



Tokyo Bar Association



THE TOKYO BAR ASSOCIATION

We aim to be your accessible bar association. To achieve social justice and protect fundamental human rights.

The Tokyo Bar Association was established in 1893 and has a long history as a bar association.

Also known as the Tokyo Bengoshi-kai, and abbreviated as “Toben” (pronounced toh-ben), the Tokyo Bar Association has been engaged on all kinds of human rights issues, including criminal defense cases, children, the elderly, the disabled, women, consumers, crime victims, foreigners, pollution and the environment. We have also been improving and expanding upon our legal aid services to ease citizens' use of the legal system.

We also confer with the Ministry of Justice and the courts, and issue opinions and statements, to ensure the implementation of legislative and other measures to achieve a fair legal system from the perspective of human rights.

As a self-governing body, we also proactively pursue reforms directed at bar associations and attorneys.

About Lawyer Self-Governance

The mission of attorneys is to realize social justice and protect fundamental human rights (Attorneys Act, Article 1). To fulfill this mission, bar associations are granted complete self-governance, independent from the courts, prosecutors and all other government agencies. The authority for lawyer self-governance includes (1) attorney registration with the bar associations, (2) attorney guidance, supervision, and disciplinary actions by the bar associations, and (3) compulsory membership in a bar association.

Lawyer Self-Governance Activities of the Tokyo Bar Association

The Tokyo Bar Association engages in the following activities as part of lawyer self-governance:

Consumer Grievances

We maintain a customer grievance department where attorneys handle phone or in-person complaints by citizens against members of the Tokyo Bar Association. Through this grievance department, we also provide guidance on how to file a request for discipline or proceed with mediation of disputes with an attorney.

Mediation of Disputes with Attorneys

The Tokyo Bar Association offers a system of mediation to resolve disputes between its members and their clients through discussion. Once a complaint is filed by a client, the Member-Client Dispute Mediation Committee will determine the place for discussions to occur and conduct the mediation.

Discipline

If an attorney or a law firm who is a member of the Tokyo Bar Association has engaged in misconduct, for example, an act that violates the Attorneys Act, he, she or it will be subject to disciplinary measures by the Tokyo Bar Association. There are four types of disciplinary measures: (1) issue a warning, (2) suspend the attorney from legal practice for up to two years, (3) expulsion from the Tokyo Bar Association, and (4) disbarment with a three-year prohibition on reinstatement.

The Tokyo Bar Association will determine the disciplinary action to be taken based on the disciplinary committee's evaluation and the rules committee's investigation in light of the request for disciplinary action by the complainant.

What is a Bar Association?

Bar associations are groups of attorneys, established under a law called the Attorneys Act. Attorneys (bengoshi) and legal professional corporations (bengoshi hojin) are required to join a bar association within the jurisdiction of the district court whose district includes their office. One bar association exists for each district court's jurisdiction, except that Tokyo Prefecture has three bar associations for historical reasons: the Tokyo Bar Association, the First Tokyo Bar Association and the Second Tokyo Bar Association (the “Three Tokyo Bar Associations”).

Major Activities of the Tokyo Bar Association

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Activity

Major Activities of the Tokyo Bar Association

Committee Activities

The Tokyo Bar Association has established a wide variety of committees. These committees engage in practical activities in accordance with each committee's designated purpose, such as conducting research and studies, educational and enrichment activities, and the operation of various institutions. To ensure the fairness, the qualifications review board, the disciplinary committee, the rules committee, and the election supervisory committee are set up as independent bodies from the Tokyo Bar Association itself.

