

**LAWYERS LAW**  
**(Law No. 205, June 10, 1949)**

Note: The word “lawyer” in this Law means only a person who practices law, and does not include a judge, public procurator or law professor.

**CHAPTER I MISSION AND DUTIES OF LAWYER**

(Mission of lawyer)

Article 1. The mission of a lawyer is to protect the fundamental human rights and to realize social justice.

2. A lawyer shall, in accordance with the mission as mentioned in the preceding paragraph, perform sincerely his duties in his efforts to maintain social order and improve legal systems.

(Basic attitude in performing business)

Article 2. A lawyer shall always strive to enhance the level of his culture and to build his character, and be well acquainted with laws, ordinance and legal business.

(Business of lawyer) (3)

Article 3. A lawyer shall, upon the request of a party and other persons concerned, or a government or public office, perform the business relating to law suits, non-contentious matters, and appeal to dispositions made by administrative offices in such forms as request for investigation, raise of objection, request for review, and other general legal business.

2. A lawyer may, as a matter of course, perform the business of the patent attorney and tax agent.

**CHAPTER II QUALIFICATIONS OF LAWYER**

(Qualifications of lawyer)

Article 4. A person has completed the courses of a judicial apprentice shall be qualified for a lawyer.

(Exceptions to qualifications of lawyer) (1)(2)(4)(8)(14)

Article 5. The following persons may be qualified for a lawyer, notwithstanding the provisions of the preceding Article:

(1) A person who has been a judge of the Supreme Court;

(2) A person who has, after obtaining the qualifications for a judicial apprentice, been a Summary Court judge, a public procurator, a court research official, a court secretary, a secretary of the Ministry of Justice, an instructor of the Judicial Research and Training Institute, the Research and Training Institute for Court Clerks or an instructor of an organ dealing with the businesses concerning Article 3 items (35) and (36) of the Law concerning Establishment for the Ministry of

Justice (Law No. 193 of 1947), as prescribed by Cabinet Order, a secretary (Sanji) of the Legislative Bureau of the House of Representatives or the House of Councilors or a counselor (Sanji-kan) of the Legislative Bureau of the Cabinet for not less than five years;

(3) A person who has been a professor or an assistant professor of jurisprudence in a faculty, postgraduate course, or a masters' course of the universities as provided for by separate law for not less than five years;

(4) A person who has assumed two or more of the posts as mentioned in the preceding two items for not less than five years in total. Provided that as to the posts mentioned in item (2), only the years of service after he obtained the qualifications for a judicial apprentice shall be counted.

(Disqualifications of lawyer) (3)(7)(16)

Article 6. No person as mentioned below shall be qualified for a lawyer irrespective of the provisions of the preceding two Articles:

(1) A person who has been sentenced to imprisonment or a heavier penalty;

(2) A person against whom the Impeachment Court has rendered a decision of dismissal;

(3) A person who has been disbarred from attorney-ship or prohibited from performing the business of a patent attorney or has his registration struck off as a certified public accountant, has been prohibited from performing the business as a tax accountant, or removed from his office as a public servant, through disciplinary action shall not be qualified for a lawyer or gaikokuho-jimu-bengoshi unless three years have passed since such disciplinary action was imposed upon him;

(4) Incompetent or quasi-incompetent person;

(5) A person who has been declared bankrupt, but not yet reinstated.

Article 7. Deleted. (5)

### **CHAPTER III NAME-LIST OF LAWYERS**

(Registration of lawyer)

Article 8. Any person who wants to become a lawyer shall be required to have his name registered in the name-list kept in the Japan Federation of Bar Associations.

(Request for registration)

Article 9. Any person who wants to become a lawyer shall request the Japan Federation of Bar Associations to register his name through the bar association in which he intends to join.

(Request for change of registration)

Article 10. When a lawyer wants to change the bar association to which he belongs, he shall request the

Japan Federation of Bar Associations to change his registration through the bar association in which he intends to join newly.

2. When a lawyer requests the change of his registration, he shall report that effect to the bar association to which he belongs.

(Request for rescission of registration)

Article 11. In case a lawyer intends to discontinue his practice, he shall request the Japan Federation of Bar Associations to rescind his registration through the bar association to which he belongs.

(Refusal to transmit requests for registration or change of registration) (7)(10)

Article 12. A bar association may, with regard to the person who is feared to impede the order or prestige of the said bar association, or who is feared to be unfit for practicing law and is coming under the following cases, refuse the transmittal of his request for registration or change of registration upon the decision of the Qualifications Screening Committee:

(1) When the person is mentally or physically incompetent;

(2) When the person who comes under the provisions of Article 6 item (3), makes the request after three years from the date on which he received such disciplinary action as disbarment, prohibition to perform his business, striking-off of registration, or removal. (7)

2. The preceding paragraph shall apply to a person who was a public servant requiring full-time service in the district of the bar association concerned within one year before his request for registration or change of registration, and is deemed evidently inappropriate to practice law within the said district.

3. When the bar association refuses to transmit the request in accordance with the provisions of the preceding two paragraphs, it shall notify that effect without delay and that reason in writing to the person who has requested registration or change of registration. (17)

4. If the bar association has failed to make the transmittal to the Japan Federation of Bar Associations even after the expiration of three months since being asked to transmit the request for registration or change of registration, the person who has made the request for said registration or change of registration may make the request for investigation under the Administrative Complaint Investigation Law (Law No. 160 of 1962), by deeming that he was refused the transmittal of the request for registration or change of registration.

