

National report: JAPAN

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1. Country information:

Country : Japan

Legal Aid Organization : Japan Legal Support Center

Date of Establishment : April 10, 2006

Poverty Line & Percentage of Population in Poverty : 1,120,000yen, 16%¹

Total No. of Practicing Lawyers (as of March 2014) : 35,045

Total No. of Staff Lawyers 243(0.7%)

Total No. of Legal Aid Lawyers : Civil and family Panel 19,159 (54.7%)

Criminal Panel 24,055(68.6%)

Juveniles Panel 9,637(27.5%)

Victims Support Panel 3,700(10.6%)

Population : 127,187,000

GDP : 472,596 billion yen (2012)²

Total No. of Cased in the Past Year (From Oct.2006 to March 2014)

Types of Legal Aid		Application	Approved	Denied
Civil Legal Aid	Legal Consultation	-	1,802,774	-
	Representation	762,395	711,784	8,908
	Documentation		41,703	
Criminal Legal Aid	Suspects	-	297,273	-
	Defendants	-	454,139	-
	Juveniles	-	2,606	-
Crime Victims		-	1,431	-

¹ As of 2009, Ministry of Ministry of Health, Labor and Welfare

<http://www.mhlw.go.jp/toukei/saikin/hw/k-tyosa/k-tyosa10/2-7.html>

The poverty line is by here taken as half the median household income.

(OECD)<http://www.oecd-ilibrary.org/sites/factbook-2010-en/11/02/02/index.html?itemId=/content/chapter/factbook-2010-89-en>

² http://www.esri.cao.go.jp/en/sna/data/kakuhou/files/2012/26annual_report_e.html

2. Organization

The Japan Legal Support Center (JLSC) was established on 10 April, 2006 by the Comprehensive Legal Support Act ³ (approved and promulgated in 2004). The JLSC is a public corporation funded from the national government. This requires that the administration and activities of the JLSC must be fair, neutral and highly transparent, and its organizational framework follows that of an incorporated administrative agency. Incorporated administrative agency refers to a legal entity established in accordance with legislation for the purpose of efficient and effective implementation of public business and fulfilling duties that are essential for people's lives, which may not be necessarily appropriate for direct implementation by the government while at the same time may not be accomplished solely by the private sector.

Although the JLSC is under jurisdiction of the Ministry of Justice, the Supreme Court also participates in establishment and administration of the JLSC, because the JLSC provides services and activities relating to the fundamental basis of the judicial system such as services relating to court-appointed defense counsel and civil legal aid.

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 and not just legal professionals.

3. Organization and the recent business figures:

(a) Organizational structure

The JLSC is headquartered in Tokyo and has 110 local offices throughout the country (as of March 2014). There are four types of local offices: (1) district office, (2) district branch office, (3) sub-branch office, and (4) local law office.

The JLSC provides five services; information services, civil legal aid, services related to court-appointed defense counsel, crime victim support and the services in the area with limited legal services. Each type of office operates a respective range of services.

(1) District Offices

District offices are set up at 50 locations at each of the main benches of the district courts. Each district office provides all services provided by the JLSC.

³ <http://www.japaneselawtranslation.go.jp/law/detail/?id=1832&vm=04&re=02>

(2) District Branch Offices

District branch offices are set up at 11 locations in cities with high populations or with a significant number of matters before the court where the relevant district office cannot sufficiently cover the area by itself. These offices provide the five principal services of the JLSC.

(3) Sub-Branch Offices

There are three sub-branch offices in Tokyo and one in Osaka (as of March 2014). Sub-branch offices provide information services and civil legal aid. By March 2013, the JLSC had set up seven sub-branch offices in Iwate, Miyagi, and Fukushima prefectures, the main disaster areas of the Great East Japan Earthquake.

(4) Local Law Offices

Local law offices are established in regions where residents cannot easily access legal services such as due to a limited number of attorneys in the area. As of March 2014, there are 37 local law offices where the JLSC's staff attorneys are stationed on a regular basis.

(b) Analysis of the matter types aided in the past year.

