

# **Attorneys Act**

(Act No. 205 of June 10, 1949)

## **Chapter I The Mission and Duties of an Attorney**

(The Mission of an Attorney)

Article 1 (1) An attorney is entrusted with the mission of protecting fundamental human rights and achieving social justice.

(2) In keeping with the mission set forth in the preceding paragraph, an attorney must perform duties in good faith and endeavor to maintain the social order and improve the legal system.

(The Basic Standards of the Responsibilities of an Attorney)

Article 2 An attorney must endeavor to remain high standards of sophistication and develop a high moral character, and must acquire a mastery of laws, regulations and legal practices.

(The Duties of an Attorney)

Article 3 (1) The duties of an attorney are, at the request of the party or the concerned parties, or through legal practices entrusted by a public agency, to file appeals against administrative authorities, such as lawsuits, non-contentious cases, administrative reviews, objections, requests for re-examination,, and conduct other general legal practices.

(2) An attorney may, without any further qualifications, provide services of patent attorneys and certified public tax accountants.

## **Chapter II Qualifications for Becoming an Attorney**

(Qualifications for Becoming an Attorney)

Article 4 A person who has completed the legal apprentice training course is qualified to become an attorney.

(Exceptions to an Attorney Qualifications for Persons Certified by the Minister of Justice)

Article 5 Notwithstanding the provisions of the preceding Article, a person who has met any of the requirements set forth in the following items and is certified by the Minister of Justice afterward as having completed a training course for attorney services, that is designated by the Minister of Justice and implemented by a corporation specified in the Ministry of Justice Order, is

qualified to become an attorney.

- (i) after acquiring the qualification to become a legal apprentice, a person has served, in total, at least five years as a judge of summary court, a public prosecutor, a judicial research officer, a court administrative official, an administrative official of the Ministry of Justice, an instructor at the Legal Training and Research Institute, the Training and Research Institute for Court Officials or a government organ, as prescribed by Cabinet Order, in charge of the practices set forth in Article 4, paragraph (1), items (xxxv) or (xxxvii) of the Act on the Establishment of the Ministry of Justice (Act No. 93 of 1999), a member of the House of Representatives or of the House of Councilors or a councilor (Sanji) of the Legislative Bureau of the House of Representatives or of the House of Councilors, a councilor (Sanji-kan) of the Legislative Bureau of the Cabinet, or as a professor or associate professor of law at a department, advanced course or graduate school of law at a university having a graduate school for legal studies as prescribed by the School Education Act (Act No. 26 of 1947);
- (ii) after acquiring the qualification to become a legal apprentice, a person has engaged in any of the following practices by utilizing their own specialized knowledge in law, for a total of at least seven years:
  - (a) Duties concerning the business of a corporation or another enterprise (excluding national or local government) that is conducted by its employee, such as an officer, agent, member, , and falls under any of the following items (limited to duties which are not in violation of the provisions of Article 72):
    1. Preparation of drafts of contracts or other documents that need to be prepared based on the results of a legal analysis concerning the rights and obligations of the enterprise in its business activities;
    2. To validate facts or collect evidence for court proceedings, etc. (meaning court proceedings and proceedings similar to these specified in the Ministry of Justice Order: the same applies hereinafter);
    3. To prepare drafts of documents stating the assertion of the business operator, such as complaints, petitions, answers, briefs to be submitted for court proceedings, etc.;
    4. To file a claim or state opinions or to question a witnesses on hearing dates of court proceedings, etc.; or
    5. To negotiate settlements in order to resolve civil disputes, or to validate facts or collect evidence necessary for the negotiation.
  - (b) Duties at a national or local government conducted by a public employee that fall under any of the following items:
    1. To draft laws and regulations (including Prefectural and Municipal Orders), to conduct duties relating to the signing of treaties or other

international agreements, or to review or deliberate bills relating to the enactment, amendment or repeal of Prefectural and Municipal Orders;

2. To conduct duties set forth in 2. through 5. of sub-item (a); or
  3. To conduct duties to be handled by a person designated in the Ministry of Justice Order, that require decision-making, such as trial proceedings (shinpan), hearing (shinri) or trial decisions (shinketsu) in proceedings similar to trial hearing, or decision (kettei), specified in the Ministry of Justice Order.
- (iii) after passing the examination set forth in Article 18, paragraph (3) of the Public Prosecutor's Office Act (Act No. 61 of 1947), a person has served, in total, at least 5 years, as a public prosecutor (excluding an assistant prosecutor).
- (iv) Beyond what is set forth in the preceding three items, the period listed in sub-item (a) or (b) below must exceed the number of years set forth in the respective sub-items. (The periods of serving in the positions the duties provided in items (i) and (ii) below are limited to the period that has elapsed from the date on which a person had acquired the qualification to become a legal apprentice, and the periods of serving in the positions provided in the preceding item are limited to the period that has elapsed from the date on which a person had passed the examination set forth in Article 18, paragraph (3) of the Public Prosecutor's Office Act.)
- (a) The total period of time in which they served in the positions set forth in item (i) and in which they served in the positions set forth in the preceding item - five years
  - (b) The total period of time in which they served in the duties set forth in item (ii), in which they served in the positions set forth in item (i) and the preceding item - seven years

(Application for Certification)

Article 5-2 (1) A person who intends to become qualified as an attorney pursuant to the provisions of the preceding Article must submit to the Minister of Justice a written application for certification containing the information, such as their name, the date they acquired the qualification to become a legal apprentice or passed the examination referred to in Article 18, paragraph (3) of the Public Prosecutor's Office Act, the duration of service referred to in item (i) or (iii) of the preceding Article or the duration of duty referred to in item (ii) of that Article, as well as the details of duties under that item, specified by Ministry of Justice Order.

(2) The documents specified by the Ministry of Justice Order, such as a document certifying that the applicant has acquired the qualification to become a legal

apprentice or passed the examination referred to in Article 18, paragraph (3) of the Public Prosecutor's Office Act; documents certifying the duration of service prescribed in items (i) or (iii) of the preceding Article or the duration of service prescribed in item (ii) of that Article, as well as the details of the relevant services; must be attached to the application for certification referred to in the preceding paragraph.

- (3) A person submitting an application pursuant to the provisions of paragraph (1) must pay a fee prescribed by Cabinet Order, which is determined by taking actual expenses into account.

#### (Procedures for Certification)

Article 5-3 (1) If the Minister of Justice confirms that a person submitting an application pursuant to the provisions of paragraph (1) of the preceding Article (hereinafter referred to as the "applicant" in this Chapter) falls under any of the items of Article 5, the Minister must assign the applicant the training course set forth in that Article (hereinafter simply referred to as the "training course" in this Article) and send a written notice on the training course to the applicant.

- (2) When an applicant completes all training course programs, the corporation implementing the training course must, without delay, provide a written report to the Minister of Justice regarding whether the applicant has completed the training course (including the corporation's opinion about whether or not the Minister of Justice may certify that the applicant has completed all training course programs), pursuant to the provision of Ministry of Justice Order.

- (3) When the Minister of Justice confirms that the applicant has completed all training course programs based on the report set forth in the preceding paragraph, the Minister must issue the certification set forth in Article 5 (hereinafter simply referred to as "certification") to the applicant.

- (4) When the Minister of Justice issues a certification or dismisses an application submitted pursuant to the provisions of paragraph (1) of the preceding Article, the Minister must issue a written notice of certification or dismissal to the applicant.

#### (Designation of a Training Course)

Article 5-4 (1) The Minister of Justice must not designate a training course pursuant to the provisions of Article 5 unless the Minister finds that the contents of the training course are appropriate and sufficient enough for the acquisition of the abilities necessary to provide attorney services.

- (2) The corporation implementing the training course may state an opinion to the Minister of Justice regarding the designation of the training course referred to in the preceding paragraph.

(3) The Minister of Justice may, to the extent necessary to ensure that the training course referred to in Article 5 is implemented in a proper and steady manner, require the corporation implementing the training course to submit reports or materials necessary for the training course, or state any necessary opinions.

(Request for Information)

Article 5-5 If the Minister of Justice finds it necessary for the handling of administrative functions relating to certifications, the Minister may request an applicant to submit necessary materials, or request public offices, public or private organizations or other relevant persons to report necessary particulars after making inquiries.

(Particulars Governed by Ministry of Justice Order)

Article 5-6 Beyond what is set forth in this Act, particulars necessary for certification procedures are prescribed by Ministry of Justice Order.

(Attorney Qualification Exemptions for Certain Persons who have Served as a Justice of the Supreme Court)

Article 6 Notwithstanding the provisions of Article 4, a person who has served as a Justice of the Supreme Court is qualified to become an attorney.

(Grounds for Disqualifying an Attorney)

Article 7 Notwithstanding the provisions of Articles 4, 5 or 6, persons specified below are not qualified to become an attorney:

- (i) a person who has been sentenced to imprisonment without work or a severer punishment;
- (ii) a person whose removal from office has been decided by a court of impeachment;
- (iii) a person who, through disciplinary action, has been disbarred as an attorney or as a registered foreign lawyer, has been prohibited from practicing as a patent attorney, has had their registration as a certified public accountant revoked, has been prohibited from providing services as a certified public tax accountant, or has been dismissed from their office as a public employee, and three years have not elapsed from the date on which disciplinary action was imposed;
- (iv) a person who received a decision for the commencement of bankruptcy proceedings and has not had their rights restored.

### **Chapter III Roll of Attorneys**

(Registration of an Attorney)

Article 8 To become an attorney, a person must have their name registered in the roll of attorneys maintained by the Japan Federation of Bar Associations.

(Requests for the Registration)

Article 9 To become an attorney, a person must file a request for registration with the Japan Federation of Bar Associations through the bar association which they intend to join.

(Requests for Transfer of Registration)

Article 10 (1) In order for an attorney to transfer the bar association of which the attorney holds a membership, the attorney must file a request for transfer of registration with the Japan Federation of Bar Associations through the bar association which the attorney intends to join.

(2) If an attorney files a request for transfer of registration, the attorney must notify the bar association of which they hold a membership of their request.

(Request for Revocation of Registration)

Article 11 If an attorney intends to cease their practice, they must file a request for revocation of registration with the Japan Federation of Bar Associations through the bar association of which they hold a membership.

(Refusal to Transmit Requests for Registration or Transfer of Registration)

Article 12 (1) Bar associations may refuse a request for registration or a request for transfer of registration filed by an applicant who may disturb the bar association's order or harm its reputation, or an applicant who falls under any of the following items and may be unfit to practice law, pursuant to a resolution adopted by its qualifications screening board:

(i) if the person has mental disorder or physical disability; or

(ii) If a person who falls under the provisions of Article 7, item (iii) files a request after three years from the date on which the person was disbarred, prohibited to provide their services, whose registration was revoked, or dismissed.

(2) The preceding paragraph applies to an applicant who, in the last one year prior to their request for registration or transfer of registration, was a full-time public employee in the district of the relevant bar association, and who may be particularly unfit to practice law within that district.

(3) If a bar association refuses to transmit a request pursuant to the provisions of the preceding two paragraphs, it must promptly give a written notice of refusal stating the reason to the person who has filed the request for registration or request for transfer of registration.

(4) If a bar association has failed to transmit the request to the Japan Federation of Bar Associations after three months of having received the request for registration or transfer of registration, a person who filed the request for registration or request for transfer of registration may deem that the transmission of the request is rejected, and may file a request for administrative review under the provisions of the Administrative Appeal Act (Act No. 160 of 1962).

Article 12-2 (1) If the Japan Federation of Bar Associations is to make a decision on a request for administrative review under the provisions of the Administrative Appeal Act (including the request for administrative review under the provisions of paragraph (4) of the preceding Article) regarding a refusal to transmit a request for registration or transfer of registration under the provisions of the preceding Article, the Japan Federation of Bar Associations must make an administrative determination based on the resolution adopted by its qualifications screening board.

(2) If the Japan Federation of Bar Associations finds grounds for the request for administrative review referred to in the preceding paragraph, it must order the bar association to transmit the request for registration or transfer of registration.

(Request for Revocation of Registration Filed by a Bar Association)

Article 13 (1) If an attorney has made false statements regarding the particulars set forth in paragraph (1), items (i) or (ii), or in paragraph (2) of Article 12, or there is a likelihood that the attorney may be unfit to practice law because of a mental disorder or physical disability, the bar association may, based on the resolution adopted by its qualifications screening board, request the Japan Federation of Bar Associations to revoke the attorney's registration.

(2) If a bar association files a request referred to in the preceding paragraph, it must promptly give a notice of revocation of attorney's registration and the reasons in writing to the attorney.

Article 14 (1) A person against whom a request for revocation of registration has been filed pursuant to the provisions of the preceding Article may file an objection with the Japan Federation of Bar Associations within a period not exceeding sixty days from the day following the day on which the notice was received.

(2) If the Japan Federation of Bar Associations receives an objection referred to in the preceding paragraph, it must, based on the resolution adopted by its qualifications screening board, either send the request for revocation of registration back to the bar association if it finds that the person who has filed

the objection has grounds for objection, or must reject the objection if it finds that that person has no grounds.

- (3) If the Japan Federation of Bar Associations makes a decision on the disposition referred to in the preceding paragraph, it must promptly give a notice of disposition and the reasons in writing to the person who has filed the objection.

(Refusal of Registration or Transfer of Registration)

Article 15 (1) When the Japan Federation of Bar Associations receives the request for registration or request for transfer of registration transmitted by a bar association, if the Federation finds it proper to refuse the request for the reasons set forth in Article 12, paragraphs (1) and (2), it may refuse the registration or transfer of registration based on the resolution adopted by its qualifications screening board.

- (2) If the Japan Federation of Bar Associations refuses registration or transfer of registration pursuant to the preceding paragraph, it must promptly give a notice of registration or transfer of registration and the reason in writing to the person who has filed a request for registration or transfer of registration and to the bar association which transmitted the request.

(Filing a Lawsuit)

Article 16 (1) A person whose request for administrative review of a refusal to transmit their request for registration or transfer of registration under the provisions of Article 12 was dismissed or rejected, or whose objection under the provisions of Article 14, paragraph (1) was rejected, or whose request for registration or transfer of registration was refused pursuant to the provisions of the preceding Article, may file a lawsuit for the revocation of administrative disposition in the Tokyo High Court.

- (2) If, three months after receiving a request for examination of a refusal to transmit the request for registration or the request for transfer of registration under the provisions of Article 12 or the objection under the provisions of Article 14, paragraph (1), the Japan Federation of Bar Associations has not made an administrative determination or taken a disciplinary action referred to in Article 14, paragraph (2), or if it has failed to register or transfer the registration in the roll of attorneys within three months of receiving a transmitted request for registration or transfer of registration, the person who filed the request for administrative review or the objection, or filed the request for registration or transfer of registration may deem that the request for administrative review or the objection has been rejected or the request for registration or transfer of registration has been refused, and may file a lawsuit referred to in the preceding paragraph.



(3) With regard to the refusal to transmit the request for registration or the request for transfer of registration, a lawsuit for the revocation of administrative disposition may be filed only against the administrative determination made by the Japan Federation of Bar Associations.

(Reasons for Revocation of Registration)

Article 17 The Japan Federation of Bar Associations must unregister an attorney from its roll of attorneys in the following cases:

- (i) if an attorney falls under any of the items of Article 7 (excluding item (ii));
- (ii) if an attorney files a request for revocation of registration pursuant to the provisions of Article 11;
- (iii) if an order to withdraw, disbarment, or revocation of the registration of an attorney under the provisions of Article 13 has become final and binding; or
- (iv) if an attorney dies.

(Reporting the Reasons for Revocation of Registration)

Article 18 If a bar association finds that it has grounds to unregister a member from its roll of attorneys, it must promptly report the grounds to the Japan Federation of Bar Associations.

(Notice and Public Notice of Registrations)

Article 19 The Japan Federation of Bar Associations must promptly give a notice of an attorney's registration, transfer of registration, or revocation of registration from the roll of attorneys to the bar association of which the attorney holds a membership, and make the relevant registration, transfer of registration, or revocation of registration public in the Official Gazette.

## **Chapter IV The Rights and Obligations of an Attorney**

(Law Offices)

Article 20 (1) The office of an attorney is called a "law office".

(2) A law office must be established within the district of the bar association of which the attorney holds a membership.

(3) An attorney may not establish two or more law offices under any name whatsoever; provided, however, that practicing at the law office of another attorney is not prohibited.