Activities to Protect Human Rights

- The Human Rights Protection Committee
- The Special Committee on Children's Human Rights and Juvenile Law
- The Special Committee on the Rights of the Elderly and Disabled
- The Special Committee on Consumer Protection
- The Center for Constitutional Issues
- The Criminal Defense Committee
- The Special Committee on Criminal Law
- The Committee on Support for Crime Victims
- The Committee on Equality between the Sexes
- The Committee on the Rights of Foreigners
- The Special Committee on Pollution and the Environment
- The Special Committee on Racketeering
- The Special Committee for Witnessing Informed Consent to Bone Marrow Donation

Legal Advice, Attorney Referrals, and Dispute Resolution

- The Committee on Legal Counseling Center Operations
- The Committee on Dispute Resolution Center Operations
- The Committee on Housing Dispute Review Board Operations
- The Special Committee on the Protection of Whistleblowers

Activities on Legal Education, Furthering Development of the Legal Profession and the Legal System

- The Center for Legal System Reform
- The Center on the Lay Judge System
- The Special Committee on the Operation of Publicly Funded Law Offices
- The Committee for Recommendation of Attorneys to be Appointed as Judges and Prosecutors
- The Committee to Promote Attorney Provision of Information on Judges' Work for Use in Judicial Appointment Decisions
- The Court Committee
- The Legal System Committee
- The Special Committee on Civil Litigation Issues
- The Special Committee on the Labor Law System
- The Committee for Legal Training
- The Center for the Further Development of the Legal Profession
- The Committee on the Operation of Legal Education Centers

Close-up

The Human Rights Protection Committee

The Human Rights Protection Committee holds its activities to "collect information, investigate human rights violations and promote the principle of civil liberties". The case working group collects petitions for redress of human rights violations from the public, and conducts investigations based on these petitions. Specialized working groups research and study wide-ranging topics such as issues regarding the press and human rights, Okinawa issues, international human rights issues, leprosy issues, retrials and economic inequality.

Close-up

The Special Committee on Children's Human Rights and Juvenile Law

The Special Committee on Children's Human Rights and Juvenile Law conducts face-to-face and telephone counseling, known as the Children's Human Rights Emergency Hotline. The Committee operates the Children's Human Rights Redress Center, which receives petitions for redress regarding children's human rights. The Children's Human Rights Redress Center also works in conjunction with the Carillon Children's Center, a shelter (safe haven) for children with no place to go as a result of abuse, delinquency, etc. In addition, this Committee conducts research and investigative activities regarding school-related issues, child welfare and the legal system for juvenile cases, and provides support for guardians in juvenile cases. The Committee conducts public relations and awareness-raising activities regarding the protection of children's human rights, including through the play "Broken Wings" in which children and attorneys perform.

Activities to Promote Lawyer Self-Governance and Improve Work Quality

Committees related to Attorney Qualifications, Complaints and Discipline

- The Qualifications Review Board
- The Disciplinary Committee
- The Rules Committee
- The Committee for Liaison with Citizens
- The Special Committee on Attorney Ethics
- The Committee to Stop the Unauthorized Practice of Law
- The Member-Client Dispute Mediation Committee

Activities Related to the Training and Work of Attorneys

- The Committee on Legal Service Reform
- The Special Committee on Tax Matters
- The Special Committee on Measures against Interference with Legal Work
- The Legal Training Center Administration Committee
- The Small and Medium Enterprise Legal Assistance Center
- The Legal Service Joint Center (the Task Force to Expand the Areas where Attorneys are Active)

Activities to Support the Tokyo Bar Association

- The Human Resources Committee
- The Finance Committee
- The General Affairs Committee
- The Member Welfare Committee
- The Public Relations Committee
- The Bar Association Building Committee
- The International Committee
- The Special Committee on the Administration of Association Activities
- The New-Member Activities Committee
- The Election Supervisory Committee
- The General Support Center for Young Members
- The Disaster Response Committee

Close-up

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The Special Committee on Consumer Protection

The Special Committee on Consumer Protection provides training sessions for attorneys who handle consumer legal advice cases under the ambit of the Tokyo Bar Association. The Committee also holds Workshops on Example Consumer Legal Advice Cases to improve the effectiveness and skills of attorneys that provide advice on consumer protection law. The Committee also provides consumer legal advice by telephone, such as via the consumer protection hotline operated jointly by the Three Tokyo Bar Associations. The Committee also works to provide relief to the victims of consumer fraud cases in which a large number of victims are affected by encouraging the rapid formation of attorney teams and providing support to such teams. In addition, the Committee is engaged in legislation-related activities such as lobbying Local Assemblies to revise consumer protection laws, and producing opinion papers regarding draft laws and regulations. The Committee also sends lecturers to high schools across Tokyo Prefecture and holds consumer education classes.

