

外国弁護士による法律事務の取扱いに関する特別措置 法

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

(昭和六十一年五月二十三日法律第六十六号)

(Act No. 66 of May 23, 1986)

第一章 総則

Chapter I General Provisions

(目的)

(Purpose)

第一条 この法律は、外国弁護士となる資格を有する者が国内において外国法に関する法律事務を取り扱うことができるみちを開き、かつ、その法律事務の取扱いを弁護士の例に準じて規律する等の特別の措置を講ずることにより、渉外的法律関係の安定を図り、あわせて、外国における日本法に関する法律事務の取扱いの充実に資することを目的とする。

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.

(定義)

(Definitions)

第二条 この法律において、次の各号に掲げる用語の意義は、当該各号に定めるところによる。

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

一 弁護士 弁護士法（昭和二十四年法律第二百五号）の規定による弁護士をいう。

(i) attorney at law; this shall mean an attorney at law under the provisions of the Attorney Act (Act No. 205 of 1949).

一の二 弁護士法人 弁護士法の規定による弁護士法人をいう。

(i)-2 legal professional corporation; this shall mean a legal professional corporation under the provisions of the Attorney Act.

二 外国弁護士 外国（法務省令で定める連邦国家にあつては、その連邦国家の州、属地その他の構成単位で法務省令で定めるものをいう。以下同じ。）において法律

事務を行うことを職務とする者で弁護士に相当するものをいう。

(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.

三 外国法事務弁護士 第七条の規定による承認を受け、かつ、第二十四条の規定による名簿への登録を受けた者をいう。

(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.

四 原資格国 第七条の規定による承認を受けた者がその承認の基礎となつた外国弁護士となる資格を取得した外国をいう。

(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.

五 原資格国法 原資格国において効力を有し、又は有した法をいう。

(v) laws of the state of primary qualification; this shall mean the laws which are or were effective in the state of primary qualification.

六 原資格国法に関する法律事務 原資格国法がその全部又は主要な部分に適用され、又は適用されるべき法律事件についての法律事務をいう。

(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.

七 特定外国 原資格国以外の特定の外国をいう。

(vii) specified foreign state; this shall mean a specified foreign state other than the state of primary qualification.

八 特定外国法 特定外国において効力を有し、又は有した法をいう。

(viii) laws of a specified foreign state; this shall mean the laws which are or were effective in a specified foreign state.

九 指定法 第七条の規定による承認を受けた者が第十六条第一項の規定による指定を受けた特定外国法をいう。

(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.

十 指定法に関する法律事務 指定法がその全部又は主要な部分に適用され、又は適用されるべき法律事件についての法律事務をいう。

(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.

十一 国際仲裁事件 国内を仲裁地とする民事に関する仲裁事件であつて、当事者の全部又は一部が外国に住所又は主たる事務所若しくは本店を有する者であるものをいう。

(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.

十二 日本弁護士連合会 弁護士法の規定による日本弁護士連合会をいう。

(xii) Japan Federation of Bar Associations; this shall mean the Japan Federation of Bar Associations under the provisions of the Attorney Act.

十三 弁護士会 弁護士法の規定による弁護士会をいう。

(xiii) bar association; this shall mean a bar association under the provisions of the Attorney Act.

十四 国内 この法律の施行地をいう。

(xiv) in Japan; this shall mean "in the place where this Act is enforced."

十五 外国法共同事業 外国法事務弁護士と弁護士又は弁護士法人とが、組合契約その他の継続的な契約により、共同して行う事業であつて、法律事務を行うことを目的とするものをいう。

(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.

第二章 外国法事務弁護士の職務

Chapter II Professional Duties of a Registered Foreign Lawyer

(職務)

(Professional Duties)

第三条 外国法事務弁護士は、当事者その他関係人の依頼又は官公署の委嘱によつて、原資格国法に関する法律事務を行うことを職務とする。ただし、次に掲げる法律事務を行うことは、この限りでない。

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;

一 国内の裁判所、検察庁その他の官公署における手続についての代理及びその手続についてこれらの機関に提出する文書の作成

(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.

二 刑事に関する事件における弁護士としての活動、少年の保護事件における付添人としての活動及び逃亡犯罪人引渡審査請求事件における補佐

(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.

三 原資格国法以外の法の解釈又は適用についての鑑定その他の法的意見の表明

(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.

四 外国の裁判所又は行政庁のために行う手続上の文書の送達

(iv) services of procedural documents for a court or administrative agency of a foreign state

五 民事執行法（昭和五十四年法律第四号）第二十二号第五号の公正証書の作成嘱託の代理

(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).

六 国内に所在する不動産に関する権利又は工業所有権、鉱業権その他の国内の行政庁への登録により成立する権利若しくはこれらの権利に関する権利（以下「工業所有権等」という。）の得喪又は変更を主な目的とする法律事件についての代理又は文書（鑑定書を除く。以下この条において同じ。）の作成

(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 外国法事務弁護士は、前項の規定により職務として行うことができる法律事務であっても、次に掲げるものについては、弁護士と共同し、又は弁護士の書面による助言を受けて行わなければならない。

(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;

一 国内に所在する不動産に関する権利又は工業所有権等の得喪又は変更を目的とする法律事件のうち、前項第六号の法律事件以外のものについての代理及び文書の作成

(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.

二 親族関係に関する法律事件で、その当事者として日本国民が含まれるものについての代理及び文書の作成

(ii) representation or the preparation of documents regarding a legal case concerning family relations in which a Japanese national is involved as a party.

三 国内に所在する財産で国内に居住する者が所有するものに係る遺言若しくは死因贈与に関する法律事件又は国内に所在する財産で死亡の時に国内に居住していた者が所有していたものについての遺産の分割、遺産の管理その他の相続に関する法律事件で、その当事者として日本国民が含まれるものについての代理及び文書の作成

(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.

(職務外の法律事務の取扱いの禁止)

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

第四条 外国法事務弁護士は、前条第一項の規定による職務の範囲を超えて法律事務を行つてはならない。

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.

(指定法に関する法律事務)

(Legal services concerning the designated laws)

第五条 外国法事務弁護士は、前条の規定にかかわらず、第十六条第一項の規定による指定を受け、かつ、第三十四条第一項の規定による指定法の付記を受けたときは、指定法に関する法律事務を行うことができる。ただし、第三条第一項第一号、第二号及び第四号から第六号までに掲げる法律事務並びに指定法以外の法の解釈又は適用についての鑑定その他の法的意見の表明については、この限りでない。

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 第三条第二項の規定は、外国法事務弁護士が前項の規定により指定法に関する法律事務を行う場合について準用する。

(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.