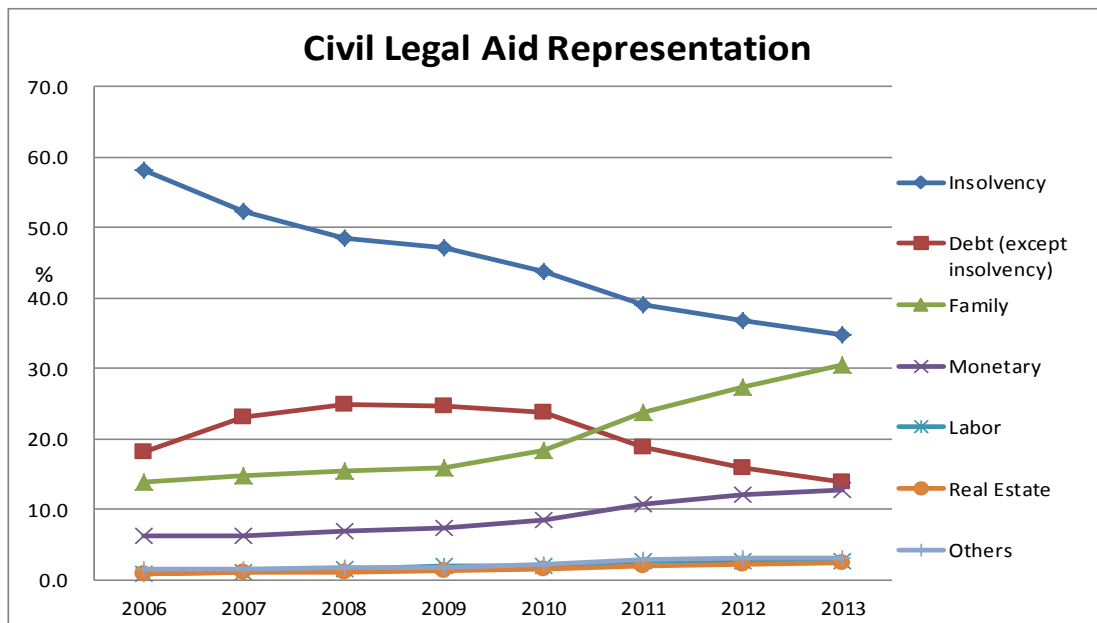
(1) Performance of 8 years

		2006 Oct- March)	2007	2008	2009	2010	2011	2012	2013
Information Service	Call Center	128,741	220,727	287,897	401,841	370,124	339,334	327,759	313,488
	Local Office	—	—	188,661	247,172	234,614	198,963	210,432	209,093
Civil Legal Aid	Legal Consultation	64,837	147,430	179,546	237,306	256,719	280,389	314,535	322,012
	Representation	32,768	68,910	80,442	101,222	110,217	103,751	107,718	106,756
	Documentation	2,024	4,197	5,101	6,769	7,366	6,164	5,449	4,633
Criminal Legal Aid	Suspects	3,436	6,775	7,415	61,857	70,917	73,209	73,664	72,118
	Defendants	37,717	71,305	69,756	74,658	69,634	67,374	63,695	60,269
	Juveniles	—	210	533	552	423	469	419	445
Court- appointed counsel for Crime Victims		—	—	29	204	231	282	302	383

(2) Civil Legal Aid

In civil legal aid, the ratio of family cases such as divorce, custody and child support and so on is increasing.

On the contrary the ratio of debt problems is decreasing. Debt problems include insolvency, court mediation and negotiation.