(Duty to Report Regarding a Law Office)

Article 21 An attorney must immediately notify the bar association of which they hold a membership and the Japan Federation of Bar Associations when they establish or relocate their law office.

(Duty to Observe the Articles of Association of the Associations)

Article 22 An attorney must observe the articles of association of the bar association of which they hold a membership and of the Japan Federation of Bar Associations.

(Right and Duty to Maintain Confidentiality)

Article 23 Unless otherwise provided by law, an attorney or a former attorney has the right and bears the duty to maintain the confidentiality of any facts which they may have learned in the course of performing their duties.

(Request for Information)

Article 23-2 (1) An attorney may request the bar association of which they hold a membership to make inquiries to public offices or public or private organizations so that they may provide information necessary for a case taken by the attorney. The bar association may refuse the request if it finds that the request is inappropriate.

(2) A bar association may, pursuant to the request referred to in the preceding paragraph, request public offices or public or private organizations to provide necessary information.

(Duty to Perform Entrusted Matters)

Article 24 An attorney may not decline, without due reason, to undertake matters entrusted by the public agencies pursuant to the provisions of laws and regulations, or to undertake matters designated by the bar association of which they hold a membership or by the Japan Federation of Bar Associations pursuant to the provisions of their articles of association.

(Cases that an Attorney May Not Undertake)

Article 25 An attorney must not take the cases specified below; provided, however, that this does not apply for the cases specified in items (iii) and (ix), if the client of a case undertaken by the attorney gives their consent:

- (i) cases in which their client provided support to the other party after consultations, or accepted the request of the other party;
- (ii) cases in which their client accepted the consultation requested by the other party and it is obvious that the degree and form of the consultation are determined based on a relationship of mutual trust;
- (iii) other cases requested by the other party than those already undertaken by the attorney;
- (iv) cases that they handled as a public employee in the course of performing their duties;

- (v) cases that they handled as an arbitrator through arbitration procedures;
- (vi) cases in which, during the period in which they engaged in legal services as a member or employee of a juridical person under the provisions of Article 30-2, paragraph (1), the corporation provided support to the other party after consultation or accepted the request of the other party, and they personally involved;
- (vii) cases in which, during the period in which they engaged in legal services as a member or employee of a juridical person under the provisions of Article 30-2, paragraph (1), the juridical person accepted the consultation requested by the other party, and it is obvious that the degree and form of the consultation is determined based on a relationship of mutual trust, and they personally involved;
- (viii) cases undertaken by a corporation which was requested by the other party, when they are a member or an employee of the corporation under the provisions of Article 30-2, paragraph (1); or
- (ix) other cases requested by the other party than those undertaken by a corporation under the provisions of Article 30-2, paragraph (1), when they are a member or an employee thereof (limited to cases in which they play a role).

(Prohibition of Corruption)

Article 26 An attorney must not, in connection with any case undertaken by the attorney, receive, demand, or promise to receive any profit from the other party.

(Prohibition Against Collaboration with Non-Attorneys)

Article 27 An attorney must not undertake any cases referred by a person who is in violation of any of the provisions of Articles 72 through 74, or allow these persons to utilize their name.

(Prohibition Against Obtaining Any Rights that are in Dispute)

Article 28 An attorney may not take over any rights that are in dispute.

(Duty to Give Notice of Decision Not To Undertake a Case)

Article 29 When an attorney decides not to take a case, they must promptly notify the client of their decision.

(Notification of a For-Profit Business)

Article 30 (1) If an attorney falls under any of the following items, the attorney must notify the bar association of which they hold a membership of the matters set forth in the relevant items.

- (i) when they intend to operate their own business for profit - the trade name

- and the description of the business; or
- (ii) when they intend to become a director, executive officer or other officer of a person operating a for-profit business (hereinafter referred to as "director, etc." in this Article) or an employee thereof ; the trade name or name of the person operating the business, the location or address of the head office or main business office, the description of the business, and if they intend to become a director, etc.; the title.d
- (2) A bar association must prepare a roll of attorneys at law engaged in a for-profit businesses for a person who has filed a notification under the provisions of the preceding paragraph, which include the particulars set forth in each item of that paragraph, and keep the roll of attorneys at the office of the bar association for public inspection.
  - (3) A person who has filed a notification under the provisions of paragraph (1) must, if any changes are made to the particulars pertaining the notification, notify the bar association of which they hold a membership, without delay. The same applies if a person discontinues the business pertaining to the notification, or a person ceases to serve as a director, etc. or an employee pertaining to the notification.
  - (4) When a notification under the provisions of the preceding paragraph is filed, the bar association must immediately make changes to or delete the particulars registered in the roll of attorneys at law engaged in for-profit businesses.

## **Chapter IV-2 Legal Professional Corporation**

### **(Establishment)**

Article 30-2 (1) An attorney may establish a corporation to provide the general legal services under the provisions of Article 3 (hereinafter referred to as "legal professional corporation") pursuant to the provisions of this Chapter.

(2) The provisions of Article 1 apply mutatis mutandis to a legal professional corporation.

### **(Name)**

Article 30-3 A legal professional corporation must include the words "legal professional corporation" in its name.

### **(Eligibility for Membership)**

Article 30-4 (1) The members of a legal professional corporation must be an attorney.

(2) The persons specified below may not become a memberof a legal professional corporation.

- (i) any person who was subject to suspension of business pursuant to the provisions of Article 56 or 60, and the suspension period has not elapsed yet; or
- (ii) any person who was a member of a legal professional corporation within 30 days prior to the date on which the legal professional corporation is disbarred or subject to suspension of business as disciplinary action pursuant to the provisions of Article 56 or 60, and three years have not elapsed from the date on which the disciplinary action was taken (or in case the legal professional corporation was subject to suspension of business, the suspension period).

(Scope of Practice)

Article 30-5 In addition to the legal services under the provisions of Article 3, a legal professional corporation may, pursuant to the provisions of its articles of incorporation, engage in all or part of any businesses designated by Ministry of Justice Order, as those an attorney may practice pursuant to the provisions of laws and regulations.

(Handling of Legal Practice Related to Litigation)

Article 30-6 (1) For the legal services set forth below, a legal professional corporation is to provide the legal services that the corporation assigns to its members or employees ("members, etc.") upon request from its client. In this case, the legal professional corporation must allow the client to appoint its representative, defense counsel, attendant, or assistant in court from among the legal professional corporation's members, etc.

- (i) representation or assistance for the court proceedings in cases (excluding criminal cases); or
  - (ii) representation for court proceedings in criminal cases, acting as a defense counsel in criminal cases, acting as an attendant in juvenile protection cases, or assistance in cases in which a request for administrative review of extradition of fugitive criminal has been filed
- (2) A legal professional corporation may not be exempted from liability to pay compensation for damages incurred by the client in connection with the legal services specified in the preceding paragraph, unless it proves that the members, etc. used due care in providing the relevant legal services.

(Registration)

Article 30-7 (1) All legal professional corporations must be registered pursuant to the provisions of Cabinet Order.

- (2) Details required to be registered pursuant to the provisions of the preceding paragraph may not be duly asserted against a third party until the registration

thereof has been completed.

(Establishment Procedures)

Article 30-8 (1) In order to establish a legal professional corporation, the attorneys who are to become members thereof must prepare articles of incorporation.

(2) The provisions of Article 30, paragraph (1) of the Companies Act (Act No. 86 of 2005) apply mutatis mutandis to the articles of incorporation of a legal professional corporation.

(3) The articles of incorporation of a legal profession corporation must include, at least, the following particulars.

(i) business purposes;

(ii) name;

(iii) the location/locations of the law office/offices;

(iv) the bar association of which the legal profession corporation holds a membership;

(v) the names and addresses of its members and the bar association of which they hold a membership;

(vi) matters concerning capital contributions by its members; and

(vii) matters concerning the provision of its legal services.

(Time of Establishment)

Article 30-9 A legal professional corporation is formed upon registration of its establishment in the district in which its principal law office is located.

(Notification of Establishment)

Article 30-10 A legal professional corporation must, within two weeks from the date of its establishment, give a notification of establishment to the bar association of which it holds a membership and to the Japan Federation of Bar Associations, together with copies of a certificate of registered information of the legal professional corporation and its articles of incorporation.

(Amendment to the Articles of Incorporation)

Article 30-11 (1) A legal professional corporation may amend its articles of incorporation with unanimous agreement of all members, unless otherwise provided for in the articles of incorporation.

(2) A legal professional corporation must, within two weeks from the date of amendment to its articles of incorporation, notify the bar association of which it holds a membership and the Japan Federation of Bar Associations of the amendment.

(Execution of the Legal Practice)

Article 30-12 All members of a Legal Professional Corporation have the right and obligation to provide legal services unless otherwise provided for in its articles of incorporation.

(Representation of a Corporation)

Article 30-13 (1) Each member of a legal professional corporation who provides its legal services represents the legal professional corporation.

(2) The provisions of the preceding paragraph do not preclude a legal professional corporation from designating certain members who must act as a representative thereof from among the members who provide its legal services, in accordance with its articles of incorporation or with unanimous consent of all members.

(3) A member who represents a legal professional corporation has the authority to conduct all judicial and non-judicial activities regarding the legal services of the legal professional corporation.

(4) The legal professional corporation may not duly assert the restrictions imposed on the authority referred to in the preceding paragraph against a third party acting in good faith.

(5) A member representing a legal professional corporation may delegate their authority over certain acts to another person, unless prohibited by the articles of incorporation.

(Designated Member)

Article 30-14 (1) A legal professional corporation may designate a member to be in charge of a specific case.

(2) With respect to a designated case under the provisions of preceding paragraph (hereinafter referred to as a "designated case"), only the designated member (hereinafter referred to as a "designated member") has the right and obligation to provide the legal services .

(3) Notwithstanding the provisions of the preceding Article, only the designated member represents the legal professional corporation with respect to the designated case.

(4) If a legal professional corporation designates a member pursuant to the provisions of paragraph (1), it must give a written notice of designation to the client of the designated case.

(5) A client may request the legal professional corporation to clarify, by specifying a reasonable period of time, whether or not the legal professional corporation will designate a member who undertakes the case under the provisions of paragraph (1) within that periodt. In this case, if the legal professional corporation fails to give a notice under the preceding paragraph

within that period, it may not designate a member after the deadline has passed; provided, however, that this does not preclude the legal professional corporation from designating a member with the consent of the client.

- (6) If the designated member becomes unavailable before the legal services for the designated case have completed, the legal professional corporation must designate a new member. If the legal professional corporation fails to designate a new member, all of its members are deemed to have been designated to undertake the designated case.
- (7) When a legal professional corporation that has only one member is requested to undertake a case, the member is deemed to have been designated to undertake the case.

(Member's Liabilities)

- Article 30-15 (1) If a legal professional corporation is unable to pay off its obligations by selling its assets, each member is jointly and severally liable to pay the obligations.
- (2) If a compulsory execution against a legal professional corporation's assets was unsuccessful, the provisions of the preceding paragraph also apply.
  - (3) The provisions of the preceding paragraph do not apply if a member proves that the legal professional corporation has sufficient resources and that a compulsory execution can be easily enforced.
  - (4) If a member has been designated pursuant to the provisions of paragraph (1) of the preceding Article and a notice has been given pursuant to the provisions of paragraph (4) of that Article (including cases in which a member is deemed to have been designated pursuant to the provisions of paragraph (6) or (7) of that Article), and when the legal professional corporation is unable to pay off its obligations owed to the client with respect to the designated case by selling its assets, notwithstanding the provisions of paragraph (1), the designated member (including those who were designated members; hereinafter the same applies in this Article) is jointly and severally liable to pay the obligations; provided, however, that this does not apply if they prove that a designated member who has resigned from the legal professional corporation takes on debts due to the reasons they had after their resignation.
  - (5) In the case referred to in the preceding paragraph, if a compulsory execution against a legal professional corporation's assets based on client's claims with respect to a designated case is unsuccessful, the provisions of preceding paragraph also applies, except when a designated member proves that the legal professional corporation has sufficient resources and that a compulsory execution can be easily enforced.
  - (6) In the case referred to in paragraph (4), if a member who is not a designated member has been involved in legal proceedings on a designated case,



regardless of whether the member has been involved in the case before or after it is designated, they assume the same responsibility borne by the designated member pursuant to the provisions of the preceding two paragraphs, unless they are able to prove that they used due care when they involved in the case. The same applies after they resign from the legal professional corporation.

(7) The provisions of Article 612 of the Companies Act apply mutatis mutandis to the resignation of a member of a legal professional corporation; provided, however, that this does not apply to the obligations of a legal professional corporation owed to a client with respect to a designated case referred to in paragraph (4).

(Responsibilities of a Person Whose Conduct Misled Others to Believe that They are a Member)

Article 30-16 If a person who is not a member of a legal professional corporation acts in a way that mislead others to believe that they are a member, that person bears the same responsibilities as a member for any party who entered into a transaction with the legal professional corporation based on false beliefs.

(Permanent Assignment of Members)

Article 30-17 A legal professional corporation must have its member, who holds the membership of the bar association in the district in which the law office is located, (the bar associations of which the legal professional corporation holds a membership, if there are two or more bar associations in that district; hereinafter the same applies in this Article) reside in its law office; provided, however, that this does not apply to secondary law office if the bar association in the district in which the secondary law office is located allows the legal professional corporation to decide not to have its member reside in its secondary law office, taking into consideration of the distribution of attorneys in the vicinity of the relevant secondary law office and other circumstances.

(Restrictions on the Practice of Law in Specific Cases)

Article 30-18 A legal professional corporation must not undertake a case that falls under any of the following items; provided, however, that this does not apply in the case specified in item (iii) below if the client of a case undertaken by the legal professional corporation gives their consent.

- (i) cases in which the legal professional corporation has provided support to the other party after consultation, or has accepted the request from the other party;
- (ii) cases in which the legal professional corporation has accepted the consultation requested by the other party, and it is obvious that the degree and form of the consultation were determined based on a relationship of

- mutual trust;
- (iii) other cases requested by the other party than those that have already been undertaken by the legal professional corporation;
- (iv) cases that had been requested by the other party, which have been taken by the members, etc.; or
- (v) cases set forth in Article 25, items (i) through (vii) in which one-half or more of the legal professional corporation's members must not provide legal services.

(Prohibition on Joining Another Legal Professional Corporation)

Article 30-19 (1) A member of a legal professional corporation must not become a member of another legal professional corporation.

- (2) Any member of a legal professional corporation must not, without the approval of the other members, provide any legal services within the scope of the legal professional corporation's practice for their own or a third party's benefit; provided, however, that this does not apply when they handle matters entrusted by a public agency pursuant to the provisions of laws and regulations.
- (3) If a member violates the provisions of the preceding paragraph and provides any legal services within the scope of the legal professional corporation's practice for their own or a third party's benefit, the amount of profit earned by that member or third party is presumed to be the amount of damages incurred by the legal professional corporation.

(Prohibition of Corruption by Members of a Legal Professional Corporation)

Article 30-20 (1) The members, etc. of a legal professional corporation must not accept, demand, or promise to accept, any profit from the other party in connection with a case that the legal professional corporation has undertaken.

- (2) The members, etc. of a legal professional corporation must not solicit the benefits from the other party to the legal professional corporation, or demand, or promise to accept any profit from the other party in connection with a case that the legal professional corporation has undertaken.

(Application Mutatis Mutandis of Provisions for the Obligations of an Attorney)

Article 30-21 The provisions of Article 20, paragraphs (1) and (2), Articles 21, 22, 23-2, 24, and 27 through 29 apply mutatis mutandis to a legal professional corporation.

(Statutory Resignation)

Article 30-22 A member of a legal professional corporation withdraws from the legal professional corporation based on the following reasons:

- (i) the employee has a reason for resignation prescribed in the articles of

- incorporation;
- (ii) the agreement by all members;
- (iii) death;
- (iv) the member falls under any of the items of Article 7 (excluding item (ii));
- (v) a request for revocation of their registration is filed pursuant to the provisions of Article 11;
- (vi) they become subject to any of the disciplinary actions prescribed in Article 57, paragraph (1), items (ii) through (iv), or a request for revocation of their registration filed pursuant to the provisions of Article 13, paragraph (1) becomes final and binding; or
- (vii) they are disbarred pursuant to the provisions of Article 859 of the Companies Act as applied mutatis mutandis to Article 30-30, paragraph (1).