Close-up

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The Special Committee on the Rights of the Elderly and Disabled

The purpose of the Special Committee on the Rights of the Elderly and Disabled is to protect the human rights of, to support the property management and physical custody of, and to provide other swift and appropriate legal support for, the elderly and disabled. The Committee conducts research activities regarding the rights of the elderly and disabled, beginning with the guardianship system for adults, public relations and training activities for members, and also works closely with family courts, local government and private organizations. The Committee also operates the Tokyo Bar Association Center for the Elderly and Disabled, "Oasis." Oasis provides legal advice and assistance for the elderly, disabled and their related persons on asset management and their physical custody, including support for use of the guardian system for adults. Furthermore, the Committee attends meetings regarding abuse case determinations and responses and provides legal advice at the request of local government in relation to the Law for Prevention of Elder Abuse.



Advice

Major Activities of the Tokyo Bar Association

Legal Advice, Attorney Referrals and Dispute Resolution

Attorneys are providing advice on how to appropriately handle and resolve people's problems as legal specialists. Attorneys also play an important role in preventing social conflicts before they happen, as well as resolving disputes and incidents when problems arise.

1. Legal Advice

The Tokyo Bar Association has established legal counseling centers of all kinds within Tokyo Prefecture. These centers are set up to respond to a wide variety of requests for advice. We also operate all kinds of telephone advice services and set up specialized advice help desks.

Areas of Specialized Advice

Consumers / Labor / Medical Malpractice / Foreigners / Consumer Debt Restructuring / Legal Advice for Women (Sexual Harassment, Domestic Violence, etc.) / Welfare Benefits / the Elderly and Disabled / Crime Victims / Children / Pollution and the Environment / Racketeering (Organized Crime, etc.) / Whistle Blowers.

※ In addition to face-to-face legal consultation, the Tokyo Bar Association also provides telephone consultations in the following areas: the Elderly and the Disabled / Crime Victims / Children / Pollution and the Environment / Whistle Blowers.

2. The Attorney Referral Center

The Tokyo Bar Association Attorney Referral Center introduces attorneys with experience in specific areas to individuals, businesses and organizations in need of help with their problems. The Center also introduces corporate counsel and attorneys who provide legal consultation or legal lectures upon request. The Center also established the small and medium enterprise legal assistance center, which commenced operations in February 2014.

Legal Counseling Centers of all kinds

(Centers 1 through 5 are operated jointly by the Three Tokyo Bar Associations)

1. The Shinjuku Comprehensive Legal Counseling Center
2. The Kamata Legal Counseling Center
3. The Kasumigaseki Legal Counseling Center
4. The Tachikawa Legal Counseling Center
5. The Hachioji Legal Counseling Center
6. The Ikebukuro Legal Counseling Center
7. The Kita-Senju Legal Counseling Center
8. The Kinshicho Legal Counseling Center
9. The Shibuya Public Legal Counseling Center

3. Institutions for Alternative Dispute Resolution

The Tokyo Bar Association has established and operates the Dispute Resolution Center and the Housing Dispute Review Board, as alternative dispute resolution (ADR) institutions for those who wish to resolve a dispute with a third party's assistance or would like a prompt decision by a neutral third party.

The Dispute Resolution Center

The Dispute Resolution Center provides alternative dispute resolution processes not only for common issues such as those involving real estate leases, disputes between neighbors, purchases and subcontracting disputes, and disputes among family and other relatives, but also for specialized issues such as medical ADR.

The Housing Dispute Review Board

This Board provides mediation and arbitration for disputes concerning real estate purchase and subcontracting agreement related to housing units that have been issued a habitability performance appraisal based on the Housing Performance Indication System. The Board also provides mediation and arbitration for disputes concerning insured residences based on the Act on Assurance of Performance of Housing Defect Warranties.