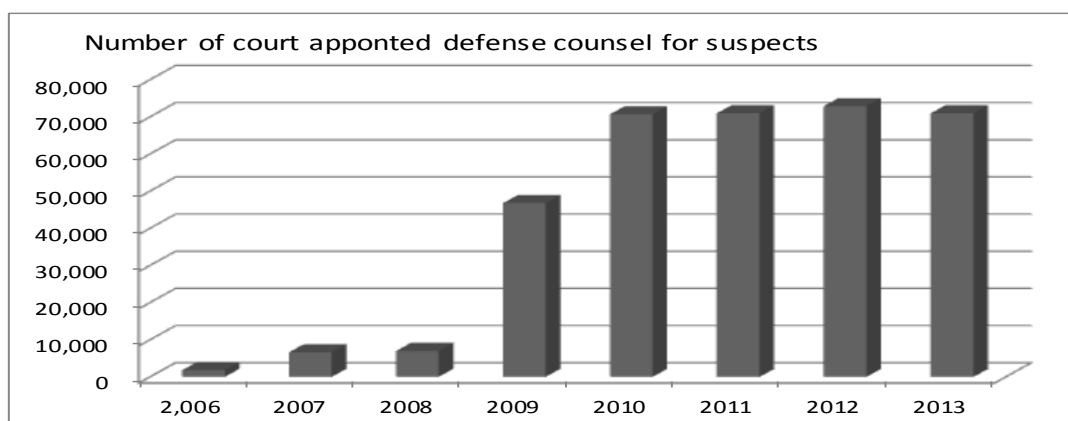
	2006	2007	2008	2009	2010	2011	2012	2013
Insolvency	58.2	52.3	48.4	47.1	43.7	39.0	36.8	34.7
Debt (except insolvency)	18.2	23.0	24.8	24.7	23.7	18.9	15.9	13.9
Family	13.9	14.8	15.5	15.9	18.5	23.8	27.4	30.6
Monetary	6.3	6.3	6.9	7.3	8.5	10.8	12.0	12.7
Labor	0.9	1.0	1.6	2.0	1.9	2.6	2.6	2.7
Real Estate	0.9	1.0	1.0	1.2	1.5	2.0	2.2	2.4
Others	1.6	1.6	1.8	1.8	2.2	2.9	3.1	3.0
	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

(3) Criminal legal aid

In 2009, the scope of court-appointed defense counsel was expanded, and consequently, the number of court-appointed defense counsel for suspects increased by approximately 10 times.

Number of court appointed defense counsel for suspects

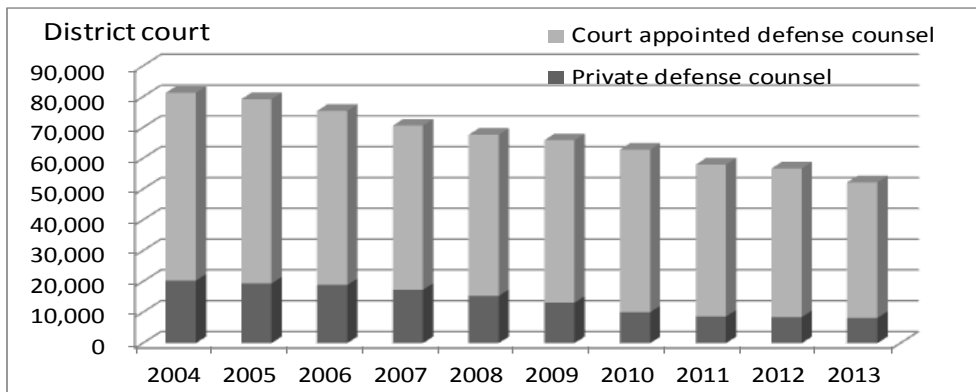
year	2,006	2007	2008	2009	2010	2011	2012	2013
number	1,760	6,625	6,964	46,765	70,675	70,960	72,871	70,956



