

MIWA SHODA, Partner

Miwa Shoda (her Japanese bio is [here](#)) is Co-Chair of Jenner & Block's Japan Practice. She is admitted to practice law both in Japan and the United States. Drawing on her extensive practice experience in both countries, deep understanding of Japanese business culture and language skills, Ms. Shoda has significant experience representing Japanese companies in litigation and transactional/corporate matters in the US. A Certified Information Privacy Professional (CIPP/US), Ms. Shoda is a partner in the firm's Data Privacy and Cybersecurity Practice, as well as its Patent Litigation and Counseling Practice.

After Ms. Shoda passed the Japanese bar exam in 2001 (a period in which the passing rate was only 2.5%), she began her career in 2004 as an attorney at Mori Hamada & Matsumoto, one of the top law firms in Japan. While there, she handled a wide range of international cases and matters, with particular emphasis on international litigation, privacy and data protection, intellectual property, and antitrust.

Since she joined Jenner & Block in 2009, Ms. Shoda has advised Japanese companies on a variety of legal matters – including litigation, M&A, corporate, intellectual property, privacy and data protection, antitrust and white-collar defense – across the United States. She plays a leading role in most matters in which Jenner & Block represents Japanese companies. In addition, she often acts as outside general counsel for US subsidiaries of Japanese companies which don't have legal departments and advises them on most of their legal issues.

A wide variety of Japanese companies conducting business worldwide seek Ms. Shoda's advice, including major electronics and electrical equipment manufacturing companies, multinational industry machinery manufacturers, banks and financial institutions, multinational trading companies (both sogo shosha and senmon shosha), a leading clinical development contract research organization, pharmaceutical and biopharmaceutical companies, video game developers and distribution companies, food companies, a major airline company, various retail companies, a major advertising and public relations company, and an AI-related software developer, among others.

Ms. Shoda's extensive practice experience in both Japan and the US is highly appreciated by Japanese clients who face legal issues in the US, where the legal system and business culture differ vastly from that of Japan.

Litigation, Arbitration, Dispute Matters

Ms. Shoda has significant experience representing Japanese companies in various commercial litigation, arbitration and disputes in both federal and state courts across the United States, including California, New York, Illinois, Pennsylvania, Washington and Hawaii, and many arbitration associations including ICDR, AAA and JAMS. Types of cases she handles include:

- Various types of complex commercial contract disputes arising out of manufacture and supply contracts, construction and engineering contracts,



MIWA SHODA Partner

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PRACTICE GROUPS

Antitrust and Competition Law

Corporate

Data Privacy and Cybersecurity

Intellectual Property

ITC Section 337

Japan Practice

Litigation

Patent Litigation and Counseling

EDUCATION

University of Chicago Law School, LL.M.,
2008

University of Tokyo, Graduate Schools for
Law and Politics, LL.M., 2003

University of Tokyo, LL.B., 2001

ADMISSIONS

Japan (inactive), 2004

California, 2009

New York, 2009

research and development agreements of clinical studies, and contracts with the federal and state government, among others.

- Lawsuits and disputes arising out of M&A and other corporate and/or real estate transactions, including affirmative fraud claims, representation and warranty breach claims, a purchase price adjustment dispute and a series of employment disputes with former executives.
- Tort claims, including various product liability cases.
- Class actions, including multi-district class actions and employment-related class actions.

M&A and Corporate Counseling

Ms. Shoda has represented various Japanese companies in many types of corporate transactions, including M&A, joint venture, and real estate transaction, among others. Her recent representations include:

- A biotechnology company in its \$800 million acquisition of a global life sciences company and medical media provider.
- A ceramics and electronics manufacturer in its \$900 million acquisition of a manufacturing company.
- An industry components manufacturing company in its proposed joint venture with a company that manufactures and sells steel wheels.
- A well-known Japanese airline company in the restructuring of a significant aspect of its US operations.
- A Japanese company in the food and beverage industry on various corporate matters, including employment matters.

Patents and Other Intellectual Property

Many Japanese companies in various industries seek Ms. Shoda's representation and counseling on intellectual matters, including patent litigation, patent and know-how licensing, DMCA subpoenas and trademark issues. Her patent litigation experience includes those in popular district courts such as Central District of California, Northern District of California, Eastern District of Texas, and District of Delaware, and she has significant experience representing Japanese companies in both non-NPE and NPE patent litigation.