(指定法に関する法律事務以外の特定外国法に関する法律事務)

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

第五条の二 外国法事務弁護士は、第四条の規定にかかわらず、次に掲げる者の書面による助言を受けてするときは、指定法に関する法律事務以外の特定外国法に関する法律事務（当該特定外国法がその全部又は主要な部分に適用され、又は適用されるべき法律事件についての法律事務をいう。以下この条及び第六十三条第四号において「特定外国法に関する法律事務」という。）を行うことができる。ただし、第三条第一項第一号、第二号及び第四号から第六号までに掲げる法律事務並びに当該特定外国法以外の法の解釈又は適用についての鑑定その他の法的意見の表明については、この限りでない。

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;

一 当該特定外国法に係る特定外国における外国弁護士（外国法事務弁護士である者を除く。）であつて外国弁護士となる資格を基礎として当該特定外国法に関する法律事務を行う業務に従事している者（国内において雇用されて外国法に関する知識に基づいて労務の提供を行つている者を除く。）

(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).

二 外国法事務弁護士であつてその原資格国法又は指定法が当該特定外国法である者
(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 第三条第二項の規定は、外国法事務弁護士が前項の規定により当該特定外国法に関する法律事務を行う場合について準用する。

(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.

(国際仲裁事件の手續の代理)

(Representation regarding the procedures for an international arbitration case)

第五条の三 外国法事務弁護士は、第三条から前条までの規定にかかわらず、国際仲裁事件の手續（当該手續に伴う和解の手續を含む。第五十八条の二において同じ。）についての代理を行うことができる。

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).

(弁護士法の準用等)

(Applications mutatis mutandis of Attorney Act)

第六条 弁護士法第一条及び第二条の規定は、外国法事務弁護士について準用する。

Article 6 (1) The provisions of Articles 1 and 2 of the Attorney Act shall apply mutatis mutandis to a registered foreign lawyer.

2 弁護士法第七十二条の規定は、外国法事務弁護士には適用しない。

(2) The provisions of Article 72 of the Attorney Act shall not apply to a registered foreign lawyer.

第三章 外国法事務弁護士となる資格

Chapter III Qualification to Become a Registered Foreign Lawyer

第一節 法務大臣による承認

Section 1 Approval by the Minister of Justice

(外国法事務弁護士となる資格)

(Qualification to become a Registered Foreign Lawyer)

第七条 外国弁護士となる資格を有する者は、法務大臣の承認を受けた場合に限り、外国法事務弁護士となる資格を有する。

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.

(欠格事由)

(Grounds for the disqualification)

第八条 弁護士法第七条の規定は、外国法事務弁護士となる資格について準用する。

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.

(承認の申請)

(Application for approval)

第九条 第七条の規定による承認（以下「承認」という。）を受けようとする者は、氏名、生年月日、国籍、住所、外国弁護士となる資格を取得した年月日、その資格を取得した外国（次条において「資格取得国」という。）の国名、当該外国弁護士の名称その他の法務省令で定める事項を記載した承認申請書を法務大臣に提出しなければならない。

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 前項の承認申請書には、外国弁護士となる資格を取得したことを証する書類、次条第一項各号に掲げる基準に適合することを証する書類その他の法務省令で定める書類を添付しなければならない。

(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 承認を受けようとする者は、実費を勘案して政令で定める額の手数料を納めなければならない。

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

(承認の基準)

(Standards for the approval)

第十条 法務大臣は、前条第一項の規定による申請をした者（以下「承認申請者」という。）が次に掲げる基準に適合するものでなければ、承認をすることができない。

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;

一 外国弁護士となる資格を有し、かつ、その資格を取得した後三年以上資格取得国において外国弁護士として職務を行つた経験（資格取得国における外国弁護士が資格取得国以外の外国において外国弁護士となる資格を基礎として資格取得国の法に関する法律事務を行う業務に従事した経験を含む。）を有すること。

(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).

二 次に掲げる者でないこと。

(ii) he/she does not fall under any one of the following categories:

イ 禁錮以上の刑に相当する外国の法令による刑に処せられた者

(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.

ロ 弾劾裁判所の罷免の裁判に相当する外国の法令による裁判を受けた者

(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.

ハ 弁護士法第七条第三号に規定する処分相当する外国の法令による処分を受け、その処分を受けた日から三年を経過しない者

(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.

ニ 成年被後見人若しくは被保佐人又は破産者で復権を得ないものと外国の法令上同様に扱われている者

(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.

三 誠実に職務を遂行する意思並びに適正かつ確実に職務を遂行するための計画、住居及び財産的基礎を有するとともに、依頼者に与えた損害を賠償する能力を有すること。

(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 前項第一号の規定の適用については、外国弁護士となる資格を有する者がその資格を取得した後に国内において弁護士、弁護士法人又は外国法事務弁護士に雇用され、かつ、当該弁護士、当該弁護士法人又は当該外国法事務弁護士に対し資格取得国の法に関する知識に基づいて行つた労務の提供は、通算して一年を限度として資格取得国において外国弁護士として行つた職務の経験とみなす。

(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 法務大臣は、承認申請者が第一項各号に掲げる基準に適合するものである場合においても、次の各号のいずれかに掲げる事情があるときでなければ、承認をすることができない。

(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;

一 弁護士となる資格を有する者に対し第一項第一号の外国においてこの法律による取扱いと実質的に同等な取扱いが行われていること。

(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.

二 弁護士となる資格を有する者に対し第一項第一号の外国においてこの法律による取扱いと実質的に同等な取扱いが行われていない場合においては、そのことを理由に承認をしないことが条約その他の国際約束の誠実な履行を妨げることとなること。

(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 法務大臣は、承認をする場合には、あらかじめ、日本弁護士連合会の意見を聴かなければならない。

(4) The Minister of Justice shall in case of the approval, ask in advance for the opinion of the Japan Federation of Bar Associations.

(承認の告示等)

(Public notices of the approval)

第十一条 法務大臣は、承認をしたときは、遅滞なく、その旨を承認申請者及び日本弁護士連合会に書面で通知するとともに、官報で告示しなければならない。

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 承認は、前項の告示があつた日からその効力を生ずる。

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

(承認の失効)

(Nullification of the approval)

第十二条 承認を受けた者が、前条第一項の規定による告示の日の翌日から起算して六箇月以内に、又は第二十九条の規定による請求により登録の取消しを受けた日の翌日から起算して六箇月以内に、第二十五条第一項の規定による請求をしなかつたときは、その承認は、その効力を失う。

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.

(報告等)

(Reports)

第十三条 法務大臣は、承認を受けた者に対し、必要があると認めるときは、第十条第一項各号に掲げる基準に係る事項又は弁護士となる資格を有する者に対する原資格国における取扱いに関する事項について、報告又は資料の提出を求めることができる。

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 法務大臣は、承認に関する事務の処理に関し必要があると認めるときは、公務所又は公私の団体に照会して必要な事項の報告を求めることができる。

(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.