Defense counsel for defendants

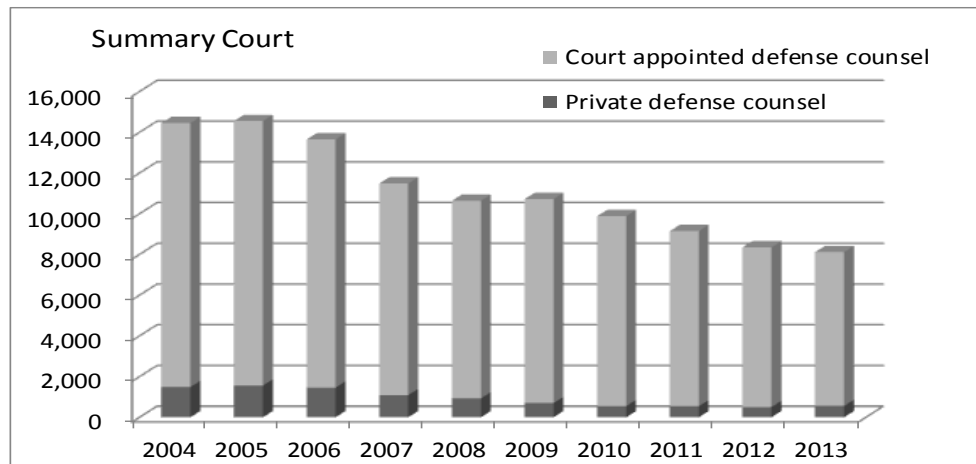
(1) District Court

	Private defense counsel	Court appointed defense counsel	ratio of court appointed defense counsel
2004	20,283	60,968	75.0%
2005	19,366	59,837	75.5%
2006	18,880	56,490	75.0%
2007	17,339	53,271	75.4%
2008	15,343	52,301	77.3%
2009	13,117	52,758	80.1%
2010	10,061	52,779	84.0%
2011	8,639	49,329	85.1%
2012	8,459	48,275	85.1%
2013	8,198	44,031	84.3%



(2) Summary Court

	Private defense counsel	Court appointed defense counsel	ratio of court appointed defense counsel
2004	1,483	12,965	89.7%
2005	1,564	12,985	89.3%
2006	1,460	12,186	89.3%
2007	1,092	10,390	90.5%
2008	929	9,703	91.3%
2009	695	10,020	93.5%
2010	550	9,326	94.4%
2011	543	8,599	94.1%
2012	498	7,842	94.0%
2013	555	7,554	93.2%



(c) Number and percentage of cases conducted by staff attorneys and private practitioners

Most of the cases are conducted by private practitioners. The percentage of the case conducted by staff attorneys in FY2013 is 3.7% in civil legal aid and 2.7% in criminal legal aid.

4. Funding arrangements:

(a) sources of funding

Funding of JLSC is divided into two categories; services relating to court-appointed defense counsel and the other services.

The total budget of JLSC in FY2012 is approximately 48 billion yen.

The breakdown is as follows;

15 billion yen (31%) is for services relating to court-appointed defense counsel and it is fully funded by the government. There is no cap on court-appointed defense counsel expenditure.

For other services (civil legal aid, information services, crime victim support and services in the area with insufficient legal services), 16 billion yen (33%) from the government, 11 billion yen (23%) from the civil legal aid recipient for repayment, 4 billion yen (8%) from other business income and 2 billion yen (4%) from JFBA. These services have caps on annual spending.

(b) Large-scale funding cuts and the strategies

The JLSC has never experienced large-scale funding cuts, because its scope of services has been expanded. Especially criminal legal aid, victims support and the services in the area with insufficient legal services are expected to expand more.

But the JLSC is required to make the effort for the improvement of the efficiency because its organizational framework follows that of an incorporated administrative agency. JLSC Medium-term plan (2014-2017) stated it reduces general administrative costs by 3% and project costs by 1% every year.

(c) What is the percentage of funding spent on paying lawyers' fees.

As mentioned in 3(c), most of the expenses not only civil and criminal legal aid but other expenses such as personnel costs are for delivering services by private practitioners.

(d) Assistance covering costs such as court costs, government charges.

A recipient of civil legal aid lacks the financial resources to pay the expenses necessary for preparing for and conducting a suit, the attorney of the recipient is

required to make a petition for judicial aid. If a person receives an order to grant judicial aid he/she is suspended to pay the court costs. If the court does not make an order to grant judicial aid, and JLSC deems it appropriate and necessary, the court costs may be covered by JLSC. Government charge such as fee for issuing resident certificate, official family registry and other official certificates etc. is included in the actual expenses which shall be paid by JLSC.

5. Evaluation of the performance

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. This is based upon the JLSC's formulation of a mid-term and annual plan to achieve the objectives set out by the Minister. The JLSC independently proceeds with its operation and provision of services to meet the goals of the annual plan with improvement of service quality and efficiency in mind. Each year, business performance is evaluated by a third party evaluation committee, set up within the Ministry of Justice.

6. Methods of service delivery

JLSC adopt the model so-called "Mixed Model" delivery. This is a combination of staff attorneys and private practitioners providing the services to the clients.

(a) Delivery of Bulk of cases

In Japan there is no method of delivering a bulk of cases.

