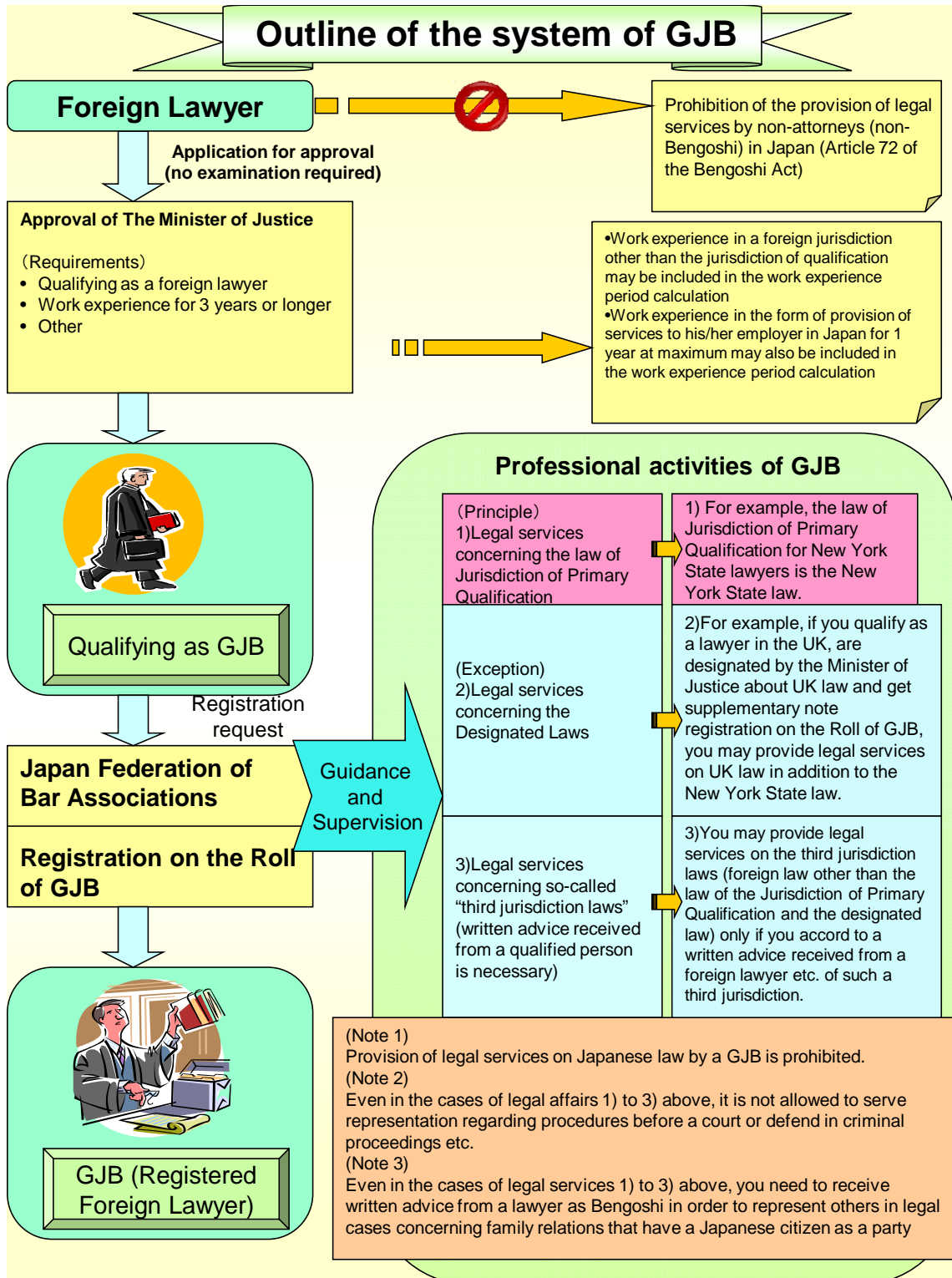


## Reference material 4

### Outline of the System of GJB (registered foreign lawyer) and Scope of Professional Activities



## **1 Basic Professional activities of GJB**

The professional activities of a GJB shall be to provide legal services concerning the laws of the Jurisdiction of Primary Qualification at the request of a party or other person concerned, or appointment by a public agency.

