

**Gaikokuho-Jimu-Bengoshi
(Registered Foreign Lawyer)**

**Manual on
Application for Approval & Designation**

(Revised version of March 2016)



Judicial System Department
Minister's Secretariat
Ministry of Justice



Defined Terms

The following terms have the following meanings wherever they appear in this Manual or the attached Reference Materials 1 to 4.

| Term | Meaning |
|---|--|
| Bengoshi | An attorney at law under the provisions of the Attorney Act (Act No. 205 of 1949) |
| Bengoshi Act | The Attorney Act (Act No. 205 of 1949) |
| Biennial Report | Documents which a person who has obtained Approval as Gaikokuho-Jimu-Bengoshi shall submit to the Minister every two years pursuant paragraph (2) of Article 9 of the Regulation |
| Designated Laws | The Laws of a Specified Foreign Jurisdiction as to which a person who has obtained approval under the provisions of Article 7 is designated under the provisions of Article 16, paragraph (1) (Paragraph (9), Article 2 of the GJB Act). |
| Foreign Lawyers Committee | The Foreign Lawyers and International Legal Practice Committee in the JFBA |
| GJB/ Gaikokuho-Jimu-Bengoshi | Registered foreign lawyer in Japan |
| GJB Act | The Act on Special Measures concerning the Handling of Legal Services by Foreign Lawyers (Act No. 66 of 1986) |
| GJB Section | Gaikokuho-Jimu-Bengoshi Qualification Examination Section, Examination and Supervision Division, Judicial System Department, Minister's Secretariat, Ministry of Justice, Japan |
| JFBA | The Japan Federation of Bar Associations |
| Laws of a Specified Foreign Jurisdiction | The laws which are or were in effect in a Specified Foreign Jurisdiction (Paragraph (8), Article 2 of the GJB Act) |
| Laws of the Jurisdiction of Primary Qualification | The laws which are or were in effect in the Jurisdiction of Primary Qualification. (Paragraph (5), Article 2 of the GJB Act) |
| Manual | The Manual on Application for Approval and Designation |
| Minister | The Minister of Justice, Japan |
| Ministry | The Ministry of Justice, Japan |
| Regulation | The Regulation for Enforcement of the Act on Special Measures concerning the Handling of Legal Services by |

| Term | Meaning |
|---------------------------------------|--|
| | Foreign Lawyers (Ministry of Justice Order No. 7, 1987) |
| PE Application Receipt | A receipt for an application for preliminary examination |
| Specified Foreign Jurisdiction | A specified foreign jurisdiction other than a Jurisdiction of Primary Qualification (Paragraph (7), Article 2 of the GJB Act) |
| Jurisdiction of Primary Qualification | The foreign jurisdiction where a person who has obtained approval under the provisions of the Article 7 acquired the qualification to become a Foreign Lawyer, which served as the basis for such approval (Paragraph (4), Article 2 of the GJB Act) |
| Statement | A written statement setting out application particulars listed in Sub-items (a) to (f), Item (i), Paragraph 1, Article 4 of the Regulation to be prepared by a person who applies for approval of his/her qualification to become a GJB. |
| Sworn Statement | One of the documents listed in Items (vi) to (viii), Paragraph 1, Article 4 of the Regulation that a person who applies for an approval of his/her qualification to become a GJB is to read out and sign in front of the officers of the Ministry at the time of filing in person. |

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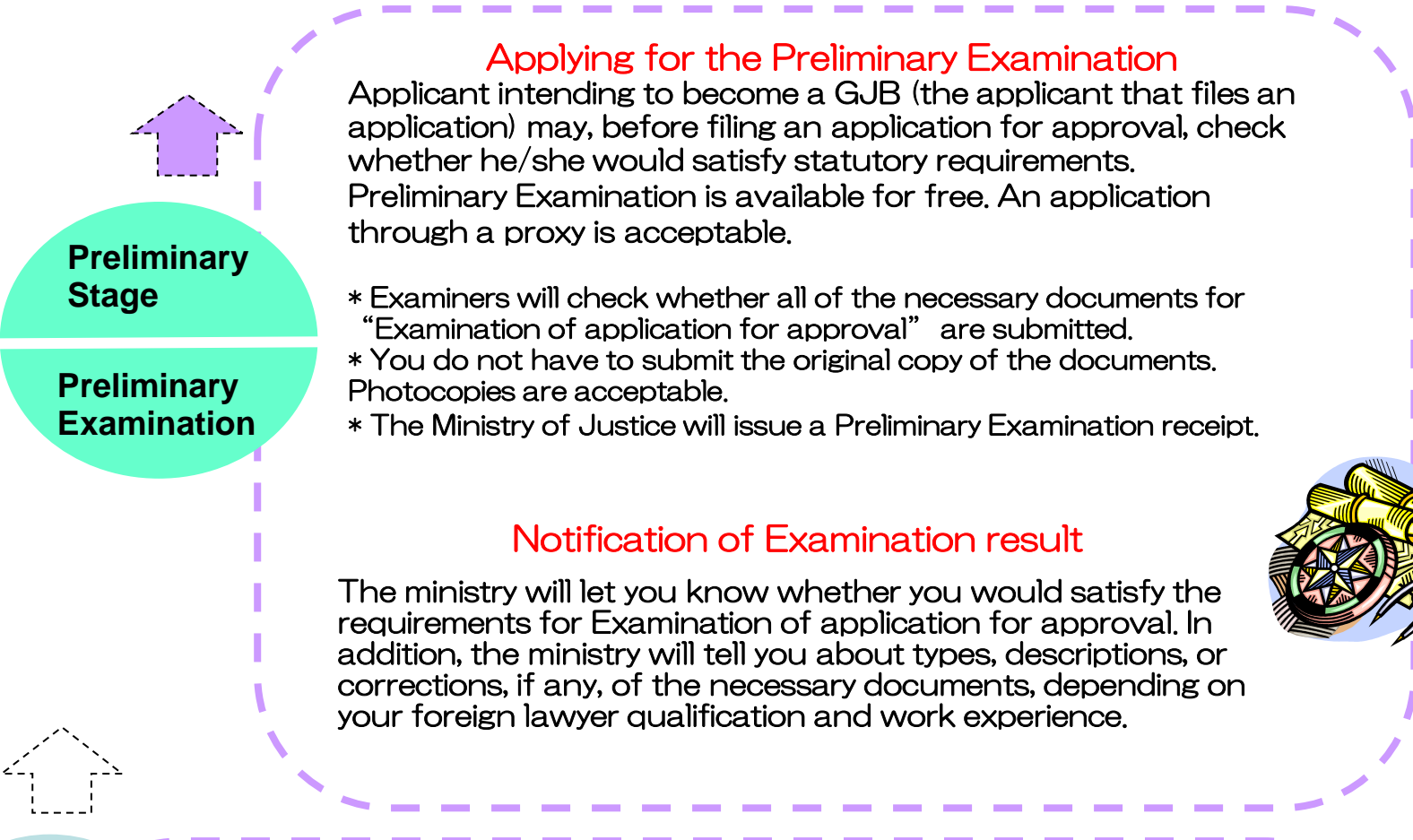


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Main Stage
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* If you intend to be designated by the Ministry, the aforementioned procedures up until approval will be applied mutatis mutandis.