(b) Conditions of registering as a legal aid lawyer

In order to handle legal aid cases, attorneys have to enter into the contract between JLSC. The JLSC has established the rules for the handling of legal affairs to be handled by contract attorneys (the rules for the handling of legal affairs) prior to the commencement of the business.

The rules for the handling of legal affairs contains matters concerning the criteria for the handling of legal affairs by contract attorneys, matters concerning measures to be taken if contract attorneys violate their duties stipulated by the contract.

In criminal legal aid and victim support, attorneys must be enrolled in the panel made by the local bar association.

(c) Rules and procedures of assigning cases to legal aid lawyers.

In civil, family or administration cases, a person who faces legal issues but

have financial difficulties can have legal consultation either at the JLSC's local offices or the offices of contract attorneys at no charge.

If it becomes necessary to refer a matter to an attorney for legal representation at trial, mediation or arbitration, or for preparation of legal documentation, an assessment will be made to determine (pursuant to certain pre-defined criteria) whether a matter qualifies for further assistance. For a matter that qualifies for such assistance, the JLSC will make an advance payment of fees for an contracted attorney's services. Japan does not grant direct financial support for civil matters but provides a pre-installment for users of legal services to cover their legal fees and costs. A recipient of civil legal aid must repay the full amount of installment by monthly payment. Most of the civil cases, applications procedure are made by the contracted attorney who consulted his/her cases.

In criminal or juvenile cases, when a court-appointed defense counsel is to be appointed based on the provisions of the Code of Criminal Procedure or the Juvenile Law, the court requests the JLSC to nominate and notify candidates for court-appointed defense counsel.

Upon request from the court, JLSC nominate candidates for court-appointed defense counsel out of the contract attorneys panel and notify the court. A certain number of candidates are assigned by each local JLSC office every day. After the JLSC's notification of the candidates, the court appoints him/her the court-appointed defense counsel.

(d) Salaries and fees paid to legal aid lawyers

Salaries of JLSC staff attorneys are set to the same level of judges and public prosecutors with the same experience.

It is difficult to define the market rate of lawyer's fee, because its fee table is decided by each law office and it depends on the matter or the procedure it needs to be taken.

7. The types of legal aid services and the types of matters aided.

(a) Civil Legal Aid

Civil legal aid is available for any civil, family, or administrative matters that are subject to the civil legal procedures. There are three types of services; Legal Consultation Aid, Documentation Aid and Representation Aid.

(b) Criminal Legal Aid

In Criminal cases, if defense counsel cannot be retained due to a person's financial difficulties, defense counsel will be appointed at such person's request

or by authority of the court if he or she is detained in connection with a criminal case or is indicted.

For juvenile cases, the family court handles the cases, and if the court determines the case meets the criteria for certain serious cases, an official attendant will be appointed for the juvenile.

8. Application procedures and the criteria of granting legal aid.

(1) Civil Legal Aid

Civil legal aid procedures, see 6(c). There is a means test and merit test to grant civil legal aid. Merit test requires a possibility of a successful outcome. The criteria of means test is as follows,

The financial resources of the applicant must be below a certain amount.

The applicant's spouse's income and assets will be added except in the case of dispute between a husband and a wife.

The range of monthly income (1/12 of the after-tax annual income) is as follows:

- Single-person household - 182,000 yen or less (200,200 yen or less)
 - Two-person household - 251,000 yen or less (276,100 yen or less)
 - Three-person household - 272,000 yen or less (299,200 yen or less)
 - Four-person household – 299,000 yen or less (328,900 yen or less)
- * The figures in parentheses show the threshold to be applied to those who live in major cities such as Tokyo and Osaka.
- * The amount of rent or housing loan payments, if any, will be added to the above amount up to the maximum amount shown below:
- Single-person household - 41,000 yen
 - Two-person household - 53,000 yen
 - Three-person household – 66,000 yen
 - Four-person household – 71,000 yen

Besides the conditions above, the applicant's assets must be below a certain amount.

The total amount of cash and deposit savings must be under the following range:

- Single-person household – 1,800,000 yen or less
- Two-person household – 2,500,000 yen or less
- Three-person household – 2,700,000 yen or less
- Four-person household – 3,000,000 yen or less

(2) Criminal Legal Aid

In criminal cases, suspects held in pre-indictment detention for certain serious offences are entitled to ask for court-appointed counsel if they are unable to appoint one because of indigence or other reasons.