However, GJB shall not provide the following legal services (it is prohibited to engage in legal services out of the scope of professional duties).

- (i) Representation regarding procedures before a court, public prosecutor's office or other public agency in Japan, or the preparation of documents to be submitted to any such agency regarding such procedures.
- (ii) Activities as a defense counsel in a criminal case or activities as an attendant in a juvenile protection case or legal assistance in a case in connection with a request for the examination of extraditability of a fugitive criminal.
- (iii) Giving an expert opinion or other legal opinion regarding the interpretation or the application of laws other than the laws of the Jurisdiction of Primary Qualification.
- (iv) Services of procedural documents for a court or administrative agency of a foreign jurisdiction
- (v) Representation in asking (a notary public) to prepare a notarized deed under item (v) of Article 22 of the Civil Execution Act (Act No. 4 of 1979).
- (vi) Representation or the preparation of documents (excluding written expert opinions; hereinafter the same shall apply in this Article) regarding a legal case whose primary purpose is the acquisition or relinquishment or amendment of rights concerning real property located in Japan or of industrial property rights, mining rights or other rights established by registration thereof with an administrative agency in Japan or rights related to such rights (hereinafter referred to as "Industrial Property Rights, etc.")

## **2 Legal services requiring to provide them jointly with an attorney at law as “Bengoshi” or after receiving written advice from an attorney at law as “Bengoshi”**

Even when the legal services are such that a GJB may provide within the scope of his/her professional activities under the provisions as mentioned in

the aforementioned 1, he/she shall be required to provide them jointly with an attorney at law, or after receiving written advice from an attorney at law, regarding the following matters.

- (i) Representation or the preparation of documents regarding a legal case other than a legal case mentioned in item (vi) of the preceding paragraph, the purpose of which is the acquisition or relinquishment or amendment of rights concerning real property located in Japan or Industrial Property Rights, etc.
- (ii) Representation or the preparation of documents regarding a legal case concerning family relations in which a Japanese national is involved as a party.
- (iii) Representation or the preparation of documents regarding a legal case concerning a will or a gift on donor's death regarding an asset located in Japan and owned by a person who resides in Japan or a legal case concerning the division of the estate, or administration of the estate, or other matters of inheritance regarding an asset located in Japan and owned by a person who resided in Japan at the time of death, and in which a Japanese national is involved as a party.

### **3 Legal services concerning the designated laws**

GJB may provide legal services concerning the Designated Laws if he/she has been granted such Designation by the Minister and has been granted supplementary note registration of Designated Laws on the Roll of GJB at the Japan Federal Bar Association, however, that this shall not apply to the legal services listed as follows, nor to giving an expert opinion or otherwise rendering a legal opinion regarding the interpretation or the application of laws other than the Designated Laws.

- (i) Representation regarding procedures before a court, public prosecutor's office or other public agency in Japan, or the preparation of documents to be submitted to any such agency regarding such procedures.
- (ii) Activities as a defense counsel in a criminal case or activities as an attendant in a juvenile protection case or legal assistance in a case in connection with a request for the examination of extraditability of a fugitive criminal.
- (iii) Services of procedural documents for a court or administrative agency of a foreign jurisdiction

- (iv) Representation in asking (a notary public) to prepare a notarized deed under item (v) of Article 22 of the Civil Execution Act (Act No. 4 of 1979).
- (v) Representation or the preparation of documents (excluding written expert opinions; hereinafter the same shall apply in this Article) regarding a legal case whose primary purpose is the acquisition or relinquishment or amendment of rights concerning real property located in Japan or of industrial property rights, mining rights or other rights established by registration thereof with an administrative agency in Japan or rights related to such rights (hereinafter referred to as "Industrial Property Rights, etc.")

Regarding Legal services concerning the Designated Laws, GJB shall be required to provide them jointly with an attorney at law, or after receiving written advice from an attorney at law, in the same cases as the aforementioned 2.

