

# Report From the Trenches: Getting Business Done in Japan

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OUTSIDE North America, Japan is the United States' largest trading partner. Naturally, there is plenty of litigation between Japanese and American businesses as a consequence. At least some of this litigation involves Japanese witnesses who, for whatever reason, refuse to travel to the United States to have their depositions taken here. Some of those witnesses reside in the environs of Tokyo and may be deposed there on American soil, i.e. within the U.S. Embassy compound. How does an American business person work effectively in Japan? What pitfalls are likely to be encountered along the way? Is there any chance for the traveling worker to enjoy the experience? After making two extended visits to Tokyo in 1999 to depose witnesses there, I will here attempt to answer these questions.

## Setting up in Tokyo

Because we (my client's Japanese-American business consultant, the court reporter and me, the deposition taker) were loaded down with multiple copies of each intended deposition exhibit, all the reference materials and supplies we thought we might need, as well as laptop computers and several changes of clothes, compounded by our fatigue from 12 1/2 hours in the air, we were not about to seek out an airport bus. Instead, despite our trepidations about the cost, we hailed a taxicab to take us to our hotel.

The first thing we noticed about Tokyo, from that cab, is how urbanized it all is. This is a city filled with commercial edifices, the exteriors of most of which can be described generally as gray, whatever the construction material or design. Ribbons of slow-moving elevated freeways, also gray wind in and around these structures. On a cloudy day, it is quite difficult to determine where modern Tokyo stops and the sky starts. Not surprisingly, most of the commerce of the city occurs underground or in several fluorescent flare-ups in the otherwise ashen world which is Tokyo. (Those flare-ups are similar to Times Square or Downtown Las Vegas.)

Our taxi tour set us back more than \$200! The only good news is we did not need to tip the cab driver, Indeed, in Japan tipping is verboten. As we later learned, however, such graciousness does not always get in the way of economic self-interest!

While there are a number of fine hotels in Tokyo, just two of them lie in close proximity to the U.S. Embassy, that is within walking distance of it. The closest, just across the street from the Embassy, is the Okura Hotel. It is located at 2-10-4 Toranomon, Minato-ku, Tokyo 105-0001 (telephone: (03) 3582-0111, facsimile: (03) 3582-3707). The Okura is considered the Waldorf Astoria of Tokyo. It is among the most prestigious hotels there. In addition to hosting us deposition takers, among its other guests during our recent trip was a "Buy Minnesota" delegation, headed by Governor Jesse Ventura. If this does not prove that the Okura is a special place, then the collection of idling chauffeur-driven shiny black Rolls Royces, Mercedes 600's, BMW 750's and Presidents (a Japanese Infiniti Q45) stacked up on the hotel's circular driveway put it over the top. Notwithstanding this reputation, the Okura Hotel is physically nowhere near as elegant as the Waldorf Astoria. It has a slightly Danish modern look and feel, probably owing to its post-war construction and, that there apparently has been no refurbishing ever since.

In contrast, the ANA Hotel (like the airline, but pronounced "ahna" in Japan) is a bright, sparkling new edifice with a distinctly Marriott-type look and feel. It was built as part of an urban renewal project that replaced short gray buildings with tall gray buildings. It is located at 12-33, Akasaka 1-chome, Minato-ku, Tokyo 107-0052 (telephone 03-3505-1111, facsimile 03-3505-1155). Like a Marriott, it draws a more business, than society, crowd. On the face of it, the ANA seems the better value, at a price normally some \$100 less per day than the Okura. In neither hotel is tipping permitted. However, at the Okura, an additional ten percent gratuity charge is tacked onto the bill -

- effectively prepaid tipping. The ANA is slightly further from the Embassy, about a ten minute walk, but on the whole better for us than the Okura..

The fact that there is no tipping, at least on a transaction-by-transaction basis, did somewhat emancipate us. We had bellmen hauling boxes, delivering messages between rooms, seemingly endless faxes from the office at the front desk and food, plus following elaborate instructions to ship our boxes back to the U.S. and deliver our baggage to the airport limousine upon our departure.

