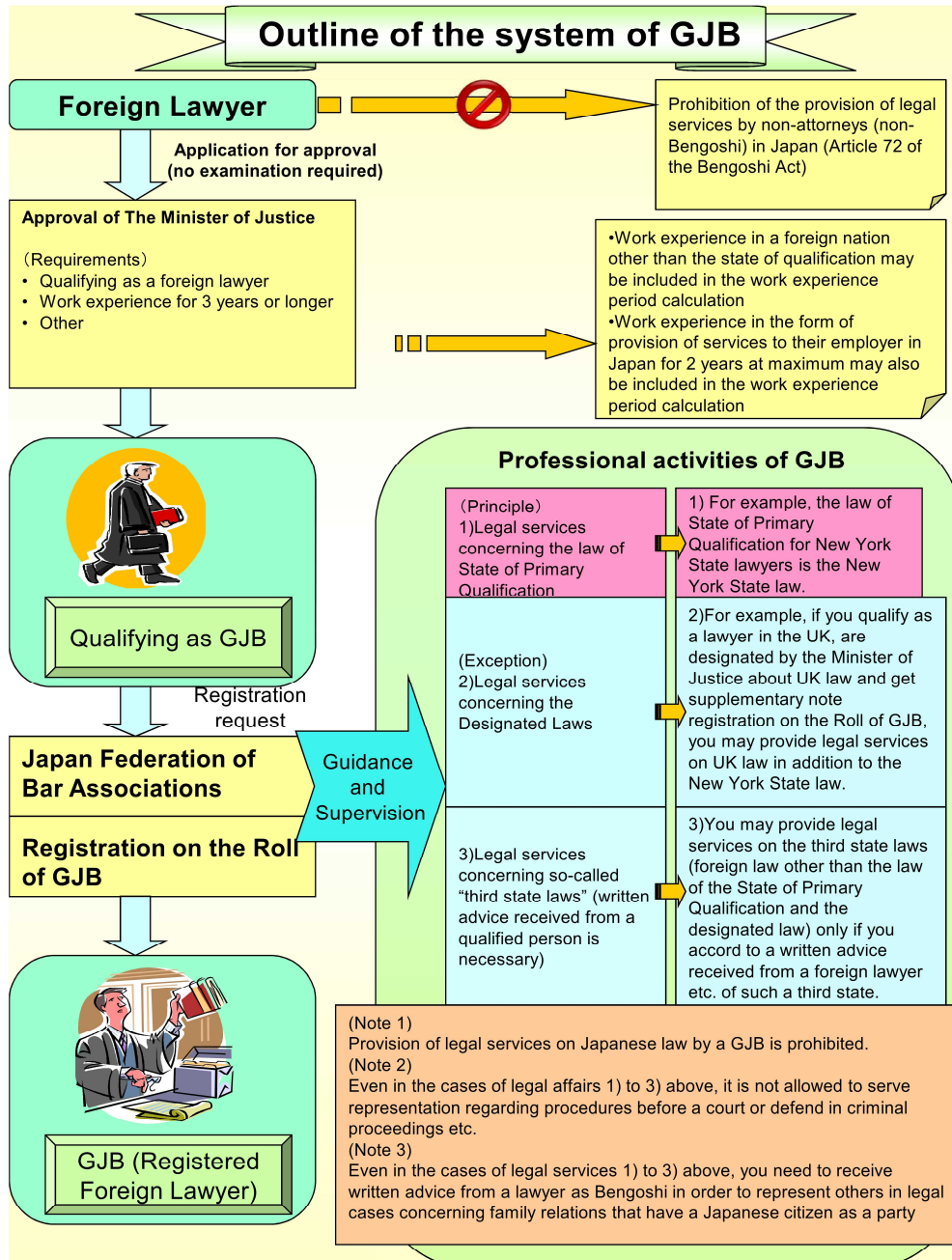


## Reference material 1

### 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 outside 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 their professional activities under the provisions as mentioned in the aforementioned 1, they 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 they have been granted such Designation by the Minister and have been granted supplementary note registration of Designated Laws on the Roll of GJB at the Japan Federal Bar Association. However, this shall not apply to the legal services listed as follows, nor to giving or rendering an expert opinion or otherwise 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 they do 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 shall you give or render an expert opinion or otherwise 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.

- (iii) Registered Foreign Lawyer Corporation  
a registered foreign lawyer corporation (limited to when its member for whom the Laws of the Jurisdiction of Primary Qualification or Designated Laws are the Laws of the Specified Foreign Jurisdiction performs the practice).
- (iv) Joint Corporation  
an attorney at law / registered foreign lawyer joint corporation (limited to when its member who is a registered foreign lawyer for whom the Laws of the Jurisdiction of Primary Qualification or Designated Laws are the Laws of the Specified Foreign Jurisdiction performs the practice).

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 and an international mediation case**

GJB may, notwithstanding 1 to 4 above, perform representation regarding the procedures for an international arbitration case and international mediation case under the provisions of GJB Act.

- (i) International arbitration case (Article 2, item (xiv) of the GJB Act)  
a civil arbitration case which falls under any of the following cases:
  - (a) some or all of the parties are persons who have an address, or a main or head office in a foreign jurisdiction (including cases in which persons who hold more than fifty percent of the number of issued shares (limited to voting shares) in some or all of the parties, or more than fifty percent of the equity in some or all of the parties, or persons specified by Ministry of Justice Order as equivalent to those persons, are the persons who have an address, or a main or head office in a foreign jurisdiction).

