

Regulation of Legal Profession: Overview (Japan)

by *Yoshiaki Muto* and *Tsugihiko Okada*, *Baker McKenzie*

Practice note: overview | Law stated as at 01-Feb-2026 | Asia, Japan

This Practice Note gives an overview of the legal professional requirements in Japan, including qualifications for both domestic and foreign legal professionals; common legal professional structures; national regulators, professional insurance, and client protection; confidentiality and legal professional privilege; fees and fee regulation; client money; and notaries.

As well as the legislation, case law and procedural rules governing litigation or non-contentious work in an unfamiliar jurisdiction, it may be necessary to understand the regulatory framework that governs legal practice itself. This task can be daunting, as it encompasses a broad range of requirements from legal practitioner qualifications and different types of practitioner and law firm, to ethical considerations and the conduct of client relations.

This Practice Note is an overview, providing a summary of the essential professional requirements for both domestic and foreign legal practitioners in Japan. It outlines key regulatory bodies, obligatory professional indemnity insurance, and the framework of confidentiality and privilege, among other critical aspects. Importantly, it considers the basic but fundamental questions, such as how fees can be charged by legal practitioners, and on what basis. This resource is not, however, an exhaustive list of all regulations and other considerations, and not intended to provide detailed advice or replace the need for consultation with experts.

Qualifying as a Lawyer

Categories of Legal Professional

Japan has one legal professional category with a title, rights, and duties equivalent to those of an attorney-at-law in a western jurisdiction, *bengoshi* (in this Note referred to as an attorney). Unlike jurisdictions that distinguish between solicitors and barristers, Japanese attorneys are authorised to handle a wide range of legal matters, including:

- Civil, criminal, and administrative litigation.
- Legal consultation.
- Contract drafting.
- Corporate legal affairs.

Qualifying Legal Education and Professional Workplace Training

To qualify as an attorney, candidates must complete the following three steps:

- Meet the requirements to sit the national bar examination through:
 - professional graduate law school qualification comprising a three-year course for those without prior legal education and a two-year course for those with a legal background; or
 - passing the preliminary examination, which allows candidates to bypass law school entirely and proceed directly to taking the bar exam.

Typically, candidates become eligible by graduating from a law school.

- Pass the national bar exam. The exam consists of multiple-choice and essay components. Students can take the bar exam while still enrolled in law school but must graduate before they can begin their apprenticeships.
- Complete the legal apprenticeship (*Shih# Sh#sh#*). This one-year training programme includes practical experience in courts, prosecutors' offices, and law firms. On passing a final assessment, candidates are granted attorney qualification.

The Ministry of Justice administers the national bar exam, the Supreme Court's Legal Training and Research Institute conducts the mandatory legal apprenticeship, and the Japan Federation of Bar Associations (JFBA) together with its local bar associations maintains the roll of attorneys and oversees lawyer registration.

In addition, Japan has a special qualification system for experienced professionals who can be granted attorney status without a legal apprenticeship, subject to the *Ministry of Justice's* review and approval (Article 5, *Attorneys Act* (Act No. 205 of 10 June 1949)). Eligible professionals include members of Parliament, summary court judges, university law professors, corporate legal officers, and public servants.

Practising Certificate or Licence

Any individual intending to practise law in Japan, including in private practice and as in-house counsel, must register as an attorney with a local bar association. After registration, the attorney becomes a member of the JFBA. Japan is a unitary jurisdiction and does not have a system of state-level licensing.

There are no special licensing requirements for in-house attorneys. If an in-house attorney does not intend to exercise legal powers, for example, representing clients in litigation or conducting investigations under the Attorneys Act, registration is not mandatory. However, it is common, as it enhances professional credibility and helps to ensure equality in negotiations with foreign entities.

The attorney qualification does not require renewal. Once obtained, it remains valid for life, with no mandatory retirement age or periodic requalification.

Registered attorneys are required to pay membership dues to the JFBA and their local bar associations. The JFBA's ethical training regulations require attorneys to undergo periodic ethics training after registration (in the first year of registration, at the three# and five#year marks, and subsequently at five#year intervals). In addition, the JFBA provides continuing legal education to maintain professional standards and competence.

Scope of Practice

Attorneys are permitted to practise throughout Japan without regional restrictions. There are no limitations to the scope of legal matters they can handle, and they are not required to specialise in specific areas. However, in practice, many attorneys develop expertise in specialised fields such as tax, intellectual property, or insolvency through experience and additional training.

