

# National Report: JAPAN

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## 1. Country details:

### (1) Name

Japan

### (2) Population

The total population of Japan was 126.23 million people as of June 1, 2019.<sup>3</sup>

### (3) GDP

GDP in 2021 is 550,530 billion yen (5,005 billion USD, 1 USD=110 yen)<sup>4</sup>

### (4) Poverty line / % of population deemed to be living in poverty

The poverty rate was 15.7% as of 2018.<sup>5</sup>

### (5) Number of practicing lawyers in the jurisdiction

The total number of licensed practicing attorneys was 44,101(as of March 2022). The number of females is 8,630 (19.6%). Japan is achieving a substantial increase in the number of licensed attorneys. In 2000, Japan had 17,126 licensed practicing attorneys, which two and a half times increased to 44,101 by 2022.

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<sup>1</sup> Tomoki Ikenaga has been an Attorney-at-Law since 1997. From 2006 until 2015, he worked as a researcher at the Japan Legal Support Center (JLSC) (*Houterasu*), which is a public corporation providing both civil and criminal legal aid established in 2006 with funding from the national government. He is currently a Deputy Secretary of the Japan Federation of Bar Association's Central Board on the JLSC and previously served as a chairperson of the civil legal aid committee in the above-mentioned Central Board on the Japan Legal Support Center.

<sup>2</sup> Keita Abe has been working in the legal aid field since 1993 and as a researcher for the JLSC since 2014. He has held various senior positions at JLSC, such as Director of Civil Legal Aid Division, Program Director of Tokyo Office, Executive Secretary of Osaka Office and Director of IT Development. Prior to joining the JLSC in 2006, he had been a researcher and Program Director for the Japan Legal Aid Association.

<sup>3</sup> Population Estimates by Age and Sex – June 1, 2019.

[Population Estimates Monthly Report Re-calculated based on the complete counts of the 2020 Population Census \(Oct. 2020 - June 2021\) Population Estimates by Age \(5-Year Age Group\) and Sex - Total population, Japanese population | File | Browse Statistics | Portal Site of Official Statistics of Japan \(e-stat.go.jp\)](#)

<sup>4</sup> National Accounts for 2019, Economic and Social Research Institute, Cabinet Office of Japan

[National Accounts for 2021 \(2008SNA, benchmark year = 2015\) : Economic and Social Research Institute - Cabinet Office Home Page \(cao.go.jp\)](#)

<sup>5</sup> OECD (2021), Poverty rate (indicator). [Inequality - Poverty rate - OECD Data](#) (Accessed on 12 April 2023).

## 2. Legal Aid Organisation / Authority:

(1) Name and Status of LAO (Independent, within Government, part of the Bar Association / Law Society, Public Defenders Office etc ).

Japan Legal Support Center (JLSC) <sup>6</sup>

The JLSC is a publicly owned corporation that has been established under the Comprehensive Legal Support Act<sup>7</sup> with funding from the national government. This requires that the administration and activities of the JLSC are fair, neutral, independent and highly transparent. Its organizational framework follows that of an incorporated administrative agency. An incorporated administrative agency is a legal entity established in accordance with legislation for the efficient and effective implementation of public services and to fulfill duties that are essential for people's lives. Such services are not necessarily directly implemented by the government; however, they equally cannot be delivered solely by the private sector.

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

Private attorneys and salaried staff attorneys provide legal aid services (mixed model). In order to handle legal aid cases, private attorneys have to enter into a contract with the JLSC. Representation services are mainly provided by private attorneys. Usually, an attorney who provides initial advice will be the provider of representation. Because of the history of civil legal aid in Japan and the limited number of staff attorneys, the level of representation provided by staff attorneys is not high (estimated to be around 4 percent of total cases).

### < Numbers for Each Sector in 2021 >

licensed practicing attorneys	private attorneys (civil legal aid contract with JLSC)	private attorneys (criminal legal aid contract with JLSC)	salaried staff attorneys
42,937	24,056	30,950	183

<sup>6</sup> An English translation of JLSC Web Site is available at <https://www.houterasu.or.jp/en/index.html>

<sup>7</sup> The English translation of the Comprehensive Legal Support Act <http://www.japaneselawtranslation.go.jp/ja/laws/view/3233>

One of the big changes in Japanese legal aid policy in recent decades is the introduction of staff attorneys by JLSC, who handle both civil and criminal legal aid. JLSC employs around 200 staff attorneys, who, with their community-based approach and organic use of local networking, have improved access to justice in both urban and rural areas and developed the method of "Legal Social Work" in collaboration with local social welfare organizations.

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

Private lawyers are recompensed at following fixed fee basis.