(Dissolution)

Article 30-23 (1) A legal professional corporation is dissolved for any of the following reasons:

- (i) the legal professional corporation has a reason for dissolution prescribed in the articles of incorporation;
  - (ii) the agreement by all members;
  - (iii) a merger with another legal professional corporation;
  - (iv) a decision to commence bankruptcy proceedings;
  - (v) a dissolution order issued by a court;
  - (vi) disbarment under the provisions of Article 56 or 60; or
  - (vii) unavailability or death of its members.
- (2) If a legal professional corporation is dissolved for any reason other than those referred to in items (iii) and (vi) of the preceding paragraph, it must provide a notification of dissolution to the bar association of which it holds a membership and to the Japan Federation of Bar Associations within two weeks from the date of dissolution.

(Continuation of a Legal Professional Corporation)

Article 30-24 Only if a legal professional corporation falls under item (vii) of paragraph (1) of the preceding Article due to the death of a member, the liquidator may, with the consent of the heir to that member (or, if a person is appointed to exercise the rights of that member pursuant to the provisions of Article 608, paragraph (5) of the Companies Act as applied mutatis mutandis pursuant to the provisions of Article 675 of the Companies Act as applied mutatis mutandis pursuant to the provisions of Article 30-30, paragraph (2), with the consent of the person), continue the legal professional corporation by admitting a new member into the legal professional corporation.

(Dissolution Orders issued by the Court)

- Article 30-25 (1) The provisions of Article 824, Article 826, Article 868, paragraph (1), Article 870, paragraph (1) (limited to the part pertaining to item (x), the main text of Article 871, Article 872 (limited to the part pertaining to item (iv)), the main text of Article 873, Article 875, Article 876, Article 904 and Article 937, paragraph (1) (limited to the part pertaining to item (iii) (b)) of the Companies Act apply mutatis mutandis to the order to dissolve a legal professional corporation. The provisions of Article 825, Article 868, paragraph (1), Article 870, paragraph (1) (limited to the part pertaining to item (i)), Article 871, Article 872 (limited to the part pertaining to items (i) and (iv)), Article 873, Article 874 (limited to the part pertaining to items (ii) and (iii)), Article 875, Article 876, Article 905 and Article 906 of the Companies Act apply mutatis mutandis to the preservation of the legal professional corporation's assets when a petition is filed pursuant to the provisions of Article 824, paragraph (1) of the Companies Act as applied mutatis mutandis in this item.
- (2) The provisions of Article 833, paragraph (2), Article 834 (limited to the part pertaining to item (xxi), Article 835, paragraph (1), Article 837, Article 838, Article 846, Article 937, paragraph (1) (limited to the part pertaining to item (i) (i)) of the Companies Act apply mutatis mutandis to an action seeking a court order to dissolve a legal professional corporation.
- (3) If the Minister of Justice intends to seek a dissolution order under the provisions of Article 824, paragraph (1) of the Companies Act as applied mutatis mutandis to the paragraph (1), the Minister must hear the opinions of the Japan Federation of Bar Associations in advance.

(Liquidation)

- Article 30-26 (1) The liquidator of a legal professional corporation must be an attorney.
- (2) Upon completion of liquidation, the liquidator must, upon registration of the completion of liquidation, promptly give a notice of completion of liquidation to the bar association of which the legal professional corporation held a membership and to the Japan Federation of Bar Associations, together with a certificate of registered information.

(Supervision by the Court)

- Article 30-26-2 (1) The dissolution and liquidation of a legal professional corporation is subject to the supervision of the court.
- (2) The court may, at any time, ex officio, conduct any inspection, which may be necessary for the supervision referred to in the preceding paragraph.
- (3) The court supervising the dissolution and liquidation of a legal professional corporation may ask for the opinion of the Japan Federation of Bar

Associations or request the Bar Associations to perform an investigation.

- (4) The Japan Federation of Bar Associations may state its opinion to the court provided for in the preceding paragraph.

(Jurisdiction over the Cases Relating to the Supervision of Dissolution and Liquidation)

Article 30-26-3 A district court having jurisdiction over the area in which the principal law office of the legal professional corporation is located has jurisdiction over a case relating to the supervision of the dissolution and liquidation of a legal professional corporation.

(Appointment of Inspectors)

Article 30-26-4 (1) The court may appoint an inspector in order to have them conduct investigations necessary for the supervision of the dissolution and liquidation of a legal professional corporation.

- (2) No appeal may be filed against a judicial decision to appoint an inspector referred to in the preceding paragraph.

(3) If the court appoints an inspector referred to in paragraph (1), it may decide the amount of compensation that the legal professional corporation pays to the inspector. In this case, the court must hear the statements of the legal professional corporation and the inspector.

(Merger)

Article 30-27 (1) A legal professional corporation may merge with another legal professional corporation with the consent of all members.

- (2) A merger between legal professional corporations takes effect upon registration of the legal professional corporation that exists after the merger or formed through the merger in the district in which its principal law office is located.

(3) if legal professional corporations are merged, they must give a notice of merger to the bar association of which it holds a membership and to the Japan Federation of Bar Associations within two weeks from the date of merger, together with a certificate of registered information (copies of a certificate of registered information and the articles of incorporation if a legal professional corporation is formed through a merger).

- (4) The legal professional corporation existing after the merger or formed through the merger succeeds to all rights and obligations of the legal professional corporation which is dissolved by the merger.

(Creditor's Objections)

Article 30-28 (1) A creditor of a legal profession corporation that merges with

another may state an objection against the merger of the legal professional corporation.

- (2) Each legal profession corporation that merges with another must make the following details public in the Official Gazette and notify each known creditor of the following details separately; provided, however that the period referred to in item (iii) below may not be less than one month:
  - (i) announcement of merger;
  - (ii) name and location of a principal office of the legal professional corporation which is dissolved through merger, and of the legal professional corporation that exists after the merger or the legal professional corporation that is formed through merger; and
  - (iii) the fact that a creditor may state an objection against the merger within a certain period.
- (3) Notwithstanding the provisions of the preceding paragraph, if the legal professional corporation that merged with another issues a public notice under the provisions of that paragraph in the manner referred to in items (ii) or (iii) of Article 939, paragraph (1) of the Companies Act in addition to the Official Gazette, pursuant to the provisions of its articles of incorporation under the provisions of paragraph (1) of Article 939 of the Companies Act as applied mutatis mutandis pursuant to paragraph (6) below, a notice under the provisions of the preceding paragraph does not need to be issued.
- (4) A creditor is deemed to have approved the merger unless it states an objection against the merger within the period referred to in paragraph (2), item (iii).
- (5) If a creditor states an objection within the period referred to in paragraph (2), item (iii), the legal professional corporation that merges with another must entrust sufficient properties to a trust company, etc. (meaning a trust company or financial institution that provides trust services (meaning a financial institution to which a permit under Article 1, paragraph (1) of the Act on Concurrent Operation, etc. of Trust Business by Financial Institutions (Act No. 43 of 1943) has been granted)) in order to repay the obligations to the creditor, provide sufficient security or to allow the creditor to receive payment for the debt; provided, however, that this does not apply if it is obvious that the merger will not cause any damage to the creditor.
- (6) The provisions of Article 939, paragraph (1) (limited to the part pertaining to items (ii) and (iii)) and paragraph (3), Article 940, paragraph (1) (limited to the part pertaining to item (iii)) and paragraph (3), Article 941, Article 946, Article 947, Article 951, paragraph (2), Article 953 and Article 955 of the Companies Act apply mutatis mutandis to the public notice under the provisions of paragraph (2) issued by a legal professional corporation. In this case, the phrase "method of public notice" in Article 939, paragraphs (1) and (3) is deemed to be replaced with "method of public notice of merger" and the phrase

"trade name" in Article 946, paragraph (3) is deemed to be replaced with "name."

(Petition to Invalidate a Merger)

Article 30-29 The provisions of Article 828, paragraph (1) (limited to the part pertaining to items (vii) and (viii)) and paragraph (2) (limited to the part pertaining to items (vii) and (viii)), Article 834 (limited to the part pertaining to items (vii) and (viii)), Article 835, paragraph (1), Article 836, paragraphs (2) and (3), Articles 837 through 839, Article 843 (excluding paragraph (1), items (iii) and (iv) and the proviso to paragraph (2)) and Article 846 of the Companies Act apply mutatis mutandis to a petition to invalidate a merger of legal professional corporation. The provisions of Article 868, paragraph (6), Article 870, paragraph (2) (limited to the part pertaining to item (vi)), Article 870-2, the main text of Article 871, Article 872 (limited to the part pertaining to item (v)), Article 872-2, the main text of Article 873, Article 875 and Article 876 of the Companies Act apply mutatis mutandis to a petition set forth in Article 843, paragraph (4) of the Companies Act as applied mutatis mutandis pursuant to this Article.

(Mutatis Mutandis Application of the Act on General Incorporated Associations and General Incorporated Foundations and the Companies Act)

Article 30-30 (1) The provisions of Article 4 of the Act on General Incorporated Association and General Incorporated Foundation (Act No. 48 of 2006) and Article 600, Articles 614 through 619, Article 621 and Article 622 of the Companies Act apply mutatis mutandis to a legal professional corporation. The provisions of Article 581, Article 582, Article 585, paragraphs (1) and (4), Article 586, Article 593, Article 595, Article 596, Article 601, Article 605, Article 606, Article 609, paragraphs (1) and (2), Article 611 (excluding the proviso to paragraph (1)) and Article 613 of the Companies Act apply mutatis mutandis to a member of a legal professional corporation. The provisions of Articles 859 through 862 of the Companies Act apply mutatis mutandis to an expulsion of a member of a legal professional corporation or an action for nullifying the right to provide legal services of a legal professional corporation, or the right to represent the legal professional corporation. In these cases, the phrase "trade name" in Article 613 is deemed to be replaced with "name" and the phrase "Article 594, paragraph (1) (including as applied mutatis mutandis pursuant to Article 598, paragraph (2))" in Article 859, item (ii) of that Act is deemed to be replaced with "Article 30-19, paragraph (1) or (2) of the Attorneys Act (Act No. 205 of 1949)."

(2) The provisions of Article 644 of the Companies Act (excluding item (iii)), and Articles 645 through 649, Article 650, paragraphs (1) and (2), Article 651,

paragraphs (1) and (2) (excluding the part pertaining to mutatis mutandis application of Article 594), Article 652, Article 653, Articles 655 through 659, Articles 662 through 664, Articles 666 through 673, Article 675, Article 863, Article 864, Article 868, paragraph (1), Article 869, Article 870, paragraph (1) (limited to the part pertaining to items (i) and (ii)), Article 871, Article 872 (only with regard to item (iv)), Article 874 (limited to the part pertaining to items (i) and (iv)), Article 875 and Article 876 of that Act apply mutatis mutandis to dissolution and liquidation of a legal professional corporation. In this case, the phrase "Article 641, item (v)" in Article 644, item (i) is deemed to be replaced with " Article 30-23, paragraph (1), item (iii) of the Attorneys Act" and the phrase "Article 641, item (iv) or (vii)" in Article 647, paragraph (3) of that Act is deemed to be replaced with "Article 30-23, paragraph (1), items (v) through (vii) of the Attorneys Act" and the phrase "Article 641, items (i) through (iii)" in Article 668, paragraph (1) and Article 669 is deemed to be replaced with "Article 30-23, paragraph (1), item (i) or (ii) of the Attorneys Act" and the phrase "Article 939, paragraph (1)" in Article 670, paragraph (3) of that Act is deemed to be replaced with "Article 939, paragraph (1) as applied mutatis mutandis pursuant to Article 30-28, paragraph (6) of the Attorneys Act" and the phrase "Article 580" in Article 673, paragraph (1) of that Act is deemed to be replaced with "Article 30-15 of the Attorneys Act."

(3) The provisions of Article 828, paragraph (1) (limited to the part pertaining to item (i)) and paragraph (2) (limited to the part pertaining to item (i)), Article 834 (limited to the part pertaining to item (i)), Article 835, paragraph (1), Articles 837 through 839 and Article 846 of the Companies Act apply mutatis mutandis to an action to invalidate the incorporation of a legal professional corporation.

(4) With regard to the application of the provisions of Article 16 of the Bankruptcy Act (Act No. 75 of 2004), a legal professional corporation is deemed as a general partnership company.

## **Chapter V Bar Associations**

(Purpose and Juridical Personality)

Article 31 (1) The purpose of a bar association is to, in view of the mission and duties of attorneys and legal professional corporations, perform functions relating to the guidance for, liaison between, and supervision over its members in order to maintain their integrity and improve and advance their legal services.

(2) A bar association is a juridical person.

(District to Serve as Basis of Establishment)



Article 32 A bar association must be established in the jurisdiction of each district court.

(Articles of Association)

Article 33 (1) A bar association must prepare its articles of association with the approval of the Japan Federation of Bar Associations.

(2) The following details must be included in the articles of association of a bar association:

- (i) name of the bar association and location of its office;
- (ii) rules pertaining to the selection, structure and authorities of its president, vice presidents and other organs;
- (iii) rules pertaining to admission to or resignation from the bar association;
- (iv) rules pertaining to the qualifications screening board;
- (v) rules pertaining to the meetings of the bar association;
- (vi) rules pertaining to the transmission of requests for registration, transfer of registration and revocation of registration in the roll of attorneys, and requests for revocation of registration under the provisions of in Article 13, and rules concerning procedures necessary for the implementation thereof;
- (vii) rules pertaining to the ethics of attorneys and maintenance of discipline of its members;
- (viii) rules pertaining to disciplinary actions, the disciplinary action committee and the disciplinary committee;
- (ix) rules pertaining to legal support provided to persons having no financial resource;
- (x) rules pertaining to the recommendation of an attorney to a public agency and other organs;
- (xi) rules pertaining to the training of legal apprentices;
- (xii) rules pertaining to settlement of disputes concerning the duties of a member
- (xiii) rules pertaining to proposals and responses to inquiries from public agencies;
- (xiv) rules pertaining to a notice of for-profit business and the roll of attorneys at law engaged in for-profit businesses;
- (xv) rules pertaining to membership fees; and
- (xvi) rules pertaining to accounting and assets.

(3) If any changes are to be made to the details provided in the preceding paragraph, approval of the Japan Federation of Bar Associations must be obtained.

(Registration)

Article 34 (1) A bar association is formed upon registration of its establishment

- in the district in which it is located.
- (2) The following details must be included in the registration of the establishment of a bar association:
- (i) name;
  - (ii) name and jurisdiction of the district court which forms the basis of its establishment;
  - (iii) location of its office;
  - (iv) full names and addresses of its president and vice-presidents;
  - (v) the provisions of articles of association, if public notice under Article 30-28, paragraph (2) as applied mutatis mutandis pursuant to the provisions of Article 43, paragraph (3) are made by publishing matters on current affairs in a daily newspaper as prescribed in the provisions of articles of association; and
  - (vi) the provisions of its articles of association and the following details, if public notice under Article 30-28, paragraph (2) as applied mutatis mutandis pursuant to the provisions of Article 43, paragraph (3), are made by electronic notices (meaning an electronic notice referred to in Article 2, item (xxxiv) of the Companies Act; the same applies to sub-item (a)), as prescribed in the provisions of articles of association:
    - (a) Details that are necessary in order for the general public to receive information that must be made public electronically and that are prescribed by Ministry of Justice Order; and
    - (b) The provisions of articles of association, if the articles of association under the provisions of the latter part of Article 939, paragraph (3) of the Companies Act as applied mutatis mutandis pursuant to the provisions of Article 30-28, paragraph (6) as applied mutatis mutandis pursuant to the provisions of Article 43, paragraph (3), has been prepared.
- (3) If a bar association is dissolved, it must register its dissolution within two weeks.
- (4) If any changes are made to the details specified in paragraph (2) of this Article, changes to the registered details must be registered within two weeks.
- (5) Details that must be registered by a bar association may not be duly asserted against a third party until the details have been registered.
- (6) Beyond what is provided for in this Act, particulars necessary for the registration procedures of a bar association are provided by Cabinet Order.

(President and Vice-Presidents)

- Article 35 (1) The representative of a bar association is its president.
- (2) If the president is unable to perform their duties or the position is vacant, the vice-president performs the duties of the president as provided in this Act and in the articles of association of the bar association.

- (3) With regard to the application of the Penal Code (Act No. 45 of 1907) or other penal provisions, the president and vice-presidents are deemed as officials engaging in public duties pursuant to the provisions of laws and regulations,.

(Admission and Resignation)

- Article 36 (1) A person who is registered or whose registration has been transferred in the roll of attorneys, by operation of law, becomes a member of the bar association which they intend to join, and if their registration has been transferred, they thereby resign from their former bar association.
- (2) A person whose registration has been revoked through a request under the provisions of Article 11, by operation of law, resigns from the bar association of which they hold a membership.