Part 1 Introduction

Section 1

What should you do if you qualify as a foreign lawyer and intend to practice in Japan?

In Japan, persons other than Bengoshi or legal professional corporations are, in principle, prohibited from engaging in legal services as a profession for receiving remuneration (Article 72, the Bengoshi Act).

This principle also applies to persons qualified as lawyers in foreign jurisdiction.

Accordingly, even if you are a qualified foreign lawyer, in Japan, you may not engage in legal services as a profession for receiving remuneration.

However, a foreign lawyer practicing as a Gaikokuho-Jimu-Bengoshi may engage in a certain scope of legal services in relation to certain foreign laws.

To become a GJB you need to: 1) obtain an approval of your qualification to become a GJB from the Minister; and 2) be registered on the roll of GJB maintained by the JFBA.

- Refer to the "Reference material 4: Outline of the system of GJB(registered foreign lawyer) and scope of professional activities.

Section 2

Approval for qualification to become a GJB

To be approved of your qualification to become a GJB, you need to satisfy certain requirements.

The GJB Act and the Regulation set forth: 1) the requirements you need to satisfy for approval; and 2) the procedures you need to follow for examination as to whether you satisfy the requirements for approval..

If you wish to be approved of your qualification to become a GJB, you need to file an application for approval.

The GJB Act and the Regulation set forth detailed requirements on how to file an application. You need to submit an application form for approval and supporting documents showing that you satisfy the requirements for approval.

- Refer to Part 2 below for more information.

Section 3

What should you do if you engage in legal affairs related with the Laws of a Specified Foreign Jurisdiction other than that of your qualification as a foreign lawyer which serves as a basis for approval?

In principle, a GJB is only permitted to engage in legal services related to the Laws of the Jurisdiction of Primary Qualification. A GJB is prohibited from engaging in legal services relating to laws of any other foreign jurisdiction. For example, if you are a lawyer qualified in the New York State and registered as a GJB in Japan based on your New York qualification, in principle, you are only permitted to engage in legal services related to the laws of New York.

If you wish to engage in legal services related to the laws of a foreign jurisdiction other than the Jurisdiction of Primary Qualification you need to: 1) obtain a designation of the Laws of a Specified Foreign Jurisdiction from the Minister; and 2) have a supplementary registration of the Designated Laws added on the roll of GJB maintained by the JFBA.

To obtain a designation of the Laws of a Specified Foreign Jurisdiction, a GJB needs to satisfy certain requirements.

The GJB Act and the Regulation set forth: 1) the requirements you need to satisfy for designation; and 2) the procedures you need to follow for examination as to whether you satisfy the requirements for designation.

If you wish to obtain a designation of the Laws of a Specified Foreign Jurisdiction, you need to file an application for designation.

The GJB Act and the Regulation set forth detailed requirements on how to file an application for designation. You need to submit a designation application form and supporting documents showing that you satisfy requirements for designation.

- Refer to Part 3 for more information.

Section 4

Notification / report to the Ministry

If you are qualified as a foreign lawyer and become a GJB upon being registered on the roll of GJB maintained by the JFBA, you are subject to the supervision of the JFBA and your local bar association as their foreign special member.

In practicing as a GJB, you need to comply with the GJB Act as well as applicable provisions set forth in the rules and regulations of these organizations.

An approval of the qualification to become a GJB and a designation of the Laws of a Specified Foreign Jurisdiction, if any, are both granted by the Minister. Therefore, if there are any changes after you become a GJB in the

facts serving as the basis for the Minister's approval or designation, you need to notify the Minister of such changes.

In addition, once you are approved of your qualification to become a GJB you need to submit prescribed documents to the Minister every two years after receiving the approval (collectively called the "Biennial Report" by the Ministry).

The GJB Act and the Regulation set forth detailed requirements concerning ongoing obligations.

- Refer to the "Reference material 3 : Notification / report obligations".

Section 5

Purposes of "Manual on Application for Approval & Designation"

For the convenience of people who go through various procedures concerning GJB, this Manual is designed to show past examples and explain important points in going through the procedures, focusing on how to prepare application documents.

To enhance an appropriate operation of the system of GJB, we would hope that you would make the best use of this Manual.

Your understanding and cooperation will be much appreciated.



Part 2 Approval procedures for qualification to become a GJB

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Section 1

Outline

To be approved of your qualification to become a GJB, you need to apply for approval and go through an examination to ascertain whether you satisfy the requirements for approval.

- Refer to Section 2 below for more information on the requirements for approval.
- Refer to Section 3 below for more information on the procedures for approval.

Section 2

Approval criteria

To be approved of your qualification to become a GJB, you need to satisfy certain requirements.




The Ministry examines documents submitted by applicants to ascertain whether they satisfy the requirements.

- Refer to Section 3 below for more information on the procedures for approval.

1. Qualification as a foreign lawyer

A “foreign lawyer” means a person who engages in legal services in a foreign jurisdiction as a profession in an equivalent capacity to that of Bengoshi in Japan.

In the case of a federal country listed below, the term "foreign jurisdiction" means its constituent unit such as a state, province, territory and others.

-  The United States of America:
States, the District of Columbia, and the U.S. possessions
-  Australia:
States, the Capital Territory, and the Northern Territory
-  Canada:
Provinces and territories

Please refer to the lists in the section titled "Precedent list of foreign lawyer qualifications" in the "Reference Material 1: Commentary on attached documents to be prepared" for the examples of foreign legal qualifications that have been recognized by the Ministry.

If your qualification is not one of the qualifications with precedents, the Ministry needs to examine: 1) whether your qualification is for handling of legal services as a profession; and 2) whether your qualification is comparable to that of Bengoshi in Japan. Both criteria (1) and (2) need to be satisfied. In this case, you may be requested to provide an explanation on the framework for your legal qualification based on materials in writing.