< Example of recompense of civil legal aid made by the JLSC >

Legal Consultation Aid	5,500 yen (50 USD, 1 USD=110 yen) per one consultation Legal Consultation Aid is provided up to 3 times in the same case
Legal Representation Aid	Filing a claim for 5 million yen – 255,000 yen (2,318 USD)
	Filing of divorce at court (without monetary claim)-266,000 yen (2,418 USD)
	Filing of petition for bankruptcy with 10 creditors – 155,000 yen (1409 USD)
	* Upon completion of a case, additional remuneration for attorneys may be charged upon the cases if the case result. * The amount and payment methods will be decided upon assessment. * The amount can change depending on the difficulties of the case.

### 3. Budget and Spend:

(1) 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.

< Budget for Publicly Funded Legal Aid for the last two years >

Fiscal Year	2021	2022
Government Grants for Operational Expenses (i.e., civil legal aid and information services)	15,191 million yen (138 million USD, 1 USD=110 yen)	15,664 million yen (142 million USD)
Funds for Services Related to Court-Appointed Attorneys and Attendants (i.e., criminal legal aid)	16,945 million yen (154 million USD)	16,792 million yen (153 million USD)
Total	32,136 million yen (292 million USD)	32,455 million yen (295 million USD)

(2) Please indicate the proportion of the legal aid budget that is funded by (a) central / Federal Government (b) Local or state government.

Legal aid budget is 100% paid by central government.

(3) Is your legal aid budget demand led (uncapped) or capped or a mixture? (Please elaborate).

There is no cap on Court-Appointed Attorneys and Attendants (i.e., criminal legal aid) but Civil legal aid has caps on annual spending.

#### 4. Scope, Caseload and Eligibility:

(1) What restrictions on scope are there for civil and criminal legal aid and for initial advice in your jurisdiction?

Civil legal aid including initial advice is provided to Japanese citizens and foreign nationals lawfully residing in Japan who face legal issues but do not have the financial means to seek legal assistance. Civil legal aid is available for any civil, family or administrative matter that is subject to the civil legal procedure other than criminal matters. As prescribed in the Comprehensive Legal Support Act, the JLSC provides three types of civil legal aid; i.e., legal consultation, representation and documentation.

As for criminal legal aid, if a person is detained in connection with a criminal case (a “detained suspect,” including a minor) or is being prosecuted (a “defendant,” including those who are not detained) and he or she cannot retain a defense counsel because of financial difficulties, a defense counsel will be appointed at such a person’s request or on

the court's authority. However, an arrested suspect (before a warrant for detention is issued by the court, i.e., during the 72 hours arrest period) is not entitled to a court-appointed defense counsel. All arrested suspects in Japan can receive one free visit from a duty lawyer (*Toban Bengoshi*). The duty lawyer system is funded and administered by the Japan Federation of Bar Associations(JFBA).

(2) 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.

< Total number of grants for the last two years >

		2020	2021
Civil legal aid	Legal Consultation Aid	290,860	312,770
	Legal Representation Aid	105,630	103,478
	Documentation Aid	3,476	3,393
Criminal legal aid	Aid for Suspects	76,073	72,308
	Aid for Defendants	50,076	46,594

(3) Proportion of the population eligible for civil legal aid and/ or initial Advice.

Proportion of the population eligible for civil legal aid and initial advice is estimated that about 20% of Japanese nationals are covered under the current civil legal aid system.

(4) Eligibility limits for criminal legal aid.

The hardship threshold is 500,000 yen (approx. 4,545 USD). If the total cash and savings of a suspect is less than 500,000 yen, a court requests the JLSC to nominate a candidate court-appointed defense counsel.

(5) Are means tested contributions part of your (a) civil (b) criminal (c) initial advice eligibility requirements?

Regarding the means tested contributions of criminal legal aid, a criminal legal aid recipient does not have to contribute to the cost of services but the court decides whether there is an obligation to repay the court appointed attorney's fee at the end of

the criminal process. After the court decides that the criminal legal aid recipient shall make the repayment, the prosecutor office will send a notice of repayment to the criminal legal aid recipient. Recipients can file a petition for exemption from repayment. Most of the petitions are approved by the court. The level of recovery achieved in practice is not made public.

Regarding the means tested contributions of civil legal aid, firstly the applicant’s income and assets must be below a certain amount.

< Means Test – Income >

Single-person household	Two-person household	Three-person household	Four-person household
182,000 yen (1,655 USD, 1 USD=110 yen) or less (202,000 yen or less)	251,000 yen (2,282 USD) or less (276,000 yen or less)	272,000 yen (2,473 USD) or less (299,000 yen or less)	299,000 yen (2,718 USD) or less (328,900 yen or less)

\* The figures in parentheses show the threshold to apply to those who live in major cities such as Tokyo and Osaka.