(Admission and Withdrawal of a Legal Professional Corporation)

- Article 36-2 (1) A legal professional corporation, upon its establishment, becomes a member of the bar association of the district in which its principal law office is located (if there are two or more bar associations in that district, the one that is specified in the legal professional corporation's articles of incorporation).
- (2) If a legal professional corporation establishes a new law office or relocates its law office outside the district of the bar association of which it holds a membership, it become a member of the bar association of the district in which the law office is located (if there are two or more bar associations in that district, the one that is specified in its articles of incorporation) upon registration of its establishment or relocation in that district.
- (3) A legal professional corporation that no longer has a law office in the district of the bar association of which it holds a membership due to relocation or closure, it withdraws from the association upon registration of relocation or closure of that office in the district it was located.
- (4) A legal professional corporation may transfer its bar association of which they hold a membership by amending its articles of incorporation, only when there are two or more bar associations in the district in which its law office is located.
- (5) A legal professional corporation may not hold a membership of more than one bar association in the same district.
- (6) A legal professional corporation that is admitted to a new bar association pursuant to the provisions of paragraph (2) or (4) must, within two weeks from the date of admission, give a notification thereof to the relevant bar association and to the Japan Federation of Bar Associations, together with the copies of a certificate of registered information and its articles of incorporation.
- (7) If a legal professional corporation withdraws from a bar association pursuant to the provisions of paragraph (3) or (4), within two weeks from the date of withdrawal, it must give a notice of withdrawal to the relevant bar association

and to the Japan Federation of Bar Associations.

(General Meeting)

Article 37 (1) A bar association must hold a regular general meeting every year.

(2) A bar association may convene an extraordinary general meeting when it deems necessary.

(Reporting General Meeting Resolutions)

Article 38 A bar association must report resolutions adopted at its general meeting, and newly appointed and retired officers to the Japan Federation of Bar Associations.

(Details Requiring Resolution at a General Meeting)

Article 39 Any changes to its articles of association, budgets and settlement of accounts must be resolved at its general meeting.

(Revocation of a Resolution Adopted at a General meeting)

Article 40 If a resolution adopted at the general meeting of a bar association adversely affects the public interest, or violates the provisions of laws or regulations or the articles of association of the bar association or the Japan Federation of Bar Associations, the latter may revoke the resolution.

(Mediation of Disputes)

Article 41 A bar association may, at the request of an attorney, a legal professional corporation, the party in question, or other concerned parties, mediate any dispute regarding the duties of an attorney or the legal services of a legal professional corporation.

(Response to Inquiries and Proposals)

Article 42 (1) A bar association must respond to inquiries from or a consultation requested by the Japan Federation of Bar Associations.

(2) A bar association may make proposals on the legal services of an attorney and a legal professional corporation and other judicial affairs to public agencies, or respond to their inquiries.

(Merger and Dissolution)

Article 43 (1) If the jurisdiction of a district court is changed, and it is necessary for a bar association located in the district to merge or dissolve, the relevant bar association merges or dissolves, depending on the resolution adopted at its general meeting.

(2) The bar association that exists after the merger or is formed through the

merger succeeds to all rights and obligations of the bar association which is dissolved by the merger.

- (3) The provisions of Article 30-28 apply mutatis mutandis to a merger of bar associations. In this case, the phrase "articles of incorporation" in paragraph (3) is deemed to be replaced with "articles of association" and the phrase "Article 939, paragraphs (1) and (3) of that Act" in paragraph (6) of that Article is deemed to be replaced with "that paragraph and paragraph (3) of that Act, and the phrase "articles of incorporation in Article 939, paragraph (1) is deemed to be replaced with "articles of association".
- (4) When a bar association is merged with another, an attorney who was a member of the bar association which is dissolved through the relevant merger, by operation of law, becomes a member of the bar association that exists after the merger or is formed through the merger.
- (5) The provisions of Article 10, paragraph (1) apply mutatis mutandis to attorneys in the case specified in the preceding paragraph.

(Capacity of the Bar Association in Liquidation)

Article 43-2 A dissolved bar association is deemed as the bar association that still exists until the liquidation is completed, strictly for the purpose of liquidation.

(Liquidators)

Article 43-3 (1) If a bar association has been dissolved, the president becomes the liquidator, except in the case of a dissolution of the bar association based on a decision to commence bankruptcy proceedings; provided, however, that this does not apply when provided otherwise in the articles of incorporation or a person other than the president has been appointed as a liquidator at a general meeting.

- (2) The following persons may not be appointed as a liquidator.
  - (i) a person who has been sentenced to the death penalty or life imprisonment, or to imprisonment with or without work exceeding 6 years, and who has not had their rights restored.
  - (ii) a person who has been sentenced to imprisonment with or without work not exceeding 6 years, whose execution of the sentence has not been completed or executed.

(Appointment of a Liquidator by the Court)

Article 43-4 If there is no person who becomes a liquidator pursuant to the provisions of paragraph (1) of the preceding Article, or if any damage is likely to occur due to the vacancy in the position of a liquidator, the court may appoint a liquidator at the request of any interested person or public

prosecutor, or ex officio.

(Dismissal of Liquidators)

Article 43-5 At the request of an interested person or the public prosecutor or ex officio, the court may dismiss the liquidator if they have sufficient grounds to do so.

(Duties and Authority of Liquidators)

Article 43-6 (1) The duties of a liquidator are as follows:

- (i) termination of current business;
- (ii) the collection of debts and the performance of obligations; and
- (iii) the delivery of residual assets.

(2) A liquidator may take any action that is necessary to perform their duties set forth in the items of the preceding paragraph.

(Demanding the Filing of Claims)

Article 43-7 (1) Within two months from the date on which a liquidator begins to act as liquidator, the liquidator must demand that the creditors must file their claims within a specific period, issuing at least three public notices. In this case, the period may not be less than two months.

(2) A public notice referred to in the preceding paragraph must include a supplementary note stating that if a creditor fails to file their claim within the specified period, their claim will be excluded from the liquidation process; provided, however, that the liquidator may not exclude any known creditor.

(3) The liquidator must demand that each known creditor must file its claim.

(4) A public notice referred to in paragraph (1) is published in the Official Gazette.

(Filing of Claims after the Specified Period)

Article 43-8 A creditor that files a claim after the period referred to in paragraph (1) of the preceding Article is entitled to file a claim only against the assets which, after all debts of the bar association have been paid off, have not yet been delivered to persons with vested rights.

(Supervision by the Court)

Article 43-9 (1) The dissolution and liquidation of a bar association is subject to the supervision of the court.

(2) The court may conduct the inspections necessary for the supervision under the preceding paragraph ex officio, at any time.

(Jurisdiction over Cases Concerning Supervision of Dissolution and

Liquidation)

Article 43-10 A case concerning the supervision of the dissolution and liquidation of a bar association or a case concerning the liquidator is subject to the jurisdiction of the district court that has jurisdiction over the district in which the firm thereof is located.

(Restrictions on Appeals)

Article 43-11 No appeal may be filed against a judicial decision on the appointment of a liquidator.

(Remuneration of Liquidators Appointed by the Court)

Article 43-12 If the court appoints a liquidator pursuant to the provisions of Article 43-4, it may determine the amount of remuneration paid to the liquidator by the bar association. In this case, the court must hear statements from the liquidator.

Article 43-13 Deletion (May 2011, Act No. 53)

(Appointment of Inspectors)

Article 43-14 (1) The court may appoint an inspector in order to have the inspector conduct investigations necessary for the supervision of the dissolution and liquidation of a bar association.

(2) The provisions of Article 43-11 and Article 43-12 apply mutatis mutandis if the court appoints an inspector pursuant to the provisions of the preceding paragraph. In this case, the phrase "of a liquidator" is deemed to be replaced with "of a bar association and an inspector".

(Exemption from Application of the Administrative Procedure Act)

Article 43-15 The provisions of Chapters II, III and IV-2 of the Administrative Procedure Act (Act No. 88 of 1993) do not apply to a disposition taken by a bar association pursuant to this Act.

(A Federation of Bar Associations)

Article 44 Bar associations that fall under the jurisdiction of the same high court may, in order to jointly perform certain matters, set rules and establish a federation of bar associations with the approval of the Japan Federation of Bar Associations.

## **Chapter VI The Japan Federation of Bar Associations**

(Establishment, Purpose, and Juridical Personality)

Article 45 (1) Bar associations in Japan must establish the Japan Federation of Bar Associations.

(2) The purpose of the Japan Federation of Bar Associations is to, in view of the mission and duties of attorneys and legal professional corporations, perform functions relating to the guidance for, liaison between, and supervision over the attorneys, legal professional corporations, and bar associations, in order to maintain their integrity and improve and advance the functions of attorneys and legal professional corporations.

(3) The Japan Federation of Bar Associations is a juridical person.

(Articles of Association)

Article 46 (1) The Japan Federation of Bar Associations must prepare its articles of association.

(2) The following particulars must be prescribed in the articles of association of the Japan Federation of Bar Associations.

(i) particulars specified in items (i) through (v), (vii) through (xi), (xiii), (xv) and (xvi) of paragraph (2) of Article 33;

(ii) provisions regarding registration, transfer of registration and revocation of registration in the roll of attorneys; and

(iii) provisions regarding the board of discipline review.

(Membership)

Article 47 Attorneys, legal professional corporations, and bar associations, by operation of law, become a member of the Japan Federation of Bar Associations.

(Request for Investigation)

Article 48 The Japan Federation of Bar Associations may request public agencies or other organs to conduct an investigation necessary for the functions concerning the guidance for, liaison between, and supervision over attorneys, legal professional corporations, and bar associations.

(Powers of the Supreme Court)

Article 49 The Supreme Court may, if it deems necessary, demand that the Japan Federation of Bar Associations reports on its functions, or request an investigation into an attorney, a legal professional corporation, or a bar association.

(Exemption from Application of the Administrative Procedure Act)

Article 49-2 The provisions of Chapters II, III and IV-2 of the Administrative Procedure Act do not apply to a disposition made by the Japan Federation of Bar Associations under this Act.



(Restriction on the Filing of Appeals)

Article 49-3 No appeal under the Administrative Appeal Act may be filed against the dispositions made by the Japan Federation of Bar Associations under this Act.

(Provisions Applied Mutatis Mutandis)

Article 50 The provisions of Article 34, 35, 37, 39 and Article 42, paragraph (2) apply mutatis mutandis to the Japan Federation of Bar Associations.

## **Chapter VII The Qualifications Screening Board**

(Establishment and Functions)

Article 51 (1) Each bar association and the Japan Federation of Bar Associations respectively establishes a qualifications screening board.

(2) A qualifications screening board conducts necessary examinations of requests for registration, requests for transfer or requests for revocation, at the request of the bar association or the Japan Federation of Bar Associations which established the board.

(Organization)

Article 52 (1) A qualifications screening board is composed of a president and several board members.

(2) The president of the bar association or the Japan Federation of Bar Associations in which a qualifications screening board is established becomes the ex-officio president of the relevant board.

(3) The president of the qualifications screening board appoints board members from among attorneys, judges, public prosecutors and persons with relevant expertise; provided, however, that the board members of the qualifications screening board of a bar association who are judges or prosecutors must be appointed based on the recommendations respectively of the High Court, the District Court, the superintendent public prosecutor of the High Public Prosecutors Office, or the chief public prosecutor of the District Public Prosecutors Office, located within the same jurisdiction, and the other members must be appointed based on a resolution adopted at a general meeting of the bar association. The members of the qualifications screening board of the Japan Federation of Bar Associations who are judges or prosecutors must be appointed based on the recommendations of the Supreme Court or the Prosecutor General, and the other members must be appointed based on a resolution adopted at a general meeting of the Japan Federation of Bar Associations.

(4) The term of office of a board member is two years; provided, however, that the term of office of the substitute board member is the remaining term of office of the predecessor.

(Reserve Members)

Article 53 (1) Each qualifications screening board has several reserve members.

(2) The provisions of paragraphs (3) and (4) of the preceding Article apply *mutatis mutandis* to reserve members.

(3) If a board member is unable to perform their duties or there is a vacancy in the committee, the president appoints a person who acts in place of that member from among reserve members that have the same qualifications.

(Duties and Status of a President)

Article 54 (1) The president supervises all affairs of the board.

(2) With regard to the application of the provisions of the Penal Code or other penal provisions, the president, board members and reserve board members are deemed as officials engaged in public duties pursuant to the provisions of laws and regulations.

(Screening Procedures)

Article 55 (1) The qualifications screening board may, when necessary for screening, request the party, person concerned, public agencies or other organs to submit statements, explanations or information.

(2) If the qualifications screening board adopts a resolution that allows refusal of a request for registration, a request for transfer of registration or the transmission thereof, or that accepts a request for revocation of registration under the provisions of Article 13, it must provide notice of refusal or acceptance to the party and give them an opportunity to submit statements and information on this notice.

## **Chapter VIII Disciplinary actions**

### **Section 1 Grounds for Disciplinary Actions and the Disciplinary Authority**

(Grounds for Disciplinary Action and the Disciplinary Authority)

Article 56 (1) An attorney or a legal professional corporation is subject to disciplinary action if the attorney or the legal professional corporation violates this Act or the articles of association of the bar association of which they hold a membership or of the Japan Federation of Bar Associations, or disrupt the order or harm the reputation of the relevant bar association or misbehaves in a manner which undermines the dignity of an attorney or a legal professional

corporation, regardless of whether conducted professionally or outside the professional context..

- (2) Disciplinary actions are taken by the bar association of which the attorney or legal professional corporation holds a membership.
- (3) The grounds for disciplinary actions taken by a bar association against a legal professional corporation having only a secondary law office within the district of the bar association are limited to grounds for disciplinary action taken against the secondary law office in that district.

(Types of Disciplinary Actions)

Article 57 (1) There are four types of disciplinary actions against attorneys, as follows:

- (i) admonition;
- (ii) suspension for not more than two years;
- (iii) order to withdraw from the bar association of which the attorney holds a membership; or
- (iv) disbarment.

(2) There are four types of disciplinary actions against a legal professional corporation, as follows:

- (i) admonition;
- (ii) suspension of legal services of the legal professional corporation or of its law office for not more than two years;
- (iii) order to withdraw from the bar association of which it holds a membership (limited to an order issued to a legal professional corporation having only a secondary law office within the district of the bar association); or
- (iv) disbarment (limited to disbarment of a legal professional corporation whose principal law office is located within the district of the association).

(3) If a bar association takes the disciplinary action referred to in item (ii) of the preceding paragraph against a legal professional corporation having only a secondary law office within the district of the relevant bar association, it may only suspend the legal services of the law office located within the district as a disciplinary action.

(4) With regard to the application of the provisions of paragraph (2) or paragraph (3), the Japan Federation of Bar Associations is deemed as the bar association in whose district the legal professional corporation has its principal law office.

(Prohibition of the Establishment or Relocation of a Law Office by a Legal Professional Corporation subject to Disciplinary Action)

Article 57-2 (1) If legal practice of all law offices of a legal professional corporation located within a specific bar association's district is suspended as a disciplinary action, it must not establish or relocate a law office within the

district during the period in which the legal practice is suspended.

- (2) If a legal professional corporation that is subject to the disciplinary action referred to in item (iii) of paragraph (2) of the preceding Article, it must not establish or relocate a law office within the district of the bar association for three years from the date on which disciplinary action is taken.

(Request for Disciplinary Action, Investigation and Examination)

Article 58 (1) Any person who considers that an attorney or a legal professional corporation has grounds to be disciplined may file a request for disciplinary action with the bar association of which the relevant attorney or legal professional corporation holds a membership, attaching an explanation of grounds for disciplinary action.

