

# Act on Special Measures concerning the Handling of Legal Services by Foreign Lawyers

(Act No. 66 of May 23, 1986)

## Chapter I General Provisions

(Purpose)

Article 1 The purposes of this Act are to ensure the stability of international legal relations and to contribute to the improvement of the handling of legal services concerning Japanese laws in foreign states, by taking special measures opening the way whereby a person who has the qualification to become a foreign lawyer can handle legal services concerning foreign laws in Japan, and regulating such handling of legal services in the same manner as in the case of an attorney at law.

(Definitions)

Article 2 In this Act, the meaning of the terms listed in the following items shall be as prescribed respectively in those items;

- (i) attorney at law; this shall mean an attorney at law under the provisions of the Attorney Act (Act No. 205 of 1949).
- (i)-2 legal professional corporation; this shall mean a legal professional corporation under the provisions of the Attorney Act.
- (ii) foreign lawyer; this shall mean a person whose professional duties are to provide legal services as a practice in a foreign state (in the case of a federal states stipulated by Ordinance of the Ministry of Justice, the term "foreign state" shall mean its constituent unit such as a state, territory and others stipulated by Ordinance of the Ministry of Justice; the same shall apply hereinafter) and who is equivalent to an attorney at law.
- (iii) registered foreign lawyer; this shall mean a person who has obtained approval under the provisions of Article 7 and has obtained registration in the Roll under the provisions of Article 24.
- (iv) state of primary qualification; this shall mean the foreign state where a person who has obtained approval under the provisions of Article 7 acquired the qualification to become a foreign lawyer which served as the basis for such approval.
- (v) laws of the state of primary qualification; this shall mean the laws which are or were effective in the state of primary qualification.
- (vi) legal services concerning the laws of the state of primary qualification; this shall mean legal services regarding a legal case all or a major part to which

- the laws of the state of primary qualification apply or should be applied.
- (vii) specified foreign state; this shall mean a specified foreign state other than the state of primary qualification.
  - (viii) laws of a specified foreign state; this shall mean the laws which are or were effective in a specified foreign state.
  - (ix) designated laws; this shall mean the laws of a specified foreign state as to which a person who has obtained approval under the provisions of Article 7 is designated under the provisions of paragraph (1) of Article 16.
  - (x) legal services concerning the designated laws; this shall mean legal services regarding a legal case all or a major part to which the designated laws apply or should be applied.
  - (xi) international arbitration case; this shall mean a civil arbitration case which is conducted in Japan and in which all or part of the parties are persons who have an address or a principal office or head office in a foreign state.
  - (xii) Japan Federation of Bar Associations; this shall mean the Japan Federation of Bar Associations under the provisions of the Attorney Act.
  - (xiii) bar association; this shall mean a bar association under the provisions of the Attorney Act.
  - (xiv) in Japan; this shall mean "in the place where this Act is enforced."
  - (xv) foreign law joint enterprise; this shall mean an enterprise jointly operated by a registered foreign lawyer and an attorney at law or a legal professional corporation under a partnership contract or other continuous contract for the purpose of providing legal services.

## **Chapter II Professional Duties of a Registered Foreign Lawyer**

(Professional Duties)

- Article 3 (1) The professional duties of a registered foreign lawyer shall be to provide legal services concerning the laws of the state of primary qualification at the request of a party or other person concerned, or appointment by a public agency; provided, however, that this shall not apply to provide the provision of the following legal services;
- (i) representation regarding procedures before a court, public prosecutor's office or other public agency in Japan, or the preparation of documents to be submitted to any such agency regarding such procedures.
  - (ii) activities as a defense counsel in a criminal case, or activities as an attendant in a juvenile protection case or legal assistance in a case in connection with a request for the examination of extraditability of a fugitive criminal.
  - (iii) giving an expert opinion or other legal opinion regarding the interpretation

or the application of laws other than the laws of the state of primary qualification.

- (iv) services of procedural documents for a court or administrative agency of a foreign state
  - (v) representation in asking (a notary public) to prepare a notarized deed under item (v) of Article 22 of the Civil Execution Act (Act No. 4 of 1979).
  - (vi) representation or the preparation of documents (excluding written expert opinions; hereinafter the same shall apply in this Article) regarding a legal case whose primary purpose is the acquisition or relinquishment or amendment of rights concerning real property located in Japan or of industrial property rights, mining rights or other rights established by registration thereof with an administrative agency in Japan or rights related to such rights (hereinafter referred to as "Industrial Property Rights, etc.")
- (2) Even when the legal services are such that a registered foreign lawyer may provide within the scope of his/her professional duties under the provisions of the preceding paragraph, he/she shall be required to provide them jointly with an attorney at law, or after receiving written advice from an attorney at law, regarding the following matters;
- (i) representation or the preparation of documents regarding a legal case other than a legal case mentioned in item (vi) of the preceding paragraph, the purpose of which is the acquisition or relinquishment or amendment of rights concerning real property located in Japan or Industrial Property Rights, etc.
  - (ii) representation or the preparation of documents regarding a legal case concerning family relations in which a Japanese national is involved as a party.
  - (iii) representation or the preparation of documents regarding a legal case concerning a will or a gift on donor's death regarding an asset located in Japan and owned by a person who resides in Japan or a legal case concerning the division of the estate, or administration of the estate, or other matters of inheritance regarding an asset located in Japan and owned by a person who resided in Japan at the time of death, and in which a Japanese national is involved as a party.

(Prohibition against handling legal services outside the scope of professional duties)

Article 4 A registered foreign lawyer shall not provide any legal services exceeding the scope of the professional duties under the provisions of paragraph (1) of the preceding Article.

(Legal services concerning the designated laws)

Article 5 (1) A registered foreign lawyer may, notwithstanding the provisions of

the preceding Article, provide legal services concerning the designated laws if he/she has been granted such designation under the provisions of paragraph (1) of Article 16 and has been granted the supplementary note registration of designated laws under the provisions of paragraph (1) of Article 34; provided, however, that this shall not apply to the legal services listed in items (i), (ii) and (iv) to (vi) of paragraph (1) of Article 3, nor to giving an expert opinion or otherwise rendering a legal opinion regarding the interpretation or the application of laws other than the designated laws.

(2) The provisions of paragraph (2) of Article 3 shall apply mutatis mutandis regarding cases where a registered foreign lawyer provides legal services concerning the designated laws under the provisions of the preceding paragraph.

(Legal services concerning the laws of a specified foreign state other than the legal services concerning the designated law)

Article 5-2 (1) A registered foreign lawyer may, notwithstanding the provisions of Article 4, provide legal services concerning the laws of a specified foreign state other than legal services concerning the designated laws (this shall mean legal services regarding a legal case all or a major part to which the laws of the specified foreign state (so-called "third state laws") apply or should be applied; hereinafter in this Article and item (iv) of Article 63 referred to as "legal services concerning the laws of the specified foreign state"), if he/she does so according to a written advice received from any of the persons listed as follows; provided, however, that this shall not apply to the legal services listed in items (i), (ii) and (iv) to (vi) of paragraph (1) of Article 3, nor to giving an expert opinion or otherwise rendering a legal opinion regarding the interpretation or the application of laws other than the laws of the specified foreign state;

(i) a person who is a foreign lawyer in the specified foreign state to which the laws of the specified foreign state pertain (excluding a person who is a registered foreign lawyer) and is engaged in practice providing legal services concerning the laws of the specified foreign state on the basis of the qualification to become a foreign lawyer (excluding a person who is employed and is providing services in Japan, based on his/her knowledge concerning foreign laws).