(承認の取消し)

(Rescission of approval)

第十四条 法務大臣は、承認を受けた者が次の各号のいずれかに該当する場合には、その承認を取り消さなければならない。

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;

一 原資格国の外国弁護士となる資格を失ったとき。

(i) if he/she has lost the qualification to become a foreign lawyer in the state of primary qualification.

二 第八条において準用する弁護士法第七条各号（第二号を除く。）のいずれかに該当するに至ったとき。

(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.

三 第二十六条の規定により登録が拒絶されたとき。

(iii) if his/her registration has been refused pursuant to the provision of Article 26.

四 第三十条第二項の規定により登録が取り消されたとき。

(iv) if his/her registration has been rescinded pursuant to the provision of paragraph (2) of Article 30.

2 法務大臣は、承認を受けた者が次の各号のいずれかに該当する場合には、その承認を取り消すことができる。

(2) The Minister of Justice may, if a person who has obtained the approval falls under any of the following items, rescind the approval:

一 第九条第一項の承認申請書又は同条第二項の添付書類のうちに重要な事項について虚偽の記載があり、又は重要な事実の記載が欠けていることが判明したとき。

(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.

二 第十条第一項第二号に掲げる基準に適合しなくなつたとき。

(ii) if such person no longer satisfies the standards set forth in item (ii) of paragraph (1) of Article 10.

三 業務又は財産の状況が著しく悪化し、これによつて依頼者が損害を受けるおそれがある場合において、その損害を防止するためやむを得ないと認められるとき。

(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.

四 第十条第一項各号に掲げる基準に係る事項について、前条第一項の報告若しくは資料の提出をせず、又は虚偽の報告若しくは資料の提出をしたとき。

(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 法務大臣は、承認後に次の各号のいずれかに掲げる事情が生じているときは、当該各号に規定する外国を原資格国として承認を受けた者に対し、その承認を取り消すことができる。

(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.

一 弁護士となる資格を有する者に対し外国においてこの法律による取扱いと実質的に同等な取扱いが行われなくなり、そのことを理由に承認を取り消すことが条約その他の国際約束の誠実な履行を妨げることとならないこと。

(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.

二 弁護士となる資格を有する者に対し引き続き外国においてこの法律による取扱いと実質的に同等な取扱いが行われていない場合においては、そのことを理由に承認を取り消すことが条約その他の国際約束の誠実な履行を妨げることとならなくなったこと。

(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 第十条第四項及び第十一条の規定は、前三項の規定による承認の取消しについて準用する。

(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.

第十五条 削除

Article 15 Deleted

第二節 特定外国法の指定

Section 2 Designation of the Laws of a Specified Foreign State

(指定)

(Designation)

第十六条 法務大臣は、承認を受けた者が次の各号に掲げる条件のいずれかに該当するときは、その者に対し、特定外国法を指定することができる。

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;

一 特定外国の外国弁護士となる資格を有する者であること。

(i) if such person has the qualification to become a foreign lawyer of the specified foreign state.

二 特定外国の外国弁護士となる資格を有する者と同程度に当該特定外国の法に関する学識を有し、かつ、その法に関する法律事務の取扱いについて五年以上の実務経験を有する者であること。

(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 第十条第四項及び第十一条の規定は、前項の規定による指定について準用する。

(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.

(指定の申請)

(Application for designation)

第十七条 承認を受けた者が前条第一項の規定による指定（以下「指定」という。）を受けようとするときは、指定申請書を法務大臣に提出しなければならない。

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 前項の指定申請書には、前条第一項各号に掲げる条件の一に該当することを証する書類その他の法務省令で定める書類を添付しなければならない。

(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 指定を受けようとする者は、実費を勘案して政令で定める額の手数料を納めなけれ

ばならない。

(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.

(指定の失効)

(Nullification of the designation)

第十八条 承認がその効力を失い、又は取り消されたときは、指定は、その効力を失う。指定を受けた者が第十六条第二項において準用する第十一条第一項の規定による告示の日の翌日から起算して六箇月以内に第三十三条第一項の規定による請求をしなかつたときも、同様とする。

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.

(報告等)

(Reports)

第十九条 法務大臣は、指定を受けた者に対し、必要があると認めるときは、第十六条第一項各号に掲げる条件に係る事項について、報告又は資料の提出を求めることができる。

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 第十三条第二項の規定は、指定に関する事務の処理について準用する。

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

(指定の取消し)

(Rescission of designation)

第二十条 法務大臣は、指定を受けた者が第十六条第一項第一号の資格を失つたときは、その指定を取り消さなければならない。

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 法務大臣は、指定を受けた者が次の各号の一に該当する場合には、その指定を取り消すことができる。

(2) The Minister of Justice may, if a person with the designation falls under any

one of the following items, rescind the designation;

一 第十七条第一項の指定申請書又は同条第二項の添付書類のうちに重要な事項について虚偽の記載があり、又は重要な事実の記載が欠けていることが判明したとき。

(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.

二 前条第一項の報告若しくは資料の提出をせず、又は虚偽の報告若しくは資料の提出をしたとき。

(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 第十条第四項及び第十一条の規定は、前二項の規定による指定の取消しについて準用する。

(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.

第四章 外国法事務弁護士の登録、業務及び監督

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

第一節 総則

Section 1 General Provisions

(弁護士会及び日本弁護士連合会の目的等)

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

第二十一条 弁護士法第三十一条第一項、第四十一条及び第四十二条第二項（同法第五十条において準用する場合を含む。）並びに同法第四十五条第二項、第四十八条及び第四十九条の規定の適用については、外国法事務弁護士は、弁護士とみなす。

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.

(弁護士会の会則の記載事項の特則)

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

第二十二条 弁護士会の会則には、弁護士法第三十三条第二項各号に掲げるもののほか、日本弁護士連合会の会則で定めるところにより、次に掲げる事項を記載するものとする

る。

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;

一 外国法事務弁護士に関する弁護士法第三十三条第二項第三号、第九号、第十五号及び第十六号に掲げる事項

(i) matters listed in items (iii), (iv), (xv) and (xvi) of paragraph (2) of Article 33 of the Attorney Act concerning registered foreign lawyers.

二 外国法事務弁護士の綱紀保持に関する規定

(ii) provisions concerning the enforcement of discipline against a registered foreign lawyer.

三 官公署その他に対する外国法事務弁護士の推薦に関する規定

(iii) provisions concerning the recommendation of a registered foreign lawyer to a public agency or others.

四 外国法事務弁護士の職務に関する紛議の調停に関する規定

(iv) provisions concerning the mediation of disputes concerning the performance of professional duties of a registered foreign lawyer.