(Ditto) (10)

Article 12-(2). In case where the Japan Federation of Bar Associations is to make a ruling on the request for investigation under the Administrative Complaint Investigation Law (including the request for investigation under the provision of paragraph 4 of the preceding Article) with respect to the refusal to transmit the registration or change of registration under the provision of the preceding Article, the Japan Federation of Bar Associations shall be on the basis of the decision of the Qualifications Screening Committee.

2. The Japan Federation of Bar Associations shall, if it finds a due reason for the request for investigation of the preceding paragraph, order the bar association to transmit the request for registration or change of registration.

(Request by bar association for rescission of registration) (16) (11)

Article 13. When a lawyer has made a false report on the matters as specified in items (1) and (2) of paragraph 1 and in paragraph 2 of Article 12, the bar association may, upon the decision of the Qualifications Screening Committee, request the Japan Federation of Bar Associations to rescind his registration.

2. When the bar association has requested the rescission as provided for in the preceding paragraph, it shall notify that effect without delay and that reason in writing to the lawyer.

(Ditto) (10)

Article 14. Any person, whose registration was requested to be rescinded in accordance with the provisions of the preceding Article, may file an objection to the Japan Federation of Bar Associations within sixty (60) days from the next day of the day on which he received the notification thereof.

2. The Japan Federation of Bar Association shall, upon receiving the objection as mentioned in the preceding paragraph, and if it finds a due reason for such objection by the decision of the Qualifications Screening Committee, return to the bar association the request for rescission of registration, while in the absence of due reasons, it shall reject the objection.

3. In case the disposition as mentioned in the preceding paragraph has been made by the Japan Federation of Bar Associations, it shall notify that effect without delay and that reason in writing to the person who has filed such an objection. (17)

(Refusal of registration or change of registration)

Article 15. The Japan Federation of Bar Associations may, when it receives a request for registration or change of registration from a bar association, and finds it proper to refuse for the reason as specified in Article 12 paragraph 1 and 2, refuse such registration or change of registration upon the decision of the Qualifications Screening Committee.

2. In case the Japan Federation of Bar Associations refuses registration or change of registration in accordance with the provisions of the preceding paragraph, it shall notify that effect without delay and that reason in writing to the person who has requested the registration or change of registration and to the bar association which recommended it. (17)

(Institute of suit) (9)

Article 16. A person whose request for review as to the refusal to transmit his request for registration or change of registration or change of registration in accordance with the provision of Article 12 was dismissed or rejected, or whose filing of objection in accordance with the provision of Article 1 paragraph 1 was rejected, or whose request for registration or change of registration was refused in accordance with the provision of the preceding Article, may institute a suit for cancellation thereof with the Tokyo High Court.

2. In case the Japan Federation of Bar Associations has neither made a ruling nor the action as mentioned in Article 14 paragraph 2 even after three months since it has received the request for review as to the refusal to transmit the request for registration or change of registration in accordance with the provision of Article 14 or the filing of objection in accordance with the provision of Article 14 paragraph 1, nor has it effected the registration or change of registration in the name-list of lawyers even after three months since it has received the transmittal of the request for registration or change of registration, the person who made such request for review or such filing of objection, or such request for registration or change of registration, may institute the suit under the preceding paragraph, on deeming that said request for review or said filing of objection has been rejected or said registration or change of registration has been refused.

3. As regards the refusal to transmit the request for registration or change of registration, the suit for cancellation may be instituted only against the ruling made thereon by the Japan Federation of Bar Associations.

(Reasons for rescission of registration)

Article 17. The Japan Federation of Bar Associations shall rescind the registration of a lawyer in the following cases:

(1) When a lawyer has come to fall under the provisions of any one of items (1) and (3) to (5) inclusive of Article 6;

(2) When a lawyer has requested for rescission of registration in accordance with the provisions of Article 11;

(3) When it has been finally decided to make a lawyer withdraw from the Association, or to disbar him, or to rescind his registration in accordance with the provisions of Article 13;

(4) When a lawyer dies.

(Report on reasons for rescission of registration)

Article 18. In case a bar association finds due reasons for rescission of registration of a lawyer belonging thereto in the name-list of lawyers, it shall report that effect without delay to the Japan Federation, of Bar Associations.

(Notification and public notice of registration, etc.)

Article 19. Registration, change of registration and rescission of registration in the name-list of lawyers shall be notified by the Japan Federation of Bar Associations without delay to the bar association to which the lawyer concerned belongs and at the same time shall be made public on the Official Gazette.

## **CHAPTER IV RIGHTS AND RESPONSIBILITIES OF LAWYER**

(Law office)

Article 20. The office of a lawyer shall be called a law office.

2. A law office shall be set up within the area under the jurisdiction of the Bar Association to which the lawyer belongs.

3. No lawyer shall establish two or more law offices under any name whatever. Provided that he may work at the law office of another lawyer.

(Duty to notify on law office)

Article 21. The establishment or transfer of a law office of a lawyer shall be notified to the bar association to which he belongs and to the Japan Federation of Bar Associations without delay.

(Responsibility to observe regulations of bar association)

Article 22. A lawyer shall observe the regulations of the bar association to which he belongs and of the Japan Federation of Bar Associations.

