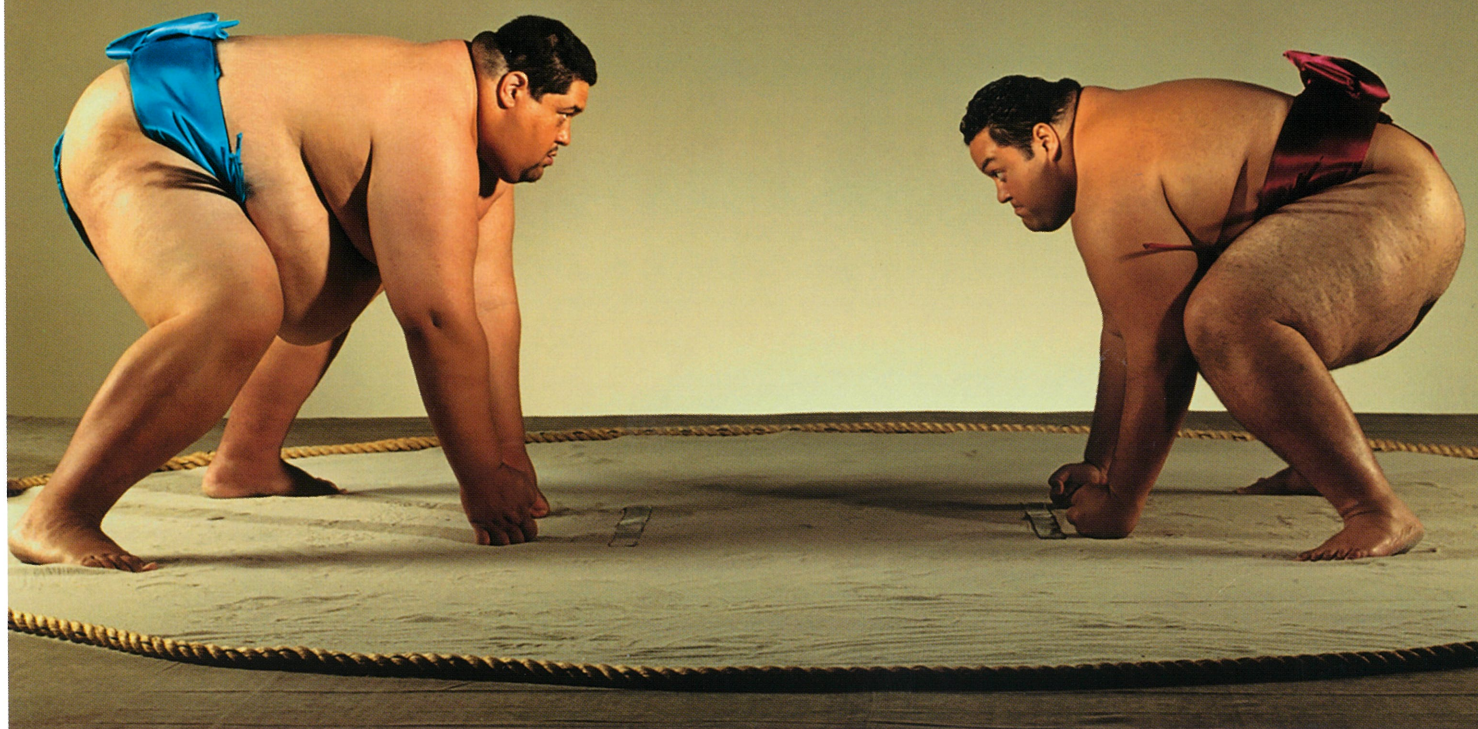


ASIA BUSINESS LAW JOURNAL

LEGAL INTELLIGENCE FOR IN-HOUSE COUNSEL

FIGHTING FUND

Can third-party financing
tip the scales for litigation in Asia?

