

Regulations for Enforcement of the Act on Special Measures Concerning the Handling of Legal Services by Foreign Lawyers (The amended order comes into effect as of March 31, 2021)

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

Based on the provisions of Article 2, item (ii), Article 9, paragraphs (1) and (2), Article 17, paragraph (2), and Article 62 of the Act on Special Measures Concerning the Handling of Legal Services by Foreign Lawyers (Act No. 66 of 1986), the Regulations for Enforcement of the Act on Special Measures Concerning the Handling of Legal Services by Foreign Lawyers are as follows.

(Federal States and Their Constituent Units)

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

(Persons Specified by Ministry of Justice Order as Defined in Article 2, Item (xi), (a) of the Act)

Article 1-2 (1) The persons specified by Ministry of Justice Order as defined in Article 2, item (xi), (a) of the Act are as follows:

- (i) a person, if either the person and their wholly-owned subsidiary (meaning a corporation in which that person holds all of the shares or equity; the same applies hereinafter) hold, or their wholly-owned subsidiary holds, more than fifty percent of the number of issued shares (limited to voting shares) in some or all of the parties, or more than fifty percent of the equity in some or all of the parties (excluding cases in which some or all of the parties concerned are corporations specified in the following item); or
- (ii) the relevant person, if some or all of the parties are corporations in which members (or if the relevant corporation has appointed specific members to execute its business affairs, those members; the same applies hereinafter) determine the course of business through majority decisions pursuant to the provisions of the Act or articles of incorporation, and that person and their wholly-owned subsidiary comprise the majority of members of that corporation.

(2) To apply the provisions of each item of the preceding paragraph, if either a person and their wholly-owned subsidiary under those provisions, or the

relevant wholly-owned subsidiary under those provisions, owns all of the shares or equity of another corporation, that other corporation is deemed to be a wholly-owned subsidiary.

(Persons Specified by Ministry of Justice Order as Defined in Article 2, Item (xi)-2, (a) of the Act)

Article 1-3 (1) The persons specified by Ministry of Justice Order as defined in Article 2, item (xi)-2, (a) of the Act are as follows:

- (i) a person, if either the person and their wholly-owned subsidiary hold, or their wholly-owned subsidiary holds, more than fifty percent of the number of issued shares (limited to voting shares) in some or all of the parties, or more than fifty percent of the equity in some or all of the parties (excluding cases in which some or all of the parties concerned are corporations specified in the following item); or
 - (ii) the relevant person, if some or all of the parties are corporations in which members determine the course of business through majority decisions pursuant to the provisions of the Act or articles of incorporation, and that person and their wholly-owned subsidiary comprise the majority of members of that corporation.
- (2) To apply the provisions of each item of the preceding paragraph, if either a person and their wholly-owned subsidiary under those provisions, or the relevant wholly-owned subsidiary under those provisions, owns all of the shares or equity of another corporation, that other corporation is deemed to be a wholly-owned subsidiary.

(Applications for Approval)

Article 2 In applications for approval prescribed in Article 7 of the Act (hereinafter referred to as "approval"), the person who seeks to obtain the approval must appear in person.

(Particulars to be Given in Written Applications for Approval)

Article 3 (1) The particulars specified by Ministry of Justice Order as provided for in Article 9, paragraph (1) of the Act are as follows:

- (i) the person's name, sex, date of birth, place of birth, nationality and address; and
 - (ii) the date on which the person acquired their qualification as a foreign lawyer, the name of the foreign jurisdiction in which they acquired their qualification (referred to as "jurisdiction where the qualification was acquired" in the following Article) and that person's title as a foreign lawyer.
- (2) Written applications for approval referred to in Article 9, paragraph (1) of the Act (hereinafter referred to as "written applications for approval") is to be

provided in the format of Appended Form 1.