(Right and responsibility to maintain secrecy)

Article 23. A lawyer or a person who was previously a lawyer shall have the right and responsibility of maintaining the secrecy of any facts he came to know in performing his business. Provided that this shall not apply when otherwise provided for by laws.

(Request for information) (2)

Article 23-(2). A lawyer may, with regard to the cases in his charge, make application to the bar association to which he belongs in seeking information he needs by referring to public offices or public or private organizations. Upon receipt of the application, the bar association may reject it if it deems inappropriate.

2. The bar association may, upon the application as mentioned in the preceding paragraph, request public offices or public or private organizations to present necessary information.

(Responsibility to perform entrusted matters, etc.)

Article 24. A lawyer shall not refuse, without due reasons, to perform the matters as entrusted by the government or public office in accordance with the provisions of laws and ordinances, or the matters as designated by the bar association to which he belongs or the Japan Federation of Bar Associations in accordance with the provisions of their regulations.

(Cases in which lawyer cannot participate)

Article 25. A lawyer shall be barred from performing his business relating to the cases as mentioned below:

Provided that so far as the case mentioned in item (3) is concerned, he shall not be barred in the event the client of the case in his charge has consented thereto.

(1) Cases in which he supported the other party in the consultation asked for, or accepted the other party as his client;

(2) Cases in which he was consulted by the other party and the extent and means of such consultation could be considered as being based on the relationship of trust;

(3) Any other case entrusted by the other party to the case he is in charge;

(4) Cases which he handled in performing his duties in his capacity as a public servant;

(5) Cases which he handled as a mediator in accordance with the mediation procedures.

(Prohibition of corruption)

Article 26. A lawyer shall not receive, demand or promise to receive any benefits from the other party in connection with the cases in his charge.

(Prohibition of cooperation with persons who are not lawyers)

Article 27. A lawyer shall neither take over any cases through any person who violates the provisions of Articles 72 to 74 inclusive, nor allow such person to make use of his name.

(Prohibition of taking-over of rights in dispute)

Article 28. A lawyer shall not take over any rights in dispute.

(Obligation to notify non-acceptance of case)

Article 29. When a lawyer does not want to take charge of a case, he shall notify that effect to the client without delay.

(Restrictions on concurrent assumption of public posts and other business engagement, etc.)

(2)(6)(11)(12)(15)

Article 30. A lawyer shall not concurrently assume any public post for which compensation is made. Provided that this shall not apply in the case where he assumes the post of the President or Vice-President of the House of Representatives or the House of Councilors, Prime Minister, Minister of State, Deputy Secretary-General of the Cabinet, Parliamentary Vice-Minister, secretary to the Prime Minister or secretary to a Minister of State, or he becomes a member of the National Diet or assemblies of local public entities, a chief of local public entities or any other public post to be assumed by election, or he becomes a public servant in which full-time service is not required, or performs functions relating to any specific matter as entrusted by a government or public office.

2. In case a lawyer assumes concurrently a public post of which full-time service is required, he shall not perform functions of a lawyer while he is in such service in view of the proviso to the preceding paragraph.

3. A lawyer shall be barred, unless he obtains the permission from the bar association to which he belongs, from running any profit-making business, or becoming an employee of the operator of such a business, or an executive member of any profit-making juristic person, or director or employee thereof.

## **CHAPTER V BAR ASSOCIATION**

(Object and legal personality)

Article 31. It shall be the object of a bar association, in view of the mission and duties of lawyer, to perform the business relating to the guidance, liaison and supervision of members in order to

maintain their dignity and to improve and develop the lawyers' business.

2. A bar association shall be a juristic person.

(District for establishment)

Article 32. A bar association shall be established in each district under the jurisdiction of the District Court.

(Articles of association)

Article 33. A bar association shall provide its articles of association with the approval of the Japan Federation of Bar Associations.

2. The following matters shall be included in the articles of association of the bar association:

(1) Name and location of its office;

(2) Rules pertaining to the selection, structure and powers of its chairman, vice-chairman and other organs;

(3) Rules pertaining to participation in or withdrawal from the association;

(4) Rules pertaining to the Qualifications Screening Committee;

(5) Rules pertaining to the conference;

(6) Rules pertaining to the transmittal of requests for registration, change of registration and rescission of registration in the name-list of lawyers, and also requests for rescission of registrations as provided for in Article 13;

(7) Rules pertaining to the lawyer's moral and the maintenance of discipline of the members;

(8) Rules pertaining to standard compensation to be paid to a lawyer;

(9) Rules pertaining to legal aid to be extended to the poor;

(10) Rules pertaining to the recommendation of lawyers to government and public offices, etc.;

(11) Rules pertaining to the training of the judicial apprentices;

(12) Rules pertaining to settlement of disputes among the members in connection with their business;

(13) Rules pertaining to proposals and replies thereto;

(14) Rules pertaining to disciplinary punishment, the Disciplinary Punishment Committee, and the Discipline Maintenance Committee;



(15) Rules pertaining to membership fees;

(16) Rules pertaining to accounts and assets.

3. Any change in those matters as included in the preceding paragraph shall be subject to the approval of the Japan Federation of Bar Associations.

(Registration)

Article 34. A bar association shall be formed upon registration of its establishment in its locality.

2. The following matters shall be included in the registration of establishment of the bar association:

(1) Name;

(2) Name and jurisdictional area of the District Court which is the basis of its establishment;

(3) Office;

(4) Full names and addresses of its chairman, and vice-chairman.

