

Regulations on Procedures for Certification of Qualifications to Become an Attorney

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

Pursuant to 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), the Regulations on Procedures for Certification of Qualifications to Become an Attorney are established as follows.

(Corporation Implementing the Training Course)

Article 1 The corporation specified by Ministry of Justice Order as referred to in Article 5 of the Attorneys Act (referred to as "the Act" below) is the Japan Federation of Bar Associations.

(Designation of Training Courses)

Article 2 (1) The designation of training courses under the provisions of Article 5 of the Act is made upon application by a corporation prescribed in the preceding Article.

(2) A person who intends to file the application referred to in the preceding paragraph must submit a written application to the Minister of Justice by attaching a document stating the time schedule and content of the training course which satisfy the standards prescribed in Article 5-4, paragraph (1) of the Act, and other plans for conducting the training course.

(Procedures Similar to Court Proceedings)

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

- (i) proceedings of inquiries by the Japan Marine Accident Tribunal provided for in the Act on Marine Accident Inquiries (Act No. 135 of 1947);
- (ii) procedures of hearings by the Central Labour Relations Commission or Prefectural Labour 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

- referred to in Article 2, paragraph (1) of the Administrative Procedure Act (Act No. 88 of 1993)), procedures of administrative agencies against appeals filed, such as requests for review, requests for re-investigation, and requests for re-examination, against the exercise of public authority (including procedures for deliberations, etc. in councils or other meetings submitted or referred to by administrative agencies that have received appeals);
- (vi) court proceedings in foreign countries or proceedings equivalent to those stated in the preceding items; and
 - (vii) arbitration procedures.
- (2) The procedures specified by Ministry of Justice Order as referred to in Article 5, item (ii), sub-item (b), 3. of the Act are as follows:
- (i) procedures for examination by the Central and Local Government Dispute Management Council provided for in the Local Autonomy Act (Act No. 67 of 1947) or Commissioner for Local Dispute Management;
 - (ii) procedures for objections or examinations concerning signatures in the signature book by election administration commissions provided for in the Local Autonomy Act;
 - (iii) procedures for objection or examination concerning validity of elections by election administration commissions provided for in the Public Offices Election Act (Act No. 100 of 1950);
 - (iv) procedures for controlling subversive organizations by the Public Security Examination Commission provided for in the Subversive Activities Prevention Act (Act No. 240 of 1952);
 - (v) procedures for regulatory measures by the Public Security Examination Commission provided for in the Act on the Control of Organizations Which Committed Indiscriminate Mass Murder (Act No. 147 of 1999); and
 - (vi) procedures referred to in items (i) through (v) and item (vii) of the preceding paragraph.
- (3) The person specified by Ministry of Justice Order as referred to in Article 5, item (ii), sub-item (b), 3. of the Act is a person stated in the following items for the procedures stated in each of those items:
- (i) procedures referred to in item (i) of the preceding paragraph: the members of the Central and Local Government Dispute Management Council or Commissioners for Local Dispute Management;
 - (ii) procedures referred to in items (ii) and (iii) of the preceding paragraph: the members of the election administration commissions;
 - (iii) procedures referred to in items (iv) and (v) of the preceding paragraph: the chairperson or members of the Public Security Examination Commission;
 - (iv) procedures referred to in paragraph (1), item (i): the judges of the Japan Marine Accident Tribunal;
 - (v) procedures referred to in paragraph (1), item (ii): the members of the

Central Labour Relations Commission or the Prefectural Labour Relations Commission;

- (vi) procedures referred to in paragraph (1), item (iii): the members of the expropriation committee ;
- (vii) procedures referred to in paragraph (1), item (iv): the adjudication committee members;
- (viii) procedures referred to in paragraph (1), item (v): a person who conducts affairs relating to administrative determinations, decisions or other dispositions concerning requests for review, requests for re-investigation, and requests for re-examination or other appeals filed (including the chairperson and members of the council, etc. submitted or consulted on by the administrative agency that has received the appeal); and
- (ix) procedures referred to in paragraph (1), item (vii): the arbitrator.