(ii) a person who is a registered foreign lawyer and for whom the laws of the state of primary qualification or the designated laws are the laws of the specified foreign state.

(2) The provisions of paragraph (2) of Article 3 shall apply mutatis mutandis regarding cases where a registered foreign lawyer provides legal services concerning the laws of the specified foreign state under the provisions of the preceding paragraph.

(Representation regarding the procedures for an international arbitration case)  
Article 5-3 A registered foreign lawyer may, notwithstanding the provisions of Article 3 to the preceding Article, perform representation regarding the procedures for an international arbitration case (including the procedures for settlement resulting from an international arbitration case; the same in Article 58-2).

(Applications mutatis mutandis of Attorney Act)  
Article 6 (1) The provisions of Articles 1 and 2 of the Attorney Act shall apply mutatis mutandis to a registered foreign lawyer.  
(2) The provisions of Article 72 of the Attorney Act shall not apply to a registered foreign lawyer.

### **Chapter III Qualification to Become a Registered Foreign Lawyer**

#### **Section 1 Approval by the Minister of Justice**

(Qualification to become a Registered Foreign Lawyer)  
Article 7 A person who has the qualification to become a foreign lawyer may be qualified to become a registered foreign lawyer only when he/she has obtained approval from the Minister of Justice.

(Grounds for the disqualification)  
Article 8 The provisions of Article 7 of the Attorney Act shall apply mutatis mutandis with respect to the qualification of a registered foreign lawyer.

(Application for approval)  
Article 9 (1) A person who intends to obtain approval under the provisions of Article 7 (hereinafter referred to as the "approval") shall submit, to the Minister of Justice, a written application for approval which contains his/her name, date of birth, nationality, address, date of acquisition of qualification to become a foreign lawyer, name of the foreign state in which he/she acquired such qualification (in the next Article referred to as the "state of acquisition of qualification"), his/her title as such foreign lawyer and such other matters as are stipulated by Ordinance of the Ministry of Justice.  
(2) The written application for approval set forth in the preceding paragraph shall be accompanied by documents satisfying the acquisition of qualification to become a foreign lawyer, documents verifying that all the standards set forth in each item of paragraph (1) of the next Article are met, and other documents stipulated by the Ordinance of the Ministry of Justice.  
(3) A person who intends to obtain approval shall pay a fee in an amount

stipulated by Cabinet Order taking actual expenses into consideration.

(Standards for the approval)

Article 10 (1) The Minister of Justice may not give the approval to a person who makes an application under the provisions of paragraph (1) of the preceding Article (hereinafter referred to as the "applicant for approval") unless he/she satisfies the standards listed below;

- (i) he/she has the qualification to become a foreign lawyer and has the experience of having performed professional duties as a foreign lawyer in the state of acquisition of qualification for three years or more after acquiring qualification (including the experience of a foreign lawyer in the state of acquisition of qualification, of having engaged in the practice of providing legal services, in a foreign state other than the state of acquisition of qualification, concerning the laws of the state of acquisition of qualification on the basis of the qualification to become a foreign lawyer).
- (ii) he/she does not fall under any one of the following categories:
  - (a) a person who has been sentenced to a punishment under foreign laws or regulations which is equivalent to imprisonment without work or heavier penalties.
  - (b) a person who has been given a court decision under foreign laws or regulations which is equivalent to a decision of dismissal by the Impeachment Court.
  - (c) a person who has been disciplined by a punishment under foreign laws or regulations which is equivalent to a disciplinary action prescribed provided in item (iii) of Article 7 of the Attorney Act, in cases where three years have not passed after the first date of that punishment.
  - (d) a person who is similarly treated under foreign laws or regulations, as the adult ward, a person under curatorship or a bankrupt who has not been restored rights.
- (iii) he/she has the will to perform professional duties faithfully and has a plan, residence and financial basis for performing professional duties properly and surely and also has the ability to compensate for damages which he/she may cause to clients.

(2) In cases where a person who has the qualification to become a foreign lawyer was in the employment of a attorney at law, a legal professional corporation or a registered foreign lawyer in Japan after he/she acquired such qualification, the provision of his/her services to the attorney at law, the legal professional corporation or to the registered foreign lawyer, based on his/her knowledge concerning the laws of the state of acquisition of qualification, shall be deemed to be experience of having performed professional duties as a foreign lawyer in the state of acquisition of qualification, to the extent of one year in total,

regarding the application of the provisions of item (i) of the preceding paragraph.

- (3) In cases where an applicant for approval satisfies the standards set forth in all the items of paragraph (1), the Minister of Justice may not give the approval unless any one of the following circumstances exists;
- (i) in cases where a person who has the qualification to become an attorney at law receives in the foreign state mentioned in item (i) of paragraph (1) substantially equivalent treatment as accorded by this Act.
  - (ii) in the event that a person who has the qualification to become an attorney at law does not receive in the foreign state mentioned in item (i) of paragraph (1) substantially equivalent treatment as accorded by this Act, in cases where the non-approval on this ground violates the sincere implementation of treaties or other international agreements.
- (4) The Minister of Justice shall in case of the approval, ask in advance for the opinion of the Japan Federation of Bar Associations.

(Public notices of the approval)

Article 11 (1) When the Minister of Justice has given approval, the Minister of Justice shall, without delay, notify in writing the applicant for the approval and the Japan Federation of Bar Associations to that effect and make a public notice in the Official Gazette.

- (2) The approval shall be come into effect as from the date of the public notice provided by the preceding paragraph.

(Nullification of the approval)

Article 12 In cases where a person who has obtained the approval does not make the request under the provisions of paragraph (1) of Article 25 within six months from the day following the date of the public notice under the provisions of paragraph (1) of the preceding Article, or within six months from the day following the date of rescission of the registration upon his/her request under the provisions of Article 29, the approval shall cease to be effective.

(Reports)

Article 13 (1) The Minister of Justice may, when he/she believes it necessary, demand, from a person who has obtained approval, the submission of reports or relevant materials on the matters pertaining to the standards set forth in any of the items of paragraph (1) of Article 10 or on the matters concerning the treatment given in the state of primary qualification to a person who has the qualification to become an attorney at law.

- (2) The Minister of Justice may, when he/she believes it necessary for the handling of affairs concerning the approval, refer to any public office or public

or private organization and request information on necessary matters.