- (2) If a bar association considers that an attorney or a legal professional corporation that is a member thereof has grounds to be disciplined, or if a request referred to in the preceding paragraph is filed, the bar association must start disciplinary procedures and have its disciplinary committee investigate into the matter.
- (3) If a disciplinary committee finds, based on an examination pursuant to the preceding paragraph, that it would be appropriate to request the disciplinary actions committee to examine the matter with respect to the accused attorney, etc. (meaning the "accused attorney or the legal professional corporation"; the same applies hereinafter), the disciplinary committee must adopt a resolution accordingly. In this case, the bar association must, based on the relevant resolution, request the disciplinary actions committee to examine the matter.
- (4) If the disciplinary committee finds, based on an investigation referred to in paragraph (2), that the request referred to in paragraph (1) is unlawful, or it is unable to commence the disciplinary procedure against the accused attorney, etc., or finds that the accused attorney, etc. has no grounds to be disciplined, or it is apparent that disciplinary action must not be taken in light of the severity of the matter or other circumstances, the disciplinary committee adopts a resolution based on its decision that it is not appropriate to request the disciplinary actions committee to examine the matter. In this case, the bar association must make a decision not to take disciplinary action against the accused attorney, etc., based on the relevant resolution.
- (5) If the disciplinary actions committee finds, based on an examination referred to in paragraph (3), that it is appropriate to discipline the accused attorney, etc., it adopts a resolution accordingly, clarifying the details of the disciplinary action. In this case, the bar association must, based on the relevant resolution, discipline the accused attorney, etc.
- (6) If the disciplinary actions committee finds, based on an examination referred to in paragraph (3), that it is appropriate not to discipline the accused attorney,

etc., it adopts a resolution accordingly. In this case, the bar association must, based on the relevant resolution, make a decision not to discipline the accused attorney, etc.

(Administrative Determination on Request for Administrative Review Filed by a Person Subject to Discipline)

Article 59 When a request for administrative review of disciplinary action taken by the bar association pursuant to the provisions of Article 56 is filed with the Japan Federation of Bar Associations pursuant to the provisions of the Administrative Appeal Act, it requests the disciplinary actions committee of the Japan Federation of Bar Associations to examine the matter, and must make an administrative determination based on the relevant resolution of the disciplinary actions committee.

(Discipline by the Japan Federation of Bar Associations)

Article 60 (1) If the Japan Federation of Bar Associations finds that it is appropriate to discipline an attorney or legal professional corporation regarding the matters referred to in Article 56, paragraph (1) ex officio, it may discipline the attorney or corporation pursuant to the provisions of the paragraphs (2) through (6) below.

(2) If the Japan Federation of Bar Associations considers that an attorney or a legal professional corporation has grounds to be disciplined, it may start the disciplinary procedures and have the disciplinary committee of the Japan Federation of Bar Associations investigate into the case.

(3) If the disciplinary committee of the Japan Federation of Bar Associations finds it appropriate, based on an examination referred to in the preceding paragraph, to request the disciplinary actions committee of the Japan Federation of Bar Associations to examine the case with respect to the accused attorney, etc., the disciplinary committee adopts a resolution accordingly. In this case, the Japan Federation of Bar Associations must, based on the relevant resolution, request the disciplinary actions committee of the Japan Federation of Bar Associations to examine the case.

(4) If the disciplinary committee of the Japan Federation of Bar Associations finds that, based on an investigation referred to in paragraph (2), it is not able to commence disciplinary procedures against the accused attorney, etc., or that the accused attorney, etc., has no grounds to be disciplined or it is apparent that disciplinary actions must not be taken in light of the severity of the case or other extenuating circumstances, the disciplinary committee adopts a resolution based on the decision that it is not appropriate to request the disciplinary actions committee of the Japan Federation of Bar Associations to examine the case. In this case, the Japan Federation of Bar Associations must

make a decision not to discipline the accused attorney, etc., based on the relevant resolution.

- (5) If the disciplinary actions committee of the Japan Federation of Bar Associations finds , based on an examination referred to in paragraph (3), that it is appropriate to discipline the accused attorney, etc., it adopts a resolution accordingly, clarifying the details of the disciplinary action. In this case, the Japan Federation of Bar Associations must, based on the relevant resolution, discipline the accused attorney, etc.
- (6) If the disciplinary actions committee of the Japan Federation of Bar Associations finds that, based on an examination referred to in paragraph (3), it is appropriate not to discipline the accused attorney, etc., the committee adopts a resolution accordingly. In this case, the Japan Federation of Bar Associations must, based on the relevant resolution, make a decision not to discipline the accused attorney, etc.

(Filing a Lawsuit)

Article 61 (1) A person whose request for administrative review of disciplinary action taken by a bar association pursuant to the provisions of Article 56 is dismissed or rejected or who is subject to disciplinary action taken by the Japan Federation of Bar Associations pursuant to the provisions of Article 60, may file a lawsuit for revocation of the Japan Federation of Bar Associations' decision with the Tokyo High Court.

- (2) With respect to disciplinary actions taken by a bar association pursuant to the provisions of Article 56, a lawsuit for revocation may be filed only against the administrative determination made by the Japan Federation of Bar Associations.

(Restrictions on Requests for Transfer of Registration)

Article 62 (1) An attorney against whom disciplinary procedures have been started may not file a request for transfer of registration or a request for revocation of registration until the relevant procedures are completed.

- (2) A legal professional corporation against which disciplinary procedures have been started is not to, even if it no longer has a law office within the district of the bar association of which it holds a membership due to relocation or closure thereof, withdraw from that bar association until the relevant procedures are completed.
- (3) A legal professional corporation against which disciplinary procedures have been started may not transfer its bar association pursuant to Article 36-2, paragraph (4) until the relevant procedures are completed.
- (4) If a legal professional corporation against which disciplinary procedures have been started relocates its principal law office to a place outside the district of

the bar association of which it holds a membership, the legal professional corporation is, with respect to the application of the provisions of this Chapter, deemed to have its principal law office at its former location until the relevant procedures are completed.

- (5) With respect to the application of the provisions of this Chapter, a legal professional corporation against which disciplinary procedures have been started, even after its liquidation has been completed, is deemed as the legal professional corporation that still exists until the relevant procedures are completed.

(Statute of Limitations)

Article 63 No disciplinary procedures can be started if three years have elapsed since the attorney or the legal professional corporation had the grounds to be disciplined.

## **Section 2 Filing of an Objection, by a Party Requesting Discipline**

(Filing of an Objection by a Party Requesting Discipline)

- Article 64 (1) Despite a request for discipline filed against an attorney or a legal professional corporation pursuant to the provisions of Article 58, paragraph (1), if a bar association made a decision not to discipline the accused attorney, etc., or has not completed disciplinary procedures within a reasonable period, a person that files the request (hereinafter referred to as a "discipline requesting party") may file an objection with the Japan Federation of Bar Associations. The same applies to cases where the discipline requesting party considers that disciplinary action taken by the bar association was unjustly lenient.
- (2) An objection under the provisions of the preceding paragraph (excluding an objection filed against disciplinary procedures which are not completed within a reasonable period) must be filed within 60 days from the day following the receipt date of a notice of decision not to discipline under the provisions of Article 64-7, paragraph (1), item (ii), or a receipt date of a notice of disciplinary action under the provisions of Article 64-6, paragraph (2) issued by the bar association.
- (3) If a written objection is submitted by mail or via a postal service referred to in Article 2, paragraph (2) by a general correspondence delivery service provider referred to in Article 2, paragraph (6) of the Act on Correspondence Delivery by Private Business Operators (Act No. 99 of 2002) or a specified correspondence delivery service provider referred to in paragraph (9) of that Article, the days needed for delivery are not included in calculating the objection filing period referred to in the preceding paragraph.

(Examination of an Objection by the Disciplinary Committee of the Japan Federation of Bar Associations)

- Article 64-2 (1) After an objection is filed pursuant to the provisions of paragraph (1) of the preceding Article, if the case is not examined by the disciplinary actions committee of the original bar association (meaning the bar association with which a request for discipline is filed by the discipline requesting party; the same applies hereinafter) the Japan Federation of Bar Associations must request the disciplinary committee of the Japan Federation of Bar Associations to examine the objection.
- (2) With respect to the objection filed against a decision not to discipline the accused attorney, etc. made by an original bar association pursuant to the provisions of Article 58, paragraph (4), based on the examination of the objection referred to in the preceding paragraph, if the disciplinary committee of the Japan Federation of Bar Associations finds it appropriate to request the disciplinary actions committee of the original bar association to examine the case, the disciplinary committee of the Japan Federation of Bar Associations adopts a resolution accordingly. In this case, the Japan Federation of Bar Associations must, based on the relevant resolution, revoke the original bar association's decision not to discipline the accused attorney, etc., and remand the case to the original bar association.
- (3) The original bar association to which the case is sent pursuant to the provisions of the preceding paragraph must request its disciplinary actions committee to examine the case. In this case, the provisions of Article 58, paragraphs (5) and (6) apply *mutatis mutandis*.
- (4) With respect to the objection filed with the Japan Federation of Bar Associations for disciplinary procedures which are not completed within a reasonable period, if the disciplinary committee of the Japan Federation of Bar Associations finds that the objection is filed based on reasonable grounds, based on an examination of the objection referred to in paragraph (1), it adopts a resolution accordingly. In this case, the Japan Federation of Bar Associations must, based on the relevant resolution, order the original bar association to promptly proceed with disciplinary procedures, and to discipline the accused attorney, etc. or to make a decision not to discipline the accused attorney, etc.
- (5) If the disciplinary committee of the Japan Federation of Bar Associations finds that it is appropriate to dismiss the objection as being unlawful, or rejects the objection as being groundless, the disciplinary committee of the Japan Federation of Bar Associations adopts a resolution accordingly. In this case, the Japan Federation of Bar Associations must, based on the relevant resolution, reject the objection or make a decision to dismiss the objection.

(Request for Discipline Review)



Article 64-3 (1) When the Japan Federation of Bar Associations makes a decision to reject or dismiss the objection under the provisions of paragraph (2) of the preceding Article pursuant to the provisions of paragraph (5) of that Article, if a discipline requesting party is dissatisfied with the decision made by the Japan Federation of Bar Associations, they may notify the Japan Federation of Bar Associations of their intention to have its discipline review board conduct a discipline review. In this case, the Japan Federation of Bar Associations must request the board of discipline review to conduct a discipline review.

(2) The application for a discipline review under the provisions of the preceding paragraph must be filed within 30 days counting from the date following the receipt date of notice of decision to reject or dismiss the request for objection under the provisions of Article 64-7, paragraph (2), item (vi) issued by the Japan Federation of Bar Association.

(3) The provisions of Article 64, paragraph (3) apply *mutatis mutandis* to the application for discipline review referred to in the preceding paragraph.

(Discipline Review)

Article 64-4 (1) Based on the discipline review referred to in paragraph (1) of the preceding Article, if the board of discipline review finds that it is appropriate to have the case examined by the disciplinary actions committee of the original bar association, the board of discipline review adopts a resolution accordingly. This resolution must be adopted by a two-thirds majority of total number of the committee members.

(2) In the case referred to in the preceding paragraph, the Japan Federation of Bar Associations remands the case to the original bar association based on the relevant resolution, after it revoked its decision to dismiss or reject the objection, as well as the decision not to discipline the accused attorney, etc., made by the original bar association.

(3) The original bar association to which the case has been remanded pursuant to the provisions of the preceding paragraph must have its disciplinary actions committee conduct an examination of the case. In this case, the provisions of Article 58, paragraphs (5) and (6) apply *mutatis mutandis*.

(4) If the board of discipline review finds that it is appropriate to dismiss the request for discipline review as being unlawful, the board of discipline review adopts a resolution accordingly. In this case, the Japan Federation of Bar Associations must, based on the relevant resolution, make a decision to dismiss the request for discipline review.

(5) Except for the case referred to in the preceding paragraph, if the board of discipline review is unable to adopt a resolution referred to in paragraph (1), the discipline review committee must adopt a resolution accordingly. In this case, the Japan Federation of Bar Associations must, based on the relevant

resolution, make a decision to reject the request for discipline review.

(Examination of an Objection by the Disciplinary Actions Committee of the Japan Federation of Bar Associations)

- Article 64-5 (1) If an objection is filed pursuant to the provisions of Article 64, paragraph (1), and the relevant case is to be examined by the disciplinary actions committee of the original bar association, the Japan Federation of Bar Associations must request its disciplinary actions committee to conduct an examination of the objection.
- (2) If the disciplinary actions committee of the Japan Federation of Bar Associations finds that it is appropriate to discipline the accused attorney, etc., based on the examination of the objection referred to in the preceding paragraph, with respect to the objection filed against the decision not to discipline the accused attorney, etc. made by the original bar association pursuant to the provisions of Article 58, paragraph (6), the committee adopts a resolution accordingly, clarifying the details of the disciplinary action. In this case, the Japan Federation of Bar Associations must, based on the relevant resolution, revoke a decision not to discipline the accused attorney, etc., made by the original bar association and discipline the accused attorney, etc. *ex officio*.
- (3) With respect to an objection filed against the disciplinary procedures which are not completed by the original bar association within a reasonable period, if the disciplinary actions committee of the Japan Federation of Bar Associations finds that the objection is filed based on reasonable grounds, based on an examination of the objection referred to in paragraph (1), it adopts a resolution accordingly. In this case, the Japan Federation of Bar Associations must, based on the relevant resolution, order the original bar association either to promptly proceed with disciplinary procedures, to discipline the accused attorney, etc. or to make a decision not to discipline the accused attorney, etc.
- (4) With respect to an objection filed against the disciplinary action taken by the original bar association that is considered unjustly lenient, if the disciplinary actions committee of the Japan Federation of Bar Associations finds that the objection is filed based on reasonable grounds, based on an examination of the objection under the provisions of paragraph (1), it concludes that it is appropriate to amend the details of disciplinary action and adopts a resolution accordingly, clarifying the details of the disciplinary action. In this case, the Japan Federation of Bar Associations must, based on the relevant resolution, revoke the disciplinary action taken by the original bar association, and discipline the accused attorney, etc., *ex officio*,
- (5) If the disciplinary actions committee of the Japan Federation of Bar Associations finds that it is appropriate to dismiss the objection as being

unlawful, or to reject the objection as being groundless, it adopts a resolution accordingly. In this case, the Japan Federation of Bar Associations must, based on the relevant resolution, make a decision to dismiss reject the objection.

(Notice and Public Notice of Disciplinary Actions)

Article 64-6 (1) If disciplinary action is taken against an accused attorney, etc., the bar association or the Japan Federation of Bar Associations must provide the accused attorney, etc. with the details of and the reasons for the disciplinary action in writing.

(2) If disciplinary action is taken against an accused attorney, etc., by the bar association or the Japan Federation of Bar Associations; the bar association must promptly notify the discipline requesting party, other bar associations of which the accused legal corporation holds a membership excluding the bar association against which the disciplinary procedures have been started and the Japan Federation of Bar Associations of the details of and grounds for the disciplinary action in writing; and the Japan Federation of Bar Associations must promptly notify the discipline requesting party and the bar association of which the accused attorney, etc. holds a membership of the details of and grounds for the disciplinary action in writing.

(3) If disciplinary action is taken against an accused attorney, etc. by the bar association or the Japan Federation of Bar Associations, the Japan Federation of Bar Associations must make the details of the disciplinary action public in the Official Gazette without delay.

(Notice Regarding Disciplinary Procedures)

Article 64-7 (1) If the disciplinary procedure falls under any of the following items, the bar association must promptly notify the accused attorney, etc., the discipline requesting party, the other bar associations of which the accused legal professional corporation holds a membership excluding the legal professional corporation against which disciplinary proceedings are started, and the Japan Federation of Bar Associations, of the details prescribed in the relevant items in writing.

(i) if the disciplinary committee was made to investigate into the case or the disciplinary actions committee was requested to examine the case: a statement thereof and the details of the case

(ii) if a decision not to discipline the accused attorney, etc. is made; their decision and the reason

(iii) if disciplinary proceedings are suspended or resumed by the disciplinary actions committee or its sub-committee due to pending criminal proceedings based on the same grounds; a statement thereof

(iv) if disciplinary proceedings are terminated because the attorney who was

subject to the disciplinary proceedings dies or is no longer an attorney: a statement thereof and the reason

- (2) If the disciplinary procedure falls under any of the following items, the Japan Federation of Bar Associations must promptly notify the accused attorney, etc., the discipline requesting party and the bar association of which the accused attorney, etc. holds a membership of the details prescribed in the relevant items in writing.
- (i) if the disciplinary committee is made to investigate into the case, or the disciplinary actions committee is requested to examine the case: a statement thereof and the details of the case
  - (ii) if a decision not to discipline the accused attorney, etc. is made; their decision and the reason
  - (iii) if the disciplinary committee is requested to examine an objection, or the board of discipline review is requested to conduct a discipline review, or the disciplinary actions committee is requested to examine an objection; a statement thereof
  - (iv) if a case is remanded to the original bar association pursuant to the provisions of Article 64-2, paragraph (2) or Article 64-4, paragraph (2): a statement thereof and the reason
  - (v) if the original bar association is ordered to either promptly proceed with disciplinary procedures, to discipline the accused attorney, etc. or make a decision not to discipline the accused attorney, etc.: a statement thereof and the reason
  - (vi) if a decision to dismiss or reject an objection is made: their decision and the reason
  - (vii) if a decision to dismiss or reject a request for discipline review is made: their decision and the reason
  - (viii) if disciplinary proceedings are suspended or resumed by the disciplinary actions committee or its sub-committee due to pending criminal proceedings based on the same grounds: a statement thereof
  - (ix) if disciplinary proceedings are terminated because the attorney subject to the disciplinary proceedings has died or is no longer an attorney, a statement thereof and the reason

### **Section 3 The Disciplinary Actions Committee**

(Establishment of a Disciplinary Actions Committee)

Article 65 (1) A disciplinary actions committee is established within each bar association and within the Japan Federation of Bar Associations.