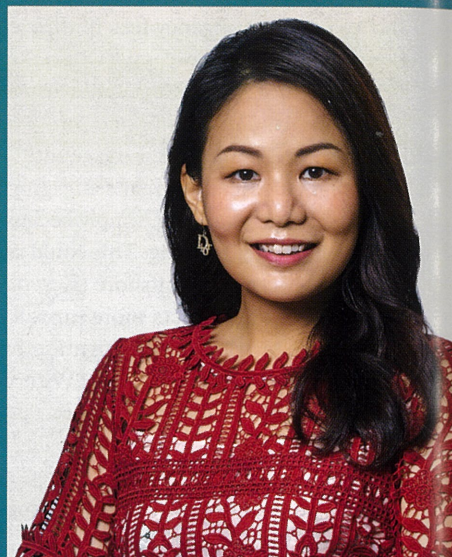
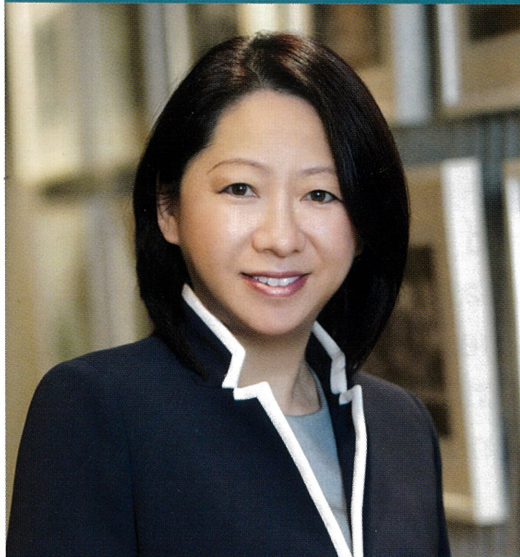


Leading women lawyers in Asia share their stories

Can regional regulators catch the SPAC wave?

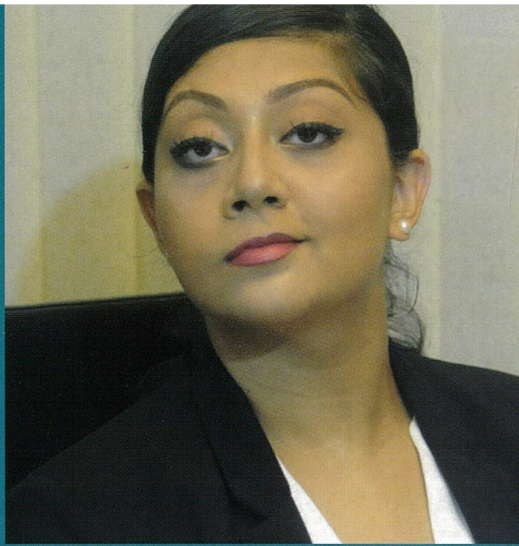
A comparison of cryptocurrency regulation

A-List: The top 100 lawyers in Indonesia



GENDER IN JUSTICE





OUR COLLECTION OF TOP
WOMEN LAWYERS ACROSS ASIA
SHARE THEIR PERSONAL STORIES
OF SUCCESS, STRATEGY,
STRUGGLE AND LOSS, ALL
TOWARDS A MORE INCLUSIVE
LEGAL PROFESSION.
PUTRO HARNOWO REPORTS



The legal profession has long been subject to criticism for an entrenched “boys’ club” mentality, but recent moves from multinational firms such as Linklaters, Freshfields and Herbert Smith Freehills in electing women lawyers ranks to lead their global operations is surely a sea change. The question is, will such progression globally signal the beginning of a broader leap forward within Asia’s complex legal and cultural ecosystems?

Many studies have found that gender and ethnic diversity are good for business and decision-making. McKinsey & Company, in a 2020 report titled “Diversity wins: How inclusion matters” found that the top quarter of gender-diverse executive teams was 25% more likely to contribute above-average profitability than the least-diverse ones. Companies where more than 30% of their executives are women are more likely to outperform those with fewer women executives, or none at all. Many reports also note a slow improvement in the figures towards inclusivity.