(Rescission of approval)

- Article 14 (1) The Minister of Justice shall, if a person who has obtained approval falls under any of the following items, rescind the approval;
- (i) if he/she has lost the qualification to become a foreign lawyer in the state of primary qualification.
  - (ii) if he/she falls under any of the items of Article 7 of the Attorney Act (except item (ii)) applied mutatis mutandis pursuant to Article 8 of the Act.
  - (iii) if his/her registration has been refused pursuant to the provision of Article 26.
  - (iv) if his/her registration has been rescinded pursuant to the provision of paragraph (2) of Article 30.
- (2) The Minister of Justice may, if a person who has obtained the approval falls under any of the following items, rescind the approval:
- (i) if it is found that such person has made a false statement regarding an important matter or failed to state an important fact in the written application for the approval under paragraph (1) of Article 9 or in an attached document thereto under paragraph (2) of the same Article.
  - (ii) if such person no longer satisfies the standards set forth in item (ii) of paragraph (1) of Article 10.
  - (iii) if such rescission is unavoidable to prevent losses which there is a reasonable possibility clients of such person may suffer, due to the marked deterioration of the practice or financial condition.
  - (iv) if such person has failed to submit reports or materials under paragraph (1) of the preceding Article, or submitted a false report or materials, on the matters pertaining to the standards set forth in each item of paragraph (1) of Article 10.
- (3) In cases where circumstances arise listed any one of the following items after the approval, the Minister of Justice may rescind the approval of those persons who have obtained approval with regard to the state set forth in any of the items as the state of primary qualification.
- (i) In cases where a person who has the qualification to be an attorney at law has become no longer eligible to receive substantially equivalent treatment as accorded by this Act in a foreign state, and to rescind of the approval on this ground does not violate the sincere implementation of treaties or other international agreements.
  - (ii) In cases where a person who has the qualification to be an attorney at law has not been granted substantially equivalent treatment as accorded by this Act in a foreign state, and to rescind of the approval on this ground becomes no longer violation of the sincere implementation of treaties or other

international agreements.

- (4) The provisions of paragraph (4) of Article 10 and Article 11 shall apply mutatis mutandis to the rescission of the approval under the provisions of the preceding three paragraphs.

Article 15 Deleted

## **Section 2 Designation of the Laws of a Specified Foreign State**

(Designation)

Article 16 (1) In cases where a person who has obtained approval falls under any one of the following items, the Minister of Justice may designate the laws of a specified foreign state for such person;

- (i) if such person has the qualification to become a foreign lawyer of the specified foreign state.
- (ii) when such person has the same level of knowledge in regard to the laws of a specified foreign state as a person who has the qualification to become a foreign lawyer of that state and has five or more years of practicing experience of legal services concerning such laws.

(2) The provisions of paragraph (4) of Article 10 and Article 11 shall apply mutatis mutandis to the designation under the provisions of the preceding paragraph.

(Application for designation)

Article 17 (1) In cases where a person who has obtained the approval desires to receive the designation under the provisions of paragraph (1) of the preceding Article (hereinafter referred to as the "designation"), such person shall submit to the Minister of Justice a written application for designation.

(2) The written application for the designation provided in the preceding paragraph shall be accompanied by documents verifying that such person falls under one of the conditions set forth in each item of paragraph (1) of the preceding Article, and other documents stipulated by Ordinance of the Ministry of Justice.

(3) A person who intends to obtain the designation shall pay a fee in an amount stipulated by Cabinet Order taking actual expenses into consideration.

(Nullification of the designation)

Article 18 In cases where the approval loses its effect or is rescinded, the designation shall lose its effect. It shall also lose its effect in cases where a person who has had obtained the designation does not make the request under the provisions of paragraph (1) of Article 33 within six months from the day

following the date of the public notice under the provisions of paragraph (1) of Article 11 applied mutatis mutandis pursuant to the provisions of paragraph (2) of Article 16.

(Reports)

Article 19 (1) The Minister of Justice may, when he/she deems it necessary, demand from a person who has received designation, the submission of reports or relevant materials on the matters pertaining to the conditions set forth in each item of paragraph (1) of Article 16.

(2) The provisions of paragraph (2) of Article 13 shall apply mutatis mutandis to the handling of affairs concerning the designation.

(Rescission of designation)

Article 20 (1) The Minister of Justice shall, if a person with the designation has lost the qualification provided for in item (i) of paragraph (1) of Article 16, rescind the designation.

(2) The Minister of Justice may, if a person with the designation falls under any one of the following items, rescind the designation;

(i) if it is found that such person has made a false statement regarding an important matter or failed to state an important fact in the written application for the designation under paragraph (1) of Article 17 or in an attached document thereto under paragraph (2) of the same Article.

(ii) if such person has failed to submit reports or relevant materials under paragraph (1) of the preceding Article or submitted a false report or materials.

(3) The provisions of paragraph (4) of Article 10 and Article 11 shall apply mutatis mutandis to the rescission of the designation under the provisions of the preceding two paragraphs.

## **Chapter IV Registration, Practice and Supervision of a Registered Foreign Lawyer**

### **Section 1 General Provisions**

(Purposes of Bar Associations and the Japan Federation of Bar Associations)

Article 21 A registered foreign lawyer shall be deemed to be an attorney at law for purposes of the application of the provisions of paragraph (1) of Article 31, Article 41 and paragraph (2) of Article 42 of the Attorney Act (including the cases where it is applied mutatis mutandis pursuant to the provisions of Article 50 of the said Act) and also paragraph (2) of Article 45, Article 48 and Article 49 of the said Act.

(Special provisions of matters listed in the Articles of Association of Bar Associations)

Article 22 The articles of association of bar associations shall set forth the following matters listed in accordance with the Articles of Association of the Japan Federation of Bar Associations, in addition to those listed in each item of paragraph (2) of Article 33 of the Attorney Act;

- (i) matters listed in items (iii), (iv), (xv) and (xvi) of paragraph (2) of Article 33 of the Attorney Act concerning registered foreign lawyers.
- (ii) provisions concerning the enforcement of discipline against a registered foreign lawyer.
- (iii) provisions concerning the recommendation of a registered foreign lawyer to a public agency or others.
- (iv) provisions concerning the mediation of disputes concerning the performance of professional duties of a registered foreign lawyer.
- (v) provisions concerning a request for disciplinary action against a registered foreign lawyer.
- (vi) provisions concerning the notification to engage in profit-making business by a registered foreign lawyer and provisions concerning the Roll of Registered Foreign Lawyers Engaged in Profit-Making Business.
- (vii) other necessary provisions concerning a registered foreign lawyer.

(Special provisions to be included in the Articles of Association of the Japan Federation of Bar Associations)

Article 23 The Articles of Association of the Japan Federation of Bar Associations shall set forth the following matters, in addition to those listed in each item of paragraph (2) of Article 46 of the Attorney Act;

- (i) matters listed in items (i) to (iii) of the preceding Article.
- (ii) provisions concerning registration, change of registration and rescission of registration in the Roll of Registered Foreign Lawyers.
- (iii) provisions concerning the Registered Foreign Lawyers Registration Screening Board.
- (iv) provisions concerning the disciplinary action of a registered foreign lawyer, Registered Foreign Lawyers Disciplinary Actions Committee and the Registered Foreign Lawyers Discipline Enforcement Committee.
- (v) other necessary provisions concerning a registered foreign lawyer.