3. In case a bar association is dissolved, it shall register its dissolution within two weeks.

4. Any change in those matters as mentioned in paragraph 2 shall be registered within two weeks.

5. Matters that should be registered by the bar association cannot be set up against a third party until and unless they have been registered.

6. The necessary matters concerning the registration procedures of bar associations shall, except as provided for in this Law, be provided for by Cabinet Orders.

(Chairman and vice-chairman)

Article 35. The representative of a bar association shall be the chairman thereof.

2. In the case of any accident or vacancy of a chairman, the vice-chairman shall temporarily perform the functions of the chairman as provided for in this Law and the articles of association of the bar association.

3. The chairman and vice-chairman shall be made officials engaging in public duties under the provisions of laws and ordinances.

(Admission and withdrawal)

Article 36. The person who has registered, or who has made the change of registration in the name-list of lawyers, shall naturally be made a member of the bar association he is going to join, and in case of changing his registration, he shall thereby withdraw from the bar association to which he hitherto belonged.

2. The person whose registration has been rescinded at the request as prescribed in Article 11 shall naturally withdraw from the bar association to which he belongs.

(General meeting)

Article 37. A bar association shall hold a regular general meeting every year.

2. A bar association may convene an extraordinary general meeting when it deems necessary.

(Report on resolution, etc. of general meeting)

Article 38. A bar association shall report to the Japan Federation of Bar Associations on resolutions adopted by its general meeting and on its officers' appointment and retirement.

(Matters requiring resolution of general meeting)

Article 39. Any alteration in the articles of association, budgets, and settlement of accounts of a bar association shall be determined through the resolution of its general meeting.

(Rescission of resolution of general meeting)

Article 40. In case any resolution passed at the general meeting of a bar association injures public interest or violates the provisions of any laws or ordinances or any articles of association of the said bar association or of the Japan Federation of Bar Associations, the Japan Federation of Bar Associations may rescind such resolution.

(Settlement of disputes)

Article 41. A bar association may, upon request of lawyers, the parties concerned or any other interested person, settle any dispute with respect to the business of a lawyer.

(Replies and proposals)

Article 42. A bar association shall reply on the matters inquired or consulted by the Japan Federation of Bar Associations.

2. A bar association may present its proposals, or make its reply on consultation to the government or public offices with regard to the business of lawyers and other judicial affairs.

(Merger and dissolution)

Article 43. In case a change in the district under the jurisdiction of a district court requires the merger or dissolution of a bar association or associations located within the said district, such merger or dissolution of the said bar association or associations shall be effected through the resolutions in its or their general meetings.

2. The provisions of Articles 100 and 103 of the Commercial Code (Law No. 48 of 1899) as to merger, and of Articles 73 to 76 inclusive, Articles 78 to 80 inclusive and Article 82 of the Civil Code (Law No. 89 of 1896) and Articles 26 and 27 of the Civil Code Enforcement Law (Law No. 11 of 1898), as to dissolution, shall apply *mutatis mutandis* respectively.

3. In case of merger of bar associations, lawyers who belonged to the bar association which dissolved on account of the said merger shall naturally become members of the bar association which continues to exist after the merger, or is set up newly on account of the merger.

4. The provisions of Article 10 paragraph 1 shall apply *mutatis mutandis* in the case as mentioned in the preceding paragraph.

(The Exception of. the application for Administrative Procedure Law) (17)

Article 43-2. With respect to the disposition effected by federation of Japanese Lawyer under this Law, the provisions of Chapter II and III of Administrative Procedure Law (Law No. 88 of 1993) shall not apply.

(Federations of bar associations)

Article 44. Bar associations located in the district under the Jurisdiction of the same High Court may provide their rules and establish a federation of bar associations for the purpose of jointly performing specific matters with the approval of the Japan Federation of Bar Associations.

## **CHAPTER VI JAPAN FEDERATION OF BAR ASSOCIATIONS**

(Establishment, purpose and legal personality)

Article 45. The bar associations throughout the country shall set up the Japan Federation of Bar Associations.

2. It shall be the object of the Japan Federation of Bar Associations, in view of the mission and duties of lawyers to perform the business relating to the guidance, liaison and supervision of lawyers and bar associations in order to maintain their dignity and to improve and develop the lawyers' business.

3. The Japan Federation of Bar Associations shall be a juristic person.

(Articles of association)

Article 46. The Japan Federation of Bar Associations shall lay down its articles of association.

2. The articles of association of the Japan Federation of Bar Associations shall include the following matters:

(1) Matters as mentioned in items (1) to (5) inclusive, (7) to (11) inclusive, (13) and (14) (excluding such matters as the disciplinary committee) to (16) inclusive of paragraph 2 of Article 33;

(2) Provisions pertaining to registration, change and rescission of registration in the name-list of lawyers.

(Membership)

Article 47. Lawyers and bar associations shall naturally be made the members of the Japan Federation of Bar Associations.

(Solicitation for investigation)

Article 48. The Japan Federation of Bar Associations may solicit government and public offices

to investigate necessary matters relating to its business concerning the guidance, liaison and supervision of lawyers and bar associations.

(Powers of the Supreme Court)

Article 49. The Supreme Court may, when it deems necessary, ask the Japan federation of Bar Associations to report on its business or to investigate the matters pertaining to lawyers and bar associations.

(The Exception of the application for Administrative Procedure Law)(17)

Article 49-(2). With respect to the disposition effected by federation of Japanese Lawyer under this Law, the provisions of Chapter II and III of Administrative Procedure Law (Law No. 88 of 1993) shall not apply.