五 外国法事務弁護士の懲戒の請求に関する規定

(v) provisions concerning a request for disciplinary action against a registered foreign lawyer.

六 外国法事務弁護士の営利業務の届出及び営利業務従事外国法事務弁護士名簿に関する規定

(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.

七 その他外国法事務弁護士に関する必要な規定

(vii) other necessary provisions concerning a registered foreign lawyer.

(日本弁護士連合会の会則の記載事項の特則)

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

第二十三条 日本弁護士連合会の会則には、弁護士法第四十六条第二項各号に掲げるもののほか、次に掲げる事項を記載しなければならない。

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;

一 前条第一号から第三号までに掲げる事項

(i) matters listed in items (i) to (iii) of the preceding Article.

二 外国法事務弁護士名簿の登録、登録換え及び登録の取消しに関する規定

(ii) provisions concerning registration, change of registration and rescission of

- registration in the Roll of Registered Foreign Lawyers.
- 三 外国法事務弁護士登録審査会に関する規定
- (iii) provisions concerning the Registered Foreign Lawyers Registration Screening Board.
- 四 外国法事務弁護士の懲戒、外国法事務弁護士懲戒委員会及び外国法事務弁護士綱紀委員会に関する規定
- (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.
- 五 その他外国法事務弁護士に関する必要な規定
- (v) other necessary provisions concerning a registered foreign lawyer.

第二節 外国法事務弁護士の登録

Section 2 Registration of Registered Foreign Lawyers

第一款 外国法事務弁護士名簿

Subsection 1 Roll of Registered Foreign Lawyers

(登録)

(Registration)

第二十四条 外国法事務弁護士となる資格を有する者が、外国法事務弁護士となるには、日本弁護士連合会に備える外国法事務弁護士名簿に、氏名、生年月日、国籍、原資格国の国名、国内の住所、事務所、所属弁護士会その他の日本弁護士連合会の会則で定める事項の登録を受けなければならない。

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 外国法事務弁護士名簿の登録は、日本弁護士連合会が行う。

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

(登録の請求等)

(Requests for the registration)

第二十五条 前条の規定による登録（以下「登録」という。）を受けようとする者は、入会しようとする弁護士会を経由して、日本弁護士連合会に登録請求書を提出しなければならない。

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 前項の登録請求書には、次に掲げる事項を記載し、外国法事務弁護士となる資格を有することを証する書類その他の日本弁護士連合会の会則で定める書類を添付しなければならない。

(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;

一 登録を受けるべき事項

(i) the matters to be registered.

二 承認を受けた年月日

(ii) the date on which approval was obtained.

三 外国弁護士として受けた賞罰及びその職務上の監督機関によるその職務歴に関する評価

(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.

四 その他日本弁護士連合会の会則で定める事項

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

3 第一項の登録請求書の提出を受けた弁護士会は、速やかに、これを日本弁護士連合会に進達しなければならない。

(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 前項の弁護士会は、日本弁護士連合会に対し、第一項の規定による登録の請求（以下「登録請求」という。）について意見を述べることができる。

(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").

(登録の拒絶)

(Refusal of the registration)

第二十六条 日本弁護士連合会は、登録請求をした者が、弁護士会若しくは日本弁護士連合会の秩序若しくは信用を害するおそれがあるとき、又は次の各号のいずれかに該当し、外国法事務弁護士の職務を行わせることがその適正を欠くおそれがあるときは、外国法事務弁護士登録審査会の議決に基づき、その登録を拒絶することができる。

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;

一 心身に故障があるとき。

(i) if the person is mentally or physically handicapped.

二 第八条において準用する弁護士法第七条第三号に規定する処分を受けた者が当該処分を受けた日から三年を経過して請求したとき。

(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.

(登録に関する通知)

(Notice concerning registration)

第二十七条 日本弁護士連合会は、登録請求を受けた場合において、登録をしたときはその旨を、登録を拒絶したときはその旨及びその理由を当該登録請求をした者及びこれを進達した弁護士会並びに法務大臣に書面により通知しなければならない。

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.

(登録換えの請求等)

(Requests for transfer of the registration)

第二十八条 外国法事務弁護士は、所属弁護士会を変更しようとするときは、新たに入会しようとする弁護士会を経由して、日本弁護士連合会に登録換え請求書を提出しなければならない。

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 外国法事務弁護士は、前項の規定による登録換えの請求（以下「登録換え請求」という。）をするときは、所属弁護士会にその旨を届け出なければならない。

(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 第二十五条第三項及び第四項並びに前二条の規定は、登録換え請求について準用する。

(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.

(登録の取消しの請求)

(Request for rescission of the registration)

第二十九条 外国法事務弁護士は、その業務をやめようとするときは、所属弁護士会を経由して、日本弁護士連合会に登録の取消しを請求しなければならない。

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.

(登録の取消し)

(Rescission of the registration)

第三十条 日本弁護士連合会は、外国法事務弁護士が次の各号のいずれかに該当する場合には、その登録を取り消さなければならない。

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:

一 第八条において準用する弁護士法第七条各号（第二号を除く。）のいずれかに該当するに至ったとき。

(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.

二 前条の規定により登録の取消しを請求したとき。

(ii) if he/she requests the rescission of the registration pursuant to the provision of the preceding Article.

三 退会命令を受けたとき。

(iii) if he/she has received an order to withdraw from the bar association.

四 第十四条第一項第一号若しくは第二項各号のいずれかに該当することにより、又は同条第三項の規定により承認が取り消されたとき。

(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.

五 死亡したとき。

(v) if he/she has died.

2 日本弁護士連合会は、外国法事務弁護士が、第二十六条各号に掲げる事項について虚偽の申告をしていたとき、若しくは心身の故障により外国法事務弁護士の職務を行わせることがその適性を欠くおそれがあるとき、又は第四十八条の規定に違反したときは、外国法事務弁護士登録審査会の議決に基づき、その登録を取り消すことができる。

(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 日本弁護士連合会は、第一項第一号から第四号まで又は前項の規定により登録を取り消したときは、その旨及びその理由を当該外国法事務弁護士及び従前の所属弁護士会並びに法務大臣に書面により通知しなければならない。

(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.

(登録の取消事由の報告)

(Reporting the grounds for the rescission of the registration)

第三十一条 弁護士会は、所属の外国法事務弁護士に登録の取消事由があると認めるときは、日本弁護士連合会に、速やかに、その旨を報告しなければならない。

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.

(登録等の公告)

(Public announcements of the registration)

第三十二条 日本弁護士連合会は、登録、登録換え及び登録の取消しをしたときは、速やかに、その旨を官報で公告しなければならない。

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.