## **Section 2 Registration of Registered Foreign Lawyers**

### **Subsection 1 Roll of Registered Foreign Lawyers**

(Registration)

Article 24 (1) A person who has the qualification to become a registered foreign

lawyer shall be required to obtain registration of his/her name, date of birth, nationality, name of the state of primary qualification, address in Japan, office, name of the bar association to which he/she belongs and other matters stipulated by the Articles of Association of the Japan Federation of Bar Associations, in the Roll of Registered Foreign Lawyers kept by the Japan Federation of Bar Associations, in order to be a registered foreign lawyer.

(2) Registration in the Roll of Registered Foreign Lawyers shall be made by the Japan Federation of Bar Associations.

(Requests for the registration)

Article 25 (1) A person who intends to obtain registration under the provisions of the preceding Article (hereinafter referred to as the "registration") shall submit, to the Japan Federation of Bar Associations through the bar association which he/she intends to join, a written request for registration.

(2) The written request for the registration mentioned in the preceding paragraph shall include statements on the following matters listed in below and shall be accompanied by documents verifying that he/she has the qualification to become a registered foreign lawyer and other documents stipulated by the Articles of Association of the Japan Federation of Bar Associations;

(i) the matters to be registered.

(ii) the date on which approval was obtained.

(iii) honors and punishments, if any, which he/she has received as a foreign lawyer, and evaluation of his/her career of professional duties as a foreign lawyer by the regulatory organ for his/her professional duties.

(iv) other matters stipulated by the Articles of Association of the Japan Federation of Bar Associations.

(3) The bar association which has received the submission of a written request for the registration mentioned in paragraph (1) shall promptly transmit it to the Japan Federation of Bar Associations.

(4) The bar association mentioned in the preceding paragraph may express its opinions to the Japan Federation of Bar Associations as regards the request for the registration under the provisions of paragraph (1) (hereinafter referred to as the "request for registration").

(Refusal of the registration)

Article 26 In cases where there is a reasonable possibility that a person requesting the registration would damage the order or reputation of the bar association or the Japan Federation of Bar Associations, or where he/she falls under any of the following items and there is a reasonable possibility that it would be inappropriate to permit him/her to perform professional duties as a

registered foreign lawyer, the Japan Federation of Bar Associations may refuse his/her registration, based on resolution of the Registered Foreign Lawyers Registration Screening Board;

- (i) if the person is mentally or physically handicapped.
- (ii) if the person who was subject to the disciplinary action stipulated in item (iii) of Article 7 of the Attorney Act which applies mutatis mutandis pursuant to the provisions of Article 8, has requested after three years from the date of the disciplinary action.

(Notice concerning registration)

Article 27 In cases where the Japan Federation of Bar Associations has received a request for registration, it shall notify in writing the person who requested for the registration, the bar association which has transmitted it and the Minister of Justice to the effect that his/her registration has been made, or that it has been refused stating the reason for refusal.

(Requests for transfer of the registration)

Article 28 (1) In cases where a registered foreign lawyer intends to change the bar association to which he/she belongs, he/she shall submit a written request for the change of the registration to the Japan Federation of Bar Associations through the bar association to which he/she intends to be admitted anew.

(2) When a registered foreign lawyer makes a request for the change of registration under the provisions of the preceding paragraph (hereinafter referred to as the "request for change of the registration"), he/she shall report it to the bar association to which he/she belongs.

(3) The provisions of paragraphs (3) and (4) of Article 25 and the preceding two Articles shall apply mutatis mutandis to the request for change of the registration.

(Request for rescission of the registration)

Article 29 In cases where a registered foreign lawyer intends to terminate his/her practice, he/she shall request the rescission of his/her registration, to the Japan Federation of Bar Associations through the bar association to which he/she belongs.

(Rescission of the registration)

Article 30 (1) The Japan Federation of Bar Associations shall rescind the registration of a registered foreign lawyer when he/she falls under any of the following items:

- (i) if he/she falls under any of the items (except item (ii)) of Article 7 of the Attorney Act which applies mutatis mutandis pursuant to the provision of

Article 8 of this Act.

- (ii) if he/she requests the rescission of the registration pursuant to the provision of the preceding Article.
  - (iii) if he/she has received an order to withdraw from the bar association.
  - (iv) if the approval has been rescinded due to item (i) of paragraph (1) or any one of the items of paragraph (2) of Article 14, or pursuant to the provisions of paragraph (3) of the same Article.
  - (v) if he/she has died.
- (2) The Japan Federation of Bar Associations may rescind the registration of a registered foreign lawyer, based on the resolution of the Registered Foreign Lawyers Registration Screening Board, in cases where he/she has made a false statement regarding any of the matters mentioned in each item of Article 26, there is a reasonable possibility that he/she may be unfit to perform professional duties as a registered foreign lawyer by mental or physical handicap, or he/she has violated the provisions of Article 48.
- (3) In cases where the Japan Federation of Bar Associations has rescinded the registration pursuant to the provisions of items (i) to (iv) of paragraph (1) or of the preceding paragraph, it shall notify in writing the registered foreign lawyer concerned, the bar association to which he/she belonged until then and the Minister of Justice, to that effect, stating the reasons of the rescission.

(Reporting the grounds for the rescission of the registration)

Article 31 In cases where a bar association finds that there are grounds for rescinding the registration of a registered foreign lawyer who belongs to it, it shall report such fact promptly to the Japan Federation of Bar Associations.

(Public announcements of the registration)

Article 32 In cases where the Japan Federation of Bar Associations has effected the registration, change of the registration or rescission of the registration, it shall promptly make public notice of such fact in the Official Gazette.

(Request for the supplementary note registration of designated law)

- Article 33 (1) In cases where a registered foreign lawyer intends to have the supplementary note registration of the designated laws to his/her registration, he/she shall submit a written request for the supplementary note registration of the designated laws to the Japan Federation of Bar Associations through the bar association to which he/she belongs.
- (2) The written request for the supplementary note registration of the designated laws mentioned in the preceding paragraph shall include statements on the matters stipulated by the Articles of Association of the Japan Federation of Bar Associations and it shall be attached by document verifying that the

designation has been made.

- (3) The provisions of paragraph (3) of Article 25 shall apply mutatis mutandis to the transmission of the written request for the supplementary note registration of the designated law mentioned in paragraph (1).

(Supplementary note registration of designated laws)

Article 34 (1) The Japan Federation of Bar Associations shall, upon receipt of request under the provisions of the preceding Article, promptly register the designated laws concerned as a supplementary note to registration of the registered foreign lawyer concerned.

- (2) The provisions of Article 27 shall apply mutatis mutandis in the case supplementary note registration under the provisions of the preceding paragraph.

