

## **I Overview / Background**

### **List of Officers**

President	Kenji YAMAGISHI (Mr.)
Vice President	Yoshifusa SAITO Kazuo HIGUCHI Fukutaka HASHIMOTO Tomoo TAKEI Yutaka SATO Tsuneaki YABUNO Kyoko OGAWA Kazuyoshi KOKETSU Tetsuo YAMASHITA Nobutoshi ICHIMARU Hiroshi MORIYAMA Toru TAKASAKI Mayumi UTSUNOMIYA
Secretary General	Tadashi ARA
Deputy Secretary General	Kazuhiro NAKANISHI Shigeru NIHEI Hirobumi SUZUKI Yuji ONUKI Tomoko SUGANUMA Keiichi NOGUCHI

A PDF file with photos can be found at the following URL:

[http://www.nichibenren.or.jp/library/en/about/data/officers-en\\_2012\\_3.pdf](http://www.nichibenren.or.jp/library/en/about/data/officers-en_2012_3.pdf)

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### **Membership**

The Japan Federation of Bar Associations (JFBA) is an autonomous body comprised of the 52 bar associations in Japan, their individual members, and legal professional corporations.

For all attorneys and legal professional corporations, membership in the JFBA is compulsory.

[As of September 30, 2012]

Local Bar Associations	52
Member Attorneys	32,006
Quasi-members	1
Special Members in Okinawa	9
Registered Foreign Lawyers	355
Legal Professional Corporations	614

## **II Important Activities of the Organization**

### **1 Protection of Human Rights**

The JFBA undertakes human rights activities by establishing a number of committees to cover various themes and aspects of human rights, including the Human Rights Protection Committee, the core committee composed of attorneys nominated by local bar associations. These committees work in collaboration with local bar associations.

The Human Rights Protection Committee categorizes human rights issues into seven areas and conducts study and research in each area. It also provides specific individual relief services when requests are received from the general public.

Another important activity of the Human Rights Protection Committee is seeking relief for people declared guilty through faulty court proceedings when they are in fact innocent. The Retrial Committee, working under the Human Rights Protection Committee, seeks relief in these miscarriages of justice and has indeed proven innocence in more than a dozen retrials.

In addition, the JFBA expands its activities through various committees working on specific issues, including: 1) the attainment of children's rights, including issues regarding the prevention of child abuse and delinquency, 2) the realization of a gender-equal society in which both men and women can participate fully, dealing with various issues concerning the equality of men and women in the areas of labor, education, welfare, etc., 3) the realization of the rights of the elderly and those with disabilities, 4) assistance for victims of crime, 5) environmental issues such as preservation of the natural environment, the prevention of global warming, waste management, antipollution, and other measures striving for the attainment of a resource-recycling society, 6) research into illegal business practices or large-scale cases of consumer victimization, aiming at consumer protection and the prevention of and relief from consumer victimization, and 7) labor and poverty issues.

### **2 Disaster Reconstruction Assistance**

#### **(1) Reconstruction Assistance for Victims of the Great East Japan Earthquake**

For reconstruction assistance for the victims of the Great East Japan Earthquake of March 11, 2011, and for relief for the victims of the accident at Tokyo Electric Power

Company's Fukushima No. 1 nuclear power plant, triggered by the earthquake, the JFBA established its Headquarters for Emergency Disaster Control on the very day of March 11, 2011. Legal consultation services were developed and provided nationwide, with a focus on the disaster-stricken areas, rooted in the basic standpoint of "human reconstruction," seeking the restoration of fundamental human rights for each individual involved.

#### (2) Responses to the Nuclear Power Plant Accident

The JFBA has also been conducting extensive activities for relief of the victims of the accident at Tokyo Electric Power Company's Fukushima No. 1 nuclear power plant, which was triggered by the Great East Japan Earthquake. In regards to claims for damage made by the victims of the nuclear power plant accident, the JFBA has made approaches to seek complete compensation from the Tokyo Electric Power Company, and has sought relief measures for the victims of the nuclear power plant accident, including through the establishment of the Center for Dispute Resolution for Compensating Damages from the Nuclear Power Plant Accident, which makes it possible for the victims to be compensated through simpler proceedings than lawsuits.