(指定法の付記の請求)

(Request for the supplementary note registration of designated law)

第三十三条 外国法事務弁護士は、登録に指定法の付記を受けようとするときは、所属弁護士会を経由して、日本弁護士連合会に対し、指定法付記請求書を提出しなければならない。

ならない。

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 前項の指定法付記請求書には、日本弁護士連合会の会則で定める事項を記載し、指定を受けたことを証する書類を添付しなければならない。

(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 第二十五条第三項の規定は、第一項の指定法付記請求書の進達について準用する。

(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).

(指定法の付記)

(Supplementary note registration of designated laws)

第三十四条 日本弁護士連合会は、前条の規定による請求を受けたときは、速やかに、当該外国法事務弁護士の登録に当該指定法を付記しなければならない。

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 第二十七条の規定は、前項の規定による付記をした場合について準用する。

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

(指定法の付記の抹消)

(Cancellation of the supplementary note registration of designated laws)

第三十五条 日本弁護士連合会は、指定が取り消されたときは、当該指定法の付記を抹消しなければならない。

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.

(指定法の付記等の公告)

(Public announcements of the supplementary note registration of the

designated laws)

第三十六条 第三十二条の規定は、指定法の付記及びその付記の抹消について準用する。

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.

第二款 外国法事務弁護士登録審査会

Subsection 2 Registered Foreign Lawyers Registration Screening Board

(設置)

(Establishment)

第三十七条 日本弁護士連合会に外国法事務弁護士登録審査会を置く。

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

2 外国法事務弁護士登録審査会は、日本弁護士連合会の請求により、外国法事務弁護士の登録請求、登録換え請求、第二十九条の規定による登録の取消しの請求及び第三十条第二項の規定による登録の取消しに関して必要な審査を行うものとする。

(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.

(組織)

(Organization)

第三十八条 外国法事務弁護士登録審査会は、会長及び委員十三人をもつて組織する。

Article 38 (1) The Registered Foreign Lawyers Registration Screening Board shall be composed of a Chairperson and thirteen members.

2 会長は、日本弁護士連合会の会長が指名する日本弁護士連合会の副会長をもつて充てる。

(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 委員のうち、八人は弁護士の中から、三人は裁判官、検察官及び学識経験者の中からそれぞれ一人ずつ、二人は政府職員の中から日本弁護士連合会の会長が委嘱する。ただし、裁判官、検察官又は政府職員である委員は最高裁判所、検事総長又は法務大臣の推薦に基づき、その他の委員は日本弁護士連合会の会則で定める日本弁護士連合会の機関の決議に基づかなければならない。

(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 委員の任期は、二年とする。ただし、補欠の委員の任期は、前任者の残任期間とする。

(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 外国法事務弁護士登録審査会に予備委員十三人を置く。

(5) The Registered Foreign Lawyers Registration Screening Board shall have thirteen reserve members.

6 第三項及び第四項並びに弁護士法第五十三条第三項の規定は、前項の予備委員について準用する。

(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 弁護士法第五十四条の規定は外国法事務弁護士登録審査会の会長について、同条第二項の規定は外国法事務弁護士登録審査会の委員及び予備委員について準用する。

(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.

(審査手続)

(Procedure of the examination)

第三十九条 弁護士法第五十五条第一項の規定は、外国法事務弁護士登録審査会の審査手続について準用する。

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 外国法事務弁護士登録審査会は、登録請求若しくは登録換え請求の拒絶又は第三十条第二項の規定による登録の取消しを可とする議決をする場合には、あらかじめ、当事者に対してその旨を通知し、かつ、これに関して陳述及び資料の提出をする機会を

与えなければならない。

- (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.

第三款 弁護士会及び日本弁護士連合会への入会及び退会
Subsection 3 Admission to and Withdrawal from Bar Association and the Japan Federation of Bar Associations

(弁護士会及び日本弁護士連合会への入会及び退会)

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

第四十条 登録を受けた者は、当該登録の時に、当該弁護士会及び日本弁護士連合会に入会するものとする。

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 登録換えを受けた者は、当該登録換えの時に、当該弁護士会に入会するものとし、これによつて従前の所属弁護士会を退会するものとする。

(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 第二十九条の規定による請求により登録の取消しを受けた者は、その取消しの時に、所属弁護士会及び日本弁護士連合会を退会するものとする。

(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.

第四十一条 弁護士会が合併したときは、合併により解散した弁護士会に所属した外国法事務弁護士は、当然、合併後存続し又は合併により設立された弁護士会に入会するものとする。

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 第二十八条第一項の規定は、前項の場合について準用する。

(2) The provisions of paragraph (1) of Article 28 shall apply mutatis mutandis in

the case referred to the preceding paragraph.

(会則を守る義務)

(Obligation to observe Articles of Association)

第四十二条 外国法事務弁護士は、所属弁護士会及び日本弁護士連合会の会則中外国法事務弁護士に関する規定を守らなければならない。

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.

(外国法事務弁護士の議決権)

(Resolution right of a registered foreign lawyer)

第四十三条 外国法事務弁護士は、所属弁護士会又は日本弁護士連合会が、第二十二條各号又は第二十三條各号に掲げる事項についての会則の制定又は改廃を審議すべき総会を召集するときは、その総会に出席し、意見を述べ、及び議決に加わることができる。

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.

第三節 外国法事務弁護士の権利及び義務

Section 3 Rights and Obligations of a Registered Foreign Lawyer

(外国法事務弁護士の資格の表示)

(Indication of qualification as a registered foreign lawyer)

第四十四条 外国法事務弁護士は、業務を行うに際しては、外国法事務弁護士の名称を用い、かつ、その名称に原資格国の国名を付加しなければならない。

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.

(外国法事務弁護士の事務所)

(Registered Foreign Lawyer's office)

第四十五条 外国法事務弁護士の事務所は、外国法事務弁護士事務所と称さなければならない。

Article 45 (1) The office of a registered foreign lawyer shall be named "Gaikokuho-Jimu-Bengoshi-Jimusho" (office of registered foreign lawyer(s)).

2 外国法事務弁護士の事務所の名称中には、他の個人又は団体の名称を用いてはならない。ただし、法律事務の処理を目的とする原資格国の法人、組合その他の事業体で自己が所属するもの（以下「所属事業体」という。）の名称については、次に掲げる場合に限り、用いることができる。

(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:

一 当該所属事業体の名称を用いている外国法事務弁護士がない場合

(i) where there is no other registered foreign lawyer who uses the name of said business entity to which he/she belongs.

二 既に当該所属事業体の名称を用いている外国法事務弁護士がある場合において、その外国法事務弁護士と事務所を共にするとき。

(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 前二項の規定にかかわらず、外国法事務弁護士は、外国法事務弁護士、弁護士又は弁護士法人に雇用されているときは、その外国法事務弁護士、弁護士又は弁護士法人の事務所の名称を使用することができる。

(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 外国法事務弁護士事務所は、その外国法事務弁護士の所属弁護士会の地域内に設けなければならない。

(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 外国法事務弁護士は、いかなる名義をもつてしても、国内に二個以上の事務所を設けることができない。

(5) A registered foreign lawyer may not establish more than one office, under any name, in Japan.