\* For households with five or more family members, 30,000 yen (33,000 yen) per persons is added.

\* Certain Expenditures, such as medical expenses or educational expenses, if any, is deducted.

\* The amount of rent or housing loan payments, if any, is added to the above amount up to the specified maximum amount.

< Means Test – Assets >

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

Single-person household	Two-person household	Three-person household	Four-person household
1,800,000 yen (16,364 USD, 1 USD=110 yen)	2,500,000 yen (22,727 USD)	2,700,000 yen (24,545 USD)	3,000,000 yen (27,272 USD)

Secondly, Japan does not grant free financial support for civil matters but provides a loan service (interest-free) to legal aid recipients to cover attorney's or legal scrivener's fees and court costs. In principle, the recipients are required to repay such loan. This distinguishes the Japanese system from that of many other countries. Upon acceptance of the application for legal aid, the recipient must agree to repay an amount of 5,000-10,000 yen (approx. USD 46-91) per month in installment. If the recipient is in severe financial difficulty, such as where the recipient is receiving welfare benefit, the recipient may be exempted from repayment. In 2021, recipient of welfare benefits accounted for 29.8% of all civil legal aid recipients.

Thirdly, after the completion of the case and the submission of the attorney's final report, a local office of the JLSC will decide the amount of remuneration for the attorney based on the result of the case. Usually, the repayment by the legal aid recipient is made on an instalment basis. As the repayment by legal aid recipients do not necessarily go smoothly, the JLSC always reminds defaulted recipients of the repayment.

(4) In your jurisdiction, are legal aided litigants who lose their case liable to pay the other side's legal expenses/ costs?

Legal aided litigants who lose their case are not liable to pay the other side's legal expenses/ costs in Japan.

During the review period for the judicial reform (around 1999-2004), as to the lawyer's fee, the introduction of the "defeated-party-bears" system (i.e., the prevailing party is entitled to recover its lawyer's fee from the defeated party) was proposed mainly by the Ministry of Justice and the business world, which alleged that the system could reduce abusive claims and achieve fairness in the burden of litigation costs. The bar associations and the consumer groups strongly opposed such proposal, because such system would discourage and have a chilling effect on access to the courts for ordinary people. After a long battle, such proposal was withdrawn.

## 5. Quality Assurance:

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

Currently the JLSC does not have an audit or peer review system, but has a contract and training system.

Training and education of legal aid lawyers plays an important role in maintaining and improving quality of service. All the district offices of the JLSC hold training seminars or workshops for both civil and criminal legal aid lawyers at least once a year. For court-appointed attorneys in criminal cases, many of the training seminars are held jointly with the criminal defense committee of the bar association.

The Japan Federation of Bar Associations (JFBA) is enhancing its training programs for attorneys in order to maintain quality legal services and to adequately respond to the need for legal services. Specific training programs include ethics, training for newly-registered attorneys and training to improve practical skills. These training programs include lectures on legal aid procedure and criminal practical skills for court appointed defense counsel.

For staff attorneys, the JLSC established the Support Office for Staff Attorneys and the “Research Office for the Skill of Defense in Lay Judge Trial”. Senior attorneys who have experience and expertise in civil and criminal legal aid are stationed in both offices and contacted by staff attorneys from all over the country. The offices also hold the fulfilling training seminars periodically for staff attorneys.

Through these processes, the quality of services provided by staff attorneys is improving. JLSC staff attorneys are also expected to help to improve the skills of lawyers in private practice, especially in lay judge trial.

(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 are each role of Bar Associations and Legal Aid Organization (JLSC)



Regarding the Role of Bar Associations, practicing lawyers must be a member of both the local bar association and the JFBA. Every local bar association has committees for criminal defense, rights of children and crime victims.

The criminal defense committee of the bar association is responsible for the operation of the duty attorney system, the court-appointed attorney system, training and activity relating to the reform of criminal procedures.

Before entering into a legal aid contract (criminal, juvenile or crime victim support) with the JLSC, attorneys must be enrolled in a list maintained by the local bar association. Currently, the bar association is responsible for maintaining the respective lists.

Regarding the Role of JLSC, in order to handle legal aid services (either consultations or civil or criminal cases), attorneys have to enter into a contract with the JLSC. The JLSC has established the Rules for the Handling of Legal Affairs (RHLA) to be followed by contract attorneys.

