

National Report: JAPAN

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1. Country details:

Name, Population, GDP, Poverty line / % of population deemed to be living in poverty, number of practicing lawyers in the jurisdiction.

1.1 Name

Japan

1.2 Population

126,230,000 in April 2019

1.3 GDP

4.96 trillion US Dollars in 2017 (110 Japanese Yen to the US Dollar)

1.4 Poverty line / % of population deemed to be living in poverty

Relative poverty rate is 15.7% in 2015

1.5 Number of practicing lawyers in the jurisdiction

The number of practicing lawyers in March 2018 is 40,066. The number of lawyers in 2001 was 18,243 so it has doubled in this two decades and it has been increasing every year.

2. Legal Aid Organization / Authority:

Name and Status of LAO (Independent, within Government, part of the Bar Association / Law Society, Public Defenders Office etc.). Delivery method (salaried, private profession, paralegals etc. Please give numbers for each sector. If mixed please give the division of labor and balance of the mix). What payment methods are used to recompense any private lawyers in your system

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(e.g. contract, fixed fee, hourly rate, part pro bono, etc.)?

2.1 Name of Legal Aid Organization

The Japan Legal Support Center (JLSC)² established in April 2006 under the Comprehensive Legal Support Act³ operates both civil and criminal legal aid since October 2006.

2.2 Status of Legal Aid Organization (Independent, within Government, part of the Bar Association / Law Society, Public Defenders Office etc.)

The JLSC is a quasi-independent public corporation established with funding from the national government. Its organizational framework follows that of an incorporated administrative agency. The president of the JLSC, as the executive head of the organization, presides over and is also responsible for the JLSC's business administration. Nomination of the president is made by the Minister of Justice after obtaining an opinion from the Supreme Court. The president is assisted by four executive directors appointed from a wide range of professions, not just legal professionals.

The Comprehensive Legal Support Act authorizes the Minister of Justice as the supervising authority and directs the JLSC in achieving its mid-term objectives concerning business administration goals to be accomplished within the next four years. In accordance with mid-term objectives, the JLSC sets up its mid-term and annual plan, and independently proceeds with its operational provision of services. Each year, the business performance is evaluated by the Evaluation Committee set up in the Ministry of Justice.

2.3 Delivery method (salaried, private profession, paralegals etc. Please give numbers for each sector. If mixed, please give the division of labor and balance of the mix).

Private attorneys, salaried staff attorneys and judicial scriveners provide legal aid services. Representation services are mainly provided by the attorneys and document preparation services are mainly provided by the judicial

² Japan Legal Support Center (<https://www.houterasu.or.jp/en/index.html>)

³ Comprehensive Legal Support Act
(<http://www.japaneselawtranslation.go.jp/law/detail/?id=1832&vm=04&re=01>)

scriveners. Usually, an attorney who first provides consultation service (initial advice) will be the provider of representation. Because of history of civil legal aid in Japan and limited number of staff attorneys, ratio of representations provided by staff attorneys is not high (estimated ratio is around 4 percent of total cases.).

One-fourth of salaried staff attorneys are stationed on a regular basis in rural areas where residents cannot easily access legal services such as due to a limited number of attorneys in the area.

Other salaried staff attorneys are developing measures to assist elderly people with cognitive impairment in recent years. They attempted to contact with the members of local governments in charge of social work and started legal help for elderly persons in cooperation with local governments and welfare agencies. These services were named “Legal Social Work” by them.

< Numbers for each sector in 2017 and division of labor >

	Number	division of labor
private attorneys providing civil ⁴ legal aid	22,346	full range
staff attorneys ⁵	215	full range but especially focused on - legal services in rural areas - Legal Social Work in recent years
judicial scriveners	7,294	document preparation services

2.4 What payment methods are used to recompense any private lawyers in your system (e.g. contract, fixed fee, hourly rate, part pro bono, etc.)?

In consultation case (initial advice), method of fixed fee is used.

In representation case, method of fixed fee is used basically, plus some additional amount would be paid in the difficult case. The amount of compensation for representation case is lower than the market price and bar associations are demanding an increase of the fee.