Rules Governing Practice

Written Codes of Conduct, Rules, or Principles

Attorneys must comply with the JFBA's *Basic Rules on the Duties of Practising Attorneys* and Attorneys Act, which set out their professional ethical standards and codes of conduct. The JFBA and local bar associations oversee the enforcement of these standards.

Key Rules

The Attorneys Act, Basic Rules on the Duties of Practising Attorneys, and various JFBA regulations provide rules addressing:

- Attorney registration.
- Scope of practice.
- Client relationships.
- Disciplinary procedures.
- Fees.
- Confidentiality.
- Avoidance of conflicts of interest.
- The duty of integrity.

Attorneys are also obligated to act in good faith and prioritise the interests of their clients.

Conduct of Litigation and Rights of Audience

Right to Conduct Litigation

Generally, only attorneys can engage in litigation and represent clients in civil, criminal, and administrative proceedings. However, there are limited exceptions to this rule, including:

- Authorised non-lawyer representatives. In summary courts, in which claims are generally small and cases tend to be less complex, the court may permit a non-lawyer to act as a litigation representative. Examples include a cohabiting relative representing an ill individual or a corporate legal officer representing a company.
- Certified judicial scriveners. Judicial scriveners who have completed the designated training and received certification from the Minister of Justice can represent clients in summary court cases involving claims not exceeding JPY1.4 million.
- Patent attorneys, who are permitted to act as representatives in certain types of intellectual property litigation involving patents, utility models, designs, and trade marks registered with the Japan Patent Office.
- Statutory litigation representatives. Certain individuals, such as a company's registered manager (*shihainin*), are authorised by statute to act as litigation representatives.

Attorneys handle all aspects of litigation including filing complaints, drafting pleadings, submitting evidence, and arguing in court.

Attorneys are subject to a duty of integrity to the court and must not submit false claims or evidence. They are required to respect courtroom procedures and maintain a professional level of conduct.

Right of Audience

The right of audience, like the right to conduct litigation, is in principle reserved for attorneys. Attorneys can appear before all courts, including district courts, high courts, and the Supreme Court, as representatives of their clients and engage in oral arguments. However, the rights of court-approved representatives, certified judicial scriveners, and statutory litigation representatives to engage in litigation (see [Right to Conduct Litigation](#)) also apply to the right of audience.

Professional Structures for Lawyers and Legal Practices

Types of Law Firm

Law firms are typically organised as solo practices, partnerships, or incorporated entities known as attorney corporations (*bengoshi h#jin*), which were introduced following legal reforms in 2002. These corporations allow multiple attorneys to operate under a single legal entity. There are also joint enterprises involving registered foreign attorneys (*gaikokuho jimusho bengoshi*).

Multi-Disciplinary Practices (MDPs)

MDPs are generally prohibited (Article 30-4(1), Attorneys Act). Attorneys are not permitted to form joint entities or partnerships with professionals from other disciplines, for example, accountants or tax advisors, and the integrated provision of legal and non-legal services is restricted.

Alternative Providers

Community Legal Services

Community legal services are provided primarily by attorneys through the *Japan Legal Support Center* (*H# Terasu*), a public institution established by the government. It offers free legal consultations and representation for low-income individuals in civil and criminal matters. Additionally, local bar associations operate *pro bono* programmes and legal consultation centers.

Alternative Legal Service Providers

The provision of legal services by non-attorneys is generally prohibited under Article 72 of the Attorneys Act. However, certain professionals, for example, judicial scriveners and administrative scriveners are permitted to offer limited legal services, such as assistance with document preparation and registration procedures. The legal profession maintains a monopoly over core legal services.

Self-Employed Lawyers

Attorneys are permitted to operate independently as self-employed practitioners. Many attorneys establish solo practices and work freelance. While registration with a bar association and compliance with professional rules are required, there are no specific restrictions on freelance legal practice.

Foreign Qualified Lawyers and Law Firms Established in Other Jurisdictions

Temporary Services

The Attorney Act broadly and generally prohibits any person, whether a Japanese or foreign national, from practising law in Japan without holding attorney or registered foreign attorney (*gaikokuh# jimu bengoshi* (GJB)) registration. In addition, there is no particular legislative rule or administrative programme which allows foreign-qualified lawyers to practise law in Japan on the basis of temporary services. Therefore, temporary practice or the provision of fly#in, fly#out legal services is an area where further discussion and clarification may be expected.

Any foreign lawyer, whether or not locally registered, is prohibited from providing services related to Japanese law.