(Cancellation of the supplementary note registration of designated laws)

Article 35 The Japan Federation of Bar Associations shall cancel the supplementary note registration of the designated laws concerned in cases where the registration has been rescinded.

(Public announcements of the supplementary note registration of the designated laws)

Article 36 The provisions of Article 32 shall apply mutatis mutandis to the supplementary note registration of designated laws and the cancellation of supplementary note registration.

## **Subsection 2 Registered Foreign Lawyers Registration Screening Board**

(Establishment)

Article 37 (1) A Registered Foreign Lawyers Registration Screening Board shall be established within the Japan Federation of Bar Associations.

- (2) The Registered Foreign Lawyers Registration Screening Board shall, upon request of the Japan Federation of Bar Associations, conduct necessary examination concerning requests for the registration of registered foreign lawyers, requests for changes of registration, requests for rescissions of registration under the provisions of Article 29 and requests for rescission of registration under the provisions of paragraph (2) of Article 30, with respect to registered foreign lawyers.

(Organization)

Article 38 (1) The Registered Foreign Lawyers Registration Screening Board

shall be composed of a Chairperson and thirteen members.

- (2) The Chairperson shall be nominated by the President of the Japan Federation of Bar Associations from the Vice-Presidents of the Japan Federation of Bar Associations.
- (3) The President of the Japan Federation of Bar Associations shall appoint eight members from attorneys at law, one member respectively from judges, public prosecutors and persons with relevant knowledge and experience (in total three), and two members from government officials, provided, however, that the member who is a judge, a public prosecutor or a government official shall be appointed based on the recommendation of the Supreme Court, the Prosecutor General or the Minister of Justice respectively, and the other members shall be appointed on the decision of such organ of the Japan Federation of Bar Associations as stipulated by the Articles of Association of the Japan Federation of Bar Associations.
- (4) The term of office of a member shall be two years, provided, however, that the term of office of a member appointed to fill a vacancy shall be the remaining period of office of his/her predecessor.
- (5) The Registered Foreign Lawyers Registration Screening Board shall have thirteen reserve members.
- (6) The provisions of paragraphs (3) and (4) above and paragraph (3) of Article 53 of the Attorney Act shall apply mutatis mutandis to the reserve members mentioned in the preceding paragraph.
- (7) The provisions of Article 54 of the Attorney Act shall apply mutatis mutandis to the chairperson of the Registered Foreign Lawyers Registration Screening Board and the provisions of paragraph (2) of the same Article shall apply to the members and reserve members of the Registered Foreign Lawyers Registration Screening Board.

(Procedure of the examination)

- Article 39 (1) The provisions of paragraph (1) of Article 55 of the Attorney Act shall apply mutatis mutandis to the procedure of the examination conducted by the Registered Foreign Lawyers Registration Screening Board.
- (2) In cases where the Registered Foreign Lawyers Registration Screening Board resolves the refusal of a request for registration or a request for change of the registration or the approval of cancellation of the registration under the provisions of paragraph (2) of Article 30, it shall notify the party concerned to that effect in advance and give him/her an opportunity to defend and submit relevant materials on the matter.

### **Subsection 3 Admission to and Withdrawal from Bar Association and the Japan Federation of Bar Associations**

(Admission to and withdrawal from a bar association and the Japan Federation of Bar Associations)

Article 40 (1) A person who has obtained registration shall join the bar association concerned and the Japan Federation of Bar Associations as of the time of his/her registration.

(2) A person who obtained change of his/her registration shall join the bar association concerned at the time of the change of his/her registration and shall withdraw from the bar association to which he/she belonged until then.

(3) A person who has obtained rescission of his/her registration by his/her request under the provisions of Article 29 shall withdraw from the bar association to which he/she belongs and the Japan Federation of Bar Associations at the time of the rescission.

Article 41 (1) In cases where bar associations are merged, a registered foreign lawyer who belongs to the bar association which is dissolved for the merger shall automatically be admitted to the bar association which continues to exist after the merger or is established by the merger.

(2) The provisions of paragraph (1) of Article 28 shall apply mutatis mutandis in the case referred to the preceding paragraph.

(Obligation to observe Articles of Association)

Article 42 A registered foreign lawyer shall be required to observe the provisions concerning registered foreign lawyer set forth in the articles of association of the bar association to which he/she belongs and of the Japan Federation of Bar Associations.

(Resolution right of a registered foreign lawyer)

Article 43 In cases where the bar association to which a registered foreign lawyer belongs or the Japan Federation of Bar Associations convenes a general meeting to deliberate on the establishment, revision or abolition of the articles of association, in regard to the matters listed in each item of Article 22 or Article 23, the registered foreign lawyer may attend such meeting, express his/her opinions and participate in the resolution.

### **Section 3 Rights and Obligations of a Registered Foreign Lawyer**

(Indication of qualification as a registered foreign lawyer)

Article 44 A registered foreign lawyer shall use the title of "Gaikokuho-Jimu-Bengoshi (registered foreign lawyer)" and append to such title the name of the state of primary qualification when he/she engages in practice.

(Registered Foreign Lawyer's office)

- Article 45 (1) The office of a registered foreign lawyer shall be named "Gaikokuho-Jimu-Bengoshi-Jimusho" (office of registered foreign lawyer(s)).
- (2) The name of the office of a registered foreign lawyer shall not include the name of any other individual or organization, provided, however, that a registered foreign lawyer may use the name of juridical person, partnership or other business entity of his/her state of primary qualification which has as its object the provision of legal services and to which he/she belongs (hereinafter referred to as the "business entity to which he/she belongs"), only in the following cases:
- (i) where there is no other registered foreign lawyer who uses the name of said business entity to which he/she belongs.
  - (ii) where he/she shares the office with another registered foreign lawyer who has already been using the name of said business entity to which he/she belongs.
- (3) Notwithstanding the provisions of the preceding two paragraphs, if he/she is employed by registered foreign lawyer, or attorney at law or legal professional corporation, a registered foreign lawyer may use the name of the office of said registered foreign lawyer, or attorney at law or legal professional corporation.
- (4) The office of a registered foreign lawyer shall be established within the district where the bar association to which he/she belongs is located.
- (5) A registered foreign lawyer may not establish more than one office, under any name, in Japan.

(Indication of the Laws of the state of primary qualification and of the designated laws)

- Article 46 (1) A registered foreign lawyer shall be required to display a sign indicating the laws of the state of primary qualification and designated laws at a place easily visible to the public inside his/her the office, pursuant to the provisions of the Articles of Association of the Japan Federation of Bar Associations.
- (2) Besides the display of a sign under the provisions of the preceding paragraph, necessary matters concerning the indication of the laws of the state of primary qualification and of designated laws shall be stipulated by the Articles of Association of the Japan Federation of Bar Associations.

(Use of the titles of a foreign lawyer)

- Article 47 (1) A registered foreign lawyer may, in practicing, use the title of a foreign lawyer in his/her state of primary qualification, only when he/she appends it to his/her title of registered foreign lawyer and the name of his/her

state of primary qualification.