(Documents Accompanying Written Applications for Approval)

Article 4 (1) The documents specified by Ministry of Justice Order as provided for in Article 9, paragraph (2) of the Act are as follows:

- (i) a written statement on the following particulars that a person who seeks to obtain approval has prepared using the form provided by the Minister of Justice:
 - (a) particulars of their experience in performing professional duties as a foreign lawyer in the jurisdiction where the qualification was acquired (including experience as a foreign lawyer in the jurisdiction where the qualification was acquired, of having engaged in the practice of providing legal services, in a foreign jurisdiction other than the jurisdiction where the qualification was acquired, concerning the laws of the jurisdiction where the qualification was acquired; the same applies hereinafter in this Article); and if Article 10, paragraph (2) of the Act is applicable, particulars concerning their practice of providing legal services in Japan to an attorney at law, a legal professional corporation, a registered foreign lawyer or a registered foreign lawyer corporation based on their knowledge of the law of the jurisdiction where the qualification was acquired, after acquiring a qualification to become a foreign lawyer;
 - (b) particulars concerning the disqualification of registered foreign lawyers;
 - (c) particulars concerning the standards listed in Article 10, paragraph (1), item (ii) of the Act;
 - (d) particulars for the applicant's willingness to perform professional duties faithfully, and the plan, residence and financial base that will facilitate proper and reliable performance of professional duties;
 - (e) particulars concerning the ability to compensate for damage which they may cause to clients; and
 - (f) other particulars for reference;
- (ii) a resume;
- (iii) a copy of a passport, residence card, special permanent resident certificate, or other document certifying their identity;
- (iv) a document certifying that they have acquired a qualification as a foreign lawyer and that they actually have the qualification;
- (v) a document proving their experience in performing professional duties as a foreign lawyer in the jurisdiction where the qualification was acquired, and, if Article 10, paragraph (2) of the Act is applicable, a document proving their provision of legal services in Japan to an attorney at law, a legal professional corporation, a registered foreign lawyer or a registered foreign lawyer corporation based on their knowledge concerning the laws of the jurisdiction

- where the qualification was acquired after acquiring a qualification to become a foreign lawyer;
- (vi) a document in which they pledge that they do not fall under any of the items of Article 7 of the Attorneys Act as applied mutatis mutandis pursuant to Article 8 of the Act;
 - (vii) a document in which they pledge that they do not fall under any of the provisions of Article 10, paragraph (1), item (ii), (a) through (d) of the Act;
 - (viii) a document in which they pledge that they will perform professional duties faithfully;
 - (ix) a document proving that they have the plan, residence and financial base that will facilitate proper and reliable performance of professional duties;
 - (x) a document proving that they have the ability to compensate for damage which they may cause to clients; and
 - (xi) other documents for reference.
- (2) The document in item (vi) referred to in the preceding paragraph is to be written in the format of Appended Form 2, the document referred to in item (vii) of the paragraph is to be written in the format of Appended Form 3, and the document referred to in item (viii) of the paragraph is to be written in the format of Appended Form 4.

(Means of Payment of Application Fees for Approval)

Article 5 The fee referred to in Article 9, paragraph (3) of the Act must be paid by affixing a revenue stamp equivalent to the amount of the fee to a written application for approval.

(Verification of the Content of Pledges)

Article 6 Deleted

(Notification of Decisions of Non-Approval)

Article 7 If the Minister of Justice has made a decision not to grant approval, the Minister must notify the applicant and the Japan Federation of Bar Associations in writing of that decision and the reasons for the decision.

(Preliminary Examinations Prior to Applications for Approval)

Article 8 Prior to application, a person who seeks to apply for approval may submit documents equivalent to a written application for approval and accompanying documents to the Minister of Justice and may request a preliminary examination.