Details are stated in the statement of operation procedure. For example, in consultation case, 5400 yen (approximately 49 US dollars) would be paid to the attorney (consultation within 30 minutes). For representation case, the amount of compensation is different according to cases. For example, in divorce case

⁴ The number of attorneys providing criminal legal aid is 27,667 in 2017.

⁵ Staff attorneys provide both civil and criminal legal aid.

without monetary claim, attorneys would be paid 194,400-248,400 yen (approximately 1,767 - 2,258 US dollars) for retainer charge (advanced remuneration) and 35,000 yen (approximately 318 US dollars) for actual expenses for litigation. If the litigation is finished and the recipient could get divorce as a result of the procedure, the attorney would be paid 64,800 - 129,600 yen (approximately 589 - 1,178 US dollars) for success fee.

3. Budget and Spend:

Please give the budget for Publicly Funded Legal Services / Legal Aid in your jurisdiction for the last two years. If possible, show the actual expenditure broken down by civil, criminal, initial advice. Please indicate the proportion of the legal aid budget that is funded by (a) central / Federal Government (b) Local or state government. Is your legal aid budget demand led, capped, uncapped or a mixture? (Please elaborate).

3.1 Budget for Publicly Funded Legal Aid for the last two years.

	2017	2018
Criminal Legal Aid	140 million USD	149 million USD
Others including Civil Legal Aid	140 million USD	138 million USD

(110 Japanese Yen to the US Dollar)

Since established in 2006, the JLSC has had its annual budget increased consistently every year. However, in a time of austerity, momentum of budgetary expansion stopped in 2012 and the further expansion in the future seems unclear.

3.2 Actual expenditure broken down by civil, criminal, initial advice

	2017	2018
Civil and Criminal Legal Aid (including Initial Advice)	294 million USD	299 million USD
Initial advice	14.9 million USD	15.1 million USD

(110 Japanese Yen to the US Dollar)

Actual expenditure broken down between civil and criminal is estimated at approximately half and half.

3.3 Proportion of the legal aid budget that is funded by (a) central / Federal Government (b) Local or state government.

Almost all the legal aid budget is funded by central Government.

3.4 Is legal aid budget demand led, capped, uncapped or a mixture?

On the contrary to criminal legal aid budget reflected from constitutional point of view, civil legal aid budget is capped in principle, but supplementary budget can be admitted relatively flexibly to this date in the case of an emergency, for example in the event of a natural disaster.

4. Scope, Caseload and Eligibility:

What restrictions on scope are there for civil and criminal legal aid and for initial advice in your jurisdiction? Total number of applications and grants for the last two years. Please break down by civil, criminal and initial advice as well as by year. Proportion of the population eligible for civil legal aid and/ or initial Advice. Eligibility limits for criminal legal aid. Are means tested contributions part of your (a) civil (b) criminal (c) initial advice eligibility requirements? In your jurisdiction, are legal aided litigants who lose their case liable to pay the other side's legal expenses/ costs?

4.1 Restrictions on scope for civil and criminal legal aid and for initial advice

Scope for civil legal aid and for initial advice

Publicly-funded civil legal aid is a system for citizens who face legal problems but have financial difficulties for getting advice mainly from attorneys. Japanese citizens or foreign nationals lawfully residing in Japan are eligible for civil legal aid services and initial advice. Civil legal aid and initial advice is available for any civil, family or administrative matters that are subject to the civil legal procedures.

Administrative procedure and administrative appeal procedure are excluded from legal aid because those are not legal procedure. But the amended Act in 2016 lifted the restriction partially and the elderly / disabled person with cognitive impairment could be represented in administrative appeal procedure relating to

public support if they were eligible for stated financial condition.

Publicly-funded legal aid is provided to foreign citizens who have resident status. For those who have no resident status, the Japan Federation of Bar Associations provides funds. Since the expansion of refugees and immigrants who have no resident status has become the issue to be overcome throughout society, it is a matter how legal aid should be expanded in the future.