### **3 Law-Related Education**

The JFBA has been engaged in "law-related education," which teaches the basic values involved in the law and in legal approaches. As Japanese society moves its focus drastically away from administrative control in advance to judicial remedy after-the-fact, it is more urgent than ever that the general public, particularly children who will lead the future society, understand the role and value of the law so as to foster their motivation for actively participating in the legal process, and acquire the skills necessary to take independent action in accordance with the principles of law.

In connection with this, the JFBA has formulated and implemented law-related education policies, conducted information exchanges with legal professionals, educators, and others, studied and developed law-related education materials to be used in schools, and also supervised the publication of picture books regarding laws, in order to educate primary school children. In addition, it has advocated the establishment of law-related education programs in local bar associations, has conducted training for attorneys and teachers, and has also performed international studies.

Local bar associations, in coordination with schools, have been providing classes whereby attorneys teach in schools, and have been designing "junior law school programs" which provide law-related education to children invited from the public, in addition to providing training for teachers. The JFBA collects and provides related information in addition to providing various other forms of support.

### **4 Efforts to Improve Access to Justice**

### Duty Attorney (*Toban Bengoshi*) System

The Duty Attorney System is a private-sector system created by each local bar association.

When requested by a suspect, prior to indictment, the duty attorney quickly visits the suspect's place of detention and interviews the suspect, regardless of their nationality or visa status. If the suspect is a foreign national, an interpreter accompanies the duty attorney. The first consultation with a duty attorney is basically free of charge, and the interpretation fee is likewise free.

### Establishment and Operation of Bar Funded Law Offices

The JFBA has endeavored to make the judicial system more accessible and open to the general public, and one of its goals has been to create a system to ensure that attorneys are available and situated nearby throughout the country so that the public can quickly and appropriately seek protection of their rights. It has therefore made efforts to eliminate areas suffering from shortage of attorneys.

### Financial Support for the Elimination of Areas with Attorney Shortages

The JFBA commenced a project to provide economic support to areas facing shortages of attorneys from January 2008. This project is intended to encourage attorneys to settle in areas facing shortages of attorneys, with such areas being under the jurisdiction of a branch of a local district court and having populations of 30,000 or more per attorney.

### Legal Counseling Centers

Local bar associations have established legal counseling centers so as to provide all citizens with access to consultation by attorneys anytime, anywhere. The types of consultations provided and consultation fees charged differ from center to center, and many bar associations, besides general legal consultations, offer specialized consultations on issues such as multiple consumer loan problems, family problems, etc.

### Legal Expenses Insurance

The JFBA opened the "JFBA Legal Access Center" in July 2000, which will introduce an appropriate attorney from a bar association to any insured who has purchased legal expenses insurance from an insurance company under an agreement with the JFBA, or upon notification of a case from the insurance company.

### ADR (Alternative Dispute Resolution)

The JFBA believes that lawyers, as experts in legal practice who are at the frontline of dispute resolution, should proactively play central roles in Alternative Dispute Resolution (ADR), which is notable for its simplicity, promptness, and flexibility. Thus,

including activities for the encouragement of establishing ADR in local bar associations, the JFBA conducts various approaches to expand trustworthy and easily accessible ADR for the public.

## **5 Efforts toward the Drastic Reform of Criminal Procedures (see the analysis provided in Section III)**

## **6 Activities Related to the Practice of Law**

### **Legal Practice Reforms**

With the notable increase in the number of attorneys resulting from the judicial reform process, the JFBA, strongly feeling the need to expand, strengthen, and reform the practice of law, has embarked on a program to research, study, and review legal practice in order to envisage an ideal model for the 21st century and to draft and actualize proposals for new systems.

The JFBA has been conducting research and studies, and has implemented various material matters on legal practice reforms, including commencing the provision of attorney-related information services, such as the "Himawari Search" (a system that allows web-based searches for attorneys by fields of law), improving training systems (training programs downloadable via the Internet, etc.), enhancing the number of in-house attorneys into corporations or governmental bodies, verifying the appropriate manner of determining the remuneration system of court-appointed defense attorneys, reviewing the quality of the legal profession, and researching the economic bases of legal practice, to name but a few.

The JFBA has also begun to design programs to strengthen legal specialties and to enable the expansion of law into new fields. In addition, the JFBA is actively identifying new demands for legal services in areas such as legislation, government administration, corporations, and others.