If you used to be registered in the Jurisdiction of Primary Qualification but not at present, you are advised to consult with the GJB Section.

2. Post-qualification work experience not less than 3 years

(1) Place of work experience

In addition to the period of work experience in the Jurisdiction of Primary Qualification, you may count a period in any other foreign jurisdiction where you have lawfully engaged in legal services based on your knowledge of the Laws of the Jurisdiction of Primary Qualification.

You may also include a period of your work experience in Japan up to one year.

However, the work experience in Japan that can be counted is limited to your provision of service as an employee to a Bengoshi, a legal professional corporation, a GJB, or a registered foreign lawyer corporation based on your knowledge of the Laws of the Jurisdiction of Primary Qualification.

(2) Duration of work experience

The requirement of three years is satisfied as long as the duration of your work experience in the Jurisdiction of Primary Qualification, in any other foreign jurisdiction, or in a combination of these is three years or more in total.

You may also include a period of provision of service in Japan mentioned in (1) above up to one year.

A period such as a leave of absence when you have not practiced may not be counted. However, you may include a period when you have practiced as a lawyer but not actually handled legal services.

- Other requirements for approval are shown in the chart below.

Approval criteria

1. Qualification as a foreign lawyer

2. Post-qualification work experience **not less than 3 years**

● Work experience not less than 3 years

Periods of (1) to (3) below may be added up

- (1) Work experience in the Jurisdiction of Primary Qualification
- (2) Work experience in any other foreign jurisdiction(s),
- (3) Work experience in Japan

See "Work experience in Japan" to the right.

● Work experience in Japan

- Work experience in Japan may be included up to one year.
- The work experience in Japan that can be counted is limited to that of the applicant's provision of service as an employee to a Bengoshi, a legal professional corporation, a GJB, or a registered foreign lawyer corporation based on his/her knowledge of the Laws of the Jurisdiction of Primary Qualification.

3. Intention to faithfully perform professional duties

4. Business plan, accommodation, and financial basis for an appropriate and secure performance of professional duties

5. Ability to compensate for any losses that the applicant may cause to clients

6. **An approval is not given if you fall under any one of the following.**

- Applicants falling under any of the disqualification causes for Bengoshi.
- Applicants falling under any one of the following categories:
 - a person who has been sentenced to a penalty of an imprisonment without labour or heavier under any laws or regulations of a foreign jurisdiction.
 - a person who has been tried under any laws or regulations of a foreign jurisdiction in any court procedure corresponding to a trial of dismissal at the Impeachment Court in Japan
 - a person who has received a disciplinary punishment under any laws or regulations of a foreign jurisdiction corresponding to a disciplinary action prescribed in Item (3), Article 7 of the Bengoshi Act in the past three years.
 - a person who is treated under any laws or regulations of a foreign jurisdiction in a manner equivalent to the treatment under the laws of Japan of an adult ward, a person under curatorship or a bankrupt whose civil rights have not been restored.

7. **Unless either of the following circumstances applies, an approval will not be given.**

- In the Jurisdiction of Primary Qualification of the applicant, persons qualified as Bengoshi in Japan are treated in a manner substantially equivalent to the treatment of foreign lawyers under the GJB Act.
- If an approval of the applicant's qualification to become a GJB is not granted on the ground that his or her Jurisdiction of Primary Qualification does not give a reciprocal treatment as mentioned above, a faithful performance of any treaty or any other international agreement is hindered.

Section 3

Procedures for approval

1. Things to know before application

(1) Application for approval and Preliminary Examination

To be approved of your qualification to become a GJB, you need to file an application for approval.

In filing an application for approval, you need to submit an application form for approval and supporting documents.

- Refer to 2. below and the "Reference material 2: Reference cases of application for approval (Reference examples of application documents)" for more information on how to file an application.

Once you file an application for approval, the Ministry examines as to whether you satisfy the requirements for approval based on the application form and supporting documents that you have submitted.

If, after the filing, the application documents turn out to be unsatisfactory to a significant degree, the Ministry may not approve your application on the basis that you have not satisfied the requirements for approval or have provided only insufficient proof.

If your documents are unsatisfactory but not to a significant degree as above, you may be requested to amend the documents or submit additional materials.

In any event, these cases lead to significant burdens on the part of applicants.

For this reason, if a prospective applicant so wishes, the Ministry provides Preliminary Examination services prior to the actual filing of an application for approval.

In practice, almost all prospective applicants opt to go through the Preliminary Examination process.

- Refer to 5. below and the "Reference material 2: Reference cases of application for approval (Reference examples of application documents)" for more information on how to file an application for Preliminary Examination.

The Ministry also provides general counseling on procedures for approval as well as individual consultation for prospective applicants.

- Refer to 6. below for more information on counseling services.

(2) Standard processing time

The Ministry prescribes the standard processing time depending on the procedures as follows.

- ✚ Preliminary Examination: at most two weeks from the date of issuance of a PE Application Receipt
- ✚ Examination of application for approval: at most two months from the date of issuance of approval application receipt

However, the contents of examination vary depending on the cases, since the procedures for approval are to specifically examine whether each applicant satisfies requirements for approval. Therefore, each of the standard processing time mentioned above represents only a rough estimate.

In recent examples, for applicants who have filed applications in an appropriate manner following this Manual, the procedures have been completed mostly within the above standard processing time.

(3) Document formats used for the application process

Application forms and certain supporting documents have formats prescribed by the relevant laws and regulations.

For the convenience of applicants, the Ministry provides forms of documents in the prescribed formats. You may also create forms of documents including an application form, using software such as Microsoft Office Word as long as they are in the prescribed formats.

The Ministry also provides specimen forms for other documents that do not have prescribed formats.

How to obtain forms of documents for approval

You can obtain forms of application documents as follows.

1. Downloading from the Ministry's website

- Forms of documents for application for approval
 - The following forms are available from the URL below.
 - * Application form for approval
 - * Statement forms (Japanese and English).
 - * Sworn Statements
- Forms of documents for Preliminary Examination
 - Please use copies of forms available from the URL above.
 - * Copy of application form for approval
 - * Copy of a form of Statement (Japanese or English)

2. Obtaining the forms at the Ministry's office

Excel

PDF

Word

http://www.moj.go.jp/housei/gaiben/housei07_00028.html

http://www.moj.go.jp/housei/gaiben/housei07_00029.html

(4) Attaching the translated version of deliverables

If any of your supporting documents is in a foreign language, you need to attach a Japanese translation.