Both the ANA and Okura have other amenities not normally found in American hotels. In addition to providing service at our beck and call, both offered all the toiletries one could need on the road, including razor, toothpaste, toothbrush, comb, as well as the more routine toiletries we encounter in hotels here. Both also provided bathrobes, as well as nemakis (light-weight "sleeping robes") and flip flops -- both terry cloth and leather. One of our witnesses came in from Kyoto for his deposition, and apparently aware of all the amenities hotels in Tokyo provide, he brought just a fresh shirt and change of underwear in a shopping bag. Everything else would be provided by the hotel. Perhaps the neatest thing for me in both hotels was something quite simple, an instant hot water machine. Thus, green tea, other types of tea, and instant coffee (for others) were essentially on tap..

Because the hotels were our office away from home, it was also important to get to know the business centers there. In this respect, the ANA also seemed superior to the Okura, if only because its hours of operation extended further into the evening. We also found the personnel at the ANA somewhat more accommodating than their counterparts at the Okura, although its business facilities are somewhat larger than the ANA's.

#### Getting by in Japan

The first obstacle there is the language. But, much to our surprise, Japanese includes a lot of English. While I was adding "u" or "o" endings to many English words to see if they would fly (for example, "suupu" is "soup"), it is still a good idea to purchase a good pocket dictionary. As it happens, there are many more such dictionaries available in Japan than in the U.S. A few real Japanese words do go a long way, as most people in Japan speak little English (outside the hotels, that is).

As for food, within two or three blocks of the Embassy were dozens of restaurants where one could eat "Japanese" fast food during the one hour each day we were exiled. Virtually every office building in Tokyo has a lower level which is jammed with dozens of "slots," which contain restaurants, supplies stores, photo developing stores, as well as other businesses. Perhaps the advantage of each restaurant occupying such a small space is that it is required to specialize. We could dine one day at a noodle restaurant, another day at a tempura restaurant, another day at an eel restaurant, another day at a chicken restaurant, another day at a sushi restaurant, yet another day at a yakitori restaurant, with plenty of Chinese restaurants sprinkled into the mix.

Regarding food in Tokyo generally, costs are not much higher than they are in big cities in the U.S. -- at times even lower. For example, lunches in Tokyo virtually never exceeded 1000 yen (about \$9.50) per person. For reasons that we could only guess, 1000 yen proved to be the price point for lunches. From modest, dark little holes in the wall to big brightly lit modern restaurants, at lunchtime at least, all offered full meal selections for 1000 yen or less.

Dinner is another matter, as are hotel restaurants. Hotel restaurants are generally much more expensive. It is not difficult to find restaurants at the Okura Hotel and the ANA Hotel where the fare will exceed \$100 per person per meal, even for rather pedestrian fare. However, out in the city, like in big cities in the U.S., there are all kinds of restaurants at all kinds of prices. Dinners generally cost us between \$25-\$50 per person, frequently for excellent food.

We actually encountered no bad restaurants in Tokyo. All were clean and tidy (at least from our perspective) and offered a variety of food combinations, often aesthetically presented (frequently previewed by plastic look-alike models). Therefore, we did not really need a Frommer's Guide for "Restaurants in Tokyo," as we repeatedly stumbled into good, if nondescript, ones. Also, convenience stores (which are referred to in Japanese as "CVS," which is short for "convenience store"), such as 7-Eleven, AM-PM, Apple Mart, Family Mart and Lawson's, offer the full range of yogurt, juices and similar snacks for about the same price they would be available in the U.S., although some also offer "fresh" sushi and dim sum for the daring. Of course, the labels on prepackaged Japanese food products are in Japanese, so it also can be somewhat risky making the right purchasing decision for these products.

Laundry is worth a word. Because the hotels' laundry prices are prohibitive (T-shirt \$5.00, socks \$3.00 -- more than their cost new), one day I decided to set out on foot for a laundry near the hotel with an over-the-shoulder bag stuffed to the top with underwear and socks. Before I could get even one word out, the one employee there who spoke English said, "We do not wash underwear and socks." I asked her if she had x-ray vision. Then, I confessed that was indeed what was in my bag. The woman told me it was illegal for Japanese laundries to wash underwear and socks, but apparently not hotel laundries (to wash underwear and socks). Be prepared then to succumb to the hotels' ridiculous prices or plan to use the retractable clothes line in the shower and do your own. I confess I did. After seeing women washing clothes in Africa by beating on rocks, I figured it couldn't be too difficult to do it myself. At least I had hot water.