### **Young Professional Assistance**

The JFBA engages in support activities to improve the quality of legal professionals and to enhance operational assistance for young lawyers. Such support activities include the development of career plans for legal apprentices and young lawyers, the promotion of employment in corporations, governmental and public offices, and local governments as part of such career plan formation, assistance for entering law offices, in order to ensure that new lawyers have opportunities to access on-the-job training, and a tutoring system for those lawyers who have commenced their own practices either simultaneously with or at an early stage following their registration as lawyers.

## **7 Promotion of Appointment of Attorneys as Judges**

The term "appointment of attorneys as judges" refers to the appointment of a person as

a judge who has experience as an attorney. In most cases, Japanese judges are appointed as "assistant judges" immediately after completion of their legal apprentice training, and directly become a "judge" 10 years later. The Supreme Court and the JFBA established a new system for the appointment of attorneys as judges in 2002, and have collaborated in the promotion of the system.

## **8 Activities to Improve the Legal System** (see the analysis provided in Section III)

### **9 Training Programs**

The JFBA is enhancing training programs for attorneys in order to maintain and strengthen public confidence in attorneys, and to adequately respond to the public's legal needs. Specific training programs include ethical training, training for newly-registered attorneys, and training to improve practical skills (including training using the Internet).

### **10 Approaches for Realization of Gender Equality**

The JFBA is engaged in promoting gender equality within the Federation itself, in addition to within regional federations and local bar associations and it actively tackles gender problems existing in the judicial field.

### **11 International Activities**

#### **International Human Rights Activities**

The JFBA engages in the research and study of international human rights treaties and other international human rights standards and endeavors to improve the human rights situation within Japan. Specific activities of the JFBA in this field include the submission of NGO reports relating to the UPR (Universal Periodic Review) of Japan to the Office of the UN High Commissioner for Human Rights and alternative reports to respective treaty bodies of the international human rights treaties that Japan has ratified. Furthermore, the JFBA has been accredited with NGO consultative status by the UN Economic and Social Council and has attended sessions of UN meetings, including those of the UN Human Rights Council, in this capacity.

#### **International Exchange Activities**

The JFBA is a member of four international organizations, the IBA (International Bar Association), LAWASIA (the Law Association for Asia and the Pacific), the ICB (International Criminal Bar) and the ILAC (International Legal Assistance Consortium).

The JFBA has also signed memorandums on strengthening legal exchange and friendly mutual cooperation and thereby deepened relationships with legal organizations

overseas.

#### International Cooperation

The JFBA began becoming more active in international cooperation activities in 1995 and, since this time, has sent lecturers to seminars held by various organizations in Japan that invite trainees from overseas and also dispatched attorneys to countries such as Vietnam, Cambodia, Mongolia, Laos, Indonesia, China and Nepal, as JICA (Japan International Cooperation Agency) experts.

#### Provision of Information to Domestic and International Audiences

The JFBA has been actively providing information overseas regarding the human rights situation in Japan, the Japanese legal system, and our organization. For Japanese audiences, the JFBA website features the International Human Rights Library and the World Bar Associations Directory on bar associations/law societies around the world. Furthermore, the JFBA provides information for attorneys who are interested in working in international fields.

#### Overseas Visiting Fellow Program

This program gives attorneys who engage in public-interest activities the chance to study overseas. Agreements were made with New York University in 1997, the University of California, Berkeley in 1999, the University of Illinois in 2007, and the University of Essex in 2011, regarding the taking in of attorneys recommended by the JFBA as visiting fellows or students in the LL.M. (Master of Law) program at law schools (Currently, the LL.M. course is available only at the University of Essex.)

#### Assistance for International Development of Small and Medium Companies

In order to assist with the widespread overseas business deployment of small and medium companies, mainly in Asian countries, and to respond to their needs for legal assistance, the JFBA has engaged in various activities in three fields, namely, the training of attorneys, collaboration with various stakeholders in international business deployment within Japan, and cooperation with overseas bar associations.