The translation needs to contain 1) the translator's name, 2) the date of translation, and 3) the statement to the effect that he or she has faithfully translated the original, and be signed by the translator.

Any application document that is originally in Japanese need not be translated. An originally Japanese document (whether an application form or a supporting document) may be submitted on its own without translation.

(5) Provision of information on progress

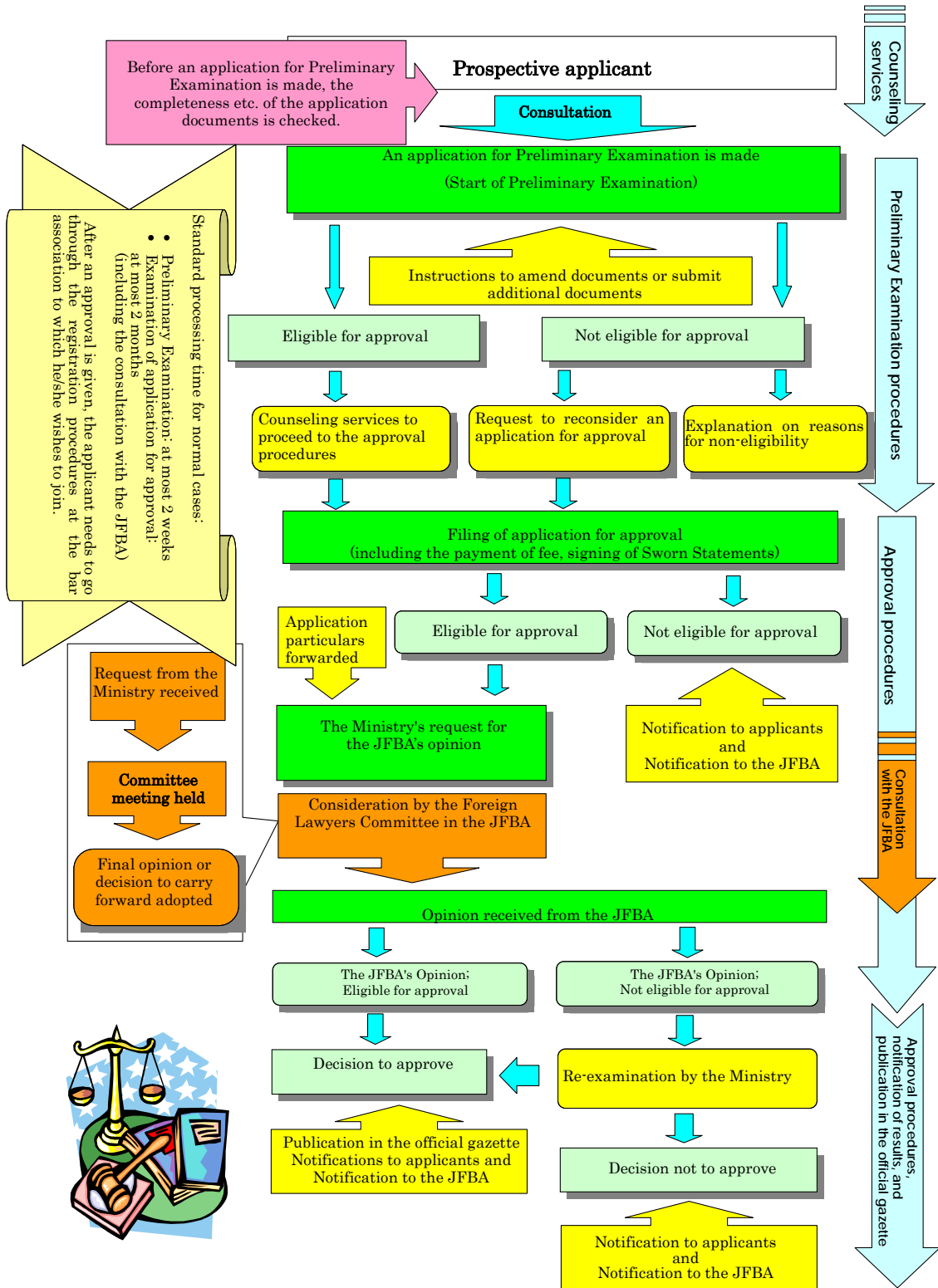
The Ministry provides certain information including the progress of application and the estimated time when the results are likely to be notified, if the applicant so wishes.

Examples of available information on progress

The Ministry provides the following information for example.

- When the PE Application Receipt is issued,
 - Estimated time when a Preliminary Examination is likely to be completed
- When an application for approval is filed
 - Timing of request for the JFBA's opinion
 - Timing of scheduled monthly meeting of the Foreign Lawyers Committee in the JFBA
- When the Ministry receives an opinion from the JFBA
 - Outline of the JFBA's opinion
 - Estimated time when the examination results are notified
 - Scheduled date when the Minister's approval is published in the official gazette

◆ Flow of procedures relating to GJB ◆



2. Application for approval

(1) How to file an application

Filing by the applicant in person

An application for approval needs to be filed by the applicant in person at the Ministry. Please visit the GJB Section in the Ministry's office for filing.

For the Ministry to ascertain that the applicant has actually appeared in person, you need to bring your passport or any other identification document when you visit the Ministry for filing.

At the time of filing, you are asked to read out and sign the Sworn Statements in the presence of officers of the Ministry.

Furthermore, at the time of filing, you only need to temporarily visit Japan for the filing in person. You need not be consecutively in Japan for the whole period during which your application is processed (including the period for Preliminary Examination).

Please consult with the Ministry in advance to decide the date and time of the filing in order to facilitate a smooth flow of procedures.

If your application documents turn out to be unsatisfactory after the filing, the Ministry may request you to amend the documents or submit additional materials. You may appoint an agent to handle this on your behalf by providing the Ministry with a power of attorney stating the particulars of your agent, including the job title and contact information of the agent and the organization to which the agent belongs. When a copy has been submitted at the preliminary examination, the original is required to be submitted.

- For the sample power of attorney, refer to “Reference Form 9” provided at the end of Reference Material 1.

Attendance of interpreter

The filing of application for approval is conducted in Japanese. If you need an interpreter, please arrange for an interpreter to come with you.

Filing of application documents

At the time of filing, you need to submit an application form for approval and supporting documents.

- Refer to (2) below for more information on application documents.

Filing fee

You need to pay the filing fee of ¥27,500 by affixing revenue stamps in the amount of ¥27,500 in the prescribed space on the application form for approval.

