

## Rules Concerning Disclosure of Disciplinary Records

(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 (hereinafter referred to as “Disciplinary Record”) taken against an attorney or legal professional corporation (hereinafter referred to as “Attorney, Etc.”) pursuant to Paragraph 3 of Article 68-2 of the Articles of Association of Japan Federation of Bar Associations.

(Disclosure Requestor)

### Article 2

Upon the request of a person who has requested or commissioned or intends to request or commission an Attorney, Etc. to handle a legal matter, the Federation may disclose the Disciplinary Record of the Attorney, Etc. (limited to those who are currently attorneys or legal professional corporations) 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 an Attorney, Etc.:
  - (1) Disbarment when the validity of the disbarment 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 Attorney, Etc. has again been registered on the Roll of Practicing Attorneys 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 duration has not been completed and suspension from the practice of law when 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 and the reprimand has been publicized by the Federation or the local bar association in accordance with Article 68-2 of the Articles of Association of Japan Federation of Bar Associations and Article 7 or Article 6 of the Rules concerning Public Notice and Publication of Disciplinary Actions

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) Information on 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 an appeal for investigation in accordance with Article 59 of the Practicing Attorney Law (Law No. 205 of 1949, hereinafter referred to as “the Law”) or a lawsuit for cancellation in accordance with Paragraph 1 of Article 61 of the Law is pending, remarks to that effect
- (5) In the event that the Attorney, Etc. has received a decision to suspend the validity of a disciplinary action, remarks to that effect and the date of the decision
- (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 an Attorney, 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 an attorney, the name and office of the attorney, and in the event of a legal professional 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 Attorney, Etc. (hereinafter referred to as “Requestee Attorney, 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.

\*From the day specified by the Board of Governors within a period not to exceed two years from the date of enactment (December 5, 2008), "the name and office of the attorney" in Item 2 of Paragraph 1 of Article 5 shall be amended to "the name (in the event that the attorney is using his/her professional name, the professional name may be written) and office of the attorney".

(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 proceeding Article are unreasonable.
2. If there is no record of disciplinary actions prescribed in Article 3 taken against the Requestee Attorney, Etc., the Federation shall so inform the Requestor by the method prescribed in the proceeding Paragraph.

(Additional Notice)

#### Article 7

In the event that the Federation has decided to cancel or change the disciplinary action against the Requestee Attorney, Etc. upon an appeal for investigation filed pursuant to Article 59 of the Law, 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 Law, the Federation shall notify, if the Requestee Attorney, Etc. has so requested, the person who received the information prescribed in Paragraph 1 of the preceding Article about the said decision or final ruling 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. An Attorney, 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 Attorney, 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

These Rules shall come into force on July 1, 2009.

Supplementary Provision (Amendment of Article 5 by the Rules on Adjustment of Rules [Except for Those Related to Foreign Special Members] Regarding the Establishment of the Rules Concerning Professional Names) Extract

1. These Rules shall come into force on the day specified by the Board of Governors within a period not to exceed two years from the date of enactment.