Scope for criminal legal aid

Publicly-funded criminal legal aid is composed of three programs; 1) defense for the suspects, 2) defense for the defendants at trial and 3) accompany aid for the juveniles at family court. As entrusted by the state, upon court's request, the JLSC selects candidates for defense counsel from a list of attorneys registered with the JLSC. Defense activity for suspects is provided in detention institution, such as police station, and defense activity for defendants is provided at court.

In 2009, the scope of court-appointed defense counsel for suspects was expanded, and consequently the number of applicable cases increased by ten times. In 2016 the scope of cases for suspects was more expanded, and all suspects detained in custody could get advice by the defense counsel.

In 2014, the scope of cases for juvenile was also expanded and applicable cases increased rapidly.

Publicly-funded criminal legal aid for the suspects is provided to detained suspects after being arrested. For those who are arrested before the decision of detention, the Japan Federation of Bar Associations provides funds ("Duty Attorney System" funded by Bar Associations). It is a matter how publicly-funded criminal legal aid should be expanded to those arrested in the future.

4.2 Total number of applications and grants for the last two years, break down by civil, criminal and initial advice as well as by year

< Total number of grants - Civil legal aid >

	2016	2017
initial advice (legal consultation aid)	298,220	302,410
representation aid	108,583	114,770

< Total number of grants - Criminal legal aid >

	2016	2017
detained suspects	65,789 (64% of total detained suspects)	63,319 (65% of total detained suspects)
defendants at trial	49,963 (85% of total defendants)	47,450 (85% of total defendants)
accompany aid for the juveniles at family court	3,246 (12% of total juveniles at family court)	3,117 (13% of total juveniles at family court)

4.3 Proportion of the population eligible for civil legal aid and/ or initial Advice

An estimated about 20% of the population are eligible for civil legal aid and initial Advice.

4.4 Eligibility limits for criminal legal aid. Are means tested contributions part of your (a) civil (b) criminal (c) initial advice eligibility requirements?

Means test for (a) civil legal aid and for (c) initial advice and contribution

Means test for (a) civil legal aid and for (c) initial advice are common. The applicant's income and assets must be below a certain amount shown below.

< Monthly income (after tax) must be below a certain amount >

Single-person household	Two-person household	Three-person household	Four-person household
1,655 USD or less	2,282 USD or less	2,473 USD or less	2,718 USD or less

(110 Japanese Yen to the US Dollar)

The amount of rent or housing loan payment, if any, will be added to the above amount up to the certain maximum amount.

< Assets (total cash and deposit savings) must be below a certain amount >

Single-person household	Two-person household	Three-person household	Four-person household
16,364 USD or less	22,727 USD or less	24,545 USD or less	27,273 USD or less

less	less	less	less
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(110 Japanese Yen to the US Dollar)

There are three exceptions regarding above means test. Amendment of the Comprehensive Legal Support Act in 2016 stipulated that 1) Elderly or disabled persons with cognitive impairment could be granted legal consultation aid without means test. 2) Victims of big disaster living in the area specified in the government ordinance could be granted free legal consultation aid without means test. 3) Victims of stalking and DV (including maltreatment of children and violence by spouse) could be granted legal consultation aid without means test.

Among the programs, initial advice is provided without any contribution of the recipient, but recipient of legal representation must repay the costs paid to the attorneys, in monthly installment to the JLSC. Recipients living on welfare are suspended from repayment until the conclusion of the case and they are entitled to exemption finally after their financial difficulties were confirmed again.

Means test for (b) criminal legal aid and contribution

The applicant's total cash and deposit savings must be below 4,545 USD. However, if applicants can not hire private attorneys successfully, they can apply to criminal legal aid even when their total cash and deposit savings is 4,545 USD or over.

On the contrary to civil legal aid, recipients of criminal legal aid do not have to repay the costs usually because of their financial difficulties.

4.5 Are legal aided litigants who lose their case liable to pay the other side's legal expenses/ costs?

Legal aided litigants who lost their case do NOT have to pay the other side's legal expenses/ costs in Japan.