#### **4 Legal services concerning the laws of a Specified Foreign Jurisdiction other than the legal services concerning the Designated Law (so-called "third jurisdiction law")**

GJB may provide legal services concerning the laws of a Specified Foreign Jurisdiction other than legal services concerning the Designated Laws (so-called "third jurisdiction laws"), if he/she does so according to a written advice received from any of the persons listed as follows.

However, GJB shall not provide the legal services listed in the aforementioned 3, nor give an expert opinion or otherwise render a legal opinion regarding the interpretation or the application of laws other than the Laws of the Specified Foreign Jurisdiction.

- (i) Foreign lawyer  
a person who is a foreign lawyer in the Specified Foreign Jurisdiction to which the said laws of the Specified Foreign Jurisdiction pertain (excluding a person who is a GJB) and is engaged in practice providing legal services concerning the Laws of the Specified Foreign Jurisdiction on the basis of the qualification to become a foreign lawyer.
- (ii) GJB

a person who is a GJB and for whom the Laws of the Jurisdiction of Primary Qualification or the Designated Laws are the Laws of the Specified Foreign Jurisdiction.

Regarding Legal services concerning the Designated Laws, GJB shall be required to provide them jointly with an attorney at law, or after receiving written advice from an attorney at law, in the same cases as the aforementioned 2.

#### **5 Representation regarding the procedures for an international arbitration case**








GJB may, notwithstanding 1 to 4 above, perform representation regarding the procedures for an international arbitration case (including the procedures for settlement resulting from an international arbitration case).

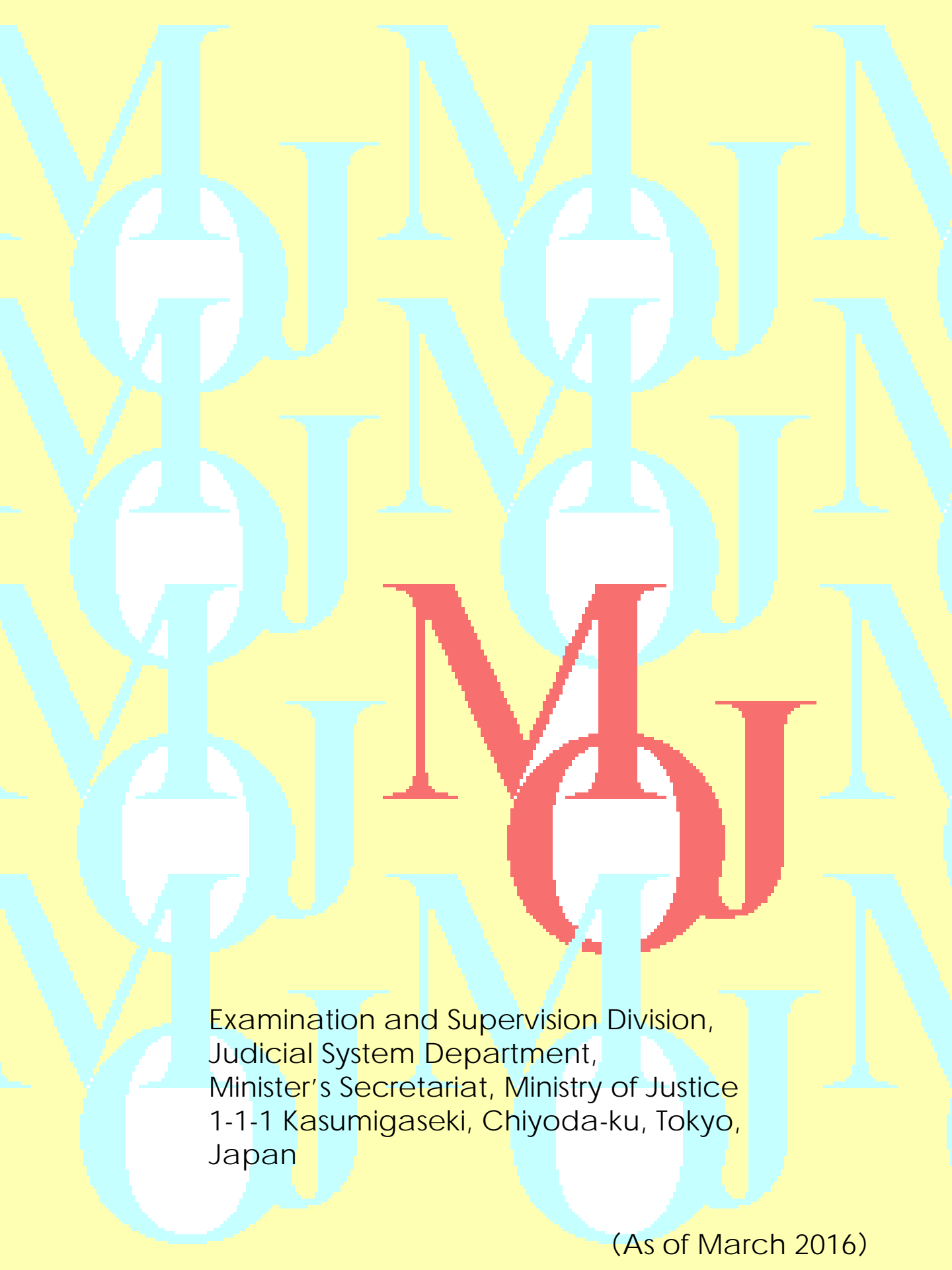
(Note)An “international arbitration case” means a civil arbitration case, which is conducted in Japan and in which all or a part of the parties have an address or a principal office or head office in a foreign jurisdiction.