- (b) the law which the arbitral tribunal should comply with in making an arbitral award (limited to the law as provided by the agreement of relevant parties) is not Japanese law.
  - (c) the place of arbitration is in a country other than Japan.
- (ii) international mediation case (Article 2, item (xv) of the GJB Act)
- a civil mediation case (including civil conciliation cases; and limited to cases on disputes relating to civil contracts or transactions in which all of the parties are corporations, other associations or foundations, or individuals who have become parties to those civil contracts or transactions as a business or for a business) which falls under any of the following cases:
- (a) some or all of the parties are persons who have an address, or a main or head office in a foreign jurisdiction (including cases in which persons who hold more than fifty percent of the number of issued shares (limited to voting shares) in some or all of the parties, or more than fifty percent of the equity in some or all of the parties, or persons specified by Ministry of Justice Order as equivalent to those persons, are the persons who have an address, or a main or head office in a foreign jurisdiction).
  - (b) the law which is to apply to the formation and effect of a claim arising from a dispute relating to a civil contract or transaction (limited to the applicable law specified by agreement of the parties) is not Japanese law.

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

<p style="text-align: center; color: red;">Legal services concerning the Japanese law</p>  <p style="text-align: center;">Prohibited</p> 	<p style="text-align: center; color: blue;">Legal services concerning the laws of the jurisdiction of primary qualification</p> <p><b>《Principle》</b> 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><b>《Exception》</b> GJB shall not provide the following legal services</p>  <ul style="list-style-type: none"> <li>(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.</li> <li>(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.</li> <li>(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.</li> <li>(iv) services of procedural documents for a court or administrative agency of a foreign jurisdiction</li> <li>(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).</li> <li>(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.")</li> </ul>		
<p><b>(Note)</b> 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><b>(Note)</b> GJB may provide representation in international arbitration cases and international mediation cases within certain scope (Refer to Reference Material 1).</p>	<p>Even when the legal services are such that a GJB may provide within the scope of their professional duties, they 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;</p>  <ul style="list-style-type: none"> <li>(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.</li> <li>(ii) representation or the preparation of documents regarding a legal case concerning family relations in which a Japanese national is involved as a party.</li> <li>(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.</li> </ul>  <p style="text-align: center;">Advice in writing</p>		
<p><u>Even if you satisfy the requirements on the right, you may not provide the following services.</u></p> <ul style="list-style-type: none"> <li>(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.</li> <li>(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.</li> <li>(iii) services of procedural documents for a court or administrative agency of a foreign jurisdiction</li> <li>(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).</li> <li>(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.")</li> </ul> 	<p>Even when a GJB may provide legal services concerning the laws of a Specified Foreign Jurisdiction other than legal services concerning the Designated Laws, they shall be required to provide them jointly with an attorney at law, or after receiving written advice from an attorney at law, regarding the legal services. Type of legal services are the same as those on the right column.</p> <p><b>《Exceptionally, GJB may provide the following legal services if they satisfy the statutory requirements.》</b> GJB may provide legal services concerning the laws of a Specified Foreign Jurisdiction other than legal services concerning the Designated Laws (this shall mean legal services regarding a legal case all or a major part to which the laws of the Specified Foreign Jurisdiction (so-called "third jurisdiction laws") apply or should be applied, if they do so according to a written advice received from any of the persons listed as follows;</p> <ul style="list-style-type: none"> <li>(i) foreign lawyer : a person who is a foreign lawyer in the Specified Foreign Jurisdiction to which the 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 (excluding a person who is employed and is providing services in Japan, based on his/her knowledge concerning foreign laws).</li> <li>(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.</li> <li>(iii) registered foreign lawyer corporation : a registered foreign lawyer corporation (limited to when its member for whom the laws of the jurisdiction of primary qualification or designated laws are the laws of the specified foreign jurisdiction performs the practice).</li> <li>(iv) Joint Corporation : an attorney at law / registered foreign lawyer joint corporation (limited to when its member who is a registered foreign lawyer for whom the laws of the jurisdiction of primary qualification or designated laws are the laws of the specified foreign jurisdiction performs the practice).</li> </ul>	<p>Even when the legal services are such that a GJB may provide within the scope of their professional activities, they shall be required to provide them jointly with an attorney at law, or after receiving written advice from an attorney at law, 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><b>《Exception》</b> GJB may provide legal services concerning the designated laws if they have been granted such designation by the Minister of Justice and have been granted the supplementary note registration of designated laws by the Japan Federal Bar Association.</p> 	<p><u>Even if you satisfy the requirements on the left, you may not provide the following services.</u></p>  <ul style="list-style-type: none"> <li>(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.</li> <li>(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.</li> <li>(iii) services of procedural documents for a court or administrative agency of a foreign jurisdiction</li> <li>(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).</li> <li>(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.")</li> </ul>
<p style="text-align: center; color: blue;">Legal services concerning the Laws of a Specified Foreign Jurisdiction other than the legal services concerning the Designated Law (in principle, GJBs are prohibited from providing these services.)</p>			