(Restriction to file complaint) (10) (17)

Article 49-(3). No complaint under the Administrative Complaint Investigation Law can be filed against the disposition executed by the Japan Federation of Bar Associations in accordance with this Law.

(*Mutatis mutandis* application)

Article 50. The provisions of Articles 34, 35, 37, 39 and Article 42 paragraph 2 shall apply *mutatis mutandis* to the Japan Federation of Bar Associations.

## **CHAPTER VII QUALIFICATIONS SCREEN COMMITTEE**

(Establishment and functions)

Article 51. The Qualifications Screening Committee shall be set up in each bar association and the Japan Federation of Bar Associations respectively.

2. The Qualifications Screening Committee shall, upon application of a bar association or the Japan Federation of Bar Associations in which it is established, conduct necessary examinations, as regards requests for registration or change of registration and rescission of registration.

(Organization)

Article 52. The Qualifications Screening Committee shall be composed of a chairman, and several committee members.

2. The president of the bar association or the Japan Federation of Bar Associations in which the Qualifications Screening Committee is established, shall assume the chairmanship of the said Committee.

3. Committee members shall be entrusted by the chairman from among lawyers, judges, public procurators, and persons of learning and experience. Provided that in the Qualifications Screening Committee of a bar association, the members who are judges or public procurators shall be selected from those recommended by the High Court or the District Court, or a chief procurator of the High Public Procurator's Office or the District Public Procurator's Office at the place where the said Committee is located, and other members shall be selected from among

those on whom the resolution of the general meeting of the association has been passed; while in the Qualifications Screening Committee of the Japan Federation of Bar Associations, the members who are judges or public procurators shall be selected from among those recommended by the Supreme Court or the Procurator-General and other members shall be selected from among those on whom the resolution of the general meeting of the Japan Federation of Bar Associations has been passed.

4. The term of office of committee members shall be two years. Provided that the term of office of the members who filled vacancies shall be the remaining period of their predecessors.

(Reserve members)

Article 53. There shall be several reserve members in each Qualifications Screening Committee.

2. The provisions of paragraphs 3 and 4 of the preceding Article shall apply *mutatis mutandis* to the reserve members.

3. In case a committee member is prevented from performing his duties, or vacancy occurs to such post, the chairman shall appoint a person acting therefor from among such reserve members having the same qualification.

(Duties and status of chairman, etc.)

Article 54. The chairman shall preside over all the affairs of the Committee.

2. The chairman, members and reserve members shall be made officials engaging in public duties under the provisions of laws and ordinances.

(Screening procedures)

Article 55. The Qualifications Screening Committee may, when necessary for screening, request the party in question, persons concerned, government and public offices, or others to submit a statement, or present explanations or data.

2. The Qualifications Screening Committee shall, when it deems proper to refuse a request for or the transmittal of a request for registration or change of registration, or when it makes a resolution approving a request for rescission or registration as provided for in Article 13, beforehand notify the person concerned of that effect, and shall give him an opportunity to make a statement or to present data.

## **CHAPTER VIII DISCIPLINARY PUNISHMENT**

(Reasons for disciplinary punishment and authorities empowered)

Article 56. A lawyer shall be subject to disciplinary punishment for a violation of this Law, or the articles of the bar association to which he belongs or of the Japan Federation of Bar Associations, or for any act which is prejudicial to the good order or prestige of his association, or otherwise disgraceful in any way whether performed on or off duties.

2. Disciplinary punishment shall be given by the bar association to which he belongs in

accordance with the resolution of the Disciplinary Committee.

(Kinds of disciplinary punishment)

Article 57. Disciplinary measures shall be classified into the following four categories:

- (1) Reprimand;
- (2) Suspension of business for not more than two years;
- (3) Order of compulsory withdrawal from the association;
- (4) Disbarment.

(Request for disciplinary punishment, investigation and examination)

Article 58. In the event that any person considers a due reason exists for imposing disciplinary punishment upon a lawyer, he may request the bar association to which the lawyer belongs to impose it upon him by presenting a paper explaining the reason therefor.

2. When the bar association considers that due reasons exist for the imposition of disciplinary punishment upon its member, or receives a request as mentioned in the preceding paragraph, it shall cause the Discipline Maintenance Committee to conduct an investigation.

3. When the Discipline Maintenance Committee deems it appropriate to impose disciplinary punishment upon a lawyer by the investigation as provided for in the preceding paragraph, the bar association shall request the Disciplinary Committee to examine the case.

(Ruling on demand for inspection of a person subjected to disciplinary punishment) (10)

Article 59. In case where the Japan Federation of Bar Associations is to make a ruling on the demand for inspection under the Administrative Complaint Investigation Law with respect to the disciplinary punishment executed by a bar association in accordance with the provision of Article 56, it shall be on the basis of the decision of the Qualifications Screening Committee.

(Disciplinary punishment by Japan Federation of Bar Associations)

Article 60. The Japan Federation of Bar Associations may, when it considers it proper to impose disciplinary punishment upon a lawyer in respect of the cases as provided for in Article 56 paragraph 1, impose it on him in accordance with the resolution of the Disciplinary Committee.

