

Risk Management Practice

- BVR (Business Value Restoration)
- WCC (White Collar Crime)



asialaw Awards 2020, Client Service Excellence Awards
“Firm of the Year: Japan”





Corporate Risk Management - Outline

Toward rapid restoration of the client's corporate value

We now live in an era when it is necessary, in order for companies to maintain sustainable growth, to improve corporate value by enhancing corporate governance and compliance, fulfilling CSR and gaining trust from stakeholders and society.

Further, in cases of “crises” and “emergencies” such as scandals, fraud and accidents, advanced strategic judgment is required from the viewpoint of properly understanding risk, preventing damage to corporate value, and achieving rapid restoration of corporate value.

Many lawyers of our Firm have extensive knowledge in this field. We provide high quality risk-management legal services, responding quickly to the needs of our corporate clients.

In addition, we cooperate with experts such as law firms around the world, and we are also developing our own global service capability.

Support Process

Organize a team that best fits individual cases (respond quickly to complex and diverse domestic cases, cross-border deals and also cross-sector projects)



Specific suggestions of roadmaps for the rapid realization of restoration of the client's corporate value



Complete and comprehensive support for the realization process



Continue support for client sustainability

3 Viewpoints to Create Corporate Value for the Client

#1 BVR> Business Value **Restoration**

#2 BVC> Business Value **Creation**

#3 BVP> Business Value **Protection**

Provide seamless, comprehensive legal solutions





Corporate Risk Management - Service Lines

Risk Management

- Scandal and fraud investigation services
- External investigations and third party committee services
- Comprehensive risk management support services
- Risk support advisory services
- Risk support public relations services
- Authorities' inquiries and investigation response support services (including responses to the Japanese version of plea bargaining)
- Risk management support services for domestic and overseas subsidiaries
- Corporate criminal law services (responses to criminal cases, including complaints and accusations)
- Cyber security and personal data breach response services

Japanese Version of Plea Bargaining Response Support Services

- Flow and system building support services dedicated to the Japanese version of plea bargaining
- Training services to respond to the Japanese version of plea bargaining

Other services

- Preparation for general meetings of shareholders
- Corporate governance support services (external directors and auditors)
- A variety of industry regulation compliance support services

Risk Management and Compliance during Normal Times

- Compliance framework development support services
- Global compliance support services
- Compliance training services
- Compliance due diligence services
- Industry risk diagnostic services
- Whistle-blowing system development and operation support services
- Whistle-blowing system external reporting services and incident analysis services



Other Criminal Judicial Matters - Outline

Quick response: From the very start, a lawyer from our Criminal Law Team will respond directly by telephone.

Speed is essential in criminal defense.

Our Firm's lawyers include former public prosecutors, as well as lawyers with abundant experience in criminal defense (non-prosecution, acquittal and conviction on a lesser charge by lay judge panel, acquittal after appellate reversal, and maintaining innocence in a serious incident in an appeal hearing, etc.), who can immediately analyze the movements and intentions of the investigators, explain the outlook of the incident and develop an effective response policy in an easy to understand manner, and who strive for high quality defense activities in line with the client's intentions.

We also provide far-seeing advice prior to the commencement of a criminal case in anticipation of the recent implementation of the Japanese version of plea bargaining.

Practice Area 1: Corporate Criminal Case

We respond to inquiries and investigations based on the movements and intentions of the regulatory authorities (police, prosecutors, Securities and Exchange Surveillance Commission (SESC), and the Investigation Department of the Regional Taxation Bureau, etc.).

Practice Area 2: Criminal Defense

We also respond to white collar matters such as a violation of the Financial Instruments and Exchange Act, tax evasion, bribery and breach of trust, and special cases such as lay judge cases and appeals.

Members from Diverse Backgrounds

- Appropriate analysis based on work experience on the investigation side and the regulatory authority side
- Sharing knowledge and experience of professional and advanced criminal defense

.....> *We accumulate different knowledge to formulate policies, divide roles and take action.*

Other Criminal Judicial Matters - Service Lines and Case Trends

Service Lines

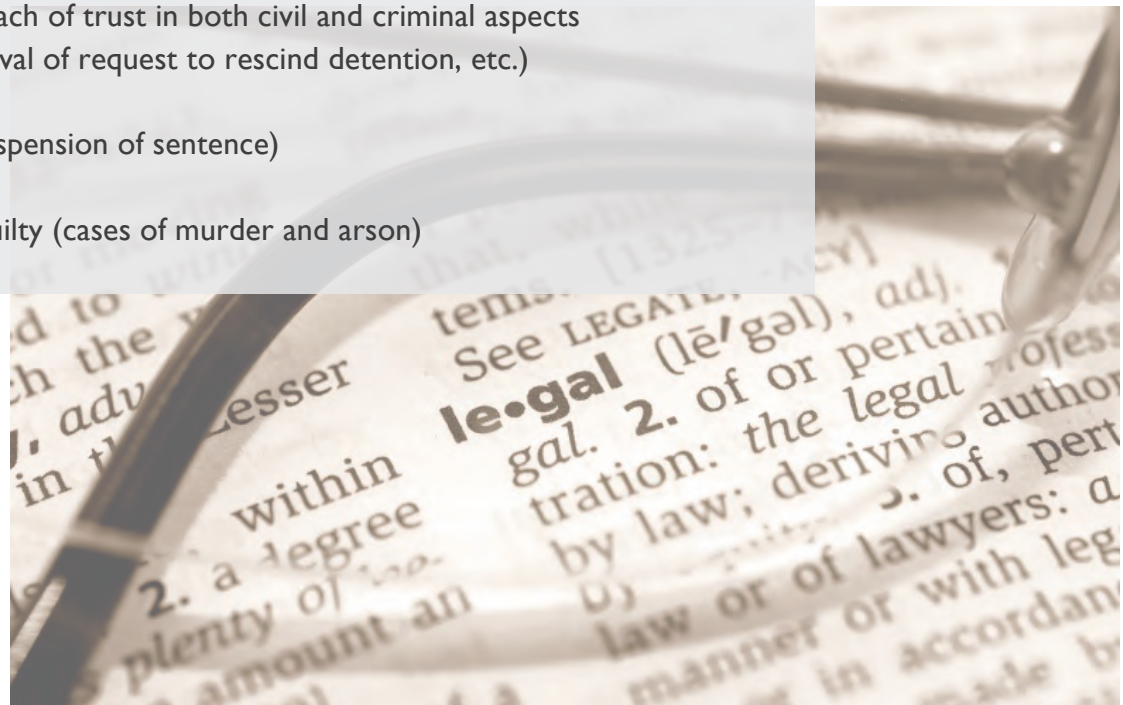
Including among many others:

