

Regulation for Enforcement of the Act on Special Measures concerning the Handling of Legal Services by Foreign Lawyers (The amended order comes into effect as of March 1, 2016)

(Ordinance of the Ministry of Justice No. 7 of March 6, 1987)

Pursuant to the provisions of Article 2, item (ii), Article 9, paragraphs (1) and (2), Article 17, paragraph (2) and Article 62 of the Act on Special Measures concerning the Handling of Legal Services by Foreign Lawyers (Act No. 66 of 1986), the Regulation for Enforcement of the Act on Special Measures concerning the Handling of Legal Services by Foreign Lawyers is enacted as follows.

(Federal States and Their Constituent Units)

Article 1 The federal states as stipulated by the Ministry of Justice Order pursuant to Article 2, item (ii) of the Act on Special Measures concerning the Handling of Legal Services by Foreign Lawyers (hereinafter referred to as the "Act") are as described in the left column of the Appended Table and their constituent units are as described in the right column of that Appended Table.

(Application for Approval)

Article 2 In applying for approval provided for in Article 7 of the Act (hereinafter referred to as "Approval"), a person who intends to obtain such Approval must appear in person.

(Particulars to be Entered in a Written Application for Approval)

Article 3 (1) The particulars stipulated by Ministry of Justice Order pursuant to Article 9, paragraph (1) of the Act are as follows:

- (i) name, sex, date of birth, place of birth, nationality and address; and
- (ii) the year, month, and date of acquiring of a qualification to become a foreign lawyer, the name of the foreign jurisdiction in which they acquired such qualification (in the next Article referred to as the "jurisdiction of acquisition of the qualification") and their title as such foreign lawyer.

(2) A written application for Approval as provided for in Article 9, paragraph (1) of the Act (hereinafter referred to as the "Written Application for Approval") must be in Appended Form 1.

(Documents Accompanying Written Application for Approval)

Article 4 (1) The documents as stipulated by Ministry of Justice Order pursuant to Article 9, paragraph (2) of the Act are as follows:

- (i) written statements on the following matters prepared by a person who intends to obtain Approval in the form provided by the Minister of Justice:
 - (a) matters concerning experience of having performed professional duties as a foreign lawyer in the jurisdiction of acquisition of qualification (including the experience of a foreign lawyer in the jurisdiction of acquisition of qualification, of having engaged in the practice of providing legal services, in a foreign jurisdiction other than the jurisdiction of acquisition of qualification, concerning the laws of the jurisdiction of acquisition of qualification on the basis of the qualification to become a foreign lawyer. Hereinafter the same apply in this Article) and where Article 10, paragraph (2) of the Act is applicable, matters concerning the practice of providing legal services in Japan to attorneys at law, legal professional corporation, registered foreign lawyers or registered foreign lawyer corporations on their knowledge concerning the laws of the jurisdiction of acquisition of qualification after they acquired such qualification to become a foreign lawyer
 - (b) matters concerning grounds for the disqualification of a registered foreign lawyer
 - (c) matters concerning the standards listed in Article 10, paragraph (1), item (ii) of the Act
 - (d) matters concerning the willingness to perform professional duties faithfully, and a plan, residence and financial basis for performing professional duties properly and reliably
 - (e) matters concerning the ability to compensate for any damages which they may cause to clients
 - (f) other matters for reference
- (ii) curriculum vitae;
- (iii) copies of their passport, residence card, special permanent resident certificate or any other document verifying their identity;
- (iv) any document verifying that they have acquired a qualification to become a foreign lawyer and that they actually still retain such qualification;
- (v) any document verifying that they have experience in performing professional duties as a foreign lawyer in the jurisdiction of acquisition of qualification, and, in cases where Article 10, paragraph (2) of the Act is applicable, that they have provided legal services in Japan to an attorney at law, legal professional corporation, registered foreign lawyer or registered foreign lawyer corporation based on their knowledge concerning the laws of the jurisdiction of acquisition of qualification after they acquired a qualification to become a foreign lawyer;
- (vi) a document in which they pledge that they do not fall under any of the categories listed in each item of Article 7 of the Attorney Act as applied

- mutatis mutandis pursuant to Article 8 of the Act;
- (vii) a document in which they pledge that they do not fall under any of the categories of persons listed in Article 10, paragraph (1), item (ii) sub-item(a) through (d) of the Act;
 - (viii) a document in which they pledge that they will perform professional duties faithfully;
 - (ix) a document verifying that they have a plan, residence and financial basis for performing professional duties properly and reliably;
 - (x) a document certifying that they have the ability to compensate for any damages which they may cause to clients; and
 - (xi) any other document for reference.
- (2) The document set forth in item (vi) of the preceding paragraph must be in Appended Form 2, the document set forth in item (vii) of the paragraph must be in Appended Form 3, and the document set forth in item (viii) of the paragraph must be in Appended Form 4.

(Means of Payment of a Fee for Application for Approval)

Article 5 The fee provided for in Article 9, paragraph (3) of the Act must be paid by affixing to a Written Application for Approval a revenue stamp in an amount equivalent to the amount of the fee.

(Verification of the Content of Pledges)

Article 6 In applying for Approval, a person who intends to obtain Approval must read aloud in front of the officer designated by the Minister of Justice the content of the documents provided for in Article 4, paragraph (1), items (vi) through (viii), and must confirm the content of their pledge.

(Notification of Decision to not Approve)

Article 7 In cases where the Minister of Justice has made a decision not to give Approval, the Minister must notify in writing the person concerned who has applied for Approval and the Japan Federation of Bar Associations of such decision and the reason therefor.