(Objection by the person requesting disciplinary punishment) (10)

Article 61. When the bar association fails to impose disciplinary punishment upon a lawyer or does not conclude the procedures for such punishment within a reasonable period in spite of the request for disciplinary punishment against the lawyer in accordance with the provisions of Article 58 paragraph 1, the person who made the request may file objection with the Japan Federation of Bar Associations. The same shall apply when the said person considers the disciplinary punishment imposed by the bar association unduly light.

2. Upon receipt of the objection as mentioned in the preceding paragraph, the Japan Federation of Bar Associations shall, when it considers the objection well-founded, inform the bar association

concerned of that effect, or impose disciplinary punishment of its own motion under the preceding Article, or reject the objection when it considers groundless according to the resolution of the Disciplinary Committee.

3. The provisions of Article 14 paragraph 3 shall apply *mutatis mutandis* to the disposition as mentioned in the preceding paragraph.

(Institute of suit) (9)

Article 62. A person whose request for reinvestigation as to the disciplinary punishment under the provision of Article 56 was dismissed or rejected, or who has been subjected to the disciplinary punishment under the provision of Article 60, may institute a suit for cancellation thereof with the Tokyo High Court.

2. As regards the disciplinary punishment under the provision of Article 56, the suit for cancellation may be instituted only against the ruling made thereon by the Japan Federation of Bar Associations.

(Restriction on request for change of registration, etc.)

Article 63. A lawyer, against whom the procedures for disciplinary punishment are in process, may not make a request for the change of registration, or rescission of registration until such procedures have been concluded.

(Limitations)

Article 64. Upon the lapse of three years after the existence of reasons for disciplinary punishment, the procedures for such punishment shall not be commenced.

## **CHAPTER IX DISCIPLINARY COMMITTEE AND DISCIPLINE MAINTENANCE COMMITTEE**

(Establishment and functions of disciplinary committee)

Article 65. The Disciplinary Committee shall be set up in each bar association and the Japan Federation of Bar Associations respectively.

2. The Disciplinary Committee shall, upon request of the bar association or the Japan Federation of Bar Associations in which it has been set up, conduct necessary examination relative to disciplinary punishment of a lawyer belonging thereto.

(Organization of Disciplinary Committee)

Article 66. The Disciplinary Committee shall consist of a chairman and several committee members.

2. The chairman shall be elected from among committee members by mutual voting.

3. In the event of the chairman being prevented from performing his duties, another committee member shall assume chairmanship temporarily according to the order which shall beforehand be determined by the Disciplinary Committee.

4. The Disciplinary Committee shall have several reserve members.

(Examination procedure of Disciplinary Committee)

Article 67. When the Disciplinary Committee has been requested to examine any lawyer, it shall forthwith notify to the lawyer who is going to be examined of that effect by fixing the date of the examination.

2. The lawyer who is to be examined may appear on the examination date and make a statement. Provided that he shall obey the instructions given by the chairman of the Disciplinary Committee.

3. The provisions of Article 55 paragraph 1 shall apply *mutatis mutandis* to the examination conducted by the Disciplinary Committee.

(Suspension of disciplinary procedures)

Article 68. The Disciplinary Committee may suspend the disciplinary procedures while a criminal suit is pending for the same cause.

(*Mutatis mutandis* application)

Article 69. The provisions pertaining to the chairman, members and reserve members of the Qualifications Screening Committee in Article 52 paragraphs 3 and 4, Article 53 paragraphs 2 and 3 and Article 54, shall apply *mutatis mutandis* respectively to the chairman, members and reserve members of the Disciplinary Committee. Provided that in this case the term “chairman” in Article 52 paragraph 3 shall read as “the president of the bar association in the case of the Disciplinary Committee of the bar association and the president of the Japan Federation of Bar Associations in the case of the Disciplinary Committee of the Japan Federation of Bar Associations”.

(Establishment and functions of Discipline Maintenance Committee)

Article 70. The Discipline Maintenance Committee shall be set up in each bar association.

2. The Discipline Maintenance Committee shall take charge of the investigation as mentioned in Article 58 paragraph 2, and other matters concerning the maintenance of discipline of the members of the bar association in which it is set up.

3. The members of the Discipline Maintenance Committee shall be mutually elected from among the members of the bar association in which it is set up.

(*Mutatis mutandis* application)

Article 71. The provisions of Article 52 paragraph 4, Article 54, Article 55 paragraph 1 and Article 66 paragraphs 1 to 3 inclusive shall apply *mutatis mutandis* to the Discipline Maintenance Committee. Provided that in this case the term “president” in Article 54 shall read as chairman”.

## **CHAPTER X SUPERVISION OVER THE PRACTICE OF LAW**

Prohibition of practice of law by person who is not lawyer) (2) (10)



Article 72. No person other than a lawyer shall, with the aim of obtaining compensation, perform the legal business such as presentation of legal opinion, representation, mediation or conciliation, and the like in connection with lawsuits, non-contentious matters, such application filed with the administrative office as request for review, raising of objection, or request for reinvestigation, etc., and other general legal cases, or act as agent therefor. Provided that this shall not apply in such cases as otherwise provided for in this Law.

(Prohibition of execution of the rights taken over)

Article 73. No person shall perform the business to enforce the rights he took over from others by litigation, mediation, conciliation, or other means.

(Prohibition of false indication by person other than lawyer)

Article 74. No person who is not a lawyer shall put up a sign or make an entry indicating that he is a lawyer or his office is a law office.

2. No person who is not a lawyer shall, with an aim to obtain profits, put up a sign, or make an entry indicating that he handles the business of giving legal consultation and other legal affairs.