(2) A disciplinary actions committee conducts necessary examinations, at the request of its bar association or the Japan Federation of Bar Associations

which established the committee, regarding the disciplinary action against an attorney or a legal professional corporation that is a member of the relevant bar association.

(Composition of a Disciplinary Actions Committee)

Article 66 A disciplinary actions committee is composed of four or more committee members as provided in the articles of association of the bar association or the Japan Federation of Bar Associations which established the committee.

(The Committee Members of a Disciplinary Actions Committee)

Article 66-2 (1) The committee members of a disciplinary actions committee of a bar association are appointed respectively by the president of the bar association from among attorneys, judges, public prosecutors and persons with relevant expertise. In this case, the committee members who are judges or public prosecutors are appointed based on the recommendations from the High Court or the District Court, or based on the recommendations from the superintendent public prosecutor of the High Public Prosecutors' Office or the chief public prosecutor of the District Public Prosecutors' Office located within the same jurisdiction, and the other members must be appointed based on a resolution adopted at a general meeting of the bar association.

(2) The committee members of the disciplinary actions committee of the Japan Federation of Bar Associations are appointed respectively by the president of the Japan Federation of Bar Associations from among attorneys, judges, public prosecutors and persons with relevant expertise. In this case, the committee members who are judges or public prosecutors must be appointed based on the recommendations from the Supreme Court or the Secretary General of the Public Prosecutor's Office, and the other members must be appointed based on a resolution adopted at a general meeting of the Japan Federation of Bar Associations.

(3) The term of committee members of a disciplinary actions committee is two years; provided, however, that the term of a substitute committee member is the remaining term of their predecessor.

(4) With respect to the application of the Penal Code and other criminal provisions, the committee member of a disciplinary actions committee is deemed as the officials engaged in public duties pursuant to the provisions of laws and regulations.

(The Chairperson of a Disciplinary Actions Committee)

Article 66-3 (1) A disciplinary actions committee has a chairperson who is elected from among its members.

- (2) The chairperson presides over the affairs of the committee.
- (3) If the chairperson is unable to carry out their duties, their duties are fulfilled by another member of the committee designated according to the order determined in advance by the disciplinary actions committee.
- (4) The provisions of paragraph (4) of the preceding Article apply mutatis mutandis to the chairperson.

(Reserve Committee Members of a Disciplinary Actions Committee)

Article 66-4 (1) A disciplinary actions committee is composed of four or more reserve committee members specified in the articles of association of the bar association or the Japan Federation of Bar Associations which established the committee.

- (2) If a committee member is unable to carry out their duties or there is a vacancy in the committee, the president of the bar association or the Japan Federation of Bar Associations designates a person who acts in place of that member from among the reserve committee members having the same qualifications.
- (3) The provisions of Article 66-2 apply mutatis mutandis to reserve committee members.

(Sub-Committees of a Disciplinary Actions Committee)

Article 66-5 (1) A disciplinary actions committee may establish sub-committees to examine a given case as necessary.

- (2) A sub-committee is composed of one or more attorneys, judges, public prosecutors or persons with relevant expertise, who are appointed as a member by the chairperson.
- (3) A sub-committee has a chairperson, who is elected from among the sub-committee members.
- (4) If the chairman of the sub-committee is unable to carry out their duties, their duties are fulfilled by another sub-committee member designated according to the order determined in advance by the sub-committee.
- (5) A disciplinary actions committee may consider a resolution adopted by a sub-committee on the case examined by the sub-committee as a resolution of the disciplinary actions committee, according to the rules of the committee.

(Examination Procedures of a Disciplinary Actions Committee)

Article 67 (1) If a disciplinary actions committee is requested to conduct an examination of the case, it must promptly set the date of the examination and notify the accused attorney, etc. of the relevant date.

- (2) An attorney or a member of a legal professional corporation subject to an examination may appear before the committee on the date of examination and

make a statement. In this case, the relevant attorney or member of the legal professional corporation must follow the directions given by the chairperson of the disciplinary actions committee.

- (3) If it is necessary for the examination, the disciplinary actions committee may request the accused attorney, etc., the discipline requesting party, person concerned, public agencies or other organs to make statements, provide explanations or submit information.

(The Resolution Statement of Disciplinary Actions Committee)

Article 67-2 When a resolution is adopted, the disciplinary actions committee must promptly prepare a resolution statement that states the reasons.

(Suspension of Disciplinary Procedures)

Article 68 A disciplinary actions committee may suspend disciplinary proceedings while a criminal action is pending based on the same grounds.

(Provisions that Apply Mutatis Mutandis to Sub-Committees of a Disciplinary Actions Committee)

Article 69 The provisions of the preceding three Articles apply mutatis mutandis to the sub-committees of a disciplinary actions committee.

#### **Section 4 The Disciplinary Committee**

(Establishment of a Disciplinary Committee)

Article 70 (1) A disciplinary committee is established by each bar association and the Japan Federation of Bar Associations.

- (2) A disciplinary committee of a bar association conducts the investigations referred to in Article 58, paragraph (2) and Article 71-6, paragraph (2), and handles other matters related to maintenance of the discipline of attorneys and legal professional corporations that holds a membership of the bar association that established the committee.

- (3) The disciplinary committee of the Japan Federation of Bar Associations conducts investigations referred to in Article 60, paragraph (2) and Article 71-6, paragraph (2) as well as examinations of the objections referred to in Article 64-2, paragraph (1), and handles other matters related to maintenance of the discipline of attorneys and legal professional corporations.

(Composition of a Disciplinary Committee)

Article 70-2 A disciplinary committee is composed of four or more committee members, and the number thereof is specified in the articles of association of the bar association or the Japan Federation of Bar Associations that

established the committee.

(The Committee Members of a Disciplinary Committee)

- Article 70-3 (1) The committee members of a disciplinary committee of a bar association is appointed respectively by the president of the bar association from among attorneys, judges, public prosecutors and persons with relevant expertise. In this case, the provisions of the second sentence of Article 66-2, paragraph (1) apply *mutatis mutandis*.
- (2) The committee members of the disciplinary committee of the Japan Federation of Bar Associations is appointed respectively by the president of the Japan Federation of Bar Associations from among attorneys, judges, public prosecutors and persons with relevant expertise. In this case, the provisions of the second sentence of Article 66-2, paragraph (2) apply *mutatis mutandis*.
- (3) The term of committee members of a disciplinary committee is two years; provided, however, that the term of a substitute committee member is the remaining term of their predecessor.
- (4) With respect to the application of the Penal Code or other penal provisions, the committee members of a disciplinary committee is deemed as the officials engaged in public duties pursuant to the provisions of laws and regulations.

(The Chairperson of a Disciplinary Committee)

- Article 70-4 (1) A disciplinary committee has a chairperson who is elected from among its members.
- (2) The chairperson presides over all affairs of the committee.
- (3) If the chairperson is unable to carry out their duties, their duties are fulfilled by another member of the committee designated according to the order determined in advance by the disciplinary committee.
- (4) The provisions of paragraph (4) of the preceding Article apply *mutatis mutandis* to the chairperson.

(Reserve Committee Members of a Disciplinary Committee)

- Article 70-5 (1) A disciplinary committee has four or more reserve committee members, and the number thereof is specified in the articles of association of the bar association or the Japan Federation of Bar Associations which established the the committee.
- (2) If a committee member is unable to carry out their duties or a vacancy occurs in the committee, the president of the bar association or the Japan Federation of Bar Associations designates a person who acts in place of that member from among the reserve committee members having the same qualifications.
- (3) The provisions of Article 70-3 apply *mutatis mutandis* to reserve committee members.



(Sub-Committees of a Disciplinary Committee)

- Article 70-6 (1) A disciplinary committee may establish sub-committees to investigate or examine cases as necessary.
- (2) A sub-committee is composed of one or more attorneys, court judges, public prosecutors or persons with relevant expertise, who are appointed as a member by the chairperson.
- (3) A sub-committee has a chairperson who is elected from among the sub-committee members.
- (4) If the chairman of the sub-committee is unable to carry out their duties, their duties are fulfilled by another sub-committee member designated according to the order determined in advance by the sub-committee.
- (5) A disciplinary committee may consider a resolution adopted by a sub-committee on a case investigated or examined by the sub-committee as a resolution of the disciplinary committee, according to the rules of the committee.

(Requests for Statements by a Disciplinary Committee)

Article 70-7 If it is necessary for an investigation or examination, a disciplinary committee may request the accused attorney, etc., the discipline requesting party, person concerned, public agencies or other organs to make statements, provide explanations or submit information.

(The Resolution Statement of a Disciplinary Committee)

Article 70-8 When a resolution is adopted, a disciplinary committee must promptly prepare a resolution statement that states the reasons.

(Provisions that Apply Mutatis Mutandis to Sub-Committees of a Disciplinary Committee)

Article 70-9 The provisions of the preceding two Articles apply mutatis mutandis to the sub-committees of a disciplinary committee.

## **Section 5 The Board of Discipline Review**

(Establishment of the Board of Discipline Review)

- Article 71 (1) A board of discipline review is established within the Japan Federation of Bar Associations.
- (2) When a bar association makes a decision not to discipline the accused attorney, etc. pursuant to the provisions of Article 58, paragraph (4), and the Japan Federation of Bar Associations makes a decision to dismiss or reject the objection filed by the discipline requesting party as well, if the discipline

requesting party still files a request for discipline review, the board of discipline review conducts a discipline review on ethics as necessary to ensure appropriate disciplinary procedures, reflecting the opinions of the public.

(Composition of the Board of Discipline Review)

Article 71-2 The board of discipline review is composed of eleven board members.

(The Board Members of the Board of Discipline Review)

Article 71-3 (1) The board members of the board of discipline review are appointed by the president of the Japan Federation of Bar Associations from among persons with relevant expertise (excluding those who is or was an attorney, judge, or public prosecutor) based on a resolution adopted at a general meeting of the Japan Federation of Bar Associations.

(2) The term of the board members of the board of discipline review is two years; provided, however, that the term of a substitute board member is the remaining term of their predecessor.

(3) With respect to the application of the Penal Code or other penal provisions, the board members are deemed as the officials engaged in public duties pursuant to the provisions of laws and regulations.

(The Chairperson of the Board of Discipline Review)

Article 71-4 (1) The board of discipline review has a chairperson who is elected from among the board members.

(2) The chairman presides over all affairs of the board.

(3) If the chairperson is unable to carry out their duties, their duties are fulfilled by another board member designated according to the order determined in advance by the board of discipline review.

(4) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis to the chairperson.

(Reserve Board Members of the Board of Discipline Review)

Article 71-5 (1) The board of discipline review has reserve board members, and the number thereof is specified in the articles of association of the Japan Federation of Bar Associations.

(2) If a board member is unable to carry out their duties or a vacancy in the board, the president of the Japan Federation of Bar Associations must designate a person who acts in place of that member from among the reserve board members having the same qualifications.

(3) The provisions of Article 71-3 apply mutatis mutandis to reserve board members.

(Statements Requested by the Board of Discipline Review)

Article 71-6 (1) The board of discipline review may request, if it is necessary for the board to conduct a discipline review, the accused attorney, etc., the discipline requesting party, person concerned, public agencies or other organs to make statements, provide explanations or submit information.

(2) The board of discipline review may request, if it is necessary for the board to conduct a discipline review, the disciplinary committee of the bar association of which the accused attorney, etc. holds a membership or the disciplinary committee of the Japan Federation of Bar Associations to conduct any necessary investigations.

(The Resolution Statement of the Board of Discipline Review)

Article 71-7 When a resolution is adopted, the board of discipline review must promptly prepare a resolution statement that states the reasons.

## **Chapter IX Regulations on the Handling of Legal Services**

(Prohibition of the Provision of Legal Services by Non-Attorneys)

Article 72 No person other than an attorney or a legal professional corporation may, for the purpose of earning compensation, engage in the legal services such as provision of an expert opinion, representation, mediation, or settlement of the case for which an appeal is filed with the administrative authority, including a request for administrative review, objection, request for re-examination or other general legal cases, or may engage in mediation services related to these cases; provided, however, this does not apply if otherwise provided in this Act or other laws.

(Prohibition Against the Enforcement of Assigned Rights as a Business)

Article 73 No person may engage in the business that exercises the rights assigned to a person by others through lawsuit, mediation, conciliation or any other means.

(Prohibition Against False Representation by Non-Attorneys)

Article 74 (1) A person who is not an attorney or a legal professional corporation must not use the indication or description of "attorney" or "law office."

(2) A person who is not an attorney or a legal professional corporation must not use an indication or provide a description that the person provides legal consultations or other legal services, in order to make a profit.

(3) A person that is not a legal professional corporation must not use "legal professional corporation" or any other name similar to this in its name.

## Chapter X Penal Provisions

### (The Crime of False Registration)

Article 75 (1) If a person who is not qualified to become an attorney has their name registered in the roll of attorneys by filing a false statement on their professional qualifications with the Japan Federation of Bar Associations, the person is punished by imprisonment with work not more than two years or a fine not more than one million yen.

(2) The preceding paragraph also applies to a person who obtained approval on the application filed pursuant to the provisions of Article 5-2, paragraph (1) from the Minister of Justice, by filing a false statement on the important matters, such as the period during which the person retained the position under the provisions of Article 5, item (i) or (iii), the period during which the person engaged in the duties under the provisions of item (ii) of that Article, and the details of the duties referred to in that item.

(3) Any attempt to commit the crimes specified in the preceding two paragraphs is punishable.

### (The Crime of Corruption)

Article 76 Any person who violates the provisions of Article 26 or Article 30-20 is punished by imprisonment with work not more than three years.

### (The Crime of Acting in Concert with a Non-Attorney)

Article 77 A person who falls under any of the following items is punished by imprisonment with work not more than two years or a fine not more than three million yen:

- (i) a person who violates the provisions of Article 27 (including as applied mutatis mutandis pursuant to the provisions of Article 30-21);
- (ii) a person who violates the provisions of Article 28 (including as applied mutatis mutandis pursuant to the provisions of Article 30-21);
- (iii) a person who violates the provisions of Article 72; or
- (iv) a person who violates the provisions of Article 73.

### (The Crime of False Indication)

Article 77-2 Any person who violates the provisions of Article 74 is punished by a fine not more than one million yen.

Article 77-3 Any person that fails to, in violation of the provisions of Article 955, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to the provisions of Article 30-28, paragraph (6) (including as applied mutatis mutandis pursuant to the provisions of Article 43, paragraph (3)), enter or

record the details specified by Ministry of Justice Order regarding the investigation into electronic public notice prescribed in that paragraph in the investigation record books, etc., prescribed in that paragraph, or that enters or records a false details, or fails to retain the relevant investigation record books, etc., is punished by a fine not more than three hundred thousand yen.

(Concurrent Punishments)

Article 78 (1) If members, etc. of a legal professional corporation violate the provisions of the following items in connection with the legal services of the relevant corporation, the accused member is punished, and in addition, the relevant legal professional corporation is subject to a fine specified in the relevant items:

- (i) a fine not more than three million yen against a violation of Article 76 (limited to the part pertaining to the provisions of Article 30-20); or
- (ii) the fine referred to in Article 77 against a violation of Article 77, item (i) (limited to the part pertaining to the provisions of Article 27 as applied mutatis mutandis pursuant to the provisions of Article 30-21) or Article 77, item (ii) (limited to the part pertaining to the provisions of Article 28 as applied mutatis mutandis pursuant to the provisions of Article 30-21).

(2) If a representative of a juridical person or other worker such as an agent or employee of a juridical person or an individual violates the provisions of Article 77, item (iii) or (iv), Article 77-2 or the preceding Article in connection with the legal services of the relevant juridical person or individual, the accused person is punished, and in addition the relevant juridical or person or the individual is punished by a fine specified respectively in this Article.

