



日本司法書士会連合会

Japan Federation of Shiho-shoshi's Associations

Shiho-shoshi (Solicitor) Profile

Shiho-shoshi (Solicitor)

As specialists in registration procedures about real estate and juridical persons,

Shiho-shoshi have contributed to the development of the economic society and the protection of citizens' rights.

According to the amendment of the Shiho-shoshi Act of 2002, Shiho-shoshi, certified by the Ministry of Justice, are granted the authority to represent clients in suits brought before courts of summary jurisdiction.

At present, more than 70%* of Shiho-shoshi have been certified by the Ministry of Justice and act as agents for suits in civil cases that concern matters up to ¥1.4 million.

Shiho-shoshi may also have responsibilities to settle and provide consultation for various legal problems that might occur in everyday life, such as preparing documents to be submitted to courts, supporting "*pro se*" suits, holding extra-judicial settlement talks and acting as arbitrators in disputes.

Shiho-shoshi was first established as a profession more than 140 years ago to represent clients in matters relating to daily life beginning in the Meiji period.

Since then, Shiho-shoshi not only opened offices in major cities in Japan, but also in rural communities and towns stretched throughout Japan providing legal services based on the needs of the average citizen. (*as of September, 2014)

Operations of Shiho-shoshi

1. Agents for immovable property registration

Immovable property registration is a Japanese system in which information concerning land and buildings (such as owner, area, existence or nonexistence of collateral) is described in the "registration records" managed by the Legal Affairs Bureau and publicly available, in order to promote confidence in the safety of real estate transactions.

Shiho-shoshi act as agents for undertaking the procedures for registration concerning rights to real estate, such as a change of name or title by sale and purchase, donations, inheritance of real estate and registration of mortgages and lease-holdings.

Shiho-shoshi will assume the responsibility of making applications for immovable property registration in Japan and contribute to the protection of citizens' rights, by checks of people, material items and contractual intentions, so as to protect all parties' rights concerning real estate transactions.

2. Agents for commercial registration

In Japan, juridical persons such as companies are obliged to describe all matters stipulated in the Companies Act and other laws in the "registration records" managed by the Legal Affairs Bureau.

Corporate registration plays an important role when changing board members, company names or objectives and developing companies by corporate reorganization through capital increase, mergers or corporate separations and other such matters.

Shiho-shoshi act as agents for such juridical persons in making applications for registration and contribute to the safety of transactions, as specialists in commercial registration.

3. Guardianship of adults

For those who have insufficient judgment capabilities, due to dementia, intellectual disabilities, or similar problems and find it difficult to manage their own real and personal property, there is an "adult guardianship" system in Japan, in which the family court appoints a "guardian of an adult" who is charged with protecting the individual's assets.

To support this "adult guardianship" system, Shiho-shoshi established the Legal-Support Adult Guardian Center as an incorporated association (currently public-interest incorporated association) in December 1999. At present, more than 30%* of Shiho-shoshi belong to the center and are assiduously carrying out the necessary activities to protect the rights of elderly and disabled persons using this system.

When a third party, other than a relative is selected as a guardian, family courts usually select Shiho-shoshi. (*as of June 2014).

4. Lawsuits before a court

There are venues called "summary courts" across Japan, that handle mainly those problems that are familiar to average people.

There are also many Shiho-shoshi, who are authorized by the Ministry of Justice (known as 'certified' Shiho-shoshi) all over the country and who act as agents in civil suits and mediation that handle cases up to ¥1.4 million in such summary courts.

Shiho-shoshi are also permitted to conduct extensive court procedures in addition to agency.

Through the presentation of complaints and written responses that are submitted to district and superior courts, Shiho-shoshi can support "*pro se*" suits in tandem with plaintiffs.

5. Applications for naturalization

For foreign nationals who were born and raised in Japan and who want to permanently reside therewith Japanese nationality, the permission of the Ministry of Justice is required. The requirements for Japanese nationality are fairly rigorous and the documentation that needs to be submitted can be fairly complicated.