## **CHAPTER XI PENAL PROVISIONS**

(Crime of false registration) (16)

Article 75. In case a person not qualified for a lawyer has had his name registered in the list of lawyers by false declaration to the Japan Federation of Bar Associations, he shall be punished with penal servitude for not more than two years or a fine of not more than 1,000,000 yen.

2. Attempts of the crimes as mentioned in the preceding paragraph shall be punished.

(Crime of disgraceful acts) (5)

Article 76. Any person who violates the provisions of Article 26 shall be punished with penal servitude for not more than three years.

(Crime of handling legal business by persons other than lawyers) (5)(16)

Article 77. Any person who violates the provisions of Article 27, Article 28, Article 72 or Article 73 shall be punished with penal servitude for not more than two years or a fine of not more than 1,000,000 yen.

(Double punishment)

Article 78. In case a representative of a juristic person, or an agents, employee or other worker of a juristic person or a natural person commits a violation of the provisions of Article 72 or 73, relating to the business of the said juristic or natural person, not only the violator shall be punished but the said juristic or natural person shall also be punished with a fine as prescribed in the preceding Article.

(Crime of feigning to be lawyer) (16)

Article 79. Any person who violates the provisions of Article 74 shall be punished with a fine of not more than 200,000 yen.

## **SUPPLEMENTARY PROVISIONS:**

(Date of enforcement)

Article 80. This Law shall come into force as from September 1, 1949.

(Lawyer qualified under the former provisions)

Article 81. Any person who has been qualified as a lawyer in accordance with the former provisions shall be considered as having completed the courses of a judicial apprentice when he obtained the said qualifications, with respect to the application of this Law.

(Exceptional rule for probationary lawyers)

Article 82. Any person who has been a probationary to lawyer at the time of enforcement of this Law and has completed the courses of practical training for more than one year and a half and passed the examination required in accordance with the provisions of the Lawyer Law formerly in force shall be considered as having completed the courses of a judicial apprentice when he passed the said examination.

(Application of the provisions relating to the reasons disqualifying lawyer)

Article 83. As to the application of the provisions of Article 6, any person who has been prohibited from performing his business in accordance with the provisions of the old Public Accountants Law (Law No. 31 of 1927) shall be considered as having his registration as a certified public accountant rescinded through disciplinary measures, any person who has been cancelled his permission as a tax practitioner in accordance with the provisions of the old Tax-practitioner Law (Law No. 46 of 1942) shall be considered as having his registration as a tax agent rescinded through disciplinary measures and, any person who has been dismissed from office in accordance with the provisions of the Ordinance concerning Disciplinary Action against Government Officials (Imperial Ordinance No. 63 of 1989) shall be considered as having been dismissed from office as a public servant through disciplinary measures.

(Registration on a name-list of lawyers under former provisions)

Article 84. Registration on a lawyers' list made under the former provisions shall be deemed as registration on a name-list of lawyers made under this Law.

(Former requests for registration or change of registration)

Article 85. A request for registration or change of registration made to the Attorney-General in accordance with the former provisions shall be considered as a request transmitted to the Japan Federation of Bar Associations for registration or change of registration in accordance with the provisions of this Law.

(Law office of lawyers under the former provisions)

Article 86. A law office which has been reported to the Attorney-General in accordance with the former provisions shall be considered as a law office which the lawyer concerned has reported in accordance with the provisions of this Law.

(Delivery of former lawyers' list)

Article 87. The Attorney-General's Office shall hand over the lawyers' list and other necessary

documents concerning the lawyers and the bar associations to the Japan Federation of Bar Associations upon request.

(Existing bar associations and federations of bar associations)

Article 88. The bar associations or the federation of bar associations located in the district under the jurisdiction of the same High Court, which are in existence at the time of enforcement of this Law, shall be considered as the bar associations or the federation of bar associations which are established in accordance with the provisions of this Law.

2. The bar associations or federation of bar associations as mentioned in the preceding paragraph shall, without delay, have their articles of association or rules approved by the Japan Federation of Bar Associations, and each bar association shall have its establishment registered.

3. The provisions of paragraphs 2 and 4 to 6 inclusive of Article 34 shall apply *mutatis mutandis* to the registration as mentioned in the preceding paragraph.

(Exceptional rule for bar associations in the same district)

Article 89. Two or more bar associations which are in existence within the district under the jurisdiction of the same District Court at the time of enforcement of this Law may continue to exist even after the enforcement of this Law, irrespective of the provisions of Article 32.

2. The bar associations as mentioned in the preceding paragraph may be merged or dissolved at any time.

3. To the merger and dissolution as mentioned in the preceding paragraph, the provisions of Article 43 paragraphs 2 to 4 inclusive shall apply *mutatis mutandis* thereto.

(Preparatory procedures for establishment of Japan Federation of Bar Associations)

Article 90. The preparatory procedures required for establishing the Japan Federation of Bar Associations may be taken prior to the date as prescribed in Article 80.

(Application of the Law concerning the Exception to the Qualifications of Lawyers and Probationary Lawyers) (2)

Article. 91. The Law concerning the Exceptions to the Qualifications of Lawyers and Probationary Lawyers (Law No. 11 of 1946) shall continue to apply as heretofore. Provided that a probationary lawyer in the same Law shall read as a judicial apprentice and the functions of the Examination Committee shall be performed by the Qualifications Screening Committee of the Japan Federation of Bar Associations as prescribed in this Law.