- (2) A registered foreign lawyer may, in practicing, use the name of the business entity to which he/she belongs only when he/she uses it pursuant to the proviso of paragraph (2) of Article 45, and when he/she appends it to his/her name or the name of his/her office in cases listed in the items of the same paragraph.

(Duty to stay)

Article 48 (1) A registered foreign lawyer shall be required to stay in Japan for not less than a hundred and eighty days per year.

- (2) In cases where a registered foreign lawyer left Japan and was outside Japan due to his/her own or his/her relative's injury, illness or other unavoidable reasons, the period for which he/she is so outside Japan shall be deemed to be the period of his/her stay in Japan for purposes of the application of the provisions of the preceding paragraph.

(Prohibitions of business instructions in employment relations of the handling of legal services beyond the scope of competence)

Article 49 (1) A registered foreign lawyer who employs an attorney at law or registered foreign lawyer shall not give an order to an attorney at law or registered foreign lawyer whom he/she employs, based on employment relations, to handle legal services beyond the scope of practice permitted in Articles 3 and 5 to 5-3 (hereinafter referred to as "legal services beyond the scope of competence").

- (2) In cases where an attorney at law or registered foreign lawyer given an order in violation of the provisions set forth in the preceding paragraph participates in the practice of legal services beyond the scope of competence of the registered foreign lawyer who is his/her employer, he/she shall not be exempt from disciplinary action or other liability on the grounds that he/she has followed the order based on employment relations.
- (3) A registered foreign lawyer who employs an attorney at law or a registered foreign lawyer shall not be improperly involved in the handling of legal services which the attorney at law or registered foreign lawyer employed by the first registered foreign lawyer practices for himself/herself and which is beyond the scope of competence of the employer registered foreign lawyer, in addition to the prohibition provided in paragraph (1).

(Prohibition of improper involvement in a foreign law joint enterprise)

Article 49-2 A registered foreign lawyer who engages in a foreign law joint enterprise shall not be improperly involved in the legal services which the attorney at law himself/herself or the legal professional corporation itself of the joint enterprise practices and which is beyond the scope of competence of the

registered foreign lawyer.

(Notification of employment of an attorney at law and of the matters pertaining to a foreign law joint enterprise)

Article 49-3 (1) In cases where a registered foreign lawyer intends to employ an attorney at law or engage in a foreign law joint enterprise, he/she shall give notification in advance to the Japan Federation of Bar Associations of the matters listed below and such other matters as stipulated by the Articles of Association of the Japan Federation of Bar Associations. In this case, the documents stipulated by the Articles of Association of the Japan Federation of Bar Associations shall be attached;

(i) Name and office of the attorney at law to be employed;

(ii) Name or title and office of the attorney at law or legal professional corporation participating in the foreign law joint enterprise and the scope of the legal services to be practiced by that foreign law joint enterprise.

(2) The Japan Federation of Bar Associations shall, upon receipt of notification under the provisions of preceding paragraph, enter the matters so notified and set forth by the Articles of Association of the Japan Federation of Bar Associations as a supplementary note registration of the registered foreign lawyer concerned.

(3) In cases where the registered foreign lawyer who has made notification under the provisions of paragraph (1), intends to modify the scope of legal services to be provided by the foreign law joint enterprise or other important matters stipulated by the Articles of Association of the Japan Federation of Bar Associations pertaining to the notification, he/she shall notify in advance the Japan Federation of Bar Associations of such modification. In this case, the provision of the second sentence of the same paragraph shall apply *mutatis mutandis*.

(4) When a notification is made under the provisions of the preceding paragraph, the Japan Federation of Bar Associations shall modify, on the basis of the notification, the matters registered as a supplementary note registration of the registered foreign lawyer concerned, pursuant to the provision of paragraph (2).

(5) In cases where a registered foreign lawyer who had made the notification under the provisions of paragraph (1) has ceased to employ an attorney at law or to engage in a foreign law joint enterprise, he/she shall notify the Japan Federation of Bar Associations of the fact without delay.

(6) When a notification is made under the provisions of the preceding paragraph, the Japan Federation of Bar Associations shall delete the matters registered as a supplementary note the registration of the registered foreign lawyer concerned in accordance with the provisions of paragraph (2).

(7) When a notification is made under the provisions of paragraphs (1), (3) or (5),

the Japan Federation of Bar Associations shall notify the matters pertaining to the notification to the bar association to which the registered foreign lawyer concerned belongs and also the bar association to which the attorney at law pertaining to the employment or involvement in the foreign law joint enterprise or the legal professional corporation pertaining to foreign law joint enterprise belongs.

(Indication of "Gaikokuho-Kyodo-Jigyo" (foreign law joint enterprise))

Article 49-4 A registered foreign lawyer who has made a notification pertaining to the foreign law joint enterprise pursuant to the provision of paragraph (1) of the preceding Article shall add the statement that he/she engages in a foreign law joint enterprise and the title of the office of the attorney at law or legal professional corporation involved in pertaining to the foreign law joint enterprise concerned, to the name of his/her office, except when the words "Gaikokuho-Kyodo-Jigyo" (foreign law joint enterprise) are used in the title of the office pursuant to the provision of the next Article.

(Special provisions for the title of the office pertaining to a foreign law joint enterprise)

Article 49-5 Regarding the office of a registered foreign lawyer engaged in a foreign law joint enterprise, in cases where the registered foreign lawyer shares the office with an attorney at law or legal professional corporation in that foreign law joint enterprise (limited to principal office only, in the case of the legal professional corporation; hereinafter the same shall apply in this Article) and the scope of the legal services to be practiced under the foreign law joint enterprise is not limited and the title name of the office of the attorney at law or legal professional corporation contains the words "Gaikokuho-Kyodo-Jigyo" (foreign law joint enterprise), his/her office may use the same name as the title of the office, notwithstanding the provisions of paragraphs (1) and (2) of Article 45.

(Application mutatis mutandis of the Attorney Act)

Article 50 (1) The provisions of Articles 23 to 30 of the Attorney Act shall apply mutatis mutandis to a registered foreign lawyer. In this case, the words the "Roll of Attorneys at Law Engaged in Profit-Making Business" in paragraphs (2) and (4) of Article 30 of the same Act shall be deemed to be replaced with the "Roll of Registered Foreign Lawyers Engaged in Profit-Making Business."  
(2) The provisions of paragraph (2) of Article 74 of the Attorney Act shall not apply to a registered foreign lawyer.

#### **Section 4 Disciplinary Action of a Registered Foreign Lawyer**

### **Subsection 1 Disciplinary Action**

(Grounds for disciplinary action and the organ empowered to take disciplinary action)

Article 51 (1) A registered foreign lawyer shall be subject to disciplinary action in cases where he/she has violated this Act or any of the provisions of the articles of association of the bar association to which he/she belongs or of the Japan Federation of Bar Associations pertaining to a registered foreign lawyer, or has caused damage to the good order or reputation of the bar association to which he/she belongs or of the Japan Federation of Bar Associations, or has misbehaved himself/herself in such manner as impairing the dignity of a registered foreign lawyer, whether in performing his/her professional duties or otherwise.