Through providing advice on naturalization procedures, preparing application documents and collecting necessary evidence, Shiho-shoshi are able to assist foreign nationals to acquire Japanese nationality.

6. Other operations

There is a "deposit system" in Japan, under which monies may be submitted to the Legal Affairs Bureau and such funds may be issued to specific persons to accomplish certain aims. For example, the system is used when rents for apartments or deposits for a property purchase are made with real estate or brokerage companies for doing normal business stipulated under the law.

Shiho-shoshi may conduct such agency operations about for such procedures.

Also, since Japan has a relatively small land area, it is important to clarify the 'parcel boundaries' with neighboring land. Since Japanese people tend to dislike disputes, there is system in which the Legal Affairs Bureau identifies correct parcel boundaries without judicial decisions being made. Shiho-shoshi may conduct agency operations for "parcel-boundary-specific procedures".

Japan Federation of Shiho-shoshi's Associations

The Japan Federation of Shiho-shoshi's Associations is organized by 50 Shiho-shoshi's Associations across Japan, and conducts activities for the purpose of providing guidance, contact, and performance of clerical work concerning the registration of Shiho-shoshi, in order to maintain the dignity of the role of Shiho-shoshi and to improve and advance their operations. To accomplish such purposes, the Japan Federation of Shiho-shoshi's Associations conduct the following activities:

Efforts of the Japan Federation of Shiho-shoshi's Associations

1. Regional Justice Expansion Fund

Shiho-shoshi conduct operations even in small towns, but access to justice is insufficient in some rural areas. The Japan Federation of Shiho-shoshi's Associations supports Shiho-shoshi who provide legal services in areas where access to justice is difficult with the aim of promoting community-based activities.

2. Shiho-shoshi's Associations Mediation Center

Before deciding to file suit in a court of law as the final measure, Japanese people, generally, want to solve legal problems through discussion, as far as possible. With the enforcement of the "Act on Promotion of Use of Alternative Dispute Resolution (ADR Law) in 2007, the Japan Federation of Shiho-shoshi's Associations established the "Shiho-shoshi's Associations Mediation Center". As the facilitators and agents of ADR procedures, Shiho-shoshi are making efforts to achieve early, out-of-court settlements of disputes by extra-judicial mediation.

3. Shiho-shoshi Consultation Center

By taking advantage of the characteristics of Shiho-shoshi that exist all over Japan, for the purpose of enabling Shiho-shoshi to provide high-quality legal services whenever, wherever, to anyone, the Japan Federation of Shiho-shoshi's Associations established the Shiho-shoshi Consultation Center across Japan starting in the fiscal year, 2005. The number of Shiho-shoshi Consultation Centers totals about 150 at present.*

(*as of September, 2014)

4. Citizens Relief Fund

Following the occurrence of the "Great Hanshin-Awaji Earthquake" of 1995, for providing consultations and legal support services toward the settlement of legal problems faced by disaster victims, the Japan Federation of Shiho-shoshi's Associations founded its original Citizen Relief Fund in 1999.

In Japan, natural disasters, including earthquakes, tsunami, volcanic eruptions and typhoons frequently occur. Therefore, the federation dispatches Shiho-shoshi to support disaster victims using the Citizens Relief Fund and they continue reconstruction assistance activities, as approved lawyers.

In "the Great East Japan Earthquake" of 2011, we are proud to say that the Federation established a unified headquarters for disaster control within the same day as the earthquake disaster occurred, as well as instituting disaster control measures, establishing a headquarters within the Shiho-shoshi's Associations of the disaster-affected areas and has since provided finely-tuned legal relief operations for the affected citizens.

5. Legal education

Justice plays an important role in the prevention and settlement of disputes. Shiho-shoshi support the education of junior and senior high school students so that they may learn about justice and to cultivate the capability to participate in establishing rules for preventing and settling disputes, all by themselves!