(Abolition of the Law for Control over the Handling of Legal Business)

Article 92. The Law for Control over the Handling of Legal Business (Law No. 54 of 1933) shall be abolished. Provided that the penal provisions to the acts committed before the abolition of said Law shall apply as heretofore.

**SUPPLEMENTARY PROVISIONS (Law No. 96, April 14, 1950): (1)**

1. ...and the other provisions of this Law shall come into force as from the day of its promulgation.

**SUPPLEMENTARY PROVISIONS (Law No. 221, June 9, 1951): (2)**

This Law shall come into force as from the day of its promulgation.

**SUPPLEMENTARY PROVISIONS (Law No. 237, June 15, 1951): (3)**

1. This Law shall come into force as from the day one month after the day of its promulgation.

**SUPPLEMENTARY PROVISIONS (Law No. 268, July 31, 1952): (4)**

1. This Law shall come into force as from August 1, 1952.

3. The organs existing heretofore and personnel thereof shall become the corresponding organs and personnel under this Law and shall retain their respective identities.

4. The tenure of office as an Assistant to the Attorney-General, Secretary-General of the Attorney-General's Office (Homu-fu) , secretaries of the Attorney-General's Office (Homu-fu) and instructors of the Attorney-General's Office (Homu-fu) before the enforcement of this Law shall respectively be regarded as the tenure of office as Vice-Minister of the Ministry of Justice, secretaries of the Ministry of Justice and instructors of the Ministry of Justice, in regard to the application of the provisions of Article 41, Article 42 (including such cases as applied *mutatis mutandis* in Article 1 paragraph 2 of the Law concerning the Exceptions to the Authority of Assistant Judges, etc.) and Article 44 of the Court Organization Law, Article 19 of the Public Procurator's Office Law, Article 5 of the Lawyer Law and Article 3 of the Judicial Scrivener Law.

**SUPPLEMENTARY PROVISIONS (Law No. 155, Aug. 10, 1955): (5)**

1. This Law shall come into force as from the day of its promulgation.

3. As regards those who have, at the enforcement date of this Law, obtained the approval of the Supreme Court under the provision of Article 7 paragraph 1 or 2 of the Lawyer Law before amendment, the former provisions shall still prevail.

4. Except those as provided for in the preceding paragraph, with regard to the application of penal provisions to the actions committed before the enforcement of this Law by those who had obtained the approval of the Supreme Court under the provision of Article 7 paragraph 1 or 2 of the Lawyer Law before amendment, the former provisions shall still prevail.

**SUPPLEMENTARY PROVISIONS (Law No. 158, June. 1, 1957): (6)**

1. This Law shall come into force as from August 1, 1957.

**SUPPLEMENTARY PROVISIONS (Law No. 137, June 15, 1961): (7)**

1. This Law shall come into force as from the day prescribed by Cabinet Order within the limit of not exceeding six months counting from the day of its promulgation (enforced as from December 10, 1961 by Cabinet Order No. 393 of 1961).

**SUPPLEMENTARY PROVISIONS (Law No. 77, Apr. 16, 1962): (8)**

1. This Law shall come into force as from the day of its promulgation. Provided that the provisions of Article 6 and paragraphs 5 to 11 inclusive of the Supplementary Provisions shall come into force as from July 1, 1962.

**SUPPLEMENTARY PROVISIONS (Law No. 140, May 16, 1962): (9)**

1. This Law shall come into force as from October 1, 1962.

**SUPPLEMENTARY PROVISIONS (Law No. 161, Sep. 15, 1962): (10).**

1. This Law shall come into force as from October 1, 1962.

**SUPPLEMENTARY PROVISIONS (Law No. 69, May 18, 1963): (11)**

(Enforcement date)

Article 1. This Law shall come into force as from the day prescribed by Cabinet Order within the limit of not exceeding ninety days counting from the day of its promulgation (enforced as from May 19, 1965 by Cabinet Order No. 163 of 1965).

**SUPPLEMENTARY PROVISIONS (Law No. 89, Jun. 28, 1966): (12)**

(Enforcement date)

This Law shall come into force as from the day of its promulgation.

**SUPPLEMENTARY PROVISIONS (Law No. 83, Jun. 23, 1978): (13)**

(Enforcement date)

This Law shall come into force as from Jan. 1, 1979.

**SUPPLEMENTARY PROVISIONS (Law No. 78, Dec. 2, 1983): (14)**

1. This Law (excluding Article 1) shall come into force as from July 1, 1984.

**SUPPLEMENTARY PROVISIONS (Law No. 80, Dec. 2, 1983): (15)**

(Enforcement date)

1. This Law shall come into force as from the enforcement date of the Law concerning Establishment for the Management and Coordination Agency (Law No. 79 of 1983).

**SUPPLEMENTARY PROVISIONS (Law No. 66, May 23, 1986): (16)**

(Enforcement date)

This Law shall come into force as from the day prescribed by Cabinet Order within the limit of not exceeding two years counting from the day of its promulgation (enforced as from Apr. 1, 1987 by Cabinet Order No. 29 of 1987).

**SUPPLEMENTARY PROVISIONS (Law No. 89, Nov. 12, 1993): (17)**

(Enforcement date)

Article 1. This Law shall come into force as from the enforcement date of the Administrative Procedure Law (Law No. 88 of 1993).