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外国法事務弁護士等の懲戒処分歴の開示に関する規程

(平成二十年十二月五日会規第八十八号)

Rules Concerning Disclosure of Disciplinary Records of Registered Foreign Lawyers

(Federation's Rule No. 88 of December 5, 2008)

Amended on December 5, 2008

Amended on December 5, 2014

Amended on June 11, 2021

(Purpose)

Article 1

These Rules shall establish a procedure whereby the Japan Federation of Bar Associations (hereinafter referred to as the “Federation”) may disclose a record of disciplinary actions taken against a registered foreign lawyer or registered foreign lawyer corporation (hereinafter referred to as “Registered Foreign Lawyer, etc.”) (in the event that there is a change of kind of corporation, it includes a record of disciplinary actions taken against a legal professional corporation or attorney at law/registered foreign lawyer joint corporation (hereinafter referred to as “Joint Corporation”) before the change of kind was made: hereinafter referred to as “Disciplinary Record”) pursuant to Paragraph 3 of Article 59-2 of the Basic Rules on the Duties of Foreign Special Members (Federation's Rule No. 25).

(Disclosure Requestor)

Article 2

Upon request of a person who has requested or commissioned or intends to request or commission a Registered Foreign Lawyer, etc. to handle a legal matter, the Federation may disclose the Disciplinary Record of the Registered Foreign Lawyer, etc. (limited to those who are currently Registered Foreign Lawyer, etc.) pursuant to the following Articles.

(Types of Disciplinary Records to be Disclosed)

Article 3

1. A record of disciplinary actions which the Federation may disclose shall contain any of the following disciplinary actions taken by the Federation or a local bar association against a Registered Foreign Lawyer, etc. (in the event that there is a change of kind of corporation, it includes disciplinary actions taken against a legal professional corporation or Joint Corporation before such change of kind was made):
 - (1) Disbarment: when its validity is being suspended and less than three years have elapsed from the

effective date of this disciplinary action

(2) Order to withdraw from the local bar association: when its validity is being suspended or the Registered Foreign Lawyer, etc. has again been registered on the Roll of Registered Foreign Lawyers after the completion of this disciplinary action, and less than three years have elapsed from the effective date of this disciplinary action

(3) Suspension from the practice of law: when the suspension period has not been expired and less than three years have elapsed from the completion date of this disciplinary action

(4) Reprimand: when less than three years have elapsed from the effective date of the reprimand and that the reprimand has been publicized by the Federation or the local bar association in accordance with Article 59-2 of the Basic Rules on the Duties of Foreign Special Members and Article 4 of the Rules concerning Public Notice and Publication of Disciplinary Actions against Registered Foreign Lawyers, etc. (Federation's Rule No. 67) (in the event that there is a change of kind of corporation, it includes reprimand publicized by the Federation or the local bar association in accordance with relevant provisions regarding a legal professional corporation or joint corporation before the change of kind was made)

2. The number of days during the suspension of the validity of a disciplinary action shall not be included within the periods of time prescribed in Items (2) and (3) of the preceding Paragraph.

(Contents of Disciplinary Record to be Disclosed)

Article 4

The contents of a Disciplinary Record to be disclosed by the Federation shall contain the following information:

(1) The type of disciplinary action: disbarment, order to withdraw from the local bar association, suspension from the practice of law, or reprimand, and the duration of the suspension from the practice of law

(2) The dates when the disciplinary actions came into force

(3) Summaries of the reasons for the disciplinary actions

(4) In the event that a lawsuit for cancellation in accordance with Paragraph 1 of Article 102 of the Act concerning the Handling of Legal Services by Foreign Lawyers (Act No. 66 of 1986, hereinafter referred to as "Handling of Legal Services by Foreign Lawyers Act") is pending, remarks to that effect (in the event that an appeal for investigation in accordance with Article 59 of the Attorneys Act (Law No. 205 of 1949) (including when it is applied *mutatis mutandis* as provided in Article 95 of Handling of Legal Services by Foreign Lawyers Act) or a lawsuit for cancellation in accordance with Paragraph 1 of Article 61 of the Attorneys Act is pending, remarks to that effect)

(5) In the event that a Registered Foreign Lawyer, etc. has received a decision to suspend the validity of a disciplinary action, remarks to that effect and the date of the decision (in the event that there is a change of kind of corporation and that a legal professional corporation or joint corporation before such change was made has received a decision to suspend the validity of a disciplinary action, remarks to that effect)

(6) In the event that the decision prescribed in the preceding Item loses its validity, remarks to that effect and the date of invalidation

(Procedure for Disclosure Request)

Article 5

1. The Federation shall require a person who requests the disclosure of a disciplinary record of a Registered Foreign Lawyer, etc. (hereinafter referred to as “Requestor”) to submit a document with the following matters and his/her seal.