(2) Disciplinary action shall be taken by the Japan Federation of Bar Associations, based on the resolution of the Registered Foreign Lawyers Disciplinary Actions Committee.

(Kinds of the disciplinary action)

Article 52 There shall be following four kinds of the disciplinary action;

- (i) admonition
- (ii) suspension of practice for not more than two years
- (iii) order to withdraw from the bar association
- (iv) disbarment

(Disciplinary procedure)

Article 53 (1) Any person who believes that there are grounds for disciplining a registered foreign lawyer may request the Japan Federation of Bar Associations to take disciplinary action, through the bar association to which the registered foreign lawyer concerned belongs, with the statement of such grounds.

(2) In cases where a bar association believes that there are grounds for disciplining a registered foreign lawyer who belongs to it or where there has been a request set forth in the preceding paragraph, it shall commence disciplinary procedure against the registered foreign lawyer and have the discipline enforcement committee investigate the case pursuant to the provision of paragraph (1) of Article 70 of the Attorney Act. If, the discipline enforcement committee deems it appropriate in order to discipline the registered foreign lawyer, the bar association shall request disciplinary action to the Japan Federation of Bar Associations, with the statement of the results of the examination by the discipline enforcement committee and its opinion.

(3) In cases where the Japan Federation of Bar Associations believes that there

are grounds for disciplining a registered foreign lawyer or where it has received a request set forth in paragraph (1), it shall commence disciplinary procedure against the registered foreign lawyer and have the Registered Foreign Lawyers Discipline Enforcement Committee investigate the case; provided, however, that this shall not apply if the examination set forth in the preceding paragraph has already been made on the same ground.

- (4) The Japan Federation of Bar Associations shall refer the matter to the Registered Foreign Lawyers Disciplinary Actions Committee for its investigation, if the Registered Foreign Lawyers Discipline Enforcement Committee has found after the examination set forth in the preceding paragraph that it would be appropriate to discipline a registered foreign lawyer or if the request under paragraph (2) has been made.
- (5) The discipline enforcement committee of a bar association and the Registered Foreign Lawyers Disciplinary Enforcement Committee may, if necessary for investigation, request the registered foreign lawyer subject to the disciplinary procedure or, the person who filed the request under paragraph (1) or, other relevant persons, government or public offices concerned and others to make a statement, explanation or submit relevant materials.
- (6) In case the Japan Federation of Bar Associations intends to discipline a registered foreign lawyer, it shall notify him/her in writing the details of the disciplinary action sought and the reason.
- (7) In case the Japan Federation of Bar Associations has taken disciplinary action against a registered foreign lawyer, it shall promptly make public notice of the details of the disciplinary action on the Official Gazette.
- (8) In cases where the Japan Federation of Bar Associations disciplines a registered foreign lawyer against whom the request pertaining to paragraph (1) or (2) is made or where it has decided not to discipline the registered foreign lawyer, it shall notify the person who has filed the request under paragraph (1) or the bar association which has filed the request under paragraph (2) to that effect.

(Application mutatis mutandis of the Attorney Act)

Article 54 The provisions of Article 62 of the Attorney Act shall apply mutatis mutandis to a registered foreign lawyer subject to disciplinary procedure and the provisions of Article 63 of the same Act shall apply mutatis mutandis to the disciplinary procedure for a registered foreign lawyer.

**Subsection 2 Registered Foreign Lawyers Disciplinary Actions  
Committee and Registered Foreign Lawyers Discipline Enforcement  
Committee**

(Establishment of Registered Foreign Lawyers Disciplinary Actions Committee)

- Article 55 (1) A Registered Foreign Lawyers Disciplinary Actions Committee shall be established within the Japan Federation of Bar Associations.
- (2) The Registered Foreign Lawyers Disciplinary Actions Committee shall, upon request of the Japan Federation of Bar Associations, conduct necessary examination concerning disciplinary action to be taken against a registered foreign lawyer.

(Organization)

- Article 56 (1) The Registered Foreign Lawyers Disciplinary Actions Committee shall be composed of fifteen members.
- (2) The President of the Japan Federation of Bar Associations shall appoint eight members from attorneys at law, six from judges, public prosecutors and government officials, with two from each category, and one from persons with relevant knowledge and experience; provided, however, that the members who are judges, public prosecutors or government officials shall be appointed based on the recommendation of the Supreme Court, the Prosecutor General or the Minister of Justice, respectively, and the other members, on the resolution of such organ of the Japan Federation of Bar Associations as stipulated by the Articles of Association of the Japan Federation of Bar Associations.
- (3) The Registered Foreign Lawyers Disciplinary Actions Committee shall have Chairperson, who shall be elected by vote from its members.
- (4) The provision of paragraph (4) of Article 38 shall apply mutatis mutandis to the term of office of the members of the Registered Foreign Lawyers Disciplinary Actions Committee.
- (5) The Registered Foreign Lawyers Disciplinary Actions Committee shall have fifteen reserve members.
- (6) The provisions of paragraph (2) above and paragraph (4) of Article 38 of this Act and paragraph (2) of Article 66-4 of the Attorney Act shall apply mutatis mutandis to the reserve members mentioned in the preceding paragraph. In this case, the term "the President of the bar association or the President of the Japan Federation of Bar Associations" in paragraph (2) of the same Article shall be deemed to be replaced with "the Chairperson."
- (7) The provisions of paragraph (4) of Article 66-2 of the Attorney Act shall apply mutatis mutandis to the Chairperson, members and reserve members of the Registered Foreign Lawyers Disciplinary Actions Committee, and the provisions of paragraphs (2) and (3) of Article 66-3 of the same Act shall apply mutatis mutandis to the Chairperson of the Registered Foreign Lawyers Disciplinary Actions Committee.

(Procedure for examination)

- Article 57 (1) In cases where the Registered Foreign Lawyers Disciplinary Actions Committee is requested to conduct examination, it shall designate the date of examination and promptly notify the registered foreign lawyer subject to the disciplinary procedure to that effect.
- (2) The registered foreign lawyer to be examined may appear and make a statement on the date of the examination. In this case, he/she shall be required to comply with the directions of the Chairperson.
- (3) The Registered Foreign Lawyers Disciplinary Action Committee may request the registered foreign lawyer subject to the disciplinary procedure, the person who has made the request under paragraph (1) of Article 53, the bar association which has made the request under paragraph (2) of the same Article, the relevant persons, government or public offices and others to make a statement or explanation or submit data if necessary for the examination.
- (4) The provisions of Articles 67-2 and 68 of the Attorney Act shall apply mutatis mutandis to the examination procedure of the Registered Foreign Lawyers Disciplinary Actions Committee.