(Matters to Be Stated in Written Applications for Certification)

Article 4 (1) The matters specified by Ministry of Justice Order as 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 (for a foreign national, nationality), and address;
 - (ii) the date on which the person acquired the qualification to become a legal apprentice, or the date the person passed the examination referred to in Article 18, paragraph (3) of the Public Prosecutor's Office Act (Act No. 61 of 1947);
 - (iii) the period the person was employed in the position referred to in Article 5, item (i) or (iii) of the Act or was engaged in the duties referred to in item (ii) of that Article, and the content of the duties referred to in that item; provided, however, that when an application for certification is filed in accordance with the provisions of Articles 5 through 5-6 of the Act pursuant to Article 3, paragraph (2) of the Supplementary Provisions of the Act Partially Amending the Attorneys Act (Act No. 9 of 2004), the period the person was employed in the position prescribed in Article 6, paragraph (1), item (ii) of the Attorneys Act before being amended by the Act Partially Amending the Attorneys Act by March 31, 2008, or when an application for certification is filed by deeming that the provisions of Article 3, paragraph (3) of the Supplementary Provisions of the Act Partially Amending the Attorneys Act apply, the period the person was employed in the position prescribed in Article 6, paragraph (1), item (ii) of the Attorneys Act before being amended by that Act before April 1, 2004 and the period the person was employed in a position equivalent to that position during the period from that date to March 31, 2008.
- (2) The format of the written application for certification referred to in Article 5-

2, paragraph (1) of the Act (referred to as "written application for certification" below) is to follow that of the Appended Form.

(Documents to be Attached to Written Applications for Certification)

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

- (i) a document certifying that the person has acquired the qualification to become a legal apprentice, or a document certifying that they have passed the examination referred to in Article 18, paragraph (3) of the Public Prosecutor's Office Act;
- (ii) a resume;
- (iii) a copy of the abstract of the person's family register or a certificate of matters entered in the family register, or the resident record that states their registered domicile (for a foreign national, a copy of their passport, residence card, special permanent resident certificate, or other documents certifying their identity);
- (iv) a document certifying the period the person was employed in the position referred to in Article 5, items (i) or (iii) of the Act or was engaged in the duties referred to in item (ii) of that Article and the content of the duties referred to in that item; provided, however, that when an application for certification is filed in accordance with the provisions of Article 5 through Article 5-6 of the Act pursuant to Article 3, paragraph (2) of the Supplementary Provisions of the Act Partially Amending the Attorneys Act, a document certifying the period the person was employed in the position prescribed in Article 6, paragraph (1), item (ii) of the Attorneys Act before being amended by the Act Partially Amending the Attorneys Act by March 31, 2008, or when an application for certification is filed by deeming that the provisions of Article 3, paragraph (3) of the Supplementary Provisions of the Act Partially Amending the Attorneys Act apply, a document certifying the period the person was employed in the position prescribed in Article 6, paragraph (1), item (ii) of the Attorneys Act before being amended by that Act before April 1, 2004 and the period the person was employed in a position equivalent to that position during the period from that date to March 31, 2008; and
- (v) other documents that should serve as reference.

(Payment Method of Fees)

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

(Reporting Method of the Participation Situation of Training Courses)

Article 7 The report under the provisions of Article 5-3, paragraph (2) of the Act must be made by a document stating the following matters:

- (i) the name and date of birth of the applicant (referred to as "applicant" below in this Article) who has taken the training course referred to in Article 5 of the Act (referred to as "training course" below);
- (ii) time schedule and content of the training course the applicant has taken;
- (iii) the applicant's attendance and attitude toward the training;
- (iv) opinion on whether or not the Minister of Justice may certify that the applicant has completed the training course; and
- (v) other matters that serve as reference.

(Public Notice of Certified Persons)

Article 8 When the Minister of Justice makes the certification referred to in Article 5 of the Act (referred to as the "certification" below), the Minister is to give public notice of the name of the person who has been certified in an Official Gazette.

(Preliminary Examinations Before Applying for Certification)

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

Supplementary Provisions

This Ministerial Order comes into effect on April 1, 2004.