The RHLA sets out the criteria for the handling of legal affairs by contract attorneys. If contract attorneys breach their duties, the contract may be cancelled or suspended for a certain period after the decision of the Judging Committee of the JLSC.

## 6. Public Legal Education:

(1) Initiatives in last two years to increase public awareness of the availability of Publicly Funded Legal Services/ 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 e.g. the elderly or victims of domestic violence).

JLSC positions legal education as a part of information services, and is making efforts to provide to the general population legal knowledge, such as how to take action in response to consumer problems, along with JLSC's efforts regarding Law Related Education in schools. In 2021, 114 activities of legal education were reported and 4,654 citizens attended in total. These include legal seminars, legal symposiums, lectures and other speaking events. In these activities, a variety of themes were addressed, such as debt, inheritance, consumer problems, etc. Legal education by JLSC is mainly provided by the staff lawyers and officials in the local offices.

(2) IT packages introduced to enhance access for the public.

JLSC's website is designed as an information desk for people in need of legal services. All the details of the means test and merit test required to be eligible either for free legal consultations or provision of legal aid for representation at court are available on the JLSC website. However, applicability of such conditions to each individual case needs to be checked at local JLSC district offices. Information on the basics of laws and available remedies can be found through research of around 5,000 Q&As on the website. Information on local sites for free legal consultation can also be found through web research of JLSC's database, which has information on more than 20,000 consultation sites.

(3) 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?

the Japan Legal Support Center(JLSC) and Japan Federation of Bar Associations(JFBA) conducted several legal needs surveys in recent years as follows.

- Legal Needs Survey for General Public, Homeless People, and Legal Aid Users

This survey, conducted by JLSC in 2008, consisted of a general approach that targeted the general public, homeless people, and legal aid users. 1,636 members of the general public and 265 homeless people responded to the survey's questionnaires.

- Legal Needs Survey for Victims of Earthquake and Nuclear power plant disaster

A magnitude 9.0 earthquake hit east Japan on 11 March 2011, and the subsequent tsunami, fires and collapse of buildings and houses brought about a devastating disaster. Furthermore, radioactive materials released by the multiple accidents at the Fukushima nuclear power plant have caused and continue to cause great fear and threatens the safety of not only the residents in the immediate vicinity of the plant but also a wider population.

In 2012 and 2013, JLSC conducted a legal needs survey of the victims affected by the disaster. 1,598 victims returned questionnaires to JLSC and an in-depth interview survey of 24 victims was conducted.

- Legal Needs Survey for Elderly People

The JFBA conducted a legal needs survey of elderly people in 2016 and 2017. This survey targeted not the elderly people themselves, but the social caseworkers specialized in elderly issues because the elderly people often have cognitive impairment and cannot accurately answer surveys by questionnaire or face-to-face surveys.

1,046 social caseworkers returned questionnaires to the JFBA and 1,269 individual cases were reported.

## 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 ).

### (1) Aid Services Entrusted by Japan Federation of Bar Associations

In addition to the above-mentioned publicly-funded legal aid provided by the JLSC, Japan Federation of Bar Associations (JFBA) entrusts some services to JLAC and provides funding. These services, including providing grants for legal fees, are intended for those not covered by the publicly-funded civil legal aid or the court appointed defense counsel system as prescribed in the Act in the interest of human rights protection. The amount of money JFBA spends on the entrusted services in recent years has reached an average of 15 billion yen (approx. USD 136 million) per year. The entrusted services include: (1) aid for defense of criminal suspects, (2) aid for attorney attendants in juvenile cases, (3) legal support for victims of crime, (4) legal support related to refugee adjudication, (5) legal aid for foreign nationals, (6) legal support for children, (7) legal support for mentally disabled persons, (8) legal support for persons in a state of insanity, etc., and (9) legal support for the aged, disabled, or homeless people.

### (2) Bar-Funded Legal Services (Bar-Funded Law Offices, Legal Counselling Centers, and Duty Attorney System)

In addition to 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 and have established the three systems discussed below.

Firstly, the Bar-Funded Law Offices: JFBA has contributed to create a system to ensure that lawyers are available and within reach anywhere in the country, and eliminate areas where the number of lawyers is extremely low. As part of this, JFBA, local bar associations, and regional federations of bar associations established "Himawari<sup>8</sup> Fund Law Offices" in the rural areas. While these Himawari Fund Law Offices are operated by private practice lawyers, JFBA, local bar associations, and regional federations of bar associations provide them with assistance, including coverage of office opening and administrative costs and operational assistance, on the condition that the lawyers 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 improve access to justice for people living in urban areas, especially those who may have difficulties finding lawyers for financial and other reasons. There are also "Public Law Offices" that mainly provide legal services for foreign nationals or provide clinical programs at law schools.