(Civil Fines)

Article 79 Any person who falls under any of the following items is punished by a civil fine not more than one million yen:

- (i) a person who fails to report or submits a false report, in violation of the provisions of Article 946, paragraph (3) of the Companies Act as applied mutatis mutandis pursuant to the provisions of Article 30-28, paragraph (6) (including as applied mutatis mutandis pursuant to the provisions of Article 43, paragraph (3)).
- (ii) a person who, without justifiable grounds, refuses any requests specified in items of Article 951, paragraph (2) and Article 955, paragraph (2) of the Companies Act as applied mutatis mutandis pursuant to the provisions of Article 30-28, paragraph (6).

Article 79-2 A member or a liquidator of a legal professional corporation who falls under any of the following items is punished by a civil fine not more than

three hundred thousand yen:

- (i) failure to register, in violation of the provisions of Cabinet Order under this Act;
- (ii) a merger in violation of the provisions of Article 30-28, paragraphs (2) or (5);
- (iii) failure to request an investigation, in violation of the provisions of Article 941 of the Companies Act, as applied mutatis mutandis pursuant to the provisions of Article 30-28, paragraph (6);
- (iv) failure to enter or record the details that must be entered or recorded in the account books referred to in the articles of incorporation or Article 615, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to the provisions of Article 30-30, paragraph (1) or in the balance sheet referred to in Article 617, paragraph (1) or (2) of the Companies Act as applied mutatis mutandis pursuant to the provisions of Article 30-30, paragraph (1), or details falsely entered or recorded in the relevant account books or balance sheet;
- (v) failure to apply for the commencement of bankruptcy proceedings, in violation of the provisions of Article 656, paragraph (1) of the Companies Act as applied mutatis mutandis pursuant to the provisions of Article 30-30, paragraph (2);
- (vi) the distribution of the corporation's assets in violation of the provisions of Article 664 of the Companies Act as applied mutatis mutandis pursuant to the provisions of Article 30-30, paragraph (2); or
- (vii) the disposal of the corporation's assets in violation of the provisions of Article 670, paragraph (2) or (5) of the Companies Act as applied mutatis mutandis pursuant to the provisions of Article 30-30, paragraph (2).

### **Supplementary Provisions**

(Effective Date)

Article 80 This Act comes into effect as of September 1, 1949.

(Persons Qualified as an Attorney Pursuant to the Prior Provisions)

Article 81 With respect to the application of this Act, a person qualified as an attorney pursuant to the prior provisions is deemed to have completed the course for a legal apprentice at the time when the person is qualified as an attorney.

(Exceptions for Probationary Attorneys)

Article 82 If a person who is a probationary attorney on the enforcement date of this Act has completed practical training for more than one year and a half and

passed the examination under the provisions of the prior Attorneys Act, the person is deemed to have completed the course for a legal apprentice at the time when the person has passed the relevant examination.

(Application of Grounds for Disqualification of an Attorney)

Article 83 With respect to the application of Article 7, a person who has been prohibited from practicing accounting pursuant to the provisions of the prior Accountants Law (Act No.31 of 1927) is deemed as a person whose registration as a certified public accountant is revoked from the register through disciplinary action, and a person whose license as a tax accountant was revoked pursuant to the provisions of the prior Tax Accountants Law (Act No.46 of 1942) is deemed as a person whose registration as a tax accountant is revoked through disciplinary action, and a person who has been dismissed from their office as a government officer pursuant to the provisions of the Imperial Order to Dismiss Government Officers (No. 63 of 1899) is deemed as a public employee who has been dismissed through disciplinary action.

(Registration on the Former Roll of Attorneys)

Article 84 Registration on the former roll of attorneys under the prior provisions is deemed as registration on the roll of attorneys under the provisions of this Act.

(Requests for Former Registration or Transfer of Registration)

Article 85 Application for registration or transfer of registration filed with the president of the Legal Affairs Office pursuant to the prior provisions is deemed as a transmission of application for registration or transfer of registration to the Japan Federation of Bar Associations.

(Attorney's Office Under the Prior Provisions)

Article 86 An office of an attorney which has been notified to the Attorney General of the Legal Affairs Office by an attorney pursuant to the prior provisions is deemed as an law office which is notified by the attorney pursuant to the provisions of this Act.

(Transfer of the Former Roll of Attorneys)

Article 87 At the request of the Japan Federation of Bar Associations, the Legal Affairs Office must transfer the roll of attorneys and other documents concerning the bar associations that have been retained at the Office to the Japan Federation of Bar Associations pursuant to the prior provisions.

(Current Bar Associations and Federation of Bar Associations)

Article 88 (1) A bar association or a federation of bar associations under the jurisdiction of the same high court that in fact exist on the enforcement date of this Act is deemed as a bar association or federation of bar associations pursuant to the provisions of this Act.

(2) The bar associations or federations of bar associations referred to in the preceding paragraph must promptly obtain the approval of the Japan Federation of Bar Associations on their articles of association or rules; in addition, the bar associations must register their establishment.

(3) Paragraph (2) and paragraphs (4) through (6) of Article 34 applies mutatis mutandis to the registration referred to in the preceding paragraph.

(Special Provisions for Bar Associations within the Same District)

Article 89 (1) Notwithstanding the provisions of Article 32, two or more bar associations that are located within the jurisdiction of the same district court and in fact exist on the enforcement date of this Act, may continue to exist after this Act comes into effect.

(2) The bar associations referred to in the preceding paragraph may at any time be merged with another or be dissolved.

(3) The provisions of paragraphs (2) through (5) of Article 43 and Article 43-2 through Article 43-14 apply mutatis mutandis to merger or dissolution referred to in the preceding paragraph.

(Preparatory Proceedings for the Establishment of the Japan Federation of Bar Associations)

Article 90 Any preparatory proceedings necessary for the establishment of the Japan Federation of Bar Associations may commence prior to the date specified in Article 80.

(Application of the Act on Special Measures for the Qualifications of an Attorney and a Probationary Attorney)

Article 91 The prior laws continue to govern the application of the Act on Special Measures for the Qualifications of an Attorney and a Probationary Attorney (Act No. 11 of 1946); provided, however, that the phrase a "probationary attorney" in that Act is deemed to be replaced with a "legal apprentice" and the functions of the Examining Committee are to be performed by the Qualifications Screening Board of the Japan Federation of Bar Associations specified in this Act.

(Repeal of the Act concerning Control over the Provision of Legal Services)

Article 92 The Act concerning Control over the Provision of Legal Services (Act No. 54 of 1933) is repealed; provided, however, that prior laws continue to



govern the application of punishment for any conduct in which a person engaged prior to the repeal of that Act.

**Supplementary Provisions [Act No. 96 of April 14, 1950] [Extract]**

- (1) The amendment to the provisions of Articles 61-2, 61-3 and 65 of the Court Act, the amendment to the provisions regarding juvenile investigators or assistant juvenile investigators referred to in the amendment to the provisions of Article 6, item (vi) of the Act on Committee for Inquest of Prosecution and the amendment to the provisions of the Juveniles Act, which are provided in this Act, comes into effect on the day on which 30 days have elapsed from the date of promulgation, and other provisions come into effect as from the day of promulgation.

**Supplementary Provisions [Act No. 221 of June 9, 1951]**

This Act comes into effect as from the day of promulgation.

**Supplementary Provisions [Act No. 237 of June 15, 1951] [Extract]**

- (1) This Act comes into effect as from the day on which one month has elapsed from the date of promulgation.

**Supplementary Provisions [Act No. 268 of July 31, 1952] [Extract]**

- (1) This Act comes into effect as of August 1, 1952.
- (3) Former organs and employees become organs and employees equivalent to the former under this Act, and those are to continue to exist with the same identity.
- (4) Tenure of office of Attorney General of Legal Affairs Office, President of the Legal Affairs Office, an administrative officer of the Legal Affairs Office, and an educational officer of the Legal Affairs Office is deemed respectively as the tenure of office of Vice-Minister of the Ministry of Justice, an law official of the Ministry of Justice, and an educational official of the Ministry of Justice, with respect to the application of the provisions of Article 41, Article 42 (including as applied mutatis mutandis pursuant to the provisions of Article 1, paragraph (2) of the Act on Special Measures for the Authority of Assistant Judges, etc.) and Article 44 of the Court Act, and Article 19 of the Public Prosecutor's Office Act, Article 5 of the Attorneys Act and Article 2 of the Judicial Scriveners Act.

**Supplementary Provisions [Act No. 155 of August 10, 1955] [Extract]**

- (1) This Act comes into effect as from the day of promulgation.
- (3) Prior laws continue to govern persons who have in fact received the approval of the Supreme Court under the provisions of paragraphs (1) or (2) of Article 7 of the Attorneys Act prior to amendment by this Act, on the day when this Act comes into effect.
- (4) Excluding the persons specified in the preceding paragraph, prior laws continue to govern the application of punishment for conduct in which persons who had received the approval of the Supreme Court specified in Article 7, paragraphs (1) or (2) of the Attorneys Act prior to amendment by this Act, are engaged prior to the enforcement of this Act.

**Supplementary Provisions [Act No. 158 of June 1, 1957] [Extract]**

(Effective Date)

- (1) This Act comes into effect as of August 1, 1957.

**Supplementary Provisions [Act No. 137 of June 15, 1961] [Extract]**

- (1) This Act comes into effect on the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation.
- (15) With respect to the application of the provisions of Article 7, item (iii) and Article 12, paragraph (1), item (ii) of the Attorneys Act, revocation of registration as a tax accountant through disciplinary action under the former law is deemed as prohibition against tax and accounting practice through disciplinary action under the new law.

**Supplementary Provisions [Act No. 77 of April 16, 1962] [Extract]**

(Effective Date)

- (1) This Act comes into effect as from the day of promulgation; provided, however, that the provisions of Article 6 and paragraphs (5) through (11) of the Supplementary Provisions come into effect as of July 1, 1962.
- (10) With respect to the application of the provisions of Article 5 of the Attorneys Act amended by this Act, the tenure of office of an instructor of the Training Institute of the Legal Affairs prior to the enforcement of the provisions of Article 6 is deemed as the tenure of office of an instructor of the Research and Training Institute of the Ministry of Justice, and the tenure of office of a councilor of the Legislative Bureau prior to the enforcement of the provisions of Article 6 is deemed as the tenure of office of a councilor of the Legislative Bureau of the Cabinet.

**Supplementary Provisions [Act No. 140 of May 16, 1962] [Extract]**

- (1) This Act comes into effect as of October 1, 1962.
- (2) The provisions amended by this Act also apply to matters that have occurred prior to the enforcement of this Act, unless otherwise provided for by these Supplementary Provisions; provided, however, that this does not impair the legal validity under the provisions prior to the amendment by this Act.
- (3) Prior laws continue to govern lawsuits that are in fact pending on the enforcement date of this Act, notwithstanding the provisions amended by this Act, prescribing that the relevant lawsuits may not be filed.
- (4) Prior laws continue to govern the jurisdiction over lawsuits that are in fact pending on the enforcement date of this Act, notwithstanding the provisions amended by this Act prescribing that the relevant jurisdiction is deemed to be the exclusive jurisdiction.
- (5) Prior laws continue to govern the statute for limitations for a disposition of which statute for limitations under the provisions prior to amendment by this Act has already come into effect on the enforcement date of this Act or the statute of limitations for filing a lawsuit for an administrative determination; provided, however, that this applies only if the statute of limitations under the provisions amended by this Act is shorter than the state of limitations under the provisions prior to amendment by this Act.
- (6) The statute of limitations for filing a public law related action for a disposition or an administrative determination before this Act comes into effect, which is determined pursuant to the provisions amended by this Act, is counted from the enforcement date of this Act.
- (7) Prior laws continue to govern actions for revocation of a disposition or an administrative determination that is in fact pending on the enforcement date of this Act, notwithstanding the provisions amended by this Act prescribing that one of the parties to the legal relationship is a defendant; provided, however, that at the request of a plaintiff, the court may, upon its decision, allow the plaintiff to change the relevant action into a public law related action.
- (8) In the case referred to in the proviso to the preceding paragraph, the provisions of the second sentence of Article 18 and Article 21, paragraphs (2) through (5) of the Administrative Litigation Act apply mutatis mutandis.

**Supplementary Provisions [Act No. 161 of September 15, 1962] [Extract]**

- (1) This Act comes into effect as of October 1, 1962.
- (2) The provisions amended by this Act also apply to dispositions taken by an administrative authority prior to the enforcement of this Act, inactions by an administrative authority pertaining to requests or applications filed prior to

the enforcement of this Act, and other matters occurred prior to the enforcement of this Act, unless otherwise provided for in these Supplementary Provisions; provided, however, that these provisions do not impair the legal validity under the provisions prior to amendment by this Act.

- (3) Prior laws continue to govern appeals, such as petitions, requests for examination, or objections (hereinafter referred to as "petitions, etc.") filed prior to the enforcement of this Act, even if those are filed after that date. The same applies to petitions, etc. filed after that date, if administrative determinations on dispositions, such as administrative determination, decision on petitions, etc. (hereinafter referred to as "administrative determinations") filed prior to the enforcement of this Act, or petitions, etc., filed prior to that date are dissatisfactory.
- (4) Petitions, etc. specified in the preceding paragraph pertaining to a disposition for which an appeal may be filed pursuant to the provisions of the Administrative Appeal Act after this Act has been amended are deemed as an appeal filed pursuant to the provisions of the Administrative Appeal Act, with respect to the application of laws other than this Act.
- (5) No appeal under the Administrative Appeal Act may be filed against administrative determinations, etc., such as requests for administrative examination, objections filed after the enforcement of this Act, pursuant to the provisions of paragraph (3).
- (6) With respect to dispositions made by an administrative authority prior to the enforcement of this Act for which petitions, etc. may be filed pursuant to the provisions prior to the amendment by this Act and for which a period for filing an appeal has not been specified, the period for filing an appeal under the provisions of the Administrative Appeal Act is counted from the enforcement date of this Act.
- (8) Prior laws continue to govern the application of penal provisions to conduct in which a person engaged prior to the enforcement of this Act.
- (9) Beyond what is set forth in the preceding eight paragraphs, transitional measures necessary for the enforcement of this Act are provided by Cabinet Order.
- (10) If this Act and the Act on the Consolidation, etc. of Relevant Acts for the Enforcement of the Administrative Case Litigation Act (Act No. 140 of 1962) contain the provisions amended by that Act, the relevant Act is to be amended by this Act first and then by the Act on the Consolidation, etc. of Relevant Acts for the Enforcement of the Administrative Case Litigation Act.

### **Supplementary Provisions [Act No. 69 of May 18, 1965] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the day specified by Cabinet Order within a period not exceeding 90 days from the date of promulgation

**Supplementary Provisions [Act No. 89 of June 28, 1966] [Extract]**

(Effective Date)

(1) This Act comes into effect as from the day of promulgation.

**Supplementary Provisions [Act No. 78 of December 2, 1983]**

(1) This Act (excluding Article 1) comes into effect as of July 1, 1984.

(2) Transitional measures necessary for organs, etc. that are governed by the provisions of laws on the day prior to the enforcement of this Act that will be governed by the provisions of the National Government Organization Act or Cabinet Order under the provisions of the relevant Acts amended by this Act (hereinafter referred to as "relevant Cabinet Orders") after the enforcement of this Act, and transitional measures for the enactment, amendment or repeal of the relevant Cabinet Orders necessary for the enforcement of this Act, may be prescribed by Cabinet Order.

**Supplementary Provisions [Act. No. 80 of December 2, 1983] [Extract]**

(Effective Date)

(1) This Act comes into effect as from the enactment date of the Act on the Establishment of the Management and Coordination Agency (Act No. 79 of 1983).

(Transitional Measures)

(6) Beyond what is set forth in this Act, transitional measures necessary for the enforcement of this Act may be prescribed by Cabinet Order.

**Supplementary Provisions [Act No. 66 of May 23, 1986] [Extract]**

(Effective Date)

(1) This Act comes into effect on the day specified by Cabinet Order within a period not exceeding two years from the date of promulgation.

**Supplementary Provisions [Act No. 89 of November 12, 1993] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as from the enactment date of the

Administrative Procedures Act (Act No. 88 of 1993).