Support 1

Major Activities of the Tokyo Bar Association

Support for Public Law Offices

The Tokyo Bar Association established the Fund for Operating Public Law Offices, and supports the public law offices by bearing the costs associated with their establishment, funding and providing loans to cover operating expenses.

The Purposes of Establishing Public Law Offices

The public law offices that the Tokyo Bar Association supports conduct activities for the below reasons;

- To respond to demand for legal services in local communities;
- To promote the appointment of attorneys as judges;
- To improve and strengthen the criminal defense bar;
- To dispatch attorneys to public law offices in sparsely populated areas;
- To accept prosecutors and assistant judges who want to experience work as attorneys;
- To support clinical education in law schools; and
- To train attorneys working full-time at the Japan Legal Support Center (Houterasu).

Supported Public Law Offices

The Tokyo Bar Association supports the following public law offices:

- Tokyo Public Law Office Legal Professional Corporation (Ikebukuro)
- Kita-Senju Public Law Office Legal Professional Corporation (Kita-Senju)
- Shibuya Public Law Office Legal Professional Corporation (Shibuya)
- Tama Public Law Office Legal Professional Corporation (Tachikawa)

Activities to Appoint Attorneys as Judges; Efforts to Accept People with Other Work Experience

The Tokyo Bar Association recruits, examines, screens and recommends attorneys who want to become judges, primarily through the Committee for Recommendation of Attorneys to be Appointed as Judges and Prosecutors. In addition, we provide support for a system in which judges (assistant judges) and prosecutors can register as attorneys for two years (as a general rule) and experience work as a lawyer, primarily through the Special Committee on the Operation of Publicly Funded Law Offices.

※ The design of the attorney's pin consists of an outer sunflower ring encircling the scales of justice. The sunflower symbolizes justice and freedom, while the scales represent equality and fairness.



Cooperation with the Activities of the Japan Legal Support Center (Houterasu)

Houterasu is a legal entity established under the Comprehensive Legal Support Act. Houterasu's official name is the "Japan Legal Support Center." Its services include providing information useful to solve legal problems for free, providing free legal advice for people of limited financial means who are in legal trouble or advancing funds for payment of legal expenses. The Tokyo Bar Association cooperates with Houterasu's activities.

Support 2

Major Activities of the Tokyo Bar Association

Activities Regarding Criminal and Juvenile Cases

The Tokyo Bar Association supports suspects, defendants and juveniles through the on-duty attorney system, the court-appointed attorney system, the on-duty guardians for juveniles system and the court-appointed guardians for juveniles system. We also provide support to crime victims.

On-Duty Attorneys

By making a single phone call, suspects arrested by the police in a criminal case can meet an on-duty attorney promptly for free (for the first consultation only). The on-duty attorney will explain to the suspect the flow of criminal proceedings, prospects for the outcome of the case and important rights such as the right to remain silent (the right to not be forced to make statements against one's will), and also respond to the suspect's questions and concerns. The Tokyo Bar Association operates the Tokyo Three Bar Association On-Duty Attorney Center in collaboration with the other two bar associations included in the Three Tokyo Bar Associations. This center prepares and manages an on-duty attorney register and makes requests for the dispatch of on-duty attorneys as needed.

Following the first consultation, suspects who would like to continue receiving legal services may inquire about that possibility with the on-duty attorney. Suspects who cannot afford attorney's fees may be eligible for support under the criminal defense assistance program and should consult with the on-duty attorney about this system.

Court-Appointed Attorneys

Suspects and defendants can elect to appoint an attorney at any time. An attorney that the national government selects for a suspect or a defendant who is unable to hire an attorney due to poverty is termed a court-appointed attorney.

The court sends suspects and defendants a questionnaire regarding attorney appointment, and those who return a completed questionnaire citing a ground such as poverty will be assigned a court-appointed attorney.