(1) The Requestor’s name, address, and telephone number, or the Requestor’s organizational name, its representative’s name, location of its main office, and telephone number;

(2) When the subject of a disclosure request is a Registered Foreign Lawyer, etc., the name (the name on duty suffices if it has been used by the Registered Foreign Lawyer), the name and address of office, and in the event of a registered foreign lawyer corporation, its name, and the name and address of its main law office;

(3) A summary of the matter which has been or is to be requested or commissioned to the subject Registered Foreign Lawyer, etc. (hereinafter referred to as “Requestee Registered Foreign Lawyer, etc..”);

(4) Reasons for which disclosure is required;

(5) A pledge not to reveal the disciplinary record disclosed by the Federation.

2. A Requestor shall attach, in the case of a natural person, a copy of documents necessary to confirm the Requestor’s identity, and in the case of a juridical person or another organization, a certificate of eligibility, to the document prescribed in the preceding paragraph.

(Method of Disclosure)

Article 6

1. Upon receipt of the document prescribed in the preceding Article, the Federation shall send the Requestor the information prescribed in Article 4 in writing by registered and certified mail without any delay to the Requestor’s address or the location of the main office provided in accordance with Item 1 of Paragraph 1 of the preceding Article unless the Federation recognizes that the reasons for disclosure prescribed in Item 4 of Paragraph 1 of the preceding Article are unreasonable.

2. If there is no record of disciplinary actions prescribed in Article 3 taken against the Requestee Registered Foreign Lawyer, etc., the Federation shall so inform the Requestor by the method prescribed in the preceding Paragraph.

(Additional Notice)

Article 7

In the event that the disciplinary action against the Requestee Registered Foreign Lawyer, etc. has been

rescinded by the final ruling of a lawsuit for cancellation pursuant to Paragraph 1 of Article 102 of Handling of Legal Services by Foreign Lawyers Act (including when the Federation has made the administrative determination to cancel or change the disciplinary action against the Requestee Registered Foreign Lawyer, etc.. upon an appeal for investigation filed pursuant to Article 59 of the Attorneys Act (including when it is applied *mutatis mutandis* as provided in Article 95 of Handling of Legal Services by Foreign Lawyers Act), or the disciplinary action has been rescinded by the final ruling of a lawsuit for cancellation thereof pursuant to Paragraph 1 of Article 61 of the Attorneys Act), the Federation shall notify, if the Requestee Registered Foreign Lawyer, etc. has so requested, the person who received the information prescribed in Paragraph 1 of the preceding Article about the said final ruling (including about the said administrative determination) by registered and certified mail to the address or the location of the main office provided pursuant to Item 1 of Paragraph 1 of Article 5.

(Inquiry)

Article 8

1. A Registered Foreign Lawyer, etc. may make an inquiry to the Federation whether there have been any requests made to disclose his/her disciplinary record in the past three years.
2. An inquiry prescribed in the preceding paragraph shall be made in writing.
3. Upon receipt of an inquiry from an Registered Foreign Lawyer, etc. pursuant to Paragraph 1, the Federation shall provide the following information in writing without delay:
 - (1) Whether there have been any requests to disclose his/her disciplinary record and the number of such requests, if any
 - (2) The number of Requestors
 - (3) Whether his/her disciplinary record has been disclosed and the number of disclosures, if any

(Burden of Expenses)

Article 9

The Federation may charge a Requestor handling fees taking into account actual expenses.

(Regulations)

Article 10

1. The form of the documents prescribed in Articles 5 through 8 shall be stipulated by regulation.
2. The documents necessary for identification prescribed in Paragraph 2 of Article 5 shall be stipulated by regulation.
3. The amounts of fees prescribed in the preceding Article shall be stipulated by regulation.

Supplementary Provision

(omitted)