

Pro Bono Practices and Opportunities in Japan

I. Introduction

The Japan Federation of Bar Associations (“JFBA”) is an autonomous body governing matters relating to the guidance, liaison and supervision of all attorneys and bar associations, consisting of the 52 bar associations in Japan. Japanese attorneys are not required by law to work a minimum number of hours of pro bono work, however, there are other governmental or non-governmental organizations that provide access to justice free or at a low cost, including, the Japan Legal Support Center, the Duty Attorney Systems, legal counseling centers established by local bar associations and legal expenses insurance initiated by the JFBA.

II. Overview of Pro Bono Practices

(a)	Professional Regulation	
	<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>There are a number of sources of laws and rules that regulate the provision of legal services in Japan. These are:¹</p> <ul style="list-style-type: none"> • Constitution of Japan • Civil Legal Aid Law • Attorney Act enacted in 1949 • Basic Rules on the Duties of Practicing Attorneys established by JFBA • Comprehensive Legal Support Act
	<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>In order to qualify as an attorney, one must complete a law school curriculum, pass the bar examination, and complete an apprenticeship at the Legal Training and Research Institute in Japan. A practicing attorney cannot concurrently hold office as a judge or a prosecutor at the same time. However, since they all complete the same training of a legal apprentice, it is possible for a judge or a prosecutor to become an attorney and for an attorney to become a judge or a prosecutor.²</p> <p>In general, three years of legal education, or two years for those with legal education at the undergraduate level, is required to complete law school in Japan. Graduating from a law school is a prerequisite to sit for the bar examination</p>

¹ See <http://www.japaneselawtranslation.go.jp/law/detail/?id=1878&vm=04&re=02> and https://www.nichibenren.or.jp/library/en/about/data/JFBA_Brochure-pamf_2018.pdf (last visited on May 1, 2019).

² See https://www.nichibenren.or.jp/library/en/about/data/JFBA_Brochure-pamf_2018.pdf (last visited on May 1, 2019).

		<p>The main legal training after passing the bar examination is the apprenticeship conducted in the District Courts, District Public Prosecutors' Offices, and local bar associations throughout Japan.</p> <p>Japanese citizenship is not required to qualify as an attorney in Japan.</p>
<p>(b) Pro Bono Practice and Culture</p>		
	<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>By-laws of some local bar associations provide that their members shall perform some public interest activities, although this is not a common practice for all the local bar associations in Japan.³</p> <p>Attorneys can participate in the all types of public interest activities, including holding law education seminars. There is no limitation to the pro bono legal services.</p>
	<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Legal aid services in criminal and civil cases are mainly organised through the Ministry of Justice and an independent legal aid administration. Legal aid is usually funded by the government, including Japan Legal Support Center (the "JLSC") and Japan Federation of Bar Associations (the "JFBA").</p> <p>Generally, lawyers in Japan are not required to work a minimum number of pro bono hours.</p> <p>Some legal aid lawyers are full-time salaried employees of the legal aid administration. Other legal aid lawyers provide services as needed on a part-time contractual basis with the legal aid administration. Legal aid services are also provided through pro-bono schemes, as several law firms make it a requirement. In general, legal aid services are funded by the government, but local bar association may provide incentives for lawyers to engage in pro bono work, such as discounts on membership.⁴</p>
	<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>As stated in question (b)1, some bar associations may require their members to perform public interest activities. Otherwise, aspiring lawyers are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.</p>

³ See <http://niben.jp/pdf/public/kisoku2.pdf> (last visited on May 1, 2019).

⁴ See [https://www.unodc.org/documents/justice-and-prison-reform/LegalAid/GSLA - Country Profiles.pdf](https://www.unodc.org/documents/justice-and-prison-reform/LegalAid/GSLA_-_Country_Profiles.pdf) (last visited on May 1, 2019).

	<p>In general, the legal aid services are mostly funded by government, while certain local bar association may provide membership discount if attorneys participate in legal aid services.</p>
<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal needs?</p>	<p>The main areas of law which require or present opportunities for the provision of pro bono legal services in Japan are:</p> <ul style="list-style-type: none"> • Civil legal aid; The JLSC offers support to citizens with limited financial resources through free legal counseling (“legal consultation assistance”) and loans for attorneys’ fees (“attorneys’ remuneration and litigation costs”) for legal representation in civil trials (including family affairs cases and administrative cases) (representation assistance), and loans for attorneys’ fees for preparation of documents to be submitted to the court (document preparation assistance). Foreign nationals may use the civil legal aid system if they lawfully reside in Japan and their domiciles are in Japan. • Court-appointed defense attorney/court-appointed attendant, including for suspects/defendants and juveniles; • Victim participation system/court-appointed, i.e., victim of crime;
<p>5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?</p>	<p>The main providers of legal aid services in Japan are:</p> <ul style="list-style-type: none"> • Japan Legal Support Center (“Hoterasu”) established and funded by the government has five primary areas of activities, i.e., providing information, civil legal aid, operations associated with the public criminal defense system, operations to address regional shortage of attorneys, and assistance to victims of crime • Japan Federation of Bar Associations (“JFBA”) supports the legal aid services of Japan Legal Support Center through securing attorneys. Since 2007, JFBA has entrusted its legal aid services to JLSC. • Establishment of Bar funded law offices which engage in activities for public interest purposes, including, but not limited to court-appointed