(Preliminary Examination Prior to Applying for Approval)

Article 8 A person applying for Approval may, prior to applying for the Approval, submit to the Minister of Justice, documents equivalent to a Written Application for Approval and its accompanying documents and may request a preliminary examination.

(Obligation of Approved Persons to Report)

Article 9 (1) A person who has obtained Approval must, if they fall under any of

the following items, notify the Minister of Justice in writing and without delay to that effect:

- (i) if there has been any change in such person's name, nationality or address;
 - (ii) if such person's office has been established or moved;
 - (iii) if the name of such person's office has been fixed or changed;
 - (iv) if an important change in such person's ability to compensate for damages which such person may cause to clients arises;
 - (v) if such person has come to fall under any of the persons listed in Article 10, paragraph(1), item(ii), (a) to (d) of the Act;
 - (vi) if such person has lost the qualification to become a foreign lawyer in the jurisdiction of primary qualification; or
 - (vii) if such person has come to fall 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.
- (2) A person who has been approved must submit, except if they fall under item (vi) or item (vii) of the preceding paragraph, the following documents to the Minister of Justice within two months after the expiration of every two years from the date when they were approved:
- (i) a document verifying that they actually retain their qualification to become a foreign lawyer in the jurisdiction of primary qualification;
 - (ii) a written statement on the status of their practice and assets;
 - (iii) a document in which they pledge that they fall under none of the categories of persons listed in Article 10, paragraph (1), item (iii), (a) through (d) of the Act; and
 - (iv) a document in which they pledge that they fall under none of the categories of persons listed in each item of Article 7 of the Attorney Act (except item (ii)) applied mutatis mutandis pursuant to Article 8 of the Act.

(Special Provisions on Hearing Procedures)

- Article 10 (1) An officer presiding over a hearing concerning the rescission of Approval must hear the opinion of a witness (es), if they find it necessary.
- (2) If a presiding officer has heard an opinion as provided for in the preceding paragraph, they must enter the name of any witness and a summary of their statement in the record of the hearing.
- (3) If a party to a hearing concerning rescission of Approval makes a statement of opinion, asks a question, or makes a statement in response to a question posed by an officer presiding over the hearing in a foreign language, the party must have an interpreter interpret for them at their own expense. The same applies if a witness to be heard at the request of a party is to make a statement in a foreign language.

(Notification of a Rescission of Approval)

Article 11 The Minister of Justice must notify in writing the person whose Approval has been rescinded and the Japan Federation of Bar Associations to that effect, and the reason thereof.

(Application for Designation)

Article 12 A person who wants designation has to appear in person and file an application for designation pursuant to Article 16, paragraph (1) of the Act (hereinafter referred to as "Designation").

(Form of Written Application for Designation)

Article 13 The written application pursuant to Article 17, paragraph (1) of the Act (hereinafter referred to as a "Written Application for Designation") must be made in Appended Form 5.

(Documents Accompanying a Written Application for Designation)

Article 14 The documents stipulated by Ministry of Justice Order pursuant to Article 17, paragraph (2) of the Act are as follows:

- (i) if an application for Designation is made pursuant to the provisions of Article 16, paragraph (1), item (i) of the Act, a document verifying that the applicant has the qualification to become a foreign lawyer of the specified foreign jurisdiction;
- (ii) if an application for Designation is made pursuant to the provisions of Article 16, paragraph (1), item (ii) of the Act, a document verifying that the applicant has the same level of knowledge with regard to the laws of the specified foreign jurisdiction as a person who is qualified to become a foreign lawyer of that jurisdiction and has the relevant amount of practical experience under that Act in providing legal services concerning such laws;
or
- (iii) any other documents for reference.

(Obligation of Designated Persons to Report)

Article 15 (1) If a person who has been designated pursuant to Article 16, paragraph (1), item (i) of the Act has lost the qualification to become a foreign lawyer in respect to the Designation concerned, they must notify the Minister of Justice in writing and without delay to that effect.

(2) A person who has been designated pursuant to Article 16, paragraph (1), item (i) of the Act must, except in the case provided for in the preceding paragraph, submit to the Minister of Justice a document verifying that they still presently retain the qualification to become a foreign lawyer with respect to the Designation within two months after the expiration of every two years from the

date when they received such Designation.

(Mutatis Mutandis Application of the Provisions Concerning Approval or its Rescission)

Article 16 The provisions of Article 5 apply mutatis mutandis to the means of payment of a fee pursuant to Article 17, paragraph (3) of the Act. The provisions of Article 7 apply mutatis mutandis to notifications when no Designation is made. The provisions of Article 8 apply mutatis mutandis to preliminary examinations prior to application for Designation. The provisions of Article 10 apply mutatis mutandis to hearings concerning the disposition of rescission of a Designation. The provisions of Article 11 apply mutatis mutandis to notification of rescission of a Designation. In these cases "Written Application for Approval" in Article 8 must be read as "Written Application for Designation"

(Attachment of a Translation)

Article 17 When documents submitted to the Minister of Justice pursuant to the provisions of the Act or this Order, or documents submitted to a presiding officer pursuant to the provisions of Administrative Procedure Act (Act No. 88 of 1993) or the Regulation on Ministry of Justice Hearings (Ministry of Justice Order No. 47 of 1994) are prepared in a foreign language, they must be accompanied by a Japanese translation. Such translation must be signed by the translator and must include the translator's name, the date of the translation and a pledge that they have completed the translation in good faith.

Appended Table (In relation to Article 1)

Federal States	Constituent Units
United States of America	States, District of Columbia, Territories
Commonwealth of Australia	States, Australian Capital Territory, Northern Territory
Canada	Provinces, Territories

Appended Forms are omitted