Registration

To practise in Japan as a registered foreign attorney, registration with the Ministry of Justice and the JFBA is required. Applicants must:

- Hold a foreign legal qualification.
- Not have been sentenced to any punishment for a disciplinary action or otherwise, or been impeached, or declared bankrupt under foreign laws and regulations.
- Have at least three years of professional experience.
- Intend to perform their duties sincerely, supported by the plans, stable living circumstances, financial resources, and the ability to compensate clients for any harm caused.

(Article 12, *Act on the Handling of Legal Services by Foreign Attorneys* (Act No. 66 of 1986) (Foreign Attorneys Act).)

Once registered, a foreign attorney can only provide services related to the law of their home jurisdiction (Article 3(1), Foreign Attorneys Act).

Bar Admittance

Registered foreign attorneys in Japan must join a local bar association (Article 41(1), Foreign Attorneys Act). On admission, they are subject to the rules and regulations of the association. However, they are only permitted to practise the law of their home jurisdiction and cannot advise on Japanese law.

Legal Education, Workplace Training, and Qualifying Tests

Foreign qualified lawyers are not required to take the Japanese national bar examination to register as foreign attorneys. However, they must hold a valid foreign legal qualification and have sufficient professional experience, subject to JFBA review. To obtain full Japanese attorney status, they must pass the national bar examination and complete a legal apprenticeship.

Local Description

Foreign-qualified lawyers registered in Japan are referred to as registered foreign lawyers or GJB. This designation indicates that they are authorised to practise only the law of their home jurisdiction.

Client Protection

Regulator of the Legal Profession

The JFBA and local bar associations regulate the legal profession. The JFBA is a nationwide organisation authorised by statute to oversee attorney registration, conduct disciplinary procedures, and establish ethical rules. Local bar associations also have their own regulations and supervise their members. Both the JFBA and local associations have disciplinary authority and can impose sanctions for professional misconduct, for example, suspension or disbarment.

Register of Qualified Lawyers

The JFBA and local bar associations maintain information on registered attorneys. The JFBA provides a searchable online database where users can access basic information, such as an attorney's name, registration number, and the local bar association of which the attorney is a member.

Mandatory Membership of Association/Society

All practising attorneys must be members of a local bar association and the JFBA (Article 8, 36(1), Attorneys Act), and attorneys become members automatically on registration.

Disciplinary Tribunal

Disciplinary proceedings are initiated against an attorney by the local bar association to which the attorney belongs, and the JFBA may be involved in the final decisions. Members of the public or other stakeholders can file complaints. The Attorneys Act governs disciplinary procedures. Sanctions may include reprimand, suspension, or disbarment. Grounds for disciplinary action include professional misconduct, conflicts of interest, and disputes with clients.

Professional Indemnity Insurance

Professional indemnity insurance is not mandatory for attorneys, but the JFBA strongly recommends it. Many attorneys participate in the group insurance scheme offered by the JFBA, which provides coverage under specified terms and limits. Although there is no statutory obligation to disclose insurance details, attorneys choose to do so voluntarily.

Conflicts of Interest

Rules

Attorneys must avoid conflicts of interest between clients. They cannot represent multiple clients in the same or related matters where their clients' interests conflict. Transactions that create a personal interest between an attorney and a client, such as financial involvement in the client's business, are generally prohibited. Exceptions may apply if informed consent is obtained from the client. For more information on situations where a lawyer cannot represent a client due to conflicts with other clients, specific dealings between a client and a lawyer that are prohibited, and exceptions from the conflict rules, see Articles 25 to 28 Attorneys Act and Article 27, Basic Rules on the Duties of Practising Attorneys.

Actions When a Conflict Arises

When a conflict of interest arises, attorneys must promptly inform the affected clients and cannot continue to represent them unless informed consent is obtained from all parties involved. In principle, the attorney must withdraw from the matter and can assist in referring the client to another lawyer if necessary.

Acting for Multiple Clients

Attorneys can represent multiple clients in the same transaction only where there is no conflict of interest or where all of the clients give informed consent after full disclosure. If a conflict arises, attorneys are generally not permitted to continue acting for any of the clients. See Articles 32 and 42, Basic Rules on the Duties of Practising Attorneys.

Complaints About Lawyer's Professional Conduct

Complaints regarding a lawyer's professional conduct can be submitted to the local bar association to which the lawyer belongs. The bar association will investigate and may initiate disciplinary proceedings if necessary. The JFBA also maintains a nationwide complaint reception system. Clients, other legal professionals, or members of the public can file complaints.

