

Regulations on Procedures for Certification of Qualifications to Become an Attorney (Tentative translation)

(Ministry of Justice Order No. 13 of March 8, 2004)

The Regulations on Procedures for Certification of Qualifications to Become an Attorney are established as follows based on the provisions of Article 5-2, Paragraph (1), Article 5-3, Paragraphs (1) and (2), Article 5-4, Paragraph (2), and Article 5-7 of the Attorneys Act (Act No. 205 of 1949)

(Corporation Implementing the Training Course)

Article 1 The corporation provided for by Ministry of Justice Order referred to in Article 5 of the Attorneys Act (hereinafter referred to as the "Act") are the Japan Federation of Bar Associations.

(Designation of Training Course)

Article 2 (1) The designation of training course under Article 5 of the Act are made upon application by a corporation prescribed in the preceding Article.
(2) A person who intends to make the application referred to in the preceding paragraph must submit a written application to the Minister of Justice by attaching a document stating a schedule and contents of training course satisfy the standards prescribed in paragraph (1) of Article 5-4 of the Act, and a plan for training.

(Procedures Similar to Court Proceedings)

Article 3 (1) The procedures specified by Ministry of Justice Order as referred to in Article 5, item (ii), (a), 2. of the Act are the procedures listed in the following items:

- (i) procedures for inquiry by the Japan Marine Accident Tribunal provided for in the Act on Marine Accident Inquiries (Act No. 135 of 1947);
- (ii) procedures for hearing by the Central Labor Relations Commission or Prefectural Labor Relations Commission provided for in the Labor Union Act (Act No. 174 of 1949);
- (iii) determination proceedings of the expropriation committee provided for in the Expropriation of Land Act (Act No. 219 of 1951);
- (iv) adjudication proceedings of the adjudication committee of the Environmental Dispute Coordination Commission provided for in the Act on the Settlement of Environmental Pollution Disputes (Act No. 108 of 1970);
- (v) dispositions rendered by administrative agencies (meaning dispositions set

- forth in Article 2, paragraph (1) of the Administrative Procedure Act (Act No. 88 of 1993); Procedures of administrative agencies in response to requests for review, requests for re-investigation, requests for re-examination and other appeals against the exercise of public authority (including procedures for deliberations, etc. in councils, etc. submitted or consulted by administrative agencies that have received complaints);
- (vi) court proceedings in foreign countries or proceedings equivalent to the proceedings listed in the preceding items;
 - (vii) arbitration procedures.
- (2) The procedures provided for by the Ministry of Justice Order under Article 5, item (ii), (b), 3. of the Act are as follows:
- (i) procedures for examination by commissioner for Local Dispute Management or Central and Local Government Dispute Management Council provided for in the Local Autonomy Act (Act No. 67 of 1947);
 - (ii) procedures for objection or examination concerning the signature of the signature book of the Election Management Commission provided for in the Local Autonomy Act;
 - (iii) procedures for objections or examinations concerning the validity of an election of the Electoral Administrative Commissions provided for in the Public Offices Election Act (Act No. 100 of 1950);
 - (iv) procedures for controlling subversive organizations of the Public Security Examination Commission provided for in the Subversive Activities Prevention Act (Act No. 240 of 1952);
 - (v) procedures for control measures of the Public Security Examination Commission provided for in the Act on the Control of Organizations Which Have Committed Acts of Indiscriminate Mass Murder (Act No. 147 of 1999);
 - (vi) procedures under items (i) through (v) and item (vii) of the preceding paragraph.
- (3) A person provided for by Ministry of Justice Order referred to in Article 5, item (ii), (b), 3. of the Act is a person listed in the following items in the procedures listed in the respective items:
- (i) procedures under item (i) of the preceding paragraph members of the Central and Local Government Dispute Management Council or commissioners for Local Dispute Management Members;
 - (ii) procedures under items (ii) and (iii) of the preceding paragraph members of the Electoral Administrative Commissions;
 - (iii) procedures under items (iv) and (v) of the preceding paragraph the chairperson or members of the Public Security Examination Commission;
 - (iv) procedures under paragraph (1), item (i) judges of the Japan Marine Accident Tribunal;
 - (v) procedures under paragraph (1), item (ii) members of the Central Labor

- Relations Commission or the Prefectural Labor Relations Commission;
- (vi) procedures under paragraph (1), item (iii) member of the expropriation committee ;
- (vii) procedures under paragraph (1), item (iv) the adjudication committee members of the adjudication committee;
- (viii) procedures under paragraph (1), item (v) a person who administer affairs pertaining to judgments, decisions and other dispositions with regard to requests for review of procedures, requests for re-investigation and requests for re-examination and other appeals (including the chairperson and members of the council, etc. submitted or consulted by the administrative agency that has received the appeal)
- (ix) procedures under paragraph (1), item (vii) arbitrator in the proceedings.

