazumi Iino—the firm's head of Japanese client services—a Japanese-born non-lawyer with a background in international trade, who gives colleagues guidance on how to build relationships with their Asian clients.

Zogby, who represents Japanese drug companies in U.S. products liability suits, said that when he was considering moving to a new firm, he found it impressive that Barnes & Thornburg has a strong Japanese services practice even without an actual office in Japan.

The firm is able to make that work by collaborating closely with other law firms in a type of referral network, Zogby said.

And having support from Iino and others in the firm who hold leadership posts in groups like the Japanese Chamber of Commerce of Chicago and the Japan-America Society of Indiana has been an important component of how he works with Japanese clients, Zogby said.

"Even for those of us who do not speak the language as fluently as others in the team, it creates the ability to develop relationships with the Japanese clients," Zogby said.

Barnes & Thornburg has worked with more than 400 Japanese clients in the past 40 years, and unlike in the U.S., Japanese drug company clients want to know which other drug companies a law firm has worked for, Zogby said.

The firm offers clients who have not experienced U.S. litigation "Discovery 101" training, as well as training on how U.S. courts handle e-discovery, privacy and cybersecurity-related issues.

Zogby also visits clients in person to discuss litigation-related issues, either in Japan or other locations like Hawaii, Guam or San Francisco because of rules concerning depositions in Japan.

Rights to discovery in Japan are much less permissive than in the U.S., and most sophisticated companies understand that, but explaining to clients the need to comply with such rules takes work to develop trust, Zogby said.

He said "soft skills" like business card customs go a long way to accomplish that, he said.

Zogby said he has learned that in a meeting with Japanese clients, the host should pour the tea, not the guest.

And when presenting one's business card, it should be held out with two hands, and the presenter should introduce himself and tell a little about himself.

When receiving someone else's card, one should look at it and comment, then put it in one's business card holder or next to the heart—never in one's back pocket, he said.

"It's an art form to work with the Japanese clients, and having people like Kazumi and the other native speakers and non-native speakers to be able to partner up with those of us who have worked with Japanese clients for decades," Zogby said. "It really is a good basis for foundational success."

Less Competition

For attorney Koichiro Sato, a key component was separating his niche from Big Law's target market.

Sato represents Japanese and Japanese-American clients from the Torrance, California office of Masuda, Funai, Eifert & Mitchell, a 50-lawyer firm focused on helping Japanese companies conduct business in the U.S.

Sato was born in Japan, spent much of his childhood in Calgary, Alberta, before returning to his birthplace while in high school. He practiced in Japan before joining his present firm in January 2025.

Having an office in Tokyo might be seen as an advantage for some Japanese clients who want to be able to communicate with a lawyer in the same time zone, but it also drives up costs, Sato said.

Big U.S. firms in Japan handle large M&A deals, but in his practice he handles deals with a smaller value, he said.

In his segment of the legal market, competition with other lawyers who speak English and Japanese is not strong, he said.

Sato prides himself on being able to fit in socially in Japan, engaging clients just like a bengoshi, or Japanese lawyer, and many seem to appreciate his authenticity.

"I position myself as a Japanese guy who happens to speak really good English, be in the states, and does U.S. law, and that's how I act. So I think the clients that prefer that as their legal counsel in the states, I don't think there are too many people offering that, so that's why they stay with me long term," Sato said.

After returning to Japan, Sato went to college to study accounting, then joined KPMG in its Tokyo office. But he found he didn't enjoy accounting and wanted to study law. He went to Stanford Law School, where he earned an LL.M. degree and found he liked living in the U.S. And that degree allowed him to become admitted in California and New York. In January 2025 he joined Masuda Funai.

Upon setting up his practice in Southern California, Sato said he realized he could be more effective from the U.S.

"I'm able to do a lot more impactful things here as a Japanese lawyer guy, helping out Japanese companies in this country, where a lot of things are very hard to navigate," he said. "I do feel very happy that I'm and fortunate that I'm in a position to do that."

Branding

Another attorney capturing Asian market share is York Faulkner, who has practiced in Tokyo, both for a Big Law firm and as a solo practitioner.

He recently returned to the U.S., where he plans to represent Japanese clients from his newly opened office in Nashville, Tennessee.

He offers representation and Japanese language skills—without the conflicts of interests that often plague large law firms.

But his history will help set him apart.

"I'm not just a solo practitioner. I'm a former Quinn Emanuel partner. I'm a former Finnegan Henderson partner. A former DOJ trial lawyer," he said. "I'm a solo attorney, but I still bring the branding with me."

York Faulkner's lifelong connection to Japan was "a complete accident of history," he says, starting when he was in college and a church service project sent him to Japan. Then, after completing his undergrad degree but before starting law school, he went back to Japan for the summer, working as a substitute teacher in Osaka.

After a stint as a prosecutor at the Department of Justice he took a job practicing intellectual property law at Finnegan Henderson.

There, he worked on a team representing Sony in litigation alleging its PlayStation infringed patents. That required him to make frequent trips to Japan to interview witnesses and meet company officials.

Afterward, he joined Quinn Emanuel in its Tokyo office.

His time at Quinn Emanuel coincided with the COVID-19 pandemic, which brought a restriction on international travel. Then, he began hearing from colleagues at other law firms, who had cases with Japanese clients and had documents that needed to be collected and reviewed, witnesses that needed to be interviewed in Tokyo or Osaka, and they were unable to perform those tasks because of the travel ban.

But Faulkner was unable to accept those assignments because Quinn Emanuel had conflicts, so he started his own office. He enjoyed the job, but he found that as a solo practitioner he was subject to a national tax, a prefectural tax, a Tokyo tax and a consumption tax, which added up to a tax rate of about 70 to 80% of income. The tax rate prompted him to return to the U.S., although he was sorry to leave Japan.

"I kept asking myself, is my physical presence on a daily basis in Tokyo worth the tax that I'm paying, and the rent for the office, and the other expense of being here? And gradually, over time, I found the answer to that is probably not," he said.

Another factor in the decision to move is that face-to-face meetings with clients in Tokyo are being replaced with Zoom meetings that he can attend from anywhere, Faulkner said.

Clients don't seem to have a problem hiring a solo practitioner instead of a well-known firm like Quinn Emanuel, and he expects solo practice to continue succeeding in its U.S. home. He said the funds his former law firms spend on marketing provide a benefit to his personal brand.

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