(原資格国法及び指定法の表示)

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

第四十六条 外国法事務弁護士は、日本弁護士連合会の会則で定めるところにより、その事務所内の公衆の見やすい場所に、原資格国法及び指定法を表示する標識を掲示しなければならない。

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 前項の規定による掲示のほか、原資格国法及び指定法の表示に関し必要な事項は、日本弁護士連合会の会則で定める。

(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.

(外国弁護士の名称等の使用)

(Use of the titles of a foreign lawyer)

第四十七条 外国法事務弁護士は、業務を行うに際しては、外国法事務弁護士の名称及び原資格国の国名に付加する場合に限り、原資格国における外国弁護士の名称を用いることができる。

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 外国法事務弁護士は、第四十五条第二項ただし書の規定により事務所の名称中に用いることができる場合のほか、業務を行うに際しては、同項各号に掲げる場合において自己の氏名又は事務所の名称に付加するときに限り、所属事業体の名称を用いることができる。

(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.

(在留義務)

(Duty to stay)

第四十八条 外国法事務弁護士は、一年のうち百八十日以上本邦に在留しなければならない。

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 外国法事務弁護士が、自己又は親族の傷病その他のやむを得ない事情に基づき、出国をして本邦外の地域に在った場合においては、その本邦外の地域に在った期間は、前項の規定の適用については、本邦に在留した期間とみなす。

(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.

(権限外法律事務の取扱いについての雇用関係に基づく業務上の命令の禁止等)
(Prohibitions of business instructions in employment relations of the handling of legal services beyond the scope of competence)

第四十九条 外国法事務弁護士であつて弁護士又は外国法事務弁護士を雇用するものは、自己の第三条及び第五条から第五条の三までに規定する業務の範囲を超える法律事務（以下「権限外法律事務」という。）の取扱いについて、その雇用する弁護士又は外国法事務弁護士に対し、雇用関係に基づく業務上の命令をしてはならない。

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 前項の規定に違反してされた命令を受けて、使用者である外国法事務弁護士が権限外法律事務を行うことに関与した弁護士又は外国法事務弁護士は、これが雇用関係に基づく業務上の命令に従つたものであることを理由として、懲戒その他の責任を免れることができない。

(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 外国法事務弁護士であつて弁護士又は外国法事務弁護士を雇用するものは、第一項に規定するもののほか、その雇用する弁護士又は外国法事務弁護士が自ら行う法律事務であつて当該使用者である外国法事務弁護士の権限外法律事務に当たるものの取扱いについて、不当な関与をしてはならない。

(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).

(外国法共同事業における不当関与の禁止)
(Prohibition of improper involvement in a foreign law joint enterprise)

第四十九条の二 外国法共同事業を営む外国法事務弁護士は、当該外国法共同事業に係

る弁護士又は弁護士法人が自ら行う法律事務であつて当該外国法事務弁護士の権限外法律事務に当たるものの取扱いについて、不当な関与をしてはならない。

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.

(弁護士の雇用及び外国法共同事業に係る届出)

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

第四十九条の三 外国法事務弁護士は、弁護士を雇用しようとするとき又は外国法共同事業を営もうとするときは、あらかじめ、次に掲げる事項その他日本弁護士連合会の会則で定める事項を日本弁護士連合会に届け出なければならない。この場合においては、日本弁護士連合会の会則で定める書類を添付しなければならない。

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;

一 当該雇用に係る弁護士の氏名及び事務所

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

二 当該外国法共同事業に係る弁護士又は弁護士法人の氏名又は名称及び事務所並びに当該外国法共同事業において行う法律事務の範囲

(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 日本弁護士連合会は、前項の規定による届出があつたときは、当該外国法事務弁護士の登録に当該届出に係る事項で日本弁護士連合会の会則で定めるものを付記しなければならない。

(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 第一項の規定による届出をした外国法事務弁護士は、当該届出に係る事項のうち、外国法共同事業において行う法律事務の範囲その他の日本弁護士連合会の会則で定める重要な事項の変更をしようとするときは、あらかじめ、その旨を日本弁護士連合会に届け出なければならない。この場合においては、同項後段の規定を準用する。

- (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 日本弁護士連合会は、前項の規定による届出があつたときは、当該届出に基づき、第二項の規定により当該外国法事務弁護士の登録に付記された事項の訂正をしなければならない。
- (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 第一項の規定による届出をした外国法事務弁護士は、弁護士を雇用すること又は外国法共同事業を営むことをやめたときは、遅滞なく、その旨を日本弁護士連合会に届け出なければならない。
- (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 日本弁護士連合会は、前項の規定による届出があつたときは、第二項の規定により当該外国法事務弁護士の登録に付記された事項を抹消しなければならない。
- (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 日本弁護士連合会は、第一項、第三項又は第五項の規定による届出があつたときは、当該届出に係る事項を当該外国法事務弁護士の所属弁護士会及び当該雇用若しくは外国法共同事業に係る弁護士又は当該外国法共同事業に係る弁護士法人の所属弁護士会に書面により通知しなければならない。
- (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.

(外国法共同事業の表示)

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

第四十九条の四 前条第一項の規定により外国法共同事業に係る届出をした外国法事務弁護士は、次条の規定によりその事務所の名称中に「外国法共同事業」の文字を使用する場合を除き、その事務所の名称に、外国法共同事業を営む旨及び当該外国法共同事業に係る弁護士又は弁護士法人の事務所の名称を付加しなければならない。

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.

(外国法共同事業に係る事務所の名称の特例)

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

第四十九条の五 外国法共同事業を営む外国法事務弁護士の事務所については、当該外国法事務弁護士が当該外国法共同事業に係る弁護士又は弁護士法人と事務所（弁護士法人にあつては、その主たる事務所に限る。以下この条において同じ。）を共にし、かつ、当該外国法共同事業において行う法律事務の範囲に制限を設けていない場合であつて、その弁護士又は弁護士法人の事務所の名称中に「外国法共同事業」の文字があるときは、第四十五条第一項及び第二項の規定にかかわらず、これと同一の名称を使用することができる。

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.

(弁護士法の準用等)

(Application mutatis mutandis of the Attorney Act)

第五十条 弁護士法第二十三条から第三十条までの規定は、外国法事務弁護士について準用する。この場合において、同法第三十条第二項及び第四項中「営利業務従事弁護士名簿」とあるのは、「営利業務従事外国法事務弁護士名簿」と読み替えるものとする。

る。

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 弁護士法第七十四条第二項の規定は、外国法事務弁護士には適用しない。

(2) The provisions of paragraph (2) of Article 74 of the Attorney Act shall not apply to a registered foreign lawyer.