5. Quality Assurance:

System used – Complaints to LAO, Complaints to the Bar Association/ Law Society, Client Satisfaction questionnaires / interviews, CLE, Mentoring, Peer Review, Supervisor audit, Observation or video/audio tape etc?

5.1 System used – Complaints to LAO, Complaints to the Bar Association/ Law

Society, Client Satisfaction questionnaires / interviews, CLE, Mentoring, Peer Review, Supervisor audit, Observation or video/audio tape etc.?

The merits of outputs (for example, peer review or audit) is not adopted to this date as the method of assuring quality and is the future issue in Japan.

Role of Bar Association

Primary responsibility of assuring quality is in Bar Association not in LAO due to historical reason.

Anyone may file a complaint for disciplinary action against an attorney with the local bar associations to which the attorney belongs. When a complaint is filed, the bar associations is obliged to initiate disciplinary procedures and have the matter investigated by its Disciplinary Enforcement Committee comprised of members including those chosen from outside the bar associations, such as judges, prosecutors, and other people such as scholars, as well as attorneys.

Role of LAO

Providers must submit result report to the JLSC after accomplishing the case.

The JLSC watches a progress of cases and requires an interim report to the provider in necessary occasion. After receiving a result report, the JLSC decides the amount of success fee after inspection of the report, if necessary. The JLSC also decides the final amount of money to be refund by the recipient when closing the case.

If providers violate their duties stipulated by the contract and other matters between JLSC and providers, Judging Committee comprised of members including those chosen from outside the bar associations, such as judges, prosecutors, and other people such as scholars, as well as attorneys examine those matters and terminate the contract or refuse the contract renewal.

Peer Review, Supervisor audit, Observation or video/audio tape etc. are not adopted so far and will be future issue in Japan.

Client Satisfaction questionnaires / interviews is conducted in some JLSC services such as Call Center service to measure the quality of the operators. But the JLSC has not put wide-scale research about satisfaction of civil and criminal legal aid recipients so far.

5.2 What requirements are there (if any) for lawyers and others who wish to provide legal aid, other than membership of the Bar / professional association e.g. registration, experience, special exams, interviews, upper or lower limits on number of cases undertaken annually etc.?

There is no unified requirements nationwide and depends on local bar associations. Some bar associations require the provider experience, special training, or on-the-job training in order to be registered on the list of legal aid provider. Other bar associations do not require anything other than membership of the Bar association.

6. Public Legal Education:

Initiatives in last two years to increase public awareness of the availability of PFLS/ legal aid in your jurisdiction and how to access it. (Include any particular approach for those in remote areas or those with special legal needs). IT packages introduced to enhance access for the public. Has there been a country wide Needs Assessment study in your jurisdiction in recent years, looking at the distribution of justiciable problems and how the public respond to them?

6.1 Initiatives in last two years to increase public awareness of the availability of PFLS/ legal aid and how to access it. (Include any particular approach for those in remote areas or those with special legal needs)

District offices of the JLSC provide legal education for the residents of each community, and staff attorneys participate in it as the main lecturer but there is no assessment.

Local Bar Associations also provide legal education for the residents of each community, and private attorneys participate in it as the main lecturer but there is no assessment.

6.2 IT packages introduced to enhance access for the public

Providing Information at the Call Center

The JLSC has Call Center. Its business hours are from 9 am to 9 pm on weekdays, and 9 am to 5 pm on Saturdays. Anyone can make a call for getting information for resolving legal problems for free. Operators who have completed

certain trainings (not attorneys) answer the calls.

The total number of inquiries received at the Call Center was 349,599 in 2016, 339,344 in 2017.

E-mail through Website

The JLSC accepts email inquiries through the JLSC's website. The website also provides a keyword-searchable section of FAQs (approximately 5,000 Frequently Asked Questions). Information regarding the 24,000 access points across Japan is also searchable on the website

6.3 Has there been a country wide Needs Assessment study in recent years, looking at the distribution of justiciable problems and how the public respond to them?