- Client company support when a corporate criminal case occurs or is suspected
- Dealing with corporate crime and white collar crime, and a variety of cases of criminal defense
- Pursuing liability/ responding to accusations in relation to fraudulent transactions, embezzlement and breach of trust by employees and other damages of crimes
- Responding to civil disputes that arise in relation to criminal cases such as user responsibility and shareholder damages claims

Case Trends

Including among many others:

- Responding mainly to cases of economic fraud, embezzlement and breach of trust in both civil and criminal aspects
- General criminal cases (cases of dismissal of detention requests, approval of request to rescind detention, etc.)
- Traffic accident fatalities (denial, and release without indictment)
- Trial by lay judge panel (acquittal, conviction on a lesser charge and suspension of sentence)
- Acquittal after appellate reversal
- Dismissal of an appeal by a prosecutor of a first trial decision of not-guilty (cases of murder and arson)



Contacting us - Tokyo Head Office



Atsumi & Sakai

Address:

Fukoku Seimei Bldg. (Reception: 16F)
2-2-2 Uchisaiwaicho, Chiyoda-ku, Tokyo 100-0011 Japan
Tel: +81-(0)3-5501-2111
Fax: +81-(0)3-5501-2211
Contact: Masataka Hayakawa (Partner)
E-mail: rmpg_bvr@aplav.jp (Corporate Risk Management)
rmpg_wcc@aplav.jp (Other Criminal Judicial Matters)

Access:

Train

Shimbashi Station (Yamanote Line and Keihin Tohoku Line)
- 6 minutes walk from the Hibiya Exit

Subway

Uchisaiwaicho Station (Toei Mita Line)
- Directly connected via Exit #A6

Kasumigaseki Station (Chiyoda Line and Hibiya Line)
- 3 minutes walk from Exit #C4

Kasumigaseki Station (Marunouchi Line)
- 5 minutes walk from Exit #B2



LEGAL NOTICES

1. ABOUT ATSUMI & SAKAI

Atsumi & Sakai is a partnership consisting of Atsumi & Sakai Legal Professional Corporation, a Japanese professional corporation, a foreign law joint venture under the Act on Special Measures Concerning the Handling of Legal Services by Foreign Lawyers with certain Registered Foreign Lawyers of our firm, a Japanese Civil Code partnership among Japanese lawyers, represented by Yutaka Sakai, a lawyer admitted in Japan, and a foreign law joint venture with Janssen Foreign Law Office, represented by Markus Janssen, a foreign lawyer registered in Japan to advise on the laws of the Federal Republic of Germany. In addition to lawyers admitted in Japan, our firm includes foreign lawyers registered in Japan to advise on the laws of the US States of New York and California, the People's Republic of China, Taiwan, India, England and Wales, and the State of Queensland, Australia. Foreign lawyers registered in Japan to advise on state laws also are qualified to provide advice in Japan on the federal laws of their respective jurisdictions.

Atsumi & Sakai has established an office in London operating as Atsumi & Sakai Europe Limited (a company incorporated in England and Wales (No: 09389892); sole director Naoki Kanehisa, a lawyer admitted in Japan), and has established an office in New York operating as Atsumi & Sakai New York LLP (a limited liability partnership established in New York; managing partner Bonnie L. Dixon, a lawyer admitted in New York and a Registered Foreign Lawyer in Japan). We also have an office in Frankfurt operating as Atsumi Sakai Janssen Rechtsanwalts- und Steuerberatungsgesellschaft mbH, a German legal and tax advisory professional corporation (local managing director: Frank Becker, a lawyer admitted in the Federal Republic of Germany).

2. LEGAL ADVICE

Japanese legal advice provided by Atsumi & Sakai and our global offices is provided by lawyers admitted in Japan. Advice provided in Tokyo in respect of any foreign law on which one of our foreign lawyers is registered in Japan to advise, may be provided by such a Registered Foreign Lawyer. None of Atsumi & Sakai Legal Professional Corporation, Atsumi & Sakai Europe Limited or Mr. Naoki Kanehisa is regulated by the Solicitors Regulation Authority for England and Wales, and none will undertake any reserved legal activity as defined in the United Kingdom Legal Services Act 2007. Advice provided in Germany on the laws of Germany will be provided by a lawyer admitted in Germany, and advice provided in New York on the laws of New York will be provided by a lawyer admitted in New York.