(Matters to Be Stated in Written Application for Certification)

Article 4 (1) The matters specified by Ministry of Justice order referred to in Article 5-2, paragraph (1) of the Act are as follows:

- (i) the person's name, sex, date of birth, registered domicile (or nationality in the case of a foreign national), and address;
 - (ii) the date of acquiring of the qualification to become legal apprentices, or the date of passing the examination set force in Article 18, paragraph (3) of the Public Prosecutor's Office Act (Act No. 61 of 1947);
 - (iii) the duration of service referred to in Article 5, item (i) or (iii) of the Act, or the duration of duties referred to in item (ii) of that Article, and the detail of the duties under that item; provided, however, that in cases where an application is filed in accordance with the provisions of Articles 5 through 5-6 of the Act for Partial Revision of the Attorneys Act (Act No. 9 of 2004; hereinafter referred to as the " Attorneys Act Partially Revised") pursuant to the provisions of Article 3, paragraph (2) of the Supplementary Provisions of the Act for Partial Revision of the Attorneys Act, the duration of service in the service prescribed in Article 6, paragraph (1), item (ii) of the Attorneys Act prior to the revision by the Attorneys Act Partially Revised by the Attorneys Act by March 31, 2008, or in cases where an application is filed in accordance with the provisions of Article 3, paragraph (3) of the Supplementary Provisions of Act for Partial Revision of the Attorneys Act, the duration of service and the duration of service equivalent thereto during the period from that date until March 31, 2008.
- (2) The form of a written application for certification set forth in Article 5-2, paragraph (1) of the Act (hereinafter referred to as a "written application for certification") are in a separate form.

(Documents to be Attached to Written Application for Certification)

Article 5 The documents specified by Ministry of Justice order referred to in Article 5-2, paragraph (2) of the Act are the following documents:

- (i) a document certifying that they have acquired the qualification to become a legal apprentice or a document certifying that they have completed the examination set forth in Article 18, paragraph (3) of the Public Prosecutor's Office Act;
- (ii) a resume;
- (iii) the abstract of their family register or a certificate of family register description or a copy of the resident record which states their registered domicile (in the case of a foreign national, a copy of their passport, residence card, special permanent resident certificate, or other document certifying their identity);
- (iv) a document certifying the duration of service prescribed in items (i) or (iii) of the Act or both the duration of duties prescribed in item (ii) of that Article and the details of the relevant duties; provided, however, that in cases where an application is filed in accordance with the provisions of Articles 5 through 5-6 of the Act on the Partial Revision of the Attorneys Act pursuant to the provisions of Article 3, paragraph (2) of the Supplementary Provisions of said Act, a document certifying the duration of service in a position prescribed in Article 6, paragraph (1), item (ii) of the Attorneys Act prior to the revision by the Act on the Partial Revision of the Attorneys Act by March 31, 2008, or in cases where an application is filed in accordance with the provisions of Article 3, paragraph (3) of the Supplementary Provisions of the Act on the Partial Revision of the Attorneys Act, a document certifying the duration of service in a position prescribed in Article 6, paragraph (1), item (ii) prior to April a, 2004 and the duration of service in a position equivalent thereto from that date until March 31, 2008;
- (v) other documents that may be of reference.

(Means of Payment of Fees)

Article 6 The fee referred to in Article 5-2, paragraph (3) of the Act must paid by affixing a revenue stamp equivalent to the amount of the fee to a written application for certification.

(Method of Reporting on the Status of Training Courses)

Article 7 A report pursuant to the provision of Article 5-3, paragraph (2) of the Act must made by a document stating the following matters:

- (i) the name and date of birth of the applicant (hereinafter referred to as "applicant" in this Article) who received the training course under Article 5 of the Act (hereinafter referred to as "training");
- (ii) schedule and contents of the training received by the applicant;

- (iii) applicant's attendance and attitude toward the training;
- (iv) opinion as to whether the Minister of Justice may recognize that the applicant has completed the training course;
- (v) other matters for reference.

(Public Notice of Certified Persons)

Article 8 When the Minister of Justice made the certification under in Article 8 of the Act (hereinafter referred to as the "certification"), they give public notice of the name of the person who obtained the certification in the Official Gazette.

(Preliminary Examinations Prior to Application for Certification)

Article 9 A person who intends to apply for the certification may request preliminary examination by submitting an application for certification and documents equivalent to its attached documents to the Minister of Justice prior to filing an application.

Supplementary Provisions

This Ministerial Order comes into effect as from April 1, 2004.