Issuance of receipt

Upon receiving your application, the Ministry issues an approval application receipt.

In any progress inquiry to the Ministry that you may wish to make after the filing, please state a reference number on the approval application receipt to facilitate the smooth handling of your inquiry.

(2) Documents to be submitted

✚ Important points in preparing your documents

Past examples show that the following supporting documents tend to be found unsatisfactory in so many cases.

In such cases, the Ministry requests the applicants to take steps such as amendments to the supporting documents and/or the submission of additional materials. This means that the Ministry needs a longer time before notifying the examination results to the applicants.

- ✚ Statement
- ✚ Document certifying that the applicant has acquired a qualification as a foreign lawyer and that the qualification is good at present
- ✚ Document certifying the applicant's ability to compensate for any losses that he or she may cause to clients

In order to facilitate a prompt approval of your application, we advise you to pay close attention to the accuracy and completeness in preparing or obtaining the above supporting documents by referring to this Manual and any other relevant materials.

✚ Application form for approval

An application form for approval needs to be prepared in the prescribed format.

- Refer to the chart titled "How to obtain forms of documents for approval" in 1.(3), Section 3, Part 2 for more information.

You may complete the application form for approval either in Japanese or in a foreign language. Please ensure that a photo and revenue stamps in the amount of ¥27,500 are affixed in the prescribed space on the application form.

✚ Supporting documents

The supporting documents you need to submit for approval are prescribed by the relevant laws and regulations. Please refer to the chart below for the list of required documents.

- Refer to the "Reference Material 1: Commentary on attached documents to be prepared" for examples of supporting documents.

If any of your supporting documents is in a foreign language, you need to attach a Japanese translation.

- Refer to 1.(4) , in Section 3, Part 2 for how to prepare a Japanese translation.

Application documents for approval and Preliminary Examination

Application form for approval

(For Preliminary Examination: a copy or draft of an application form for approval)

| Supporting Documents | Refer to Reference material 1 |
|--|---|
| 1. Statement | Page 1 |
| 2. Curriculum vitae | Page 2 |
| 3. Passport or any other appropriate identification document | Page 2 |
| 4. Document certifying that the applicant currently holds a qualification to become a foreign lawyer | Page 2 |
| 5. Document certifying the applicant's post-qualification work experience | Page 5 |
| 6. Document certifying the applicant's plan for an appropriate and secure performance of his/her professional duties | Page 8 |
| <ul style="list-style-type: none"> ● Employment by GJB etc. <ul style="list-style-type: none"> (1) Document showing the employment conditions such as the period of employment and the salary, etc. (2) Document showing outlines of the employer's office (e.g. the composition of office personnel, the scope of business) (3) Document certifying the employer's financial ability to pay the salary (4) Document certifying that the employer has secured an office space (5) Document certifying that the employer supports and supervises an appropriate and secure performance of professional duties by the applicant ● Sole practice <ul style="list-style-type: none"> (1) Document certifying that the applicant has secured an office space (2) Document providing a specific explanation on the applicant's business plan ● Joint management or Foreign law joint enterprise <ul style="list-style-type: none"> (1) Document showing terms and conditions of the joint business including the provisions on distribution of profits and losses etc., (2) Document certifying that an office space is secured for the applicant ● Other forms of practice <ul style="list-style-type: none"> Documents that may be deemed appropriate depending on the forms of practice | |
| 7. Document certifying that the applicant has secured an accommodation | Page 10 |
| 8. Document certifying that the applicant has a sufficient financial basis | Page 11 |
| 9. Document certifying the applicant's ability to compensate for any losses that he/she may cause to clients | Page 12 |
| Documents to be read out and signed at the time of filing | <ul style="list-style-type: none"> 10. Sworn Statement to the effect that the applicant does not fall under any of the disqualification causes listed in Article 7 of the Bengoshi Act 11. Sworn Statement to the effect that the applicant does not fall under any of the disqualification causes listed in Sub-items (a) to (d), Item 2., Paragraph 1, Article 10 of the GJB Act. 12. Sworn Statement to the effect that the applicant faithfully performs his/her professional duties |

Statement

Although there is no prescribed form for a Statement, a specimen form is available from the Ministry.



- Refer to the chart titled "How to obtain forms of documents for approval" in 1.(3), Section 3, Part 2 for more information.
- Refer to the "Reference material 1: Commentary on attached documents to be prepared" for how to complete a form of Statement.

A form of Statement may be completed in Japanese or in a foreign language. Even if you make entries in English in the prescribed slots of Statement, you need not to prepare a Japanese translation of such entries.

(Note) However, if you attach a separate sheet in a foreign language to the Statement, you need to submit a Japanese translation of the attached sheet.

Supporting documents other than the Statement

For the following supporting documents, you need to file the originals in principle.

-  Document certifying that the applicant has acquired a qualification as a foreign lawyer and that the qualification is good at present
-  Document certifying the applicant's post-qualification work experience

If it is difficult for you to submit the original of any of the above documents, please so notify the Ministry. If you are told that a photocopy is acceptable, please bring both the original and a photocopy when you visit the Ministry for filing in person. The Ministry accepts a photocopy after checking it against the original.

3. Examination of application for approval

Once you file an application for approval, the Ministry examines whether you satisfy the requirements for approval based on the application form and supporting documents that you have submitted.

If these documents turn out to be unsatisfactory after the filing, the Ministry may request you to amend the documents or submit additional materials within a certain period prescribed by the Ministry.

If you fail to comply with the request within the prescribed period without any justifiable reason, the Ministry examines your application based on the already submitted documents. Please note that the Ministry may not approve your application in such a case.

If, after the filing, there is any change in the particulars of your application such as the contents of application documents, you need to notify the Ministry of the change immediately. If necessary, the Ministry may request you to submit additional documents including a statement of reason for the change and a material certifying the change.

4. Notification of examination results

The Ministry notifies the examination results to applicants as follows.

(1) Decision to approve

If, upon examination, the Ministry decides to approve of your qualification to become a GJB, the Ministry issues you an approval notice and publishes the approval in the official gazette.

Once you receive an approval of your qualification to become a GJB, you need to apply for registration on the roll of GJB maintained by the JFBA. To be registered on the roll of GJB, you need to file a registration request with the JFBA through a local bar association to which you wish to join.

As the Ministry's approval takes effect on the day of publication in the official gazette, you may file a registration request from that day onward.

Please keep the approval notice safely since you will need it in making a registration request to the JFBA.

Please ensure that you file a registration request within 6 months from the following day of the publication of approval in the official gazette, since the Ministry's approval loses effect when six months elapse from that day.