The Indigence criterion is 500,000 yen. If the total of cash and saving of a suspect is not exceeding 500,000 yen, a court requests JLSC to nominate a candidate of court-appointed defense counsel.

9. In order to satisfy demand

(a) Services for disadvantaged groups

In Japan, the system to provide legal support for victims of crime was first introduced around 2000. In that year, the Act on Measures Incidental to Criminal Procedures for the Purpose of Protecting the Rights and Interests of Victims of Crime was enacted and in 2008 the victim participation system and the system of court-appointed counsel for victims were established.

See No.11 for services for people in the remote area.

(b) Special standards or rules

The Great East Japan Earthquake of March 11, 2011 caused unimaginably devastating damage over a wide area and deprived a large number of people of their peaceful daily lives. The earthquake, tsunami and nuclear power plant accident raised various legal issues related to real estate, double loans, inheritance, and compensation for damages, among many others. Resolution of these legal problems is crucial for restoring and reconstructing the disaster areas and re-establishing healthy lives of the victims. Moreover, most of the areas suffer from a shortage of attorneys.

Immediately after the disaster, the JLSC provided legal support for disaster victims in accordance with the framework of the JLSC's information services and civil legal aid programs. "The Act concerning Special Measures on Legal Aid by Japan Legal Support Center for the Victims of the Great East Japan Earthquake" followed to provide legal support for disaster victims and, since April 2012, the JLSC has provided the Great East Japan Earthquake Legal Aid under this law together with its services rendered under the Act.

This new system enables disaster victims to receive legal support more easily, compared to civil legal aid. Particular features of this special aid include: providing support for residents of certain "disaster areas" at the time of the earthquake regardless of their financial status; expanding the scope of support

provided under Representation Aid and Documentation Aid to reach beyond ordinary court proceedings and cover certain processes such as the newly established alternative dispute resolution (ADR) process to address compensation of damages in relation to the nuclear power plant accident; and suspending of repayment of legal fees while a legal matter is ongoing.

The JLSC opened the Minamisanriku sub-branch office in Miyagi prefecture in October 2011, and subsequently established seven (7) sub-branch offices in total. Each sub-branch office is located along the tsunami-hit seashores or where evacuees currently reside after fleeing the site of the nuclear power plant accident. The sub-branches are equipped with mobile “meeting” vehicles in which legal consultations may be provided by attorneys. As the closest source of legal aid for disaster victims, the core service of these sub-branches is to provide frontline support under the Great East Japan Earthquake Legal Aid. Because disaster victims often have multiple issues and problems associated with the disaster, to facilitate their resolution, the JLSC tries to ensure “one-stop shop” for disaster victims by also providing free consultations with other professionals such as tax accountants or public consultants on social and labor insurance at the sub-branch office, in addition to free legal consultations by legal professionals.

10. How to monitor the quality of services?

(1) Civil Legal Aid

In civil legal aid case, a contracted attorney must submit the initial report within 3 months after launching the case. The head of local office may request interim report when the case takes more than 2 years.

On concluding a civil legal aid case, a legal aid lawyer must submit a concluding report to JLSC and the Examining Commissioner will review it in order to decide the amount of closing fee.

(2) Criminal Legal Aid

In criminal case, every police station is equipped with “interview note”. It was introduced in 2009 to record the date and the time of the interview, the name of the defense counsel and the suspect. It was carbon copied, one for defense counsel and the other for police station.

The court appointed defense counsel for suspect must submit the report with “interview note”, so as to JLSC can monitor the activity of the counsel.

After the indictment, courts make the “trial memo” to record the date and time

for every case. After judgment courts submit the memo to JLSC. JLSC calculate the enumeration of the court appointed defense counsel by the report of the defense counsel, and JLSC uses the memo as a reference.

Through these processes, the quality of services provided by legal aid lawyers is generally maintained.