- Refer to the “The professional activities of a registered foreign lawyer” next page.



The professional activities of a registered foreign lawyer (Prohibition against handling legal services outside the scope of professional duties)

<p style="text-align: center;"><b>Legal services concerning the Japanese law</b></p>  <p style="text-align: center;">Prohibited</p> 	<p style="text-align: center;"><b>Legal services concerning the laws of the jurisdiction of primary qualification</b></p> <p>《Principle》 The professional activities of a GJB shall be to provide legal services concerning the laws of the Jurisdiction of Primary Qualification at the request of a party or other person concerned, or appointment by a public agency</p> <p>Even when the legal services are such that a GJB may provide within the scope of his/her professional duties, he/she shall be required to provide them jointly with an attorney at law as Bengoshi, or after receiving written advice from an attorney at law as Bengoshi, regarding the following matters;</p> <p>(i) representation or the preparation of documents regarding a legal case other than a legal case mentioned in item (vi) of the right column of 《Exception》, the purpose of which is the acquisition or relinquishment or amendment of rights concerning real property located in Japan or Industrial Property Rights, etc.</p> <p>(ii) representation or the preparation of documents regarding a legal case concerning family relations in which a Japanese national is involved as a party.</p> <p>(iii) representation or the preparation of documents regarding a legal case concerning a will or a gift on donor's death regarding an asset located in Japan and owned by a person who resides in Japan or a legal case concerning the division of the estate, or administration of the estate, or other matters of inheritance regarding an asset located in Japan and owned by a person who resided in Japan at the time of death, and in which a Japanese national is involved as a party.</p>  <p style="text-align: center;">Advice in writing</p> <p>《Exception》 GJB shall not provide the following legal services</p>  <p>(i) representation regarding procedures before a court, public prosecutor's office or other public agency in Japan, or the preparation of documents to be submitted to any such agency regarding such procedures.</p> <p>(ii) activities as a defense counsel in a criminal case, or activities as an attendant in a juvenile protection case or legal assistance in a case in connection with a request for the examination of extraditability of a fugitive criminal.</p> <p>(iii) giving an expert opinion or other legal opinion regarding the interpretation or the application of laws other than the laws of the jurisdiction of primary qualification.</p> <p>(iv) services of procedural documents for a court or administrative agency of a foreign jurisdiction</p> <p>(v) representation in asking (a notary public) to prepare a notarized deed under item (v) of Article 22 of the Civil Execution Act (Act No. 4 of 1979).</p> <p>(vi) representation or the preparation of documents (excluding written expert opinions; hereinafter the same shall apply in this Article) regarding a legal case whose primary purpose is the acquisition or relinquishment or amendment of rights concerning real property located in Japan or of industrial property rights, mining rights or other rights established by registration thereof with an administrative agency in Japan or rights related to such rights (hereinafter referred to as "Industrial Property Rights, etc.")</p>
<p>( Note )</p> <p>Laws of the Jurisdiction of Primary Qualification; this shall mean the laws which are or were in effect in the Jurisdiction of Primary Qualification.</p> <p>Laws of a Specified Foreign Jurisdiction; this shall mean the laws which are or were in effect in a Specified Foreign Jurisdiction.</p> <p>Designated Laws; this shall mean the laws of a Specified Foreign Jurisdiction as to which a person who has obtained approval by Minister of Justice is designated under the Act.</p> <p>international arbitration case; this shall mean a civil arbitration case which is conducted in Japan and in which all or some of the parties are persons who have an address or a principal office or head office in a foreign jurisdiction.