Yet women remain underrepresented at the top of leadership. Although the number of women running *Fortune 500* companies hit a record of 37 last year, and that number continues to grow, it still only represents 7.4% of the businesses compiled annually by the magazine. In the Asian legal landscape, the gender disparity is no better.

“In Taiwan, women account for 45% of the population with postgraduate degrees,” says Jaclyn Tsai, co-founder of Lee Tsai & Partners in Taipei. “However, there is a difference between men and women in leadership and entrepreneurial positions. Managing partners and founders at law firms are still predominantly male, which is the same in other industries, where women account for just 8% of the CEOs in Taiwan.”

Still, as more women join the industry, Lorraine Lee, general counsel at health and security services firm International SOS in Singapore, believes gender equality is no longer a pipe dream. She started out without a female role model in her company, because there were none, and with male colleagues discouraging her career options. She succeeded despite their efforts.

“We are definitely moving in the right direction towards gender parity, and having an equal number of male and female law graduates is a very good start, but it is just the beginning,” she says. “Achieving gender equality requires leadership in all parts of society and industry, from people like ourselves.”

Charmayne Ong, head of the intellectual property and technology, media and telecoms practices at Skrine in Kuala Lumpur, argues there will not be a quick fix for gender disparity, but the progress taking place cannot be ignored.

“In my view, attitudes towards women in the legal industry have evolved significantly, and discrimination, whether gender-related or otherwise, is generally not acceptable, at least in my workplace.”

She also admits that socio-economic mores and norms in Asia still play a substantial role in creating even more expectations on women’s role as “superwomen”.

Breaking prejudice

Rebecca Mammen John, a senior advocate at the Supreme Court of India in New Delhi, sees many women lawyers are significantly recognised for their skills and legal acumen and have even expanded into hitherto male-only practice domains, but stereotypes and bias remain intact.

“Courts have become accustomed to seeing women excel in the legal field,” she says. “However, sexism and misogyny continue to exist in the way male colleagues treat their female counterparts. Young lawyers are often subjected to comments about their appearance that tend to overshadow their professional abilities and standing.”

Older women lawyers who have made a significant contribution to the growth of law are often targeted and labelled as “aggressive”, conveniently forgetting that the space inside courts is adversarial. The advent of powerful, brilliant women in the profession has only highlighted the insecurity of male lawyers.

Naomi Koshi, a partner at Miura & Partners in Tokyo, was bewildered that 50-60% of Japanese women left the workforce after their first child because they could not find a nursery. “Almost always, it would be mothers who quit their jobs, not fathers,” she says.

“Japanese women had to choose between having a job or children. I decided to try to change this situation. I believed we should be able to have both a job and a family, and not be forced to quit our jobs just because we have children.”

That was what drove Koshi to run for mayor of Otsu city, where she eventually improved the childcare system during her two terms of service. Although her policy has started to gain traction across the country, there remains much room for improvement.

Byun Ok Sook, a partner at Shin & Kim in Seoul, sees more female partners working as leaders of their teams, based on their achievements – although they may need to work harder than their male counterparts. In many cases, clients tend to select male lawyers when faced with two genders.

However, this may be set to change with the current generation more open to gender awareness. “They are willing to recognise women’s competence and achievements, and ready to cope with serious and important challenges with their female colleagues, which I think gives hopes for female lawyers in the current and future generations,” says Byun.

The new age

The younger generation of women lawyers might not feel such harsh discrimination towards them in the legal industry. As general stereotyping towards women is mainly influenced by culture, globalisation has helped women to have more of a voice and hold more influential positions in their organisations.