		defense attorneys cases and legal aid services on civil cases. ⁵
(c)	Obstacles to Provision of Pro Bono Legal Services	
	1. Do lawyers require a license to provide pro bono legal services?	<p>JLSC works with attorneys in relation to civil legal aid services and services related to court-appointed attorneys for defendants including suspects and victim support services.</p> <p>Legal aid services funded by the government would usually be referred to its members, so to that extent, those attorneys providing the legal aid services are qualified.</p>
	2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	<p>Foreign lawyers do not require any additional licenses to provide pro bono legal services in Japan however, there are a number of limitations that apply to what they can do.</p> <p>After approval by the Minister of Justice, qualified foreign attorneys may only practice law as gaikokuho-jimu-bengoshi by registering with the JFBA. As such, they are authorized to provide legal services with respect to the laws of the country in which they have the status of attorney (country of primary qualification) and the laws of other countries designated by the Minister of Justice (designated countries). They may also provide legal services with respect to the laws of third countries other than those of the country of primary qualification and the designated countries, provided they receive written advice from persons meeting certain requirements. Finally, gaikokuho-jimu-bengoshi may represent clients in international arbitration proceedings</p> <p>On the other hand, gaikokuho-jimu-bengoshi are barred from certain forms of practice, for example, representing clients in proceedings at Japanese courts or government tribunals, even if these proceedings are related to the laws of the country of primary qualification or the designated countries.</p>
	3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as	Lawyers in Japan do not require professional indemnity legal insurance cover for any pro bono legal services that they provide.

⁵ See http://www.nichibenren.or.jp/library/en/about/data/JFBA_Brochure_2014.pdf and https://www.nichibenren.or.jp/library/en/about/data/JFBA_Brochure-pamf_2017.pdf (last visited on May 1, 2019).

	a private law firm or organization working on the same pro bono project?	
	4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	There are no rules in Japan that prohibit advertising of pro bono successes or soliciting new pro bono clients.
	5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Lawyers in Japan do not receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked. However, the JFBA engages in support activities to improve the quality of young legal professionals with a tutoring system for those lawyers who have commenced their own practices either simultaneously with or at an early stage following their registration as lawyers. However, this is not directly related to pro bono legal services.
(d)	Sources of Pro Bono Opportunities and Key Contacts	
	1. Describe any governmental sources of pro bono and/or other legal services in Japan.	<ul style="list-style-type: none"> • Japan Legal Support Center, launched by the government in 2006, which aims to improve access to justice, especially in areas outside the larger metropolitan areas of Japan⁶ Tel: 0570-078377 Address: 5th Floor Maebashi Terrsa, 2-5-1 Chiyoda-machi, Maebashi • Japan Federation of Bar Associations⁷ Tel: +81 (0)3 3580 9741; Fax: +81 (0)3 3580 9840 Address: 1-1-3 Kasumigaseki, Chiyoda-ku, Tokyo 100-0013, Japan • Tokyo Bar Association⁸ Tel: +81-3-3581-2201; Fax: +81-3-3581-0865 Address: 6F Bar Association Bldg, 1-1-3 Kasumigaseki, Chiyoda-ku, Tokyo 100-0013

⁶ See <https://www.houterasu.or.jp/en/index.html> (last visited on May 1, 2019).

⁷ See <https://www.nichibenren.or.jp/en.html> (last visited on May 1, 2019).

⁸ See Website: <https://www.toben.or.jp/english/> (last visited on May 1, 2019).

		<ul style="list-style-type: none"> • Legal Counseling Centers operated by the Tokyo Bar Association, Dai-ichi Tokyo Bar Association and Dai-ni Tokyo Bar Association⁹ <p>Tel: 03-5312-5850</p> <p>Address: NSO Bldg. 5F, 3-1-22 Shinjuku Shinjuku-ku Tokyo 160-0022</p>
	<p>2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Japan.</p>	<p>The main non-governmental sources of pro bono and/or other pro bono resources in Japan are:</p> <ul style="list-style-type: none"> • Legal counseling centers operated by the Tokyo Bar Association, Dai-ichi Tokyo Bar Association and Dai-ni Tokyo Bar Association • Bar funded law offices;
	<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>After approval by the Minister of Justice, qualified foreign attorneys may only practice law as gaikokuho-jimu-bengoshi by registering with the JFBA, and are only authorized to provide legal services with respect to the laws of the country of primary qualification and designated countries. Qualified foreign attorneys may only practice the laws of the country of primary qualification, therefore, they will not be able to provide legal aid or pro bono legal services in relation to local civil or criminal cases. Whether qualified foreign lawyers can participate in other forms of public interest activities, such as seminar (in relation to the laws of the country of primary qualification) is not specified.</p>

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⁹ See Website: <http://www.lccf.info/us/> (last visited on May 1, 2019).