</p>	<p>Even when the legal services are such that a GJB may provide within the scope of his/her professional activities, he/she shall be required to provide them jointly with an attorney at law as Bengoshi, or after receiving written advice from an attorney at law as Bengoshi, regarding the legal services. Type of legal services are the same as those on the above column.</p>  <p style="text-align: center;">Advice in writing</p> <p>《Exception》 GJB may provide legal services concerning the designated laws if he/she has been granted such designation by the Minister of Justice and has been granted the supplementary note registration of designated laws by the Japan Federal Bar Association.</p> <p>Even if you satisfy the requirements on the left, you may not provide the following services.</p>  <p>(i) representation regarding procedures before a court, public prosecutor's office or other public agency in Japan, or the preparation of documents to be submitted to any such agency regarding such procedures.</p> <p>(ii) activities as a defense counsel in a criminal case, or activities as an attendant in a juvenile protection case or legal assistance in a case in connection with a request for the examination of extraditability of a fugitive criminal.</p> <p>(iii) services of procedural documents for a court or administrative agency of a foreign jurisdiction</p> <p>(iv) representation in asking (a notary public) to prepare a notarized deed under item (v) of Article 22 of the Civil Execution Act (Act No. 4 of 1979).</p> <p>(v) representation or the preparation of documents (excluding written expert opinions; hereinafter the same shall apply in this Article) regarding a legal case whose primary purpose is the acquisition or relinquishment or amendment of rights concerning real property located in Japan or of industrial property rights, mining rights or other rights established by registration thereof with an administrative agency in Japan or rights related to such rights (hereinafter referred to as "Industrial Property Rights, etc.")</p> <p style="text-align: center;"><b>Legal services concerning Designated Law</b></p>
<p>Even if you satisfy the requirements on the right, you may not provide the following services.</p> <p>(i) representation regarding procedures before a court, public prosecutor's office or other public agency in Japan, or the preparation of documents to be submitted to any such agency regarding such procedures.</p> <p>(ii) activities as a defense counsel in a criminal case, or activities as an attendant in a juvenile protection case or legal assistance in a case in connection with a request for the examination of extraditability of a fugitive criminal.</p> <p>(iii) services of procedural documents for a court or administrative agency of a foreign jurisdiction</p> <p>(iv) representation in asking (a notary public) to prepare a notarized deed under item (v) of Article 22 of the Civil Execution Act (Act No. 4 of 1979).</p> <p>(v) representation or the preparation of documents (excluding written expert opinions; hereinafter the same shall apply in this Article) regarding a legal case whose primary purpose is the acquisition or relinquishment or amendment of rights concerning real property located in Japan or of industrial property rights, mining rights or other rights established by registration thereof with an administrative agency in Japan or rights related to such rights (hereinafter referred to as "Industrial Property Rights, etc.")</p> 	<p style="text-align: center;"><b>Legal services concerning the Laws of a Specified Foreign Jurisdiction other than the legal services concerning the Designated Law</b> (in principle, GJBs are prohibited from providing these services.)</p> <p style="text-align: center;"><b>Representation regarding the procedures for an international arbitration case</b></p> <p>GJB may perform representation regarding the procedures for an international arbitration case (including the procedures for settlement resulting from an international arbitration case).</p>



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