Please also note that you are subject to certain notification and reporting obligations once you become a GJB.

- Refer to the "Reference material 3: Notification/report obligations" for more information.

(2) Decision not to approve

If, upon examination, the Ministry decides not to approve of your qualification to become a GJB, the Ministry notifies you of the decision not to approve and its reasons in writing.

5. Preliminary Examination

The Ministry provides Preliminary Examination services prior to the actual filing of an application for approval, if a prospective applicant so wishes.

(1) How to apply for Preliminary Examination

- ✚ Unlike an application for approval, you need not to file an application for Preliminary Examination at the Ministry's office in person. If you are residing outside Japan, you need not to come to Japan until the time of formal filing for which you need to appear in person.
- ✚ You may appoint an agent to handle an application for Preliminary Examination on your behalf. In this case, you need to provide the Ministry with a power of attorney stating the particulars of your agent, including the job title, contact information of the agent and the organization to which the agent belongs.

- For the sample power of attorney, refer to “Reference Form 9” provided at the end of Reference Material 1.
- ✚ In applying for Preliminary Examination, you need to submit documents equivalent to an application form for approval and its supporting documents.
 - Refer to (2) below for more information on application documents.
- ✚ The Preliminary Examination process is free of charge.
- ✚ The Ministry issues a PE Application Receipt upon accepting an application for Preliminary Examination.

If your documents for Preliminary Examination turn out to be unsatisfactory to a significant degree, the Ministry may not accept your application by so pointing out. If the Ministry decides not to accept an application for Preliminary Examination that has been sent by mail, the submitted documents are returned with a statement of non-acceptance and its reason.

In any progress inquiry to the Ministry about the Preliminary Examination process that you may wish to make after the application, please state a reference number on the PE Application Receipt to facilitate the smooth handling of your inquiry.

(2) Documents to be submitted

The Regulation provides that documents equivalent to an application form for approval and its supporting documents need to be submitted in applying for Preliminary Examination.

There are no prescribed forms for these documents. However, under the current practice, the Ministry requests applicants to submit unsigned copies or drafts of application forms for approval and supporting documents that they plan to file.

✚ Important points in preparing documents

The points of attention in preparing supporting documents for approval also apply in the Preliminary Examination process, since their copies or drafts are to be submitted for Preliminary Examination.

- Refer to the "Reference material 1: Commentary on attached documents to be prepared" for more information.

✚ Application form for Preliminary Examination

There is no prescribed format for an application form for Preliminary Examination. However, under the current practice, the Ministry requests applicants to submit unsigned copies or drafts of application forms for approval.

The format for an application form for approval is prescribed by the relevant

laws and regulations.

- Refer to 1.(3), in Section 3, Part 2 for more information.
- Please do not affix revenue stamps to a copy (or draft) of application form for approval that you submit for Preliminary Examination. The Preliminary Examination process is free of charge.

✚ Supporting documents

Under the current practice, the Ministry requests applicants to submit unsigned copies or drafts of supporting documents for approval in applying for Preliminary Examination.

The supporting documents required for approval are prescribed by the relevant laws and regulations.

- Refer to the "Reference material 1: Commentary on attached documents to be prepared" for more information.

Among the supporting documents for approval, the following are not required for Preliminary Examination.

- ✚ Sworn Statement to the effect that the applicant does not fall under any of the disqualification causes listed in Article 7 of the Bengoshi Act.
- ✚ Sworn Statement to the effect that the applicant does not fall under any of the disqualification causes listed in Sub-items (a) to (d), Item 2, Paragraph1, Article 10 of the GJB Act.
- ✚ Sworn Statement to the effect that the applicant faithfully performs his/her professional duties.

- Refer to the chart titled “Application documents for approval and Preliminary Examination” in 2. (2), Section 3, Part 2 for supporting documents required for Preliminary Examination. (As stated above, documents under items 10 to 12 in the chart that are to be read out and signed at the time of formal filing are not required for Preliminary Examination.).
- Refer to the "Reference material 1: Commentary on attached documents to be prepared" for examples of supporting documents required for Preliminary Examination.

(3) Examination

- ✚ If the documents submitted for Preliminary Examination turn out to be unsatisfactory, the Ministry may request you to amend the documents or submit additional materials within a certain period prescribed by the Ministry. If you fail to comply with the request within the prescribed period without any justifiable reason, the Ministry may terminate the Preliminary Examination at that point on the ground that the process cannot go any further and notify you of the results based on the already submitted documents.

- ✚ If, after the filing, there is any change in the particulars of your application such as the contents of application documents submitted for Preliminary Examination, you need to notify the Ministry of the change immediately.
- ✚ The results of Preliminary Examination are notified to you verbally or in writing.

6. Counseling services

The Ministry provides general counseling on procedures for approval as well as individual consultation for prospective applicants.

In an individual consultation, based on an explanation from a prospective applicant, the Ministry answers questions including what are the required documents and how to complete the documents.

If you systematically organize the facts relating to approval criteria in advance of an individual consultation, the Ministry is able to answer your questions appropriately.

In this context, the Ministry recommends that you draft a Statement beforehand and ask questions with the draft Statement as well as other materials in hand.

- Refer to the chart titled “How to obtain forms of documents for approval” in 1.(3), Section 3, Part 2 for how to obtain a form of Statement
- Refer to the "Reference material 1: Commentary on attached documents to be prepared" for how to complete a form of Statement.

In an individual consultation, the Ministry is not able to answer a specific question as to whether you satisfy the requirements for approval.

For this, you need to apply for Preliminary Examination.

- Refer to 5.(1), in Section 3, Part2 for more information on how to apply for Preliminary Examination.



Part 3 Designation procedures for Laws of a Specified Foreign Jurisdiction

Section 1 Outline (Page 21)

Section 2 Requirements for designating Laws of a Specified Foreign Jurisdiction (Page 21)

Section 3 Procedures for designating Laws of a Specified Foreign Jurisdiction

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6. Counseling services (Page 31)

Section 1

Outline

To obtain a designation of the Laws of a Specified Foreign Jurisdiction, a person who has been approved of his or her qualification to become a GJB needs to apply for designation and go through an examination to ascertain whether he or she satisfies the requirements for designation.

- Refer to Section 2 below for more information on the requirements for designation.
- Refer to Section 3 below for more information on the procedures for designation.

Section 2

Requirements for designating Laws of a Specified Foreign Jurisdiction

To obtain a designation of the Laws of a Specified Foreign Jurisdiction, you need to satisfy following requirements.