Privacy and Data Protection

Before becoming a lawyer, Ms. Shoda received a Master of Laws degree in privacy from the University of Tokyo Graduate Schools. Drawing on her deep knowledge of privacy and data protection, she quickly became well-known in the subject area when she started practicing law in Japan in 2004. Her dedication to the subject has continued since she moved to the United States. As a Certified Information Privacy Professional (CIPP/US), many Japanese companies seek her advice on privacy and data protection concerns and initiatives, including developing privacy programs and data incident response.

Antitrust, FCPA and White-Collar Matters

Mr. Shoda has significant experience representing Japanese companies in internal investigations, government investigations, including by the DOJ and FTC, and various related litigation including class actions involving antitrust, FCPA and other white-collar issues. She also regularly serves as an outside receiver of whistleblower reports involving US subsidiaries of Japanese companies.

Ms. Shoda is admitted to practice law in Japan (currently inactive), California and New York. Ms. Shoda was born and raised in Japan and completed her legal education in both Japan and the United States (University of Chicago Law School, LL.M.; University of Tokyo Graduate Schools for Law and Politics, Master of Laws; and University of Tokyo,

Bachelor of Laws). Her native language is Japanese, and she is fluent in English.

Award

- *Los Angeles Business Journal*
Qualified Nominee, Women's Leadership Awards - 2021

Service To The Bar

- Japan Federation of Bar Association (inactive)
- Inter-Pacific Bar Association
- American Bar Association
- Japanese American Bar Association
- Los Angeles County Bar Association

Publications

- Trade Secret Update: Key Developments and Issues to Watch in Trade Secret Law | Spring 2021 Update, March 24, 2021
- "Post-Merger Integration High-Level Checklist for Japan-U.S. M&A Transactions," Jenner & Block and Kitahama Partners, August 24, 2020
- Co-Author, "Attacking Corruption at Its Source: The DOJ's Recent Efforts to Prosecute Bribe-Taking Foreign Officials," *The California International Law Journal*, Summer 2015
- "Recent Update on Important Patent Cases in the U.S. Supreme Court," *The Lawyers*, June 2014
- Co-author, "Handbook of Performers' Right of Publicity," *Center for Performers' Rights Administration*, 2008
- Co-author, "Structure of Material Facts - Intellectual Property (Unfair Competition Prevention Law)," *Dai-Ich Hoki Co., Ltd.*, 2008
- Co-author, "Summary and The Practice of The Personal Information Protection Law," *Zeimu Kenkyukai Publishing Co., Ltd.*, 2005
- Co-author, "Corporate Practice On The Personal Information Protection Law – Guidance and FAQ," *Shinnippon Hoki Publishing Co., Ltd.*, 2005

Speaking Engagements

- "Current Status of U.S. Privacy Laws and California Consumer Privacy Act," joint seminar with Mori Hamada & Matsumoto, Tokyo, Japan, February 2019
- "U.S. Antitrust Law Tackles New Technologies and Business Models," Fronteo, Tokyo, Japan, November 2018
- "U.S. Litigation Practices – Comparing with the Practices in Japan," Japan Business Association of Southern California, Los Angeles, CA, December 2017
- "US Intellectual Property Law Update," Japan In-House Counsel Network, Tokyo, Japan, October 2017

- “Trade Secrets, Lessons Learned,” Fronteo, Tokyo, Japan, February 2017
- “FCPA Updates – Recent Cases, Compliance Program,” Japan Business Association of Southern California, Los Angeles, CA, May 2015
- “How to Prepare and Deal With Trade Secret Misappropriation,” JETRO (Japan External Trade Organization) and Japan Chamber of Commerce of Northern California, San Mateo, CA, November 2014
- “Trade Secret Misappropriation in the U.S. and Japan,” JETRO (Japan External Trade Organization) and Japan Business Association of Southern California, Los Angeles, CA, July 2014
- “Effective Compliance Program Management,” Japan In-House Counsel Network, Tokyo, Japan, May 2014
- “Attorney-Client Privilege and Role of In-House Counsel,” Daiichi-Tokyo Bar Association and the State Bar of California International Law Section, Tokyo, Japan, March 2014
- “2013 View: U.S. Litigation and Arbitration,” Ji2, Tokyo, Japan, October 2013
- “Intellectual Property and FCPA in M&A Context,” Osaka Bar Association and the State Bar of California International Law Section, Osaka, Japan, March 2014