第四節 外国法事務弁護士の懲戒

Section 4 Disciplinary Action of a Registered Foreign Lawyer

第一款 懲戒の処分

Subsection 1 Disciplinary Action

(懲戒事由及び懲戒権者)

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

第五十一条 外国法事務弁護士は、この法律又は所属弁護士会若しくは日本弁護士連合会の会則中外国法事務弁護士に関する規定に違反し、所属弁護士会又は日本弁護士連合会の秩序又は信用を害し、その他職務の内外を問わずその品位を失うべき非行があったときは、懲戒を受ける。

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 懲戒は、日本弁護士連合会が外国法事務弁護士懲戒委員会の議決に基づいて行う。

(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.

(懲戒の種類)

(Kinds of the disciplinary action)

第五十二条 懲戒は、次の四種とする。

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

一 戒告

(i) admonition

二 二年以内の業務の停止

(ii) suspension of practice for not more than two years

三 退会命令

(iii) order to withdraw from the bar association

四 除名

(iv) disbarment

(懲戒の手続)

(Disciplinary procedure)

第五十三条 何人も、外国法事務弁護士について懲戒の事由があると思料するときは、その事由の説明を添えて、当該外国法事務弁護士の所属弁護士会を經由して、日本弁護士連合会に懲戒の請求をすることができる。

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 弁護士会は、所属の外国法事務弁護士について、懲戒の事由があると思料するとき、又は前項の請求があつたときは、懲戒の手続に付し、弁護士法第七十条第一項の規定によりその弁護士会に置かれた綱紀委員会に調査をさせることができる。この場合において、その綱紀委員会が当該外国法事務弁護士を懲戒することを相当と認めたときは、その綱紀委員会の調査結果及び意見を添えて日本弁護士連合会に懲戒の請求をしなければならない。

(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 日本弁護士連合会は、外国法事務弁護士について、懲戒の事由があると思料するとき、又は第一項の請求があつたときは、懲戒の手続に付し、外国法事務弁護士綱紀委員会にその調査をさせなければならない。ただし、同一の事由について前項の調査が行われているときは、この限りでない。

(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 日本弁護士連合会は、外国法事務弁護士綱紀委員会が前項の調査により外国法事務弁護士を懲戒することを相当と認めたとき、又は第二項の請求があつたときは、外国法事務弁護士懲戒委員会にその審査を求めなければならない。

(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 弁護士会の綱紀委員会及び外国法事務弁護士綱紀委員会は、調査に関し必要があるときは、懲戒の手續に付された外国法事務弁護士、第一項の請求をした者、関係人及び官公署その他に対して陳述、説明又は資料の提出を求めることができる。

(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 日本弁護士連合会は、外国法事務弁護士を懲戒するときは、当該外国法事務弁護士に懲戒の処分内容及びその理由を書面により通知しなければならない。

(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 日本弁護士連合会は、外国法事務弁護士を懲戒したときは、遅滞なく、懲戒の処分内容を官報をもつて公告しなければならない。

(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 日本弁護士連合会は、第一項又は第二項の請求に係る外国法事務弁護士を懲戒したとき、又はその外国法事務弁護士を懲戒しないこととしたときは、その旨を第一項の請求をした者又は第二項の請求をした弁護士会に通知しなければならない。

(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.

(弁護士法の準用)

(Application mutatis mutandis of the Attorney Act)

第五十四条 弁護士法第六十二条の規定は懲戒の手續に付された外国法事務弁護士について、同法第六十三条の規定は外国法事務弁護士の懲戒の手續について準用する。

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.

第二款 外国法事務弁護士懲戒委員会及び外国法事務弁護士綱紀委員会
Subsection 2 Registered Foreign Lawyers Disciplinary Actions
Committee and Registered Foreign Lawyers Discipline Enforcement
Committee

(外国法事務弁護士懲戒委員会の設置)

(Establishment of Registered Foreign Lawyers Disciplinary Actions
Committee)

第五十五条 日本弁護士連合会に外国法事務弁護士懲戒委員会を置く。

Article 55 (1) A Registered Foreign Lawyers Disciplinary Actions Committee shall be established within the Japan Federation of Bar Associations.

2 外国法事務弁護士懲戒委員会は、日本弁護士連合会の請求により、外国法事務弁護士の懲戒に関して必要な審査を行うものとする。

(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.

(組織)

(Organization)

第五十六条 外国法事務弁護士懲戒委員会は、委員十五人をもって組織する。

Article 56 (1) The Registered Foreign Lawyers Disciplinary Actions Committee shall be composed of fifteen members.

2 委員のうち、八人は弁護士の中から、六人は裁判官、検察官及び政府職員の中からそれぞれ二人ずつ、一人は学識経験者の中から日本弁護士連合会の会長が委嘱する。ただし、裁判官、検察官又は政府職員である委員は最高裁判所、検事総長又は法務大臣の推薦に基づき、その他の委員は日本弁護士連合会の会則で定める日本弁護士連合会の機関の決議に基づかなければならない。

(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 外国法事務弁護士懲戒委員会に委員長を置き、委員が互選する。

(3) The Registered Foreign Lawyers Disciplinary Actions Committee shall have Chairperson, who shall be elected by vote from its members.

4 第三十八条第四項の規定は、外国法事務弁護士懲戒委員会の委員の任期について準用する。

(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 外国法事務弁護士懲戒委員会に予備委員十五人を置く。

(5) The Registered Foreign Lawyers Disciplinary Actions Committee shall have fifteen reserve members.

6 第二項及び第三十八条第四項並びに弁護士法第六十六条の四第二項の規定は、前項の予備委員について準用する。この場合において、同条第二項中「弁護士会の会長又は日本弁護士連合会の会長」とあるのは、「委員長」と読み替えるものとする。

(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 弁護士法第六十六条の二第四項の規定は外国法事務弁護士懲戒委員会の委員長、委員及び予備委員について、同法第六十六条の三第二項及び第三項の規定は外国法事務弁護士懲戒委員会の委員長について準用する。

(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.

(審査手続)

(Procedure for examination)

第五十七条 外国法事務弁護士懲戒委員会は、審査を求められたときは、速やかに、審査の期日を定め、懲戒の手続に付された外国法事務弁護士にその旨を通知しなければならない。

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 審査を受ける外国法事務弁護士は、審査期日に出頭し、かつ、陳述することができる。この場合において、その外国法事務弁護士は、委員長の指揮に従わなければならない。

(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 外国法事務弁護士懲戒委員会は、審査に関し必要があるときは、懲戒の手續に付された外国法事務弁護士、第五十三条第一項の請求をした者、同条第二項の請求をした弁護士会、関係人及び官公署その他に対して陳述、説明又は資料の提出を求めることができる。

(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 弁護士法第六十七条の二及び第六十八条の規定は、外国法事務弁護士懲戒委員会の審査手續について準用する。

(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.