Fee Disputes

Even in the event of a fee or retainer dispute, attorneys are not permitted to unjustly retain client documents, funds, or property. Article 56 of the Attorneys Act and the professional conduct rules prohibit actions that harm the interests of clients. Disputes over fees can be resolved through arbitration provided by bar associations or through court proceedings.

Client Engagement

Communications

Bar association guidelines require attorneys to provide sufficient explanations to clients. When entering into an engagement with a client, attorneys are required to conclude a written agreement setting out the terms of engagement including fees (Article 30, Basic Rules on the Duties of Practising Attorneys). In addition, when accepting a case, an attorney must provide appropriate explanations on:

- The prospects of the case.
- The methods of handling the case.
- Attorney fees and expenses based on the information obtained from the client.

(Article 29, Basic Rules on the Duties of Practising Attorneys.)

In litigation matters, a formal retainer agreement is commonly used. For non-litigation matters, written service agreements or explanatory documents are recommended. Also, see Article 30, Basic Rules on the Duties of Practising Attorneys.

Ongoing Obligations to Client

Attorneys owe ongoing duties of care and disclosure to their clients. They must provide timely and appropriate updates regarding case progress, cost estimates, and any changes in strategy. Attorneys are also required to act in good faith and prioritise the interests of their clients throughout the engagement (Article 5, Basic Rules on the Duties of Practising Attorneys).

Refusal to Accept a Client or Ceasing to Act

Attorneys are permitted to refuse a client instruction or withdraw from the representation for legal or ethical reasons. Refusal may occur where:

- The matter falls outside the attorney's area of expertise. Also, see Article 2 of the Attorneys Act, which states that an attorney must, among other things, acquire a mastery of laws, regulations, and legal practices and Article 21 of the Basic Rules on the Duties of Practising Attorneys, which states that an attorney must endeavour to realise the rights and legitimate interests of the client conscientiously.
- A conflict of interest exists (Article 25, Attorneys Act).
- A relationship of trust cannot be established.
- The client seeks to engage in unlawful conduct (Article 31, Basic Rules on the Duties of Practising Attorneys).

Article 43 of Basic Rules on the Duties of Practising Attorneys states that when a relationship of trust with a client has been lost and it is difficult to restore the relationship, an attorney must explain to that effect and take appropriate measures including resignation.

Even after representation has begun, attorneys can cease to act if the client:

- Fails to pay the agreed fees.
- Refuses to co-operate.
- Provides false information.
- Otherwise undermines the relationship of trust where it becomes unreasonably difficult for the attorney to continue the representation.

In litigation, courts may intervene in the timing or manner of withdrawal based on their authority to manage proceedings. This is particularly relevant when a hearing is imminent or the client has not secured a replacement attorney. The court may take steps to ensure that a case proceeds smoothly and to prevent prejudice to the client.

When withdrawing, attorneys must notify the client in advance and take appropriate measures to protect the client's interests, such as returning documents and settling any unearned fees (Articles 44 and 45, Basic Rules on the Duties of Practising Attorneys).

Access to Lawyers

Clients do not necessarily have direct access to all of the attorneys working on their matters. In practice, communication is typically co-ordinated through a lead attorney who serves as the primary point of contact. Other attorneys and staff involved in the matter generally work under the lead attorney's direction and do not communicate directly with the client unless necessary and appropriate, for example:

- To protect the client's interests.
- When specialised advice is required.
- When building a relationship of trust is essential.

Confidentiality and Legal Professional Privilege

Client Confidentiality

Attorneys are bound by strict confidentiality obligations regarding information obtained from clients. These duties are set out in Article 23 of the Attorneys Act and the Basic Rules on the Duties of Practising Attorneys and continue even after the termination of the engagement. Disclosure to third parties is generally prohibited unless the client provides explicit consent.

Exceptions to Client Confidentiality

There are exceptions to an attorney's duty of confidentiality. Disclosure of confidential information may be permitted when specifically provided by law or when there is a legitimate reason. Legitimate reasons include disclosure with the client's consent, where disclosure is necessary:

- For the attorney's own defence, for example, where the attorney becomes a party to litigation or needs to make a statement in disciplinary proceedings.
- To disprove a suspicion that the attorney has engaged in criminal conduct.

These exceptions must be applied with caution, taking into account both the client's interests and attorney's professional responsibilities.