(Establishments of Registered Foreign Lawyers Discipline Enforcement Committee)

- Article 58 (1) A Registered Foreign Lawyers Discipline Enforcement Committee shall be established within the Japan Federation of Bar Associations.
- (2) The Registered Foreign Lawyers Discipline Enforcement Committee shall conduct the investigations mentioned in paragraph (3) of Article 53.
- (3) The Registered Foreign Lawyers Discipline Enforcement Committee shall be composed of several members.
- (4) The members shall be appointed by the President of the Japan Federation of Bar Associations from attorneys at law, judges, public prosecutors, government officials and persons with relevant knowledge and experience; provided, however, that the members who are judges, public prosecutors or government officials shall be appointed based on the recommendation of the Supreme Court, the Prosecutor General or the Minister of Justice, respectively, and the other members, on the decision of such organ of the Japan Federation of Bar Associations as stipulated by the Articles of Association of the Japan Federation of Bar Associations.
- (5) The Registered Foreign Lawyers Discipline Enforcement Committee shall have a Chairperson, who shall be elected by vote from its members.
- (6) The provisions of paragraph (4) of Article 38 shall apply mutatis mutandis to the term of office of the members of the Registered Foreign Lawyers Discipline Enforcement Committee.
- (7) The Registered Foreign Lawyers Discipline Enforcement Committee shall

have several reserve members.

(8) The provisions of paragraph (4) above and paragraph (4) of Article 38 of this Act and paragraph (2) of Article 70-5 of the Attorney Act shall apply mutatis mutandis to the reserve members mentioned in the preceding paragraph. In this case, the term "the President of bar association or the President of the Japan Federation of Bar Associations" in paragraph (2) of the same Article shall be deemed to be replaced with "the Chairperson."

(9) The provisions of paragraph (4) of Article 70-3 of the Attorney Act shall apply mutatis mutandis to the Chairperson, members and reserve members of the Registered Foreign Lawyers Discipline Enforcement Committee, and the provisions of paragraphs (2) and (3) of Article 70-4 of the same Act shall apply mutatis mutandis to the Chairperson of the Registered Foreign Lawyers Discipline Enforcement Committee.

## **Chapter V Miscellaneous Provisions**

(Representation by a foreign lawyer in regard to the procedures for an international arbitration case)

Article 58-2 A person who is a foreign lawyer (excluding a person who is a registered foreign lawyer) and is engaged in legal services on the basis of the qualification to become the foreign lawyer in a foreign state (excluding a person who is employed and is providing services in Japan, based on his/her knowledge concerning foreign laws) may, notwithstanding the provision of Article 72 of the Attorney Act, represent in the procedures for an international arbitration case which he/she was requested to undertake or undertook in such foreign state, provided, however, that this shall not apply in the case where he/she is suspended from practicing by a disciplinary action under any act or regulation, etc. of a foreign state which corresponds to a disciplinary action prescribed in item (ii) of Article 52 of this Act or item (ii) of Article 57 of the Attorney Act.

(Exclusion from application of the Administrative Procedure Act)

Article 58-3 The provisions of Chapters II and III of the Administrative Procedure Act (Act No. 88 of 1993) shall not apply to dispositions made by the Japan Federation of Bar Associations and bar associations in accordance with this Act.

(Restriction of complaints)

Article 59 Any complaint under this Act concerning the Examination of Complaints regarding Administrative Dispositions (Act No. 160 of 1962) may not be filed in regard to proceeding by the Japan Federation of Bar

Associations under this Act.

(Filing of lawsuit)

Article 60 (1) A person whose registration has been refused under the provisions of Article 26, a person whose request for change of his/her registration has been refused pursuant to the provisions of Article 26 applied mutatis mutandis pursuant to paragraph (3) of Article 28, a person whose registration has been rescinded pursuant to the provisions of paragraph (2) of Article 30, or a person who is subject to disciplinary action pursuant to the provisions of Article 51, may file a suit with the Tokyo High Court for the rescission of such disposition.

(2) A person who has made a request for registration or for change of the registration may file a suit set forth in the preceding paragraph as if his/her registration or change of registration has been refused, in cases where the Japan Federation of Bar Associations does not make any disposition regarding his/her request within five months from the day following the date of his/her request.

(Prohibition of false representation by a person who is not a registered foreign lawyer)

Article 61 A person who is not a registered foreign lawyer shall not indicate that he/she is a registered foreign lawyer or that his/her office is "Gaikokuho-Jimubengoshi-Jimusho" (office of registered foreign lawyer).

(Delegation to Ordinance of the Ministry of Justice)

Article 62 In addition to the matters provided for in this Act, the procedures concerning approval and rescission thereof, and designation and rescission thereof and other matters necessary for the enforcement of the provisions of Chapter III shall be stipulated by Ordinance of the Ministry of Justice.

## **Chapter VI Penal Provisions**

Article 63 In cases where a registered foreign lawyer provides any of the legal services listed in the following items in connection with his/her practice, he/she shall be punished by imprisonment with work for not more than two years or a fine not more than 3,000,000 yen:

- (i) representation in regard to procedures of lawsuit (except a criminal case), a non-litigation case, a family court case, a civil execution case, a case involving civil preservation or other civil cases, in a court in Japan.
- (ii) representation in regard to procedures for a criminal case, activities in the capacity of a counsel in a criminal case, activities in the capacity of an attendant in a juvenile protection case, or legal assistance in a case in

connection with a request for the examination of extraditability of a fugitive criminal made with the court.

- (iii) representation in regard to procedures of a complaint against an administrative agency in Japan, such as filing of objections, or a demand for investigation.
- (iv) giving an expert opinion in writing in regard to the interpretation or application of laws which are or were effective in Japan (excluding treaties or other international laws which are the laws of the state of primary qualification or designated laws, or treaties or other international laws which are included in the laws of the specified foreign state in cases where he/she practices the legal services concerning the law of a specified foreign state pursuant to the provisions of paragraph (1) of Article 5-2).

Article 64 (1) A person who, by a fraudulent or other unjust means, has had the registration made in the Roll of Registered Foreign Lawyers or had the supplementary note registration of designated laws made in it, shall be punished by imprisonment with work for not more than two years or a fine not more than 1,000,000 yen.

(2) An attempt of the offenses mentioned in the preceding paragraph shall be punished.

Article 65 A person who violates the provision of Article 26 of the Attorney Act which applied *mutatis mutandis* pursuant to Article 50 of this Act shall be punished by imprisonment with work for not more than three years.

Article 66 A person who violates the provisions of Article 27 or 28 of the Attorney Act applied *mutatis mutandis* pursuant to Article 50 of this Act shall be punished by imprisonment with work for not more than two years or a fine not more than 3,000,000 yen.

Article 67 (1) In cases where a person who is or was a registered foreign lawyer divulges, without justifiable grounds, another person's secrecy which has come to his/her knowledge in the course of his/her practice, he/she shall be punished by imprisonment with work for not more than six months or a fine not more than 100,000 yen.

(2) The offense mentioned in the preceding paragraph shall be prosecuted only upon filing of complaint.

Article 68 A person who violates the provision of Article 61 shall be punished by a fine not more than 1,000,000 yen.