(Obligation of Approved Persons to Report)

Article 9 (1) A person who has obtained approval must notify the Minister of

Justice without delay, if they fall under any of the following items:

- (i) if there has been any change in the person's name, nationality or address;
 - (ii) if their office has been established or moved;
 - (iii) if the name of their office has been fixed or changed;
 - (iv) if there has been an important change in their ability to compensate for damage which they may cause to clients;
 - (v) if they fall under any of the provisions of Article 10, paragraph (1), item (ii), (a) through (d) of the Act;
 - (vi) if they have lost the qualification to be a foreign lawyer in the jurisdiction of primary qualification; or
 - (vii) if they fall under any of the items of Article 7 of the Attorneys Act (except item (ii)) as applied mutatis mutandis pursuant to Article 8 of the Act.
- (2) A person who has obtained approval must submit the following documents to the Minister of Justice within two months after the end of every two year period from the approval date, except if they fall under item (vi) or (vii) of the preceding paragraph:
- (i) a document certifying that they actually have a qualification as a foreign lawyer in the jurisdiction of primary qualification;
 - (ii) a written statement on the status of their practice and assets;
 - (iii) a document in which they pledge that they do not fall under any of the provisions of Article 10, paragraph (1), item (ii), (a) through (d) of the Act; and
 - (iv) a document in which they pledge that they do not fall under any of the items of Article 7 of the Attorneys Act (except item (ii)) as applied mutatis mutandis pursuant to Article 8 of the Act.

(Special Provisions on Procedures for Hearings)

Article 10 (1) If an officer presiding over a hearing concerning the rescission of approval finds it necessary, they must hear the opinion of witnesses.

(2) If a presiding officer has heard opinions referred to in the preceding paragraph, they must enter the name of witness and a summary of their statement in the record of the hearing.

(3) If a party to a hearing concerning the rescission of approval makes a statement of opinion, asks a question, or makes a statement in response to a question posed by an officer presiding over the hearing in a foreign language, the party must have an interpreter interpret for them at their own expense. The same applies if a witness whom a party requests be heard makes a statement in a foreign language.

(Notifications of Rescissions of Approval)

Article 11 If the Minister of Justice has rescinded approval, the Minister must

notify the person whose approval has been rescinded and the Japan Federation of Bar Associations in writing to that effect and of the reasons for the decision.

(Application for Designation)

Article 12 Deleted

(Format of Written Applications for Designation)

Article 13 A written application referred to in Article 17, paragraph (1) of the Act (hereinafter referred to as a "written application for designation") is to be written in the format of Appended Form 5.

(Documents Accompanying Written Applications for Designation)

Article 14 The documents specified by Ministry of Justice Order as provided for in Article 17, paragraph (2) of the Act are as follows:

- (i) in cases of application for a designation under Article 16, paragraph (1), item (i) of the Act, a document certifying that they are qualified as a foreign lawyer of the specified foreign jurisdiction;
- (ii) in cases of application for a designation under Article 16, paragraph (1), item (ii) of the Act, a document proving that they have the same level of legal knowledge concerning the specified foreign jurisdiction and have the relevant amount of practical experience in providing legal services concerning relevant laws as a person who is qualified as a foreign lawyer of that jurisdiction; or
- (iii) other documents for reference.

(Obligation of Designated Persons to Report)

Article 15 (1) If a person who has received a designation under Article 16, paragraph (1), item (i) of the Act has lost their qualification as a foreign lawyer, they must notify the Minister of Justice to that effect without delay.

(2) A person who has received a designation under Article 16, paragraph (1), item (i) of the Act must submit a document certifying that they are actually qualified as a foreign lawyer concerning the designation to the Minister of Justice within two months after the end of every two year period from the date of designation, except in the case provided for in the preceding paragraph.

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

Article 16 The provisions of Article 5 apply mutatis mutandis to the means of paying the fee as referred to in Article 17, paragraph (3) of the Act; the provisions of Article 7 apply mutatis mutandis to notifications when the Ministry of Justice has made a decision not to designate; the provisions of

Article 8 apply mutatis mutandis to preliminary examinations prior to applying for the designation; the provisions of Article 10 apply mutatis mutandis to a hearing concerning the disposition of rescission of the designation; and the provisions of Article 11 apply mutatis mutandis to notification of rescission of the designation. In these cases, the term "written application for approval" in Article 8 are deemed to be read as "written application for designation".

(Attachment of Translations)

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

Appended Table (Re: Article 1)

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

Appended Forms (omitted)