The Tokyo Bar Association divides its register of court-appointed attorneys into those for serious crimes and those for misdemeanors, and assigns additional support attorneys for trials by lay judges.

Support for Crime Victims

The Tokyo Bar Association established the Center for Crime Victims, which provides emotional and psychological support to victims of certain crimes through telephone counseling and interviews in collaboration with the other members of the Three Tokyo Bar Associations.

In addition, in certain cases the victim or the decedent's family can participate in criminal trials. The Tokyo Bar Association recommends that victims and any members of a decedent's family who wish to participate in proceedings seek the support of an attorney. Those who cannot afford an attorney may request a court-appointed attorney.

We also prepare and manage a register of court-appointed attorneys for victims who wish to participate in a criminal trial.

Activities for Juvenile Cases

On-duty guardians for juveniles and court-appointed guardians for juveniles

All juveniles in criminal cases who are referred to family court and then held in custody by decision of the court are informed by the judge that they can have an interview with an attorney free of charge. If the juvenile wishes to have an interview, the on-duty guardian (defense attorney) meets with him or her. As with adult defendants, juveniles who cannot afford attorney's fees are eligible for the on-duty juvenile guardian program, a system that provides guardians for all types of cases, which is part of the criminal defense support program. For certain serious juvenile crimes, a court-appointed guardian may be appointed.

The Tokyo Bar Association prepares and manages a register of on-duty guardians and court-appointed guardians.

Education & Training

Major Activities of the Tokyo Bar Association

Legal Education

Legal education refers to education intended to help people who are not legal specialists to understand the law and the justice system, and the values on which they are based, as well as perspectives on legal matters.

The Tokyo Bar Association and its committees, including the Committee on the Operation of Legal Education Centers, implements the following programs:

- Guest lectures at schools regarding the Constitution, consumer issues, bullying, gender equality, the environment, labor law, etc.;
- On-site criminal mock court training;
- Court visits during criminal cases, and explanation;
- “Rulemaking” classes; and
- Junior law school, planning programs for students during winter holidays, such as court attendance.



Major Activities of the Tokyo Bar Association

Furthering the Development of the Legal Profession and Training of Attorneys

The Tokyo Bar Association accepts a large number of legal trainees every year and provides them with a training curriculum. We also provide continuing education programs for attorneys.

Training Legal Trainees

The Tokyo Bar Association accepts approximately 150 legal trainees every year and offers individual, joint, and self-directed practice curricula at member law firms, primarily through the Committee for Legal Training.

Training of Attorneys

(Newly-registered attorneys and other attorneys)

The Tokyo Bar Association implements continuous legal education for its members, primarily through the Legal Training Center Administration Committee. We also hold general and specialized courses of all kinds in order to promote the development of in-depth knowledge in legal specialties. We also implement a new-members training course for newly-registered attorneys.

The Center on the Lay Judge System

The Tokyo Bar Association's “Center on the Lay Judge System” develops attorneys capable of handling lay-judge trials through training, and conducts verification activities to ensure the proper operation of the Lay Judge System, in addition to dispatching lecturers and organizing other public relations activities regarding the Lay Judge System.

Public relations

Major Activities of the Tokyo Bar Association

The Tokyo Bar Association Human Rights Award

The Tokyo Bar Association's Human Rights Award was established in 1986 to contribute to the establishment and development of fundamental human rights. This award is presented each year to honor outstanding human rights protection activities by individuals, group, or organizations (both private-sector and members of the bar). The award aims to bring attention to those engaged in activities to protect the human rights of the powerless, encourage those people and give momentum to further human rights activities.

