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**Seeking Legal Advice in Rural Areas of Japan:
The Changes in Legal Networks**

by

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Seeking Legal Advice in Rural Areas of Japan : The Recent Changes in Legal Networks*

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INTRODUCTION¹

As one feature of the Japanese legal profession, it is well known that the numbers of lawyers is extremely low relative to the population partly due to the traditional national bar exam². Additionally, the bulk of Japanese lawyers practice in urban districts, in fact, about 61 % of Japanese lawyers practice in large cities: Tokyo (47%), and Osaka (14%). In other words, there is a geographical maldistribution and concentration of lawyers in urban centers, and residents in rural areas have fewer opportunities to seek legal assistance than those residing in urban centers.

To describe this phenomenon or indicate the area where there are no or a few lawyers, the term “*Shiho Kaso* [judicially depopulated’ in English]³” has been applied. When did the issues of

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² The most prominent features of the Japanese traditional national bar exam are high competitiveness and virtual selectiveness. However, the judicial education system has been changed recently. Japan began to establish graduate-level law schools in 2004 in order to train the large numbers of lawyers that will be required in the future. There were 74 law schools in Japan with 5,544 students enrolled as of 2005.

³ By the JFBA definition, “*Daiissyu Bengoshi Kaso Chiiki*” [The first type of *Shiho Kaso* area] for an area in which there are fewer than three law firms within the jurisdiction of a court and its branches, and “*Dainisyu Bengoshi Kaso Chiiki*” [The second type of *Shiho Kaso* area] for areas in which there are 4 to 10 firms. As of March 2007, there were 87 “*Daiissyu Bengoshi Kaso Chiiki*” across Japan.

“*Shiho Kaso*” start to appear in Japan? We cannot immediately determine when this phenomenon began to occur exactly, however, we can find a clue from the description of *Rinzi Shiho Seido Chosakai Ikenso* (1964) [A Proposal of The Interim Inquiry Committee of the Judicial System]. What is apparent in this proposal is that in the early 1960s there was a concentration of lawyers in urban districts and there were many jurisdictional districts courts. Also it was noted that it was necessary to take corrective measures to urgently remedy the situation.

Meanwhile, referring to a Japanese legal magazine, ‘*Ziyu to Seigi*’ [Liberty & Justice] (1972), we could assume that some lawyers already viewed this issue as a serious problem in early the 1970’s. Three years later, the magazine featured the issue of *Shiho Kaso* again⁴. We can find some articles including: the causal explanation of maldistribution and some forward-thinking ideas concerning public law offices in rural areas. Around that time in Japan, as a consequence of high economic growth, the phenomenon of underpopulation in rural areas emerged as a social issue of concern.

However, the measures to solve the situation and alleviate the regional discrepancies were not introduced until the end of 1990’s. Two measures have been adopted by the Japan Federation of Bar Associations (“JFBA”). Firstly, local bar associations and the Legal Aid Association established Legal Counseling Centers⁵ so as to provide all citizens with access to legal consultations in rural areas once or twice weekly. The JFBA supports the establishment and operation of Legal Counseling Centers as part of its program to alleviate shortages of lawyers. As a result of these efforts on the part of the JFBA and local bar associations to provide services in line with community needs, more than 250 new legal counseling centers have been established over the last 10 years, with a total of 294 in operation around Japan as of February 2006⁶. The types of consultations provided and consultation fees charged differ from center to center.

Secondly, from 2001, “Public Law Offices” have been established in areas where there were no or a few lawyers per capita⁷. In point of fact, these endeavors are operated by individual lawyers, but are provided with assistance to cover their opening and operational costs by the JFBA. These costs are covered by the JFBA member dues.

⁴ *Ziyu to Seigi*(1975) vol.26.1

⁵ See Nagaoka (2000) about the introduction of the system of Legal counseling centers by the JFBA.

⁶ From the JFBA data.

⁷ Some local bar associations have also opened urban "public law offices" to train lawyers and candidates for judgeships in areas suffering from a shortage of lawyers.

Also, as one outcome of judicial reform, as a result of the new legislation⁸ for nation-building, anyone, anywhere should be able to get legal service and information. To facilitate this, the Japan Legal Support Center⁹ has been founded by public funding and just started their information service in 2006.

However, the fact remains that physical access to lawyers in rural areas remains problematic. On another front, until the 1970s Japanese socio-legal studies vigorously studied the relationship between the preeminence of the market and legal activities in local communities. Kawashima and his students for example, conducted comprehensive empirical studies in Japanese villages concerning law and the traditional community. These were studied according to the theory framework known as “*Ikeru Ho*” [living law] and built up a significant accumulation of empirical data about lifestyles, law and culture in Japanese society. However, since the 1980’s, very few empirical studies using “*Ikeru Ho*” directly have been conducted. It is thought to be due to a reduction of its theoretical validity accompanying the modernization of Japanese society¹⁰.

Despite of the study of the legal profession, especially of lawyers, as one of the major fields for Japanese socio-legal researchers, a great deal of effort has been focused on lawyers who practice mainly in urban districts. Only few studies have so far been made on this *Shiho Kaso* issue¹¹. Rural areas have traditionally been mostly overlooked in previous studies, and island communities have received little or no attention.

For all of these reasons, we must try to understand how residents of isolated communities seek legal advice and how they resolve their legal problems. Also, it is necessary to see the whole picture of “*Shiho Kaso*”. There is a timely need to track the performance of the three initiatives above, and to research the legal needs of people residing in rural areas and on isolated islands, and then to propose ways of meeting their needs in line with the spirit of the newly introduced legislation. Two questions now arise: How do residents of isolated communities seek legal advice? And how do they resolve their legal problems?

⁸ The Comprehensive Legal Support Law was promulgated in 2004, as one of the key components in judicial reform with the aim of expanding access to legal services for the public, which enabled the establishment of the Japan Legal Support Center.

⁹ For more details of the activity and daily operations please refer to: <http://www.houterasu.or.jp/index.html>, in Japanese. A summary of weekly and monthly aggregate number of inquiries, and their contents are posted on this web site.

¹⁰ Rokumoto(1986).

¹¹ Kashimura (2005), Kashimura, Abe, Sugawara(2006).

THE DETAILS OF THE