We did not have all that much free time, but what little time I had, I used to travel in the environs of Tokyo, as well as outside Tokyo. For example, I visited the so called "old city" of Kyoto. Kyoto was a major disappointment, because while it does have a number of old shrines, temples, and other antiquities within it, it is a somewhat tired-looking modern city with no particular aesthetic appeal. The ancient venues are actually quite isolated from the city itself, not unlike the Taj Mahal is from the city of Agra, or the way oil droplets rest on a pool of water.

One interesting side trip I took was to Nikko. This is an ancient city, near a national park, that is located some three hours from Tokyo. It can be seen in a long one-day pre-packaged tour. Nikko does feel more like I thought Japan would feel. First, it is the home of one of the oldest shrines in Japan -- the Toshogu Shrine, which, among other things, features the very first representation of the "hear no evil, speak no evil, see no evil" monkeys (carved in wood there). Also, in early November, when I was there, it was a crisp fall day. It was breathtaking then to see the rolling hills blanketed by multi-colored leaves preparing to fall from their host trees. Nikko also has a wonderful set of meandering waterfalls, of the type from which miniatures are made and stuffed into tiny spaces in urban Tokyo. All in all, Nikko was a side trip worth taking.

As for Tokyo itself, while there are several obligatory shrines, the most excitement emanates from several commercial areas. They feature electronic equipment (Akihabara), clothing and souvenirs (Ginza and Ometesando), and nightlife (Roppongi and Shinjuku). As for any air of ancient Japan, there is precious little of that in Tokyo. All in all, as a major capital of the world, Tokyo has little to offer a tourist and not much to offer a business traveler beyond excellent hotel service.

Notwithstanding my overall observations, there are some small points in Tokyo which do bring a smile. Despite the merger of cement, concrete, steel and stone, which all but blanket the city, here and there fissures, such as a 20 inch by 20 foot "setback" between a building and the sidewalk, are made to replicate nature. One such venue that I walked by every day contained a waterfall and babbling brook (with recirculating water) -- very tranquil, given what its creator had to work with and the skyscrapers that surrounded it.

Our mood was not improved any by the economic environment into which we were immersed. Japan's economy continues to slide, at least as of today. The same hard-working, industrious people that made it boom in the late 1980's and early 1990's seem to be working just as hard now, but have less to show for it. The average Japanese middle-management executive, or "salaryman," as he is labeled, catches the 5:30 a.m. train from his compact suburban residence to begin work at 8:00 a.m. He then labors all day until about 6:00 p.m., joins his fellow employees or clients for dinner, drinks, then more drinks. The executive then staggers home on the 11:30 p.m. train and finally hits the sack after 2:00 a.m. -- only to arise again less than three hours later for the new day to start again.

One day years ago, one of my partners came into my office and announced that he felt much better than he had for years because he had just given up smoking and drinking. I lamented to him that I neither smoked nor drank, but still felt lousy. What was I going to do to feel better? The Japanese are in a similar spot. What can they do now to promote their economy, when they have been doing all they could to promote their economy before?

One might think that since America has "won" this economic war, we, the winners, could smugly descend into Tokyo and derive some pleasure out of it. But we were surrounded by bewilderment and abject humility on an hourly basis. We began to wish we could do something to make these Japanese a happier lot. We certainly did not wish to heap any more misery on them, except for our witnesses, of course. Nor did we wish for our hosts to make us glum either.

But inevitably, the malaise of the Japanese proved infectious and we began to share their collective depression. Perhaps to punctuate this all, one day in November the deposition began late because defendant's check interpreter was delayed. When he arrived, breathless, after 30 minutes, he apologized that a passenger had

jumped to his death off his inbound train. That had delayed the train, he explained. When I expressed shock, the translator responded, "Oh, this is nothing new. I take the fastest commuter train into Tokyo and jumpers prefer it because it leads to their certain death. In fact, the trains have become quite unreliable because we now see more of these jumpers than we used to."

All in all, we were more than ready to pack up and leave Japan when the depositions were concluded in late November. Still, while walking to the last day of deposition, after it had rained the night before, leaves from the few trees overhanging the Embassy wall were strewn over the sidewalk. I had never taken any particular notice of these leaves before, but on this last day of depositions, I pondered them. They were gingko leaves, not maple, not oak, not sycamore, but gingko! Many of the few trees left in Tokyo drop delicate, fan-like gingko leaves. Suddenly, a rush came over me; I now clearly realized the subtle beauty of Japan. All the small things that the Japanese work so hard to get right came together and lifted me to a higher place. Tokyo may not have been such a sad place for a lone deposition taker after all.

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