In 2008, the JLSC conducted a legal needs survey concerning legal aid. The result of the survey showed that 25.2 percent of the respondents had experienced some legal problem in the past 5 years. Based on the results, it was estimated that needs for legal consultation would be 580,000~830,000 cases (2.4 to 3.5 times as many as actual legal consultation aid cases handled in 2009), and needs for civil legal representation case were 160,000~300,000 cases (1.5 to 2.8 times as many as actual representation cases handled in 2009).

In 2012, the JLSC conducted a legal needs survey in the most damaged areas of the Great East Japan Earthquake. The result of the survey showed that 40.1 percent of respondents (victims of the disaster) had experienced some legal problems because of the disaster (including the nuclear plant accident), and there are needs for providing effective legal services for victims in such a special circumstance. The JLSC made the reports of the survey in 2012 and 2014, which were considered as valuable materials for the expert study group set in the Ministry of Justice for inspection of the operation of the Comprehensive Legal Support Act in 2014.

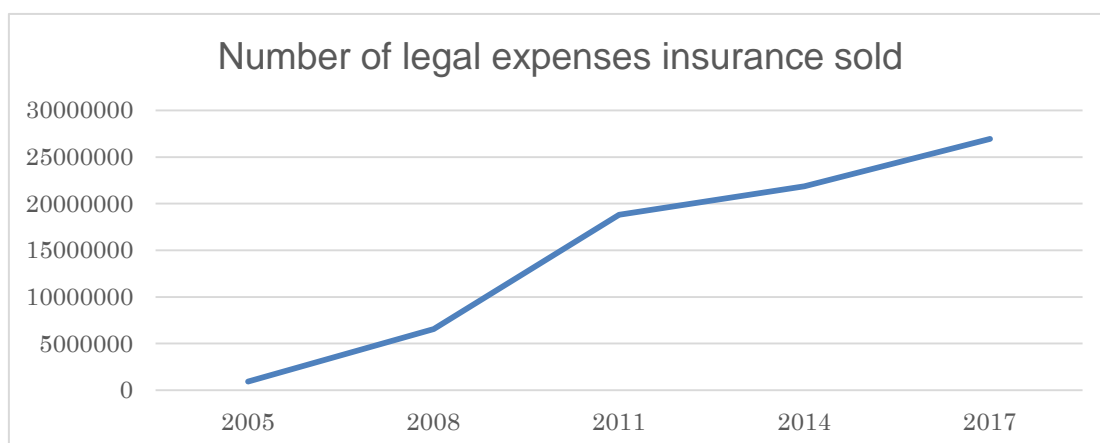
7. Alternative Sources of legal services:

What are the other principal sources of legal help for disadvantaged citizens in your jurisdiction, and how many clients do they assist annually (e.g. legal expenses insurance, trade unions, claims companies, community law clinics,

university law clinics etc.)?

Legal expenses insurance

The other principal sources of legal help next to legal aid is legal expenses insurance in Japan. Number of legal expenses insurance sold is rapidly increasing in recent decades. 26,171,407 legal expenses insurance were sold in 2016 and 26,943,888 were sold in 2017.



Bar-Funded legal services (Bar Funded Law Offices, Legal Counseling Centers, and Duty Attorney System)

Apart from the above-mentioned publicly-funded legal aid provided by the JLSC, Japan Federation of Bar Associations (JFBA) and local bar associations play a significant role to enhance Access to Justice in Japan.

First one is Bar-Funded Law Offices. The JFBA has contributed to create a system that would ensure that lawyers are available and nearby throughout the country by eliminating areas where the number of lawyers is extremely low. As part of this, the JFBA, local bar associations, and regional federations of bar associations established "Himawari Fund Law Offices" in rural area, which are operated by private lawyers but are provided with assistance to cover their opening and administrative costs as well as the operations thereof by the JFBA, local bar associations, and regional federations of bar associations on condition that they provide a certain level of public service in the form of court-appointed defense attorneys and legal aid services on civil cases. Some local bar associations have also established "Public Law Offices " in order to enhance legal access to people living in urban areas, especially to those who may have

difficulties in finding lawyers for financial and other reasons. There are also “Public Law Offices” which mainly conduct activities providing legal services for foreign nationals or providing clinical programs at law schools.

