Finance, Trade and Development

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On my first day at the Ministry of Foreign Affairs (MOFA), my first placement during my year in Japan, I was led to a big open room buzzing with activity, and a huge binder of information about the Economic Partnership Section was plunked on my desk with a big thud. When I sat down at my desk, my first thought was "What have I gotten myself into?" After a year of preparation—studying Japanese history, culture, economics, covering the walls of my apartment with *kanji* post-its, obsessively reading Japanese newspaper articles and checking blogs about daily life in Japan—it was really happening, and I had a moment of panic that I wasn't up to the task and that it would be a colossal failure. My stated objective as a Mansfield Fellow was "to gain a firsthand understanding of the Japanese approach to legal analysis, negotiation and conflict resolution with particular emphasis on international trade policy." But in order to do that, I needed to win over the trust of my new colleagues, and find a way to contribute to their work in a productive, meaningful way. The trick would be to find a way of becoming a useful part of the team by learning how to think like a Japanese civil servant, to the extent possible, and show them my commitment to this goal. But how?

Ministry of Foreign Affairs. For my MOFA *aisatsu*, then, I gave the usual self-introduction and deviated from the script a bit to explain that I didn't want to be considered as a guest or an outsider, but as a co-worker. To their credit, the civil servants at MOFA did an *amazing* job at making me feel welcome and integrating me into the work that they were carrying out, but it took some effort before I could warrant this treatment.

During the course of my first month in the Ministry of Foreign Affairs, I was assigned three large research projects and I assisted in various small projects for ongoing negotiations with other countries. The first project involved a comparison of different countries' approaches to temporary immigration of skilled workers pursuant to the terms of bilateral agreements. I was given to understand that this was a pressing issue in Japan because of the labor shortage combined with the aging population. I amassed and condensed a large amount of information on the topic and created a slide presentation in Japanese to explain my findings.

I was very nervous on the day I had to make the presentation, but the audience (consisting mostly of people from other MOFA sections) seemed very appreciative of the research and presentation of information, and they asked very insightful questions. I was particularly gratified that they asked me to give the same presentation again to representatives of other agencies, including the Ministry of Health, Labour and Welfare.

During the question-and-answer session of the second presentation, I was hoping to generate a brainstorming session, with people providing input about what aspects of other countries' programs would be adaptable to Japan. It was a bit frustrating because it seemed that the only contribution anyone wanted to make was to say why none of these alternatives would work in the context of Japan. My Deputy Section Chief told me not to worry because the real value was helping move the discussion forward by having someone not in MOFA explain possible solutions. It was then that I realized that I could be useful in a way that I had not expected. First, I could gather tons of information in English in a short period of time and condense it into a presentation in Japanese, saving my co-workers time. Second, I could help them in their dealings with other sections or ministries in presenting support for their perspective, yet in a neutral way.

All in all, I was extremely grateful to everyone at MOFA for their patience and willingness to incorporate me into their work. In the process, I gained invaluable insight into how Japanese approach trade policy and internal operations of the ministry. And made some good friends in the process!

Japan's Judicial System. I followed my MOFA placement with a placement at the Ministry of Economy, Trade and Industry. Having observed the two key executive-side agencies involved in trade negotiations, I then set about observing the Japanese judicial system. I started by observing classes at the Legal Research and Training Institute, which teaches graduates of universities and graduate-level law schools who have passed the bar exam the procedural aspects of litigation.

After observing the training, I moved on to the Tokyo High Court for a two-week placement. I was lucky to be able to observe all kinds of hearings and oral arguments, sitting off to the side of the judges. Prior to each case, I was given the briefs and record documents, and I prepared for the hearing by reading through the district court decision and other relevant documents.

While at Tokyo High Court, I noticed several important differences between the U.S. and Japanese system, including the nature of the cases. Given the right to appeal

and the de novo standard of review, the high court often deals with what would be considered "trivial" cases in appellate courts in the U.S., which tend to focus more upon larger issues of law rather than factual disputes. The hearings were often very short and involved matters that in the U.S. would be handled by motions and orders, but in the end, it seemed that justice was being carried out in a fair and impartial way, and that's the most important thing.

My final placement was at the Tokyo District Court's Settlement Division, where I observed individual briefings on courtroom procedure, various lectures for judges, and two to three settlement negotiations per day in the court's Arbitration Section and Commercial Section. Although the cases were difficult, I was extremely grateful to the judges because, after each hearing, the judge would explain and discuss the case and how he or she viewed the likely outcome.

Post-Fellowship Experiences. After returning to the United States, I resumed my job litigating international trade cases at the Department of Justice, but was promoted to a Senior Trial Counsel with added responsibilities of representing the Department in inter-department discussions involving international trade policy. I have recently taken a new job at the Federal Trade Commission's Office of International Affairs, where I put all the skills I learned in Japan to use almost constantly. In my new job as Counsel for International Consumer Protection, I am continually interacting and negotiating with foreign counterparts in international settings. I often make presentations synthesizing our approach to consumer protection issues such as data privacy and electronic commerce. One week, I made presentations at the Department of State to a delegation visiting from Japan interested in revisions to our Children's Online Privacy Protection Act, as well as our enforcement of cases involving spam e-mail. What made things go smoothly was interacting with them in between presentations and during lunch, even though my Japanese is a bit rusty. I look forward to working with my Japanese counterparts and I am extremely grateful to the Mansfield Foundation for enabling me to make productive contributions to U.S.-Japan relations.

Michael Panzera participated in the Mike Mansfield Fellowship Program as a representative of the U.S. Department of Justice from 2007–2009. During his Fellowship year in Japan, he served in full-time placements in the Ministry of Economy, Trade and Industry (METI), Ministry of Foreign Affairs (MOFA), Tokyo District Court, and Tokyo High Court. He currently serves as counsel for international consumer protection in the office of International Affairs at the Federal Trade Commission.