The Ministry examines supporting documents submitted by the applicant to ascertain whether he or she satisfies the requirements.

1. The applicant has a qualification to become a lawyer in a Specified Foreign Jurisdiction or
2. The applicant has the same level of knowledge of the Laws of a Specified Foreign Jurisdiction as a lawyer in that Jurisdiction and has five or more years of work experience in handling legal services concerning such laws.

Section 3

Procedures for designating Laws of a Specified Foreign Jurisdiction

1. Things to know before application

(1) Simultaneous application for approval and designation

To obtain a designation of the Laws of a Specified Foreign Jurisdiction, you need to apply for designation.

Under the current practice, you may apply for designation at the same time as an application for approval.

It is also possible for you to apply for designation after being approved of your qualification to become a GJB.

(2) Application for designation and Preliminary Examination

To apply for designation, you need to submit an application form for designation and supporting documents.

➤ Refer to 2 below for more information on how to file an application.

As is the case with an application for approval, if any of the supporting documents for designation turn out to be unsatisfactory after the filing, the Ministry may not approve your application. Alternatively, the Ministry may request you to amend the application documents or submit additional materials.

To mitigate such paperwork burdens on applicants, the Ministry provides Preliminary Examination services prior to the filing of application for designation, if a prospective applicant so wishes.

Under the current practice, you may apply for Preliminary Examination for both approval and designation at the same time.

➤ Refer to 5 below for more information on how to apply for Preliminary Examination.

Furthermore, the Ministry provides general counseling on procedures for designation as well as individual consultation for prospective applicants based on their explanations about specific circumstances and the status of preparation.

(3) Standard processing time

The Ministry prescribes the standard processing time depending on the procedures as follows.

- ✚ Preliminary Examination: at most two weeks from the date of issuance of a PE Application Receipt
- ✚ Examination of application for designation: at most two months from the date of issuance of designation application receipt

However, the contents of examination vary depending on the cases, since the procedures for designation are to specifically examine as to whether each applicant satisfies requirements for designation. Therefore, each of the standard processing time mentioned above represents only a rough estimate.

In recent examples, for applicants who have filed applications in an appropriate manner following this Manual, the procedures have been completed mostly within the above standard processing time.

If you apply for designation at the same time as an application for approval, the Ministry notifies you of the examination results of both applications at the same time (The same also applies to the Preliminary Examination process).

(4) Document formats used for the application process

The format for an application form for designation is prescribed by the Regulation.

The Ministry provides a specimen form in the prescribed format. You may also create an application form using software such as Microsoft Office Word as long as it is in the prescribed format.

Forms of application documents are available as shown in the chart below.

How to obtain forms of documents for designation

You can obtain forms of documents for designation as follows.

1. Downloading from the Ministry's website



Forms of documents for application for designation



The following form is available from the URL below

- Application form for designation



http://www.moj.go.jp/housei/gaiben/housei07_00028.html

http://www.moj.go.jp/housei/gaiben/housei07_00029.html

Forms of documents for Preliminary Examination

Please use a copy of the form available from the URL above.

- Copy of application form for designation

2. Obtaining the forms at the Ministry's office

(5) Attaching the translated version of deliverables

If any of your supporting documents is in a foreign language, you need to attach a Japanese translation.

- Refer to 1.(4), in Section 3, Part2 for how to prepare a Japanese translation.

(6) Provision of information on progress

The Ministry provides certain information including the progress of application and the estimated time when the results are likely to be notified, if the applicant so wishes.

- Refer to the chart below for the examples of available information.

Examples of available information on progress

The Ministry provides the following information for example.

- When a PE Application Receipt is issued,
 - Estimated time when a Preliminary Examination is likely to be completed
- When an application for designation is filed
 - Timing of request for the JFBA's opinion
 - Timing of scheduled meeting of the Foreign Lawyers Committee in the JFBA
- When the Ministry receives an opinion from the JFBA
 - Outline of the JFBA's opinion
 - Estimated time when the examination results are notified
 - Scheduled date when the Ministry's designation is published in the official gazette

2. Application for designation

(1) How to file an application

Filing by the applicant in person

As is the case with an application for approval, an application for designation needs to be filed by the applicant in person at the Ministry. Please visit the GJB Section in the Ministry's office for filing in person.

- Refer to 2.(1), in Section 3, Part 2 for important points to which you need to pay close attention.

Attendance of interpreter

The filing of application for designation is conducted in Japanese. If you need an interpreter, please arrange for an interpreter to come with you.

Application documents

At the time of filing, you need to submit an application form for designation and supporting documents.

- Refer to (2) for more information on application documents.

Filing fee

When filing an application for designation, you need to pay the filing fee of ¥13,400.

For the United States, Australia, and Canada, each of their constituent units is treated as a "foreign jurisdiction". For example, if you wish to have the laws of both the New York State and the State of California designated as Laws of Specified Foreign Jurisdiction that you may practice, you need to apply for and obtain a separate designation on the laws of each jurisdiction.

In this case, you may apply for the designations at the same time or separately. If you apply for designations on the laws of more than one Specified Foreign Jurisdiction at the same time, your applications are deemed to constitute a single application. Accordingly, you are charged only ¥13,400.

Please pay the filing fee by affixing revenue stamps in the amount of ¥13,400 in the prescribed space on the application form for designation.

(2) Documents to be submitted

Designation application form

An application form for designation needs to be prepared in the prescribed format.

- Refer to the chart titled "How to obtain forms of documents for designation" in 1.(4), Section 3, Part 3 for more information.

You may complete an application form for designation either in Japanese or in a foreign language.

- Refer to 1.(5) , in Section 3, Part 3 for how to prepare a Japanese translation.

Please ensure that a photo and revenue stamps in the amount of ¥13,400 are affixed in the prescribed space on the application form for designation.

Supporting documents


The supporting documents you need to submit for designation are prescribed by the relevant laws and regulations. Please refer to the chart below for the list of required documents.

- Refer to the "Reference Material 1: Commentary on attached documents to be prepared" for examples of supporting documents.

If any of your supporting documents is in a foreign language, you need to attach a Japanese translation.

- Refer to 1.(5) , in Section 3, Part 3 for how to prepare a Japanese translation.

For the following supporting document, you need to file the original, in principle.

-  Document certifying that the applicant has a qualification to become a lawyer in a Specified Foreign Jurisdiction.

If it is difficult for you to submit the original of the above document, please so notify the Ministry. If you are told that a photocopy is acceptable, please bring both the original and a photocopy when you visit the Ministry for filing in person. The Ministry accepts a photocopy after checking it against the original.