### **III Information on Major Legal Issues / Concerns Faced by the JFBA**

#### **1 Efforts toward the Drastic Reform of Criminal Procedures**

In order to prevent false confessions arising from illegal and unreasonable interrogation by investigators, to achieve truly fair trials, and to eliminate false charges, the JFBA demands that the government undertake relevant measures to achieve the video/audio recording of the entire interrogation process, to improve the detention and bail systems, to realize “the principle of equality of arms” including in terms of discovery, to enhance the court-appointed defense counsel system, to abolish

*Daiyo-Kangoku* (detention rooms at police stations being used as substitutes for detention centers), and to establish an independent third party institution for ascertaining the causes for the occurrence of false charges. The JFBA is also working on reforms relating to review of the penal system, suspension of executions, support for victims of crime and the public attendant system for juvenile cases.

## **2 Activities to Improve the Legal System**

Since its inception, the JFBA has conducted research and studies on a wide range of legal systems. It has also formulated opinions and issued recommendations in order for the government to take necessary measures to improve legal systems, including civil law, criminal law, procedural law, civil execution law, bankruptcy law, arbitration law, detention law, administrative law, anti-monopoly law, and labor law. The Legislative Council of the Ministry of Justice has been deliberating on amendments to the Civil Code (Part III Claims) and the Companies Act, and in this regard the JFBA has also been conducting research and studies on related issues and making recommendations to the government.

In recent years, JFBA activities have resulted in amendments to the Administrative Procedure Code; important amendments include, the establishment of a court-appointed attorney system for suspects, the *Saiban-in* (lay judge) system, the labor tribunal system, and the part-time judge system; amendments to the Moneylending Control Law; amendments to the Act on Support for Reconstructing Livelihoods of Disaster Victims; and the establishment of the Consumer Affairs Agency, which comprehensively promotes consumer protection issues.

The research and study of legal systems are ordinarily undertaken by committees comprised of members with a high degree of interest and expertise in the areas concerned.

## **IV Developments and Challenges for the Legal Profession in 2011-2012**

### **The Population of Legal Professionals**

In order to disseminate the rule of law throughout every corner of society, through the expansion of activity areas for legal professionals and the arrangement of a new system to nurture legal professionals, with a focus on law schools, the Recommendations of the Justice System Reform Council proposed in 2001 that 3,000 people should pass the bar exam per year by around 2010 and that the number of working legal professionals should be roughly 50,000 by around 2018. In response to the aforementioned proposal, the government subsequently increased the number of legal professionals, aiming for the realization of a “3,000-new legal professionals system” in terms of the number of people passing the bar exam by around 2010 (with an increase to approximately 35,000 legal professionals by 2011, up from approximately 17,000 in 1991). The number of persons passing the bar exam was 2,102

in 2012.

The JFBA has used its utmost endeavors to preserve the number of legal professionals needed by the public, while attempting to maintain and improve the quality. However, it is now understood that the new system of nurturing legal professionals centering on law schools is not functioning sufficiently in maintaining the “quality of legal professionals.” Moreover, the related reform of the basic legal infrastructure, such as with the expansion of the civil legal aid system, is only making progress at a sluggish pace. It cannot be recognized at present that the quantitative increase and diversification in the demand for legal professionals predicted by the Recommendations of the Justice System Reform Council have actually taken place. Furthermore, although an increase in the number of judges and public prosecutors was attempted, it is the reality that only a slight increase has taken place and only the number of attorneys has sharply increased. This phenomenon has caused serious problems, including a concern about numerous new lawyers who lack sufficient practical experience and ability due to a shortage of on-the-job training caused as a result of the difficulty of finding employment for new lawyers, and a decrease in the number of candidates seeking to become legal professionals. Furthermore, governmental approaches to expand the area of activities for legal professionals have not yet progressed. Therefore, in order for the JFBA to review policies on the number of legal professionals, it established the “Committee on Policy for the Number of Legal Professionals” in June 2010, and a great deal of reviews have taken place regarding such policies. Based on a final summary of discussions of the said Committee, the “Proposal on Policy on the Number of Legal Professionals” (March 15, 2012) was published. The proposal suggests that, in order to solve the aforementioned problems and realize a judicial system catering to the needs of the public, first of all, the number of persons passing the bar exam be decreased to 1,500 persons a year, and the pace for increasing the number of legal professionals be slowed. The proposal also suggests that, further decreases in population of legal professionals be considered reviewing the degree of maturity of the system for nurturing legal professionals, the level of actual legal demand, and the resolution of the aforesaid problems.