Secondly, the Legal Counselling Centers: Local bar associations have established legal counselling centers to provide all residents with access to legal consultations anytime, anywhere. The counselling centers handle a variety of issues, including multiple consumer loan problems (persons who borrow money at high interest from many financing companies), family matters, and workplace-related matters, among others. Some of the counselling centers provide night-time consultation services.

Thirdly, the 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 at the arrested stage, during which time no court-appointed attorney system is available. When requested by an arrested suspect, the duty attorney will visit the police station and interview the arrested suspect free of charge, regardless of the arrested suspect's nationality or visa status. If the suspect is a foreign national, an interpreter will accompany the duty attorney.

< Bar-Funded Legal Services >

Bar-Funded Law Offices	34 offices in rural areas as of 2022 11 offices in urban areas as of 2022
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<sup>8</sup> "Himawari" is sunflower in English. Sunflower is a flower that symbolizes lawyers and Bar Associations in Japan.

Legal Counselling Centers	50 local bar associations are setting up Legal Counselling Centers in each region and about 300,000 [sessions of] legal counselling are provided nationwide each year in recent years. Whether services are free or not depends on the local bar associations.
Duty Attorney System	36,253 visits to police station as of 2021. Services are free.

### (3) Free Legal Consultation by Municipalities Nationwide

Municipalities nationwide provide free legal consultation services for local residents in each municipal office. Lawyers from local bar associations give free legal advice on matters such as marriage, divorce, incident, accident, labor issues for local residents in each municipal office under an agreement between municipal office and local bar association.

### (4) Legal Expenses Insurance

Another principal source of help in addition to legal aid is the legal expenses insurance in Japan. The number of legal expenses insurance policies sold, which include automobile insurance policies that cover legal expenses, is rapidly increasing in recent decades. 29,102,608 legal expenses insurance policies were sold in 2020 and 30,608,024 were sold in 2021.

## 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”?

One of the big changes in Japanese legal aid policy in recent decades is the introduction of staff attorneys by JLSC, who handle both civil and criminal legal aid. JLSC employs around 200 staff attorneys, who, with their community-based approach and organic use of local networking, have improved access to justice in both urban and rural areas and developed the method of “Legal Social Work” in collaboration with local social welfare organizations. In light of such “Legal Social Work” and the shift toward an aging society, an amendment to the Comprehensive Legal Support

Act was enacted in 2016 and Japan is in the second phase of the comprehensive legal aid. The “second” means that only those who have financial difficulties could be granted legal consultation aid before the amendment of the Comprehensive Legal Support Act (the “first” phase) but those who have special needs could be granted legal consultation aid regardless of their financial status under the new Act (the “second” phase). One 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 status. As stated above, the amended Comprehensive Legal Support Act lifted the financial eligibility requirements of legal consultation on those with special needs such as the elderly and disabled persons with cognitive impairment. These amendments indicate that Japanese legal aid law has shifted from traditional poverty law that targets only indigent people into modern social welfare law that meets the special needs of 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.

In order to realize the Sustainable Development Goals in Japan, the government has set up a promotion headquarters in the cabinet and has published a set of concrete plans for realization of each of the goals. According to the plan, the following initiatives are listed for Goal 16, including Goal 16.3.

- promotion of protection of rights of handicapped persons;
- implementation of the 14<sup>th</sup> UN Congress on Crime Prevention and Criminal Justice (Kyoto Congress 2020) and follow-up on its political declaration;
- further enrichment of comprehensive legal support by implementing services at Japan Legal Support Center (JLSC);
- promotion of translation of Japanese laws and regulations into foreign languages;
- promotion of international assistance in the field of criminal justice through activities of United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI); an
- promotion of assistance towards developing countries in the field of law and justice.

As an initiative of the private sector, the Japan Federation of Bar Associations (JFBA) is preparing a declaration on its role in realization of SDGs, including Goal 16.3.

#### 10. Other – Most Innovative project 2021-2022

As mentioned at page 7, Japan does not grant free financial support for civil matters but provides a loan service (interest-free) to legal aid recipients to cover attorney's or legal scrivener's fees and court costs. In principle, the recipients are required to repay such loan. Upon acceptance of the application for legal aid, the recipient must agree to repay an amount of 5,000-10,000 yen (approx. USD 46-91) per month in instalment. If the recipient is in severe financial difficulty, such as where the recipient is receiving welfare benefit, the recipient may be exempted from repayment. However, in 2022, government decided that single-parent family settling the child care cost issue should be exempted from repayment in principle as part of generous welfare policy for single-parent family.