(外国法事務弁護士綱紀委員会の設置等)

(Establishments of Registered Foreign Lawyers Discipline Enforcement Committee)

第五十八条 日本弁護士連合会に外国法事務弁護士綱紀委員会を置く。

Article 58 (1) A Registered Foreign Lawyers Discipline Enforcement Committee shall be established within the Japan Federation of Bar Associations.

2 外国法事務弁護士綱紀委員会は、第五十三条第三項の調査を行うものとする。

(2) The Registered Foreign Lawyers Discipline Enforcement Committee shall conduct the investigations mentioned in paragraph (3) of Article 53.

3 外国法事務弁護士綱紀委員会は、委員若干人をもつて組織する。

(3) The Registered Foreign Lawyers Discipline Enforcement Committee shall be composed of several members.

4 委員は、弁護士、裁判官、検察官、政府職員及び学識経験者の中から日本弁護士連合会の会長が委嘱する。ただし、裁判官、検察官又は政府職員である委員は最高裁判所、検事総長又は法務大臣の推薦に基づき、その他の委員は日本弁護士連合会の会則

で定める日本弁護士連合会の機関の決議に基づかなければならない。

(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 外国法事務弁護士綱紀委員会に委員長を置き、委員が互選する。

(5) The Registered Foreign Lawyers Discipline Enforcement Committee shall have a Chairperson, who shall be elected by vote from its members.

6 第三十八条第四項の規定は、外国法事務弁護士綱紀委員会の委員の任期について準用する。

(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 外国法事務弁護士綱紀委員会に予備委員若干人を置く。

(7) The Registered Foreign Lawyers Discipline Enforcement Committee shall have several reserve members.

8 第四項及び第三十八条第四項並びに弁護士法第七十条の五第二項の規定は、前項の予備委員について準用する。この場合において、同条第二項中「弁護士会の会長又は日本弁護士連合会の会長」とあるのは、「委員長」と読み替えるものとする。

(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 弁護士法第七十条の三第四項の規定は外国法事務弁護士綱紀委員会の委員長、委員及び予備委員について、同法第七十条の四第二項及び第三項の規定は外国法事務弁護士綱紀委員会の委員長について準用する。

(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.

第五章 雑則

Chapter V Miscellaneous Provisions

(外国弁護士による国際仲裁事件の手續の代理)

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

第五十八条の二 外国弁護士（外国法事務弁護士である者を除く。）であつて外国において当該外国弁護士となる資格を基礎として法律事務を行う業務に従事している者（国内において雇用されて外国法に関する知識に基づいて労務の提供を行つている者を除く。）は、弁護士法第七十二条の規定にかかわらず、その外国において依頼され又は受任した国際仲裁事件の手續についての代理を行うことができる。ただし、第五十二条第二号又は同法第五十七条第二号に規定する処分に相当する外国の法令による処分により業務を停止されているときは、この限りでない

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 an 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.

(行政手続法の適用除外)

(Exclusion from application of the Administrative Procedure Act)

第五十八条の三 行政手続法（平成五年法律第八十八号）第二章及び第三章の規定は、日本弁護士連合会及び弁護士会がこの法律に基づいて行う処分については、適用しない。

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.

(不服申立ての制限)

(Restriction of complaints)

第五十九条 日本弁護士連合会がこの法律に基づいてした処分については、行政不服審査法（昭和三十七年法律第百六十号）による不服申立てをすることができない。

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.

(訴えの提起)

(Filing of lawsuit)

第六十条 第二十六条の規定により登録を拒絶された者、第二十八条第三項において準用する第二十六条の規定により登録換えを拒絶された者、第三十条第二項の規定により登録を取り消された者又は第五十一条の規定による懲戒を受けた者は、東京高等裁判所に当該処分取消しの訴えを提起することができる。

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 登録請求又は登録換え請求をした者は、その請求の日の翌日から起算して五箇月を経過しても、日本弁護士連合会が当該請求に対して何ら処分をしないときは、当該登録又は登録換えを拒絶されたものとして、前項の訴えを提起することができる。

(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.

(非外国法事務弁護士の虚偽標示の禁止)

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

第六十一条 外国法事務弁護士でない者は、外国法事務弁護士又は外国法事務弁護士事務所の標示又は記載をしてはならない。

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-Jimur-Bengoshi-Jimusho" (office of registered foreign lawyer).

(法務省令への委任)

(Delegation to Ordinance of the Ministry of Justice)

第六十二条 この法律に定めるもののほか、承認及びその取消し並びに指定及びその取消しの手続その他第三章の規定の実施に関し必要な事項は、法務省令で定める。

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.

第六章 罰則

Chapter VI Penal Provisions

第六十三条 外国法事務弁護士が、業務に関し、次の各号に掲げる法律事務を行つたときは、二年以下の懲役又は三百万円以下の罰金に処する。

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;

一 国内の裁判所における訴訟事件（刑事に関するものを除く。）、非訟事件、家事審判事件、民事執行事件、民事保全事件その他民事に関する事件の手續についての代理

(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.

二 刑事に関する事件の手續についての代理、刑事に関する事件における弁護人としての活動、少年の保護事件における付添人としての活動又は逃亡犯罪人引渡審査請求事件における補佐

(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.

三 国内の行政庁に対する異議申立て、審査請求その他の不服申立事件の手續についての代理

(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.

四 国内において効力を有し、又は有した法（原資格国法若しくは指定法に含まれる条約その他の国際法又は第五条の二第一項の規定により特定外国法に関する法律事務を行う場合の特定外国法に含まれる条約その他の国際法を除く。）の解釈又は適用についての書面による鑑定

(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).

第六十四条 偽りその他不正の手段により、外国法事務弁護士名簿に登録をさせ、又は登録に指定法の付記をさせた者は、二年以下の懲役又は百万円以下の罰金に処する。

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 前項の未遂罪は、罰する。

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

第六十五条 第五十条において準用する弁護士法第二十六条の規定に違反した者は、三年以下の懲役に処する。

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.

第六十六条 第五十条において準用する弁護士法第二十七条又は第二十八条の規定に違反した者は、二年以下の懲役又は三百万円以下の罰金に処する。

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.

第六十七条 外国法事務弁護士又は外国法事務弁護士であつた者が、正当な理由がないのに、その業務に関して知ることができた人の秘密を漏らしたときは、六月以下の懲役又は十万円以下の罰金に処する。

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 前項の罪は、告訴がなければ公訴を提起することができない。

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

第六十八条 第六十一条の規定に違反した者は、百万円以下の罰金に処する。

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