“I see more opportunities and recognition for women’s capabilities and their aspirations,” says Kezia Pembayun, legal director of L’Oréal Indonesia in Jakarta. “It could also be because there are more platforms to voice the equality of opportunities for women compared to decades ago.”

However, she admits that men’s domination in some legal positions, or specific roles, is evident, partly because women choose to take certain legal specialities, for example a corporate function, as they see a better chance of achieving a work-life balance with children and family.

Still, emerging technology has also opened new opportunities for women lawyers to navigate their career paths into uncharted territory, as tech companies have a characteristic of being flexible and inclusive.

Women lawyers more than ever are enjoying being independent and self-determined in both their lives and professional careers.

Challenges persist and the glass ceiling may seem thicker in some places than others, but the cracks are ever increasing, opening more paths for those embarking on a legal career.

The following mosaic offers the personal stories of women in law across Asia’s jurisdictions, while also drawing on a wealth of shared experiences that join them. On offer are advice, experience and encouragement for the ones who follow.



TAIWAN

SUCCEED BY CHOICE

JACLYN TSAI, CO-FOUNDER OF LEE TSAI & PARTNERS IN TAIPEI

FROM SERVING AS a District Court judge, to general counsel of a multinational, to founding a law firm, to a minister of government, Jaclyn Tsai has reached multiple pinnacles in her career that still fuel her observations for changes needed for true gender equity in Taiwan. For example, she views the growing numbers of women lawyers encouragingly, but is quick to criticise the decided lack of women in positions of leadership.

Tsai points to statistics published by the Ministry of Justice showing the number of women passing the Taiwan Bar Exam has gradually increased in the past few years, from 34.9% in 2015 to close to 40% today. Further, women account for 45% of Taiwan's population with post-graduate degrees.

"It is likely that the number of female lawyers will soon be equivalent to that of male lawyers," says Tsai. "However, there is a difference between men and women in leadership and entrepreneurial positions. Managing partners and founders at law firms are still predominantly male, which is the same in other industries, where women account for just 8% of the CEOs in Taiwan.

"My observation is that this phenomenon is due to women still having to choose between work and family life. Many women may feel that being a managing partner or founder of a law firm, where one would have to tackle the burgeoning caseload and spend time building the network, is not conducive to building a family. As such, we see many women opting for in-house counsel positions, where they feel that they can have more of a work-life balance.

Managing partners and founders at law firms are still predominantly male, which is the same in other industries, where women account for just 8% of the CEOs in Taiwan

"Like many women, I had a point in my career where I was at a crossroads between choosing family and corporate life at a major multinational corporation. Being an executive at a multinational, I spent a significant amount of time travelling around the world, which meant that time with my family was scarce. Given that my children were still young at the time, I decided to give up my pursuit of a higher position to return to Taiwan to start a law firm."

Tsai founded Lee Tsai & Partners with her partner, Lee Chung-teh, in 1998 after leaving her position as general counsel of IBM Greater China. In 2013, she moved again, this time into politics, and was appointed as Minister without Portfolio of Digital Related Policies. During her term, she was responsible for the reformation of laws relating to virtual world development, e-commerce, the sharing economy, digital convergence, the startup environment, open data, and data governance.

"The highest point in my career was to be appointed the minister without portfolio," she says. "I was able to take the practical experience and knowledge that I had from being in the legal industry as counsel to a number of high-tech corporations and startups, to lead government policies that made sense to the industry players. While it was one of the most challenging positions I've held in my career, it was likewise one of the most rewarding.

"As for the lowest point in my career, I would say having to give up pursuing my career at IBM. With that said, I believe that things work out for the best. Had I not chosen the path to start my law firm, which has also been a very rewarding journey, I wouldn't have reached that highest point in my career."

Tsai returned to her law firm in 2016, while continuing to serve as a commissioner of the Smart City Committee and Data Governance Committee of the Taipei city government. She is also currently the chair of the Taiwan Women on Boards Association and Taiwan Fintech Association.