

# Regulations for Enforcement of the Act on the Handling of Legal Services by Foreign Lawyers (The amended order comes into effect on November 1, 2022)

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

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

(Federal States and their Constituent Parts)

Article 1 The federal states specified by Ministry of Justice Order as provided for in Article 2, item (iii) of the Act on 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 parts are as described in the right column of that Appended Table.

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

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

- (i) a person, if either they 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 shares issued (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 (xv), (a) of the Act)

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

- (i) a person, if either they and their wholly-owned subsidiary hold, or their wholly-owned subsidiary holds, more than fifty percent of the number of shares issued (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.

(Application for Approval)

Article 4 In applications for approval prescribed in Article 9 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 5 (1) The particulars specified by Ministry of Justice Order as provided for in Article 11, 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 of acquiring qualification as a foreign lawyer, the name of the foreign jurisdiction in which the person acquired their qualification (referred to as "jurisdiction where they acquired their qualification" in the following Article) and that person's title as a foreign lawyer.

(2) The written applications for approval in Article 11, paragraph (1) of the Act

(hereinafter referred to as "written applications for approval") are to be in the format of Appended Form 1.

(Documents Accompanying Written Applications for Approval)

Article 6 (1) The documents specified by Ministry of Justice Order as provided for in Article 11, paragraph (2) of the Act are the document listed as follows:

- (i) a written statement in relation to the particulars listed as follows, which the person who wishes to be granted 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 they acquired their qualification (including experience as a foreign lawyer in the jurisdiction where they acquired their qualification, of having engaged in the practice of providing legal services, concerning the law of the jurisdiction where they acquired their qualification, on the basis of their qualification as a foreign lawyer, in a foreign jurisdiction other than the jurisdiction where they acquired their qualification; the same applies hereinafter in this Article); and if Article 12, paragraph (2) of the Act is applicable, particulars concerning their provision of legal services in Japan, after they acquired their qualification to become a foreign lawyer, to an attorney, a legal professional corporation, a registered foreign lawyer, a registered foreign lawyer corporation, or an attorney / registered foreign lawyer joint corporation, based on their knowledge of the law of the jurisdiction where they acquired their qualification;
  - (b) particulars concerning their disqualification as a registered foreign lawyer;
  - (c) particulars concerning the standards listed in Article 12, paragraph (1), item (ii) of the Act;
  - (d) particulars concerning their intention to perform their professional duties faithfully, and the plan, residence, and financial base that will facilitate the proper and reliable performance of their professional duties;
  - (e) particulars concerning their ability to compensate for any losses that they have caused to clients; and
  - (f) other particulars that may be of reference;
- (ii) a resume;
- (iii) a copy of their passport, residence card, special permanent resident certificate, or other document certifying their identity;
- (iv) a document certifying that they have qualified to become a foreign lawyer and that they actually hold that qualification;
- (v) a document proving their experience in performing professional duties as a foreign lawyer in the jurisdiction where they acquired their qualification,

- and, if Article 12, paragraph (2) of the Act is applicable, a document proving their provision of legal services in Japan, after they acquired their qualification to become a foreign lawyer, to an attorney, a legal professional corporation, a registered foreign lawyer, a registered foreign lawyer corporation, or an attorney / registered foreign lawyer joint corporation, based on their knowledge of the law of the jurisdiction where they acquired their qualification;
- (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 10 of the Act;
  - (vii) a document in which they pledge that they do not fall under any of the provisions of Article 12, paragraph (1), item (ii), (a) through (d) of the Act;
  - (viii) a document in which they pledge that they will perform their professional duties faithfully;
  - (ix) a document proving that they have plans, a residence, and the financial resources to facilitate the proper and reliable performance of their professional duties;
  - (x) a document proving that they have the ability to compensate for losses that they have caused to clients; and
  - (xi) other documents that may be of reference.
- (2) The document referred to in item (vi) of the preceding paragraph is to be in the format of Appended Form 2, the document referred to in item (vii) of that paragraph is to be in the format of Appended Form 3, and the document referred to in item (viii) of that paragraph is to be in the format of Appended Form 4.

(Means of Payment of Application Fees for Approval)

Article 7 The fee referred to in Article 11, paragraph (3) of the Act must be paid by affixing a revenue stamp equivalent to the amount of the fee for a written application for approval.

(Notice of Decisions of Non-Approval)

Article 8 If the Minister of Justice has made a decision not to grant approval, the Minister must give the applicant and the Japan Federation of Bar Associations notice in writing of that decision and the reasons for that decision.

(Preliminary Examinations Prior to Applications for Approval)

Article 9 Prior to filing an 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 Notification by Persons Granted Approval)

Article 10 (1) A person who has been granted 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 relocated;
- (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 losses that they have caused to clients;
- (v) if they fall under any of the provisions of Article 12, paragraph (1), item (ii), (a) through (d) of the Act;
- (vi) if they have lost their qualification to be a foreign lawyer in their 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 10 of the Act.

(2) A person who has been granted approval must submit the following documents to the Minister of Justice within two months after the end of every two year period from the date on which their approval was granted, except if they fall under item (vi) or (vii) of the preceding paragraph:

- (i) a document certifying that they actually hold a qualification to be 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 12, 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 10 of the Act.

(Special Provisions on Procedures for Hearings)

Article 11 (1) If an officer presiding over a hearing concerning the revocation 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 revocation 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.

(Notice of Revocation of Approval)

Article 12 If the Minister of Justice has revoked an approval, the Minister must notify the person whose approval has been revoked and the Japan Federation of Bar Associations in writing to that effect and of the reasons for the decision.

(Format of Written Applications for Designation)

Article 13 A written application as referred to in Article 18, 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 18, paragraph (2) of the Act are as follows:

- (i) in cases of application for a designation under Article 17, paragraph (1), item (i) of the Act, a document certifying that they are qualified to be a foreign lawyer of the specified foreign jurisdiction;
- (ii) in cases of application for a designation under Article 17, paragraph (1), item (ii) of the Act, a document proving that they have the same level of knowledge regarding the law of the specified foreign jurisdiction and have the relevant amount of practical experience of handling legal services concerning the relevant law as a person who is qualified to be a foreign lawyer of that jurisdiction; or
- (iii) other documents that may be of reference.

(Obligation of Notification by Persons Granted Designation)

Article 15 (1) If a person who has been granted a designation under Article 17, paragraph (1), item (i) of the Act has lost their qualification to be a foreign lawyer, they must notify the Minister of Justice to that effect without delay.  
(2) A person who has been granted a designation under Article 17, paragraph (1), item (i) of the Act must submit a document certifying that they actually hold a qualification to be a foreign lawyer in relation to the relevant designation to the Minister of Justice within two months after the end of every two year period from the date on which their designation was granted, except in the case provided for in the preceding paragraph.

(Application Mutatis Mutandis of Provisions Concerning Approvals or Revocations of Approval)

Article 16 The provisions of Article 7 apply mutatis mutandis to the means of paying the fee as referred to in Article 18, paragraph (3) of the Act; the provisions of Article 8 apply mutatis mutandis to notices when the Ministry of

Justice has made decisions not to grant a designation; the provisions of Article 9 apply mutatis mutandis to preliminary examinations prior to applying for designations; the provisions of Article 11 apply mutatis mutandis to a hearing concerning dispositions of revocation of designations; and the provisions of Article 12 apply mutatis mutandis to notices of revocation of designations. In these cases, the term "written application for approval" in Article 9 are deemed to be replaced with "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 Ministerial 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 the documents. The translation must include the translator's name, the date of translation, and a statement pledging that they have faithfully translated the original document.

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)