11. Measures for areas with limited legal services

In Japan, the court system consists of 50 district courts and 203 branches. When the JLSC started its operation in October 2006, there were 38 branches in areas with no attorneys or only one attorney practicing in a branch's jurisdiction. The number of under-served branches was decreased and eventually eliminated in December 2013 as result of measures taken by the JLSC, together with contributions of the JFBA and its programs based on the "Himawari Fund" established by the JFBA in 1999. Generally, it would be desirable that two or more attorneys would reside within the jurisdiction of each branch but maintaining this standard is very challenging. The JLSC establishes its local law offices in such areas suffering from a shortage of attorneys as well as in areas where residents have no legal experts nearby or have poor accessibility to legal services.

Of the attorneys contracted to provide services through the JLSC, the JLSC has permanent staff attorneys in addition to attorneys in private practice. Each of the JLSC's local law offices has one or more staff attorneys working onsite on a full-time basis. As of March 2014, there are 243 staff attorneys, stationed at 86 offices in total.

12. Services related to out-of-court settlement and legal education to the public.

In Japan, the scope of civil legal aid is basically limited to court proceedings in civil, family or administration cases. But if negotiations or ADR that are deemed necessary for the settlement of disputes in advance of court proceedings legal aid is granted.

In 2013 JLSC held symposium on legal education twice and many of the district offices held seminars and workshops for the public in the region.

Also JLSC staff attorneys provide various services and activities tailored to the needs and other characteristics of each local communities region, including giving lectures at seminars and promoting legal education in the region.

13. Technology

The JLSC provides free information on relevant laws and the justice system in response to questions and will make referrals to an appropriate authority or organization. The JLSC's referral network consists of approximately 25,000 points of contact for various bar associations, judicial scriveners' associations, local government organizations and other relevant organizations. To facilitate access and ease of use, there are several ways for users of legal services to obtain information.

1. Hotline

The JLSC operates a call center, known as "*Houterasu Support Dial*", which is open from 9 am to 9 pm on weekdays, and from 9 am to 5 pm on Saturdays. The charge for a telephone call for making an inquiry is a flat rate 8.5 yen per three (3) minutes, from anywhere in Japan. At *Houterasu Support Dial*, operators who have completed certain trainings will answer the calls.

2. 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 4,300 FAQs). Information regarding the 25,000 access points across Japan is also searchable on the website.

3. Toll-Free Telephone Service for Earthquake Victims

Since November 2011, *Houterasu Support Dial* operates a special toll-free telephone service to provide legal information to the disaster victims of the Great East Japan Earthquake.

14. Challenges and strategies

Ministry of Justice set up the advisory panel on the measures for enhancing comprehensive legal support in March 2014. The report was presented in June 2014 after the 8 times session.

In the report the advisory panel proposed that the measures should be taken to fulfill the services for elderly or mentally/physically challenged person, to prolong the support for the Great Earthquake Victims and to expand the legal aid to victims who may be seriously damaged by domestic violence, stalking or child abuse.

As mentioned in section 9(b), JLSC has provided the Great East Japan Earthquake Legal Aid since April 2012. "The Act concerning Special Measures

on Legal Aid by Japan Legal Support Center for the Victims of the Great East Japan Earthquake” was enacted as temporary legislation with a 3-year term limit.

But the disaster victims still need legal support from April 2015 onward. The amendment of the act in order to continue the JLSC support will be needed.

Crime relating domestic violence, stalking or child abuse is a big social problem. Not a few cases are at the risk of being harmed. To prevent to harm victims, legal support should be provided at the early stage.

The amendment bill of Comprehensive Legal Support Act is planned to be submitted to the Diet in 2015.

15. Co-operation with legal aid organizations abroad

The JLSC and Korea Legal Aid Corporation entered into the Memorandum of Understanding in 2009 aiming to set up the bilateral cooperation in the exchange of information, research and study of legal aid system and overall related issues in respective country.

16. UN legal aid principles and guidelines

The JLSC does not directly adopt the UN legal aid principles or guidelines in its policies. But a great effort was made by the Japan Legal Aid Association, the Japan Federation of Bar Associations, the Ministry of Justice to ensure the international standards on access to justice. They made research trips to UK, Germany, France, Canada, US, Australia and Korea.

To study the international experience and challenges, JLSC has participated in various international conference held by Legal Services Research Centre, International Legal Action Group and UCL Centres for Empirical Legal Studies, Ethics and Law and Access to Justice.