Activities that may qualify individuals to receive the Human Rights Award:

- Actions for redress of human rights violations, such as retrials and defense of those wrongfully convicted
- International human rights protection activities
- Contributions or preventive measures with respect to legislation that impacts human rights
- Research and educational and enrichment activities to promote the awareness of human rights
- Human rights protection activities in the fields of social welfare and environmental pollution
- Other activities broadly related to human rights, such as activities for the establishment of new human rights

Major Activities of the Tokyo Bar Association

International Activities

The Tokyo Bar Association, primarily through the International Committee, promotes interaction between Japanese attorneys and foreign lawyers registered in Japan, organizes the Three Tokyo Bar Associations International Seminar and Party, participates in Conference of World City Bar Leaders, conducts regular exchanges with city bar associations of other countries, and participates in the International Bar Association (IBA) and Union Internationale des Avocats (UIA). We concluded friendship agreements with the Chicago Bar Association in March 2007, The Council of Lawyers at the Paris Court of Appeal (Paris Bar Association) in June 2010 and Hong Kong Bar Association/The Law Society of Hong Kong in February 2012.

Major Activities of the Tokyo Bar Association

Public Relations

The Tokyo Bar Association organizes various public relations activities through the Public Relations Committee. Our website and twitter account provides information directed at citizens and bar members. In addition, the citizen exchange panel of the Committee organizes various events relevant to the legal system through which citizens who sign up are invited to observe criminal trials or participate in round tables with judges, prosecutors and attorneys. The Tokyo Bar Association also publishes its own newsletter, Libra, a magazine with helpful articles for practitioners, including information on recent bar association activities, legal developments, legal reform, and case management know-how.

Major Activities of the Tokyo Bar Association

Foreign Law Attorneys (Gaikokuho Jimu Bengoshi or “GJBs”)

The enactment of the Special Measures Law Concerning Legal Practice by Foreign Attorneys (“Foreign Attorneys Law”) in 1987 created a class of attorneys qualified to practice specified foreign laws in Japan. Originally, the qualification system was founded upon the principle of reciprocity, with a view toward improving the availability in Japan of legal services in international legal matters.

Currently, professionals engaged in the practice of law in foreign countries, who are equivalent to attorneys in Japan, and who have practiced such foreign law for at least 3 years, including at least 2 years in their home jurisdiction (or another jurisdiction where they were legally entitled to practice such foreign law), are eligible to become qualified foreign law attorneys (Gaikokuho jimushigoshi) or “GJBs” as they are popularly known. Such persons may be granted a license to practice such foreign law in Japan. In order to become a qualified foreign law attorney, a foreign practitioner must first be approved by the Minister of Justice, who will solicit the views of the Japan Federation of Bar Associations (Nihon Kenji Kyokai) and the local bar association to which the foreign law attorney will belong, after which the applicant's name must be registered on the roll of foreign law attorneys maintained by the Japan Federation of Bar Associations. Qualified foreign law attorneys are subject to disciplinary action by the Japan Federation of Bar Associations. As of May 2011 there were 70 foreign law attorneys registered as special members of the Tokyo Bar Association (Tokai Kenji Kyokai). The number of GJBs in the Tokyo Bar Association has almost doubled in these 5 years.

The Foreign Attorneys Law has undergone a series of major amendments since it was first enacted in 1987. The first of these amendments, enacted in 1994, was in response to and based upon commitments undertaken by Japan, as part of the GATS agreement. Pursuant to this amendment, certain requirements for registration as a GJB were relaxed (the current requirements are noted above) and, importantly, Japanese attorneys and GJBs were permitted to form joint ventures with some limitations. In addition, the reciprocity requirement was eliminated.

In furtherance of the above liberalization, in 1996 GJBs were also permitted to appear in a representational capacity in international commercial arbitrations to be conducted in Japan.

However, by far the most sweeping of the changes to the Foreign Attorneys Law were enacted in 2003. These changes enabled Japanese attorneys and GJBs to form direct partnerships and GJBs to employ Japanese attorneys. The changes came into effect on April 1, 2005.

The International Committee of the Tokyo Bar Association (“International Committee”) oversees matters relating to qualified foreign law attorneys, including the processing of applications and discipline. The International Committee boasts several GJBs as members and is actively engaged in forging closer links between foreign law attorneys and Japanese attorneys based in Tokyo.



We aim to be your accessible bar association.



Tokyo Bar
Association



The Tokyo Bar Association

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