Supporting documents

Refer to Reference material 1

1. Document certifying that the applicant is qualified as a lawyer in a Specified Foreign Jurisdiction

Page 15

- If you are currently registered as a lawyer in a Specified Foreign Jurisdiction

- A document certifying the date of registration and the fact that the registration has been retained to date that is issued by an organization authorized to certify such facts.

- If you were registered as a lawyer in a Specified Foreign Jurisdiction in the past

- A document certifying the date of registration and the period when the registration was maintained that is issued by an organization authorized to certify such facts.
- A document certifying that the applicant currently retains a qualification to become a lawyer in that Specified Foreign Jurisdiction

* As types of required documents vary depending on the jurisdiction of acquisition of qualification, please consult with the Ministry by explaining your circumstances

2. Document certifying that the applicant has the same level of knowledge of the Laws of a Specified Foreign Jurisdiction as a lawyer in that jurisdiction and has five or more years of work experience in handling legal services concerning such laws.

Page 16

- Knowledge of law

- Outline of qualifying procedures for lawyers in a Specified Foreign Jurisdiction
- A written statement explaining the fact that the applicant has the same level of knowledge as a qualified lawyer in that Specified Foreign Jurisdiction

- Five or more years of work experience

- Document certifying the fact that the applicant has work experience in handling legal services relating to the Laws of that Specified Foreign Jurisdiction and the period of such work experience, as a proof of the applicant's work experience in handling legal services relating to such laws

* Please consult with the Ministry by explaining your circumstances.

3. Examination of application for designation

Once you file an application for designation, the Ministry examines whether you satisfy requirements for designation based on the application form and supporting documents that you have submitted.

If these documents turn out to be unsatisfactory after the filing, the Ministry may request you to amend the documents or submit additional materials within a certain period prescribed by the Ministry.

If you fail to comply with the request within the prescribed period without

any justifiable reason, the Ministry examines your application based on the already submitted documents. Please note that you may not be granted a designation in such a case.

If, after the filing, there is any change in the particulars of your application for designation such as the contents of application documents, you need to notify the Ministry of the change immediately. If necessary, the Ministry may request you to submit additional documents including a statement of reason for the change and a material certifying the change.

4. Notification of examination results

The Ministry notifies the examination results to applicants as follows.

(1) Decision to designate

If, upon examination, the Ministry decides to grant a designation of the Laws of a Specified Foreign Jurisdiction that you have applied for, the Ministry issues you a designation notice and publish the designation in the official gazette.

Upon receiving the designation, you need to have a supplementary registration of the Designated Laws added on the roll of GJB maintained by the JFBA in order to engage in the legal services relating to the Designated Laws.

For this, you need to file a request for addition of supplementary registration of the Designated Laws with the JFBA through your local bar association.

As the Ministry's designation takes effect on the day of publication in the official gazette, you may file the above request from that day onward.

Please keep the designation notice. You need it in making the above request to the JFBA.

Please ensure that you file the above request within 6 months from the following day of the publication of designation in the official gazette, since the Ministry's designation loses effect when six months elapse from that day.

Please also note that you are subject to certain notification and reporting obligations after obtaining the designation of the Laws of a Specified Foreign Jurisdiction.

- Refer to the "Reference material 3: Notification/report obligations" for more information.

(2) Decision not to designate

If, upon examination, the Ministry decides not to grant a designation on the Laws of a Specified Foreign Jurisdiction that you have applied for, the Ministry notifies you of the decision not to designate and its reasons in writing.

5. Preliminary Examination

The Ministry provides Preliminary Examination services prior to the filing of an application for designation, if a prospective applicant so wishes.

(1) How to apply for Preliminary Examination

You may apply for Preliminary Examination for designation in the same manner as Preliminary Examination for approval.

- Refer to 5.(1), in Section 3, Part 2 for more information on how to apply for Preliminary Examination.

(2) Documents to be submitted

The Regulation provides that documents equivalent to an application form for designation and its supporting documents need to be submitted in applying for Preliminary Examination.

There are no prescribed forms for these documents. However, under the current practice, the Ministry requests applicants to submit unsigned copies or drafts of application forms for designation and supporting documents that they plan to file.

✚ Application form for Preliminary Examination

There is no prescribed format for an application form for Preliminary Examination. However, under the current practice, the Ministry requests applicants to submit unsigned copies or drafts of application forms for designation.

The format for an application form for designation is prescribed by the relevant laws and regulations.

- Refer to the chart titled "How to obtain forms of documents for designation" in 1.(4), Section 3, Part 3 for more information.

Please do not affix revenue stamps to a copy (or draft) of application form for designation that you submit for Preliminary Examination. The Preliminary Examination process is free of charge.

✚ Supporting documents

Under the current practice, the Ministry requests applicants to submit unsigned copies or drafts of supporting documents for designation in applying for Preliminary Examination.

The supporting documents required for designation are prescribed by the relevant laws and regulations.

- Refer to the chart titled "Application documents for designation and Preliminary Examination" in 2.(2), Section 3, Part 3 for more information.

- Refer to the “Reference material 1: Commentary on attached documents to be prepared” for examples of attached documents required for Preliminary Examination.

(3) Examination

- ✚ If the documents filed for Preliminary Examination turn out to be unsatisfactory, the Ministry may request you to amend the documents or submit additional materials within a certain period prescribed by the Ministry. If you fail to comply with the request within the prescribed period without any justifiable reason, the Ministry may terminate the Preliminary Examination process at that point on the ground that the process cannot go any further and notify you of the result based on the already submitted documents.
- ✚ If, after the filing, there is any change in the particulars of your application such as the contents of application documents submitted for Preliminary Examination, you need to notify the Ministry of the change immediately.
- ✚ The results of Preliminary Examination are notified to you verbally or in writing.

6. Counseling services

The Ministry provides general counseling on procedures for designation as well as individual consultation for prospective applicants.

In an individual consultation, based on an explanation from a prospective applicant, the Ministry answers questions including what are the required documents and how to complete the documents.

If you systematically organize the facts relating to designation criteria in advance of an individual consultation, the Ministry is able to answer your questions appropriately.

In this context, the Ministry recommends that you make an inquiry with materials relating to your application in hand.

In an individual consultation, the Ministry is not able to answer a specific question as to whether you satisfy the requirements for designation.

For this, you need to apply for Preliminary Examination.

- Refer to 5.(1), in Section 3, Part 3 for more information on how to apply for Preliminary Examination.