Legal Professional Privilege

Japan does not recognise a comprehensive attorney-client privilege analogous to that found in many western jurisdictions. Attorneys are bound by a statutory duty of confidentiality (Article 23, Attorneys Act; Article 56, Basic Rules on the Duties of Practising Attorneys) but this duty belongs to the attorney and does not allow clients to refuse disclosure of communications with their attorneys in judicial or administrative proceedings.

In civil litigation, attorneys can refuse to submit documents or testify about confidential matters learned in the course of their professional duties. However, this right belongs to the attorney, not the client. In criminal proceedings, communications between attorneys and detained defendants can be protected to some extent, but letters and other materials may be subject to inspection for security reasons.

In administrative investigations, particularly under the *Act on the Prohibition of Private Monopolisation and Maintenance of Fair Trade* (Act No. 54 of 14 April 1947) (generally referred to as the Antimonopoly Act (AMA)), a limited privilege-like mechanism was introduced in 2020. Confidential communications between a company and its attorney regarding suspected anti-trust violations may be protected from disclosure during investigations by the *Japan Fair Trade Commission* (JFTC), provided that specific conditions are met. These communications, referred to as specified communications, must be properly stored and labelled and are subject to a formal determination procedure. However, this protection does not extend to criminal investigations.

Overall, communications with attorneys are protected only in limited and context-specific circumstances, and do not enjoy the broad privilege protections seen in jurisdictions such as the US or UK. For an overview of the laws in Japan relating to the protection available to lawyer-client communications and the best practices for preserving the confidentiality, privilege, and secrecy in those communications in business and commercial situations, see *Practice Note, Legal Professional Privilege and Professional Secrecy: Overview (Japan)*.

Privilege and In-House Lawyers

In-house lawyers are afforded the same confidentiality protections as external attorneys only if they are formally registered as attorneys or registered foreign attorneys. Those working in legal departments without such qualifications are not subject to any statutory duty of confidentiality. Therefore, communications with in-house counsel who are not qualified attorneys may not be protected from disclosure in judicial or administrative proceedings.

Fees

Regulation of Fees

Attorney fees are generally unregulated and can be freely determined, provided that they are agreed in advance with the client. Common fee types include initial retainers, success fees, and hourly rates, depending on the nature of the case. Bar associations provide guidelines to prevent excessive or unfair billing, and transparency in fixed and contingency fees is encouraged.

Fee Agreements

Fee agreements between attorneys and clients are typically documented in written contracts. In litigation matters, contracts often specify the amount of the initial retainer and the percentage of the success fee. For non-litigation matters, agreements usually outline hourly rates and the scope of services. Written contracts are strongly recommended, and bar association rules require clear explanation of fee terms.

Client Money

Client Funds Rules

Attorneys are required to manage client funds separately from their own assets. Client funds are typically held in designated trust accounts and settled on completion of the legal matter. Bar associations have established rules for fund management, and misuse of client funds is subject to disciplinary action. Attorneys are also expected to maintain proper records and provide periodic reports.

Money Laundering Rules

Attorneys are subject to anti-money laundering (AML) regulations under the [Act on Prevention of Transfer of Criminal Proceeds](#) (Act No. 22 of 31 March 2007). For certain transactions, attorneys are required to verify client identity and retain records. The JFBA has issued guidelines (see [JFBA: Anti Money Laundering Measures-Verification of Client Identity](#)). While attorneys are not obligated to report suspicious transactions, they are expected to respond appropriately. If a lawyer is found to be involved in concealing criminal proceeds, they may face criminal liability.

Notaries

Required Use of Notaries

Notaries are required for the formalisation of certain legal acts such as the making of wills, notarisation of contracts, and acknowledgments of debt. However, the involvement of a notary is not always mandatory for company formation or transactions such as share transfers or real estate deals. Judicial scriveners or administrative scriveners often handle these matters.

Notary Fees

The Ministry of Justice issues ordinances which regulate notary fees. Fees are calculated either as fixed amounts or as a percentage based on the type and value of the document. For example, contracts involving monetary amounts are subject to tiered fee structures with specified caps. Detailed fee schedules are available on notary office websites.

Notaries and Law Firms

Notaries are public officials appointed by the Ministry of Justice and cannot be affiliated with law firms. They operate independently from designated notary offices and are governed by a legal framework separate from that applicable to attorneys. Attorneys are not permitted to serve concurrently as notaries.

Regulatory Body

The Ministry of Justice regulates the notarial system and is responsible for the appointment, supervision, and discipline of notaries. Notaries are affiliated with *Legal Affairs Bureaus*. There is also a *Notaries Association* that promotes professional standards and provides public information.

END OF DOCUMENT