(Transitional Measures Concerning Adverse Dispositions on Which Consultations Have Been Held)

Article 2 Prior to the enforcement of this Act, if a request has been filed or made to a council or any other panel to require that the procedures equivalent to the procedures to hold hearing or grant the opportunity for explanation, or other procedures to hear statements of opinions prescribed in Article 13 of the Administrative Procedure Act should be implemented prior laws continue to govern the procedures to make adverse dispositions pertaining to the appeal or request, notwithstanding the provisions of the relevant Acts amended by this Act.

(Transitional Measures for Consolidation of Provisions Relating to Hearings)

Article 14 Hearings or hearing sessions (excluding those concerning adverse dispositions) or the procedures for those implemented pursuant to the provisions of laws prior to the enforcement of this Act are deemed to have been implemented pursuant to the corresponding provisions of the relevant Act amended by this Act.

**Supplementary Provisions [Act No. 103 of June 26, 1996] [Extract]**

(Effective Date)

(1) This Act comes into effect as from the date of promulgation.

**Supplementary Provisions [Act No. 13 of March 31, 1998] [Extract]**

(Effective Date)

(1) This Act comes into effect as of April 1, 1998.

**Supplementary Provisions [Act No. 102 of July 16, 1999] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as from the enforcement date of the Act on the Partial Amendment to the Cabinet Act (Act No. 88 of 1999); provided, however, that the provisions of the following items come into effect on the date specified therein.

(i) omitted

(ii) the provisions of paragraphs (1) and (5) of Article 10, paragraph (3) of Article 14, Article 23, Article 28 and Article 30 of the Supplementary Provisions: date of promulgation.

(Transitional Measures Provided Separately)

Article 30 Beyond what is provided for in Article 2 through the preceding Article, transitional measures necessary for the enforcement of this Act are provided separately by law.

**Supplementary Provisions [Act No. 116 of July 30, 1999] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as from the date of promulgation.

**Supplementary Provisions [Act No. 151 of December 8, 1999] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2000.

(Transitional Measures)

Article 3 Prior laws continue to govern the application of the provisions amended by this Act with regard to quasi-incompetent persons and their curators to whom prior provisions remain applicable pursuant to the provisions of Article 3, paragraph (3) of the Supplementary Provisions of the Act on the Partial Amendment to the Civil Code (Act No. 149 of 1999), except for the amendment to the following provisions:

(i) to (xxv) omitted

Article 4 Prior laws continue to govern the application of penal provisions to conduct in which a person engaged prior to the enforcement of this Act.

**Supplementary Provisions [Act No. 160 of December 22, 1999] [Extract]**

(Effective Date)

Article 1 This Act (excluding Articles 2 and 3) comes into effect as of January 16, 2001.

**Supplementary Provisions [Act No. 125 of November 27, 2000] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as from the date of promulgation.

**Supplementary Provisions [Act No. 40 of June 8, 2001] [Extract]**

(Effective Date)

- (1) This Act comes into effect as from the day specified by Cabinet Order no later than March 31, 2002; provided, however, that the following provisions come into effect as from the date of promulgation; with respect to the provisions of Article 2, amendment to the provisions of Article 36-4, paragraph (1) of the Self Defense Forces Act; amendment to replace Article 36-4" with "Article 36-8" of that Act; amendment to replace "Article 36-3" with "Article 36-7" of that Act; amendment to delete the title above Article 36-2 of that Act; amendment to the provisions of those Articles; amendment to replace "Article 36-2" with "Article 36-6" of that Act and add a title above that Article; and amendment to add four Articles following Article 36 of that Act; In addition, the provisions of Article 3 (excluding the part pertaining to amendment to the provisions of Article 3, paragraph (1), Article 22, paragraph (1), Articles 24-4 and 24-5 of the Act on Remuneration, etc. of Ministry of Self Defense Forces Personnel; amendment to replace those Articles with "Article 24-6" of that Act; amendment to add one Article following Article 24-4 of that Article; and amendment to the provisions of Article 28-3 of that Act); and amendment to the provisions of Article 4, and the provisions of paragraphs (3) through (5) of the Supplementary Provisions.

**Supplementary Provisions [Act No. 41 of June 8, 2001] [Extract]**

(Effective Date)

- Article 1 This Act comes into effect as of April 1, 2002.

**Supplementary Provisions [Act No. 129 of November 28, 2001] [Extract]**

(Effective Date)

- (1) This Act comes into effect as of April 1, 2002.

(Transitional Measures Regarding the Application of Penal Provisions)

- (2) Prior laws continue to govern the application of penal provisions to conduct in which a person engages before this Act comes into effect, and conduct in which a person engages after this Act comes into effect if, pursuant to the provisions of this Act, prior laws continue to govern that conduct.

**Supplementary Provisions [Act No. 45 of May 29, 2002]**

(Effective Date)

- (1) This Act comes into effect as from the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation.



**Supplementary Provisions [Act No. 48 of May 29, 2002] [Extract]**

(Effective Date)

Article 1 This Act comes into effect from the day specified by Cabinet Order within a period not exceeding three months from the date of promulgation.

**Supplementary Provisions [Act No. 128 of July 25, 2003] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2004; provided, however, that the provisions of the following items come into effect on the day specified in the relevant items:

(i) Provisions of Articles 6, 11 and 12 of the Supplementary Provisions: the date of promulgation.

(Transitional Measures Regarding Notification of For-Profit Business by an Attorney)

Article 6 (1) If, prior to the amendment of the Attorneys Act ("Old Attorney Act") under the provisions of Article 7, an attorney who obtained the permission referred to in paragraph (3) of Article 30 prior to the enforcement of this Act and operates a for-profit business, or became an employee of a person operating the for-profit business, or became an executive member, director, executive officer or employee of a for-profit juridical person, and intends to continue the relevant business or retain the relevant position on the enforcement date of this Act, the attorney may, prior to the enforcement date, submit a notification of the details prescribed in the items of Article 30, paragraph (1) to the bar association of which the attorney holds a membership, according to the categories of relevant items of the Attorneys Act amended by the provisions of Article 7 (hereinafter referred to as "New Attorneys Act").

(2) A person who has submitted a notification under the provisions of preceding paragraph must, without delay, notify the bar association of which they hold a membership if any changes are made to the notified details. The same applies, if the person discontinues the business pertaining to the notification or loses their position pertaining to the notification, prior to the enforcement date.

(3) Any matters that are notified pursuant to the provisions of the preceding two paragraphs, are deemed as matters that are notified pursuant to the provisions of paragraph (1) of Article 30 of the New Attorneys Act on the date of enforcement; provided, however, that this does not apply to the matters that are notified pursuant to the provisions in the latter part of the preceding paragraph.

(Transitional Measures Regarding Grounds for Disciplinary Action Against Attorneys)

Article 7 If an attorney violates the provisions of Article 30 of the Old Attorneys Act prior to the enforcement date, the bar association of which the attorney holds a membership or the Japan Federation of Bar Associations may discipline the attorney based on the relevant fact even after the enforcement date.

(General Rule for Transitional Measures Regarding Procedures for Disciplining an Attorney)

Article 8 Regarding the disciplinary procedures against an attorney or a legal professional corporation, except for the matters specified in the following Article, the provisions of the New Attorney Act apply even to cases in which a request for discipline has been filed or disciplinary procedures have been commenced prior to the enforcement date; provided, however, that this does not impair the legal validity under the Old Attorneys Act.

(Special Provisions for Transitional Measures Regarding Disciplinary Procedures Against an Attorney)

Article 9 (1) Prior laws continue to govern the application of disciplinary procedures for cases for which an objection has been filed prior to the enforcement date pursuant to the provisions of paragraph (1) of Article 61 of the Old Attorneys Act, except for the provisions of Articles 64-6 and 64-7 of the New Attorneys Act.

(2) The provisions of paragraphs (2) and (3) of Article 64-6 of the New Attorneys Act do not apply in disciplinary actions taken by the bar association or the Japan Federation of Bar Associations prior to the enforcement date.

(3) The provisions of Article 64-7 of the New Attorneys Act do not apply if the notice of grounds under the provisions of the items of paragraphs (1) and (2) of that Article is filed prior to the enforcement date.

(4) If the bar association makes a decision not to discipline or chooses to discipline an attorney or a legal professional corporation prior to the enforcement, and when the person who filed the request for disciplinary action against the attorney or a legal professional corporation files an objection regarding the decision or disciplinary action after the enforcement date, the objection must be filed within 60 days from the day on which the person who filed the request for disciplinary action receives a notice from the relevant bar association (the date of enforcement if the notice is received prior to the date of enforcement) stating that it has made a decision not to discipline or has disciplined the attorney or a legal professional corporation.

(5) The provisions of paragraph (3) of Article 64 of the New Attorneys Act apply

mutatis mutandis to an objection referred to in the preceding paragraph.

(Special Provisions Regarding the Term of Members of the Disciplinary Committee of the Japan Federation of Bar Associations)

Article 10 (1) Notwithstanding the provisions of paragraph (3) of Article 70-3 of the New Attorneys Act, the term of half of the members of the disciplinary committee of the Japan Federation of Bar Associations that are the first to be appointed after the enforcement date, is one year based on a resolution adopted at a general meeting of the Japan Federation of Bar Associations (if there is an odd total of committee members, the number remaining after dividing the total number by two and rounding down to the nearest whole number).

(2) Notwithstanding the provisions of paragraph (2) of Article 71-3 of the New Attorneys Act, the term of five of the members of the board of discipline review that are the first to be appointed after the enforcement date is one year, based on a resolution adopted at a general meeting of the Japan Federation of Bar Associations.

(Special Provisions Regarding Procedures to Appoint Members of the Disciplinary Committee)

Article 11 Any action necessary for the appointment of members and reserve members of the disciplinary committee pursuant to the provisions of paragraphs (1) and (2) of Article 70-3 of the New Attorneys Act (including as applied mutatis mutandis pursuant to the provisions of paragraph (3) of Article 70-5 of the New Attorneys Act) and for the appointment of members and reserve members of the board of discipline review pursuant to the provisions of paragraph (1) of Article 71-3 of the New Attorneys Act (including as applied mutatis mutandis pursuant to the provisions of paragraph (3) of Article 71-5 of the New Attorneys Act) may be taken prior to the enforcement date.

### **Supplementary Provisions [Act No. 8 of March 31, 2004] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2004.

(Transitional Measures for Qualification Requirements Pertaining to the Court Act)

Article 2 Tenure of offices of a professor of the Court Clerk Training Institute is deemed as tenure of office of a professor of the Training and Research Institute for Court Officials, with respect to the application of the provisions of Articles 41, 42 of the Court Act (including as applied mutatis mutandis pursuant to the provisions of Article 1, paragraph (2) of the Act concerning the Exceptions to

the Authority of Assistant Judge (Act No. 146 of 1948)) and Article 44 of that Act, Article 19 of the Public Prosecutor's Office Act (Act No. 61 of 1947) and Article 5 of the Attorneys Act (Act No. 205 of 1949).

### **Supplementary Provisions [Act No. 9 of March 31, 2004] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2004.

(Repeal of the Act Specifying the Universities Prescribed in Article 6, paragraph (1), item (ii) of the Attorneys Act)

Article 2 The Act Specifying the Universities Prescribed in Article 6, paragraph (1), item (ii) of the Attorneys Act (Act No. 188 of 1950) is repealed.

(Transitional Measures Regarding Special Provisions for Qualifications of an Attorney)

Article 3 (1) Prior laws continue to govern the qualifications to become an attorney of a person who, as of the date of enforcement of this Act, actually has the qualifications to become an attorney pursuant to the provisions of Article 5 or Article 6, paragraph (1), item (ii) of the Attorneys Act prior to amendment by this Act (hereinafter referred to as the "Old Act").

(2) Beyond what is set forth in the preceding paragraph,, prior laws continue to govern the qualifications to become an attorney of a person who retains their position under the provisions of Article 6, paragraph (1), item (ii) of the Old Act (excluding a person who falls under any of the items of Article 5 of the Attorneys Act amended by this Act (hereinafter referred to as the "New Act") and a person specified in Article 6 of the New Act) prior to the enforcement date. In this case, the phrase "following persons" in Article 6, paragraph (1) of the Old Act is deemed to be replaced with "persons who fall under item (ii) in accordance with the provisions of Articles 5 through 5-6 of the Attorneys Act amended by the Act on the Partial Amendment to the Attorneys Act (Act No. 9 of 2004) and was certified subsequently by the Minister of Justice as a person who has completed the training course for legal practice" and the phrase a "person who has served, in total, at least of not less than five years" in paragraph (1), item (ii) is deemed to be replaced with "in total, at least five years by March 31, 2008".

(3) Beyond what is set forth in the preceding two paragraphs, with respect to the application of the provisions of Article 5 of the New Act to a person who retained the position under the provisions of Article 6, paragraph (1), item (ii) of the Old Act prior to the enforcement of this Act, the period of time they serve in that position and the period of time from the enforcement date of this Act to

March 31, 2008 during which they serve in a position equivalent to that position (hereinafter referred to as the "transitional tenure period" in this paragraph) may be added to the period of time they serve in a position under the provisions of item (i) of that Article after acquiring the qualification to become a legal apprentice; the period of time they engaged in duties under the provisions of item (ii) of that Article after acquiring the qualification to become a legal apprentice; or the period of time they serve in a position under the provisions of Article 5, item (iii) of the New Act after passing the examination under the provisions of Article 18, paragraph (3) of the Public Prosecutor's Office Act (includes the period of time that are added pursuant to the provisions of item (iv) of that Article; hereinafter referred to as the "tenure, etc. including a specified period" in this paragraph). In this case, the relevant transitional tenure period is deemed as the tenure, etc. including a specified period pertaining to the total tenure and the provisions of the New Act is applied.

(Penal Provisions)

- Article 4 (1) In filing an application under the provisions of Article 5-2, paragraph (1) of the New Act , which is continuously governed by the provisions of Article 6, paragraph (1) of the Old Act, pursuant to the provisions of paragraph (2) of the preceding Article, a person who obtained approval from the Minister of Justice by filing a false statement on the period of time in which they retained the position under the provisions of Article 6, paragraph (1), item (ii) of the Old Act., which is continuously governed by prior laws pursuant to the provisions of paragraph (2) of the preceding Article, as well as other important matters, , is punished by imprisonment with work not more than two years or a fine not more than one million yen.
- (2) Any attempt to commit a crime referred to in the preceding paragraph is also punishable.

### **Supplementary Provisions [Act No. 76 of June 2, 2004] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as from the enforcement date of the Bankruptcy Act (Act No. 75 of 2004; referred to as the "New Bankruptcy Act" in the next Article, paragraph (8), and Article 3, paragraphs (8), Article 5, paragraphs (8), (16) and (21), Article 8, paragraph (3) and Article 13 of the Supplementary Provisions).

(Transitional Measures Regarding the Application of Penal Provisions)

Article 12 Prior laws continue to govern the application of penal provisions to

conduct in which a person engages prior to the enforcement of this Act and conduct in which a person engages after the enforcement date if prior laws continue to govern that conduct pursuant to the provisions of Article 2 paragraph (1), Article 3 paragraph (1), Article 4, Article 5 paragraph (1), Article 9, Article 17, Article 19 and Article 21 of Supplementary Provisions (Act No. 76, June 2, 2004), Article 6 paragraph (1) and paragraph (3) of the Supplementary Provisions.

(Particulars Governed by Cabinet Order)

Article 14 Beyond what is set forth in Article 2 through the preceding Article of the Supplementary Provisions, transitional measures necessary for the enforcement of this Act are prescribed by Cabinet Order.

#### **Supplementary Provisions [Act No. 87 of June 9, 2004] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as from the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

(Transitional Measures Regarding the Application of Penal Provisions)

Article 3 Prior laws continue to govern the application of penal provisions to conduct in which a person engages prior to the enforcement of this Act, and to conduct in which a person engages after the enforcement of this Act, if the prior provisions continue to govern the provisions of the preceding Article..

#### **Supplementary Provisions [Act No. 124 of June 18, 2004] [Extract]**

(Effective date)

Article 1 This Act comes into effect as from the enforcement date of the New Real Property Registration Act.

#### **Supplementary Provisions [Act No. 83 of July 15, 2005] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2007.

(Transitional Measures Regarding the Tenure of Assistant Professors)

Article 2 With respect to the application of the provisions of the following Acts, the tenure of an assistant professor prior to the enforcement of the provisions of this Act is deemed as the tenure of an associate professor;

(i) to (v) Omitted

(vi) Article 5 of the Attorneys Act (Act No. 205 of 1949)

**Supplementary Provisions [Act No. 87 of July 26, 2005] [Extract]**

This Act comes into effect as from the enforcement date of the Companies Act.