Second one is Legal Counseling Centers. Local bar associations establish legal counseling centers for the purpose of providing all the residents with access to legal consultations anytime, anywhere. The variety of issues including multiple consumer loan problems, family problems, trouble at workplace, and other specialties are handled at each counseling centers and some of them provide night time consultation services.

Third one is Duty Attorney System. The Duty Attorney System is a private-sector system created by bar associations in order to effectively guarantee the right of arrested suspects to defense counsel in the absence of a court-appointed attorney system at the arrested stage. When requested by arrested suspect, the duty attorney visits the police station and interviews the arrested suspect for free of charge, regardless of nationality or visa status. If the suspect is a foreign national, an interpreter accompanies.

< Bar-Funded Legal Services >

Bar-Funded Law Offices	45 offices in rural areas in 2018 13 offices in urban areas in 2018
Legal Counseling Centers	50 local bar associations are setting up the Legal Counseling Centers in each region and about 300,000 legal counseling are provided nationwide each year in recent years. It depends on local bar associations whether services are free or not.
Duty Attorney System	52,980 visits to police station in 2017. Services are free.

8. Holistic legal services:

Is your jurisdiction exploring link ups between legal services providers and non-lawyer professionals e.g. health / justice partnerships, social work / justice collaboration, or other forms of “one stop shop”?

JLSC and Bar Associations are collaborating and developing measures to assist elderly people with cognitive impairment in recent years. Especially advanced staff attorney of JLSC and private practitioners attempted to contact

with the members of local governments in charge of social work and started legal help for elderly persons in cooperation with local governments and welfare agencies. These services were named “Legal Social Work” by them.

Based on these “Legal Social Work” and considering social changes toward aging society, the amendment of the Comprehensive Legal Support Act was enacted in 2016 and Japan is in the second phase of the comprehensive legal aid. The main point of the amendment is that the elderly and disabled persons with cognitive impairment could be granted legal consultation aid regardless of their financial resources.

As above stated, the revised act lifted the financial eligibility requirements for legal consultation to those who have special needs such as elderly and disabled with cognitive impairment. These amendments mean Japanese legal aid shifted from the traditional poverty law which targets only indigent people into the modern social welfare law to meet the special needs for vulnerable people.

9. UN SDG Standard 16.3

Please identify any steps being taken to articulate and elaborate Sustainable Development Goal 16.3 in your jurisdiction.

The Government of Japan identified the steps for SDG Standard 16.3 in March 2017⁶. Some of the steps regarding Access to Justice are as follows.

(1) Enhancement of comprehensive legal support

Outline of the Measures

JLSC provides Information Services, Civil Legal Aid, Services relating to Court-Appointed Defense Counsel, Services for areas with insufficient legal services and Support for victims of crime, across the country, thereby enhancing comprehensive legal support.

Indicator

- Number of the Center’s information provision cases
- Number of lawyers who have concluded agreements with the Center for the aforementioned services

(2) The 14th United Nations Congress on Crime Prevention and Criminal Justice

⁶ JAPAN The SDGs Implementation Guiding Principles, Ministry of Foreign Affairs March 2017, p35-36 (<https://www.mofa.go.jp/mofaj/gaiko/oda/sdgs/pdf/000252819.pdf>)

to be held in Japan in 2020

Outline of the Measures

As the host country of the Congress, draft a political declaration that contributes the promotion of rule of law etc.

Indicator

- Number of participants in the Congress
- Records of PR activities for the Congress
- Records of activities conducted in line with the political statement

(3) Promotion of support for developing countries to establish legal systems

Outline of the Measures

Support developing countries in drafting bills, establishing legislation process, improving the abilities of organizations to execute, operate, and to apply the laws to solve conflicts, increasing people's access to legal and judicial systems, and developing necessary human resources.

Indicator

- Number of participants in training courses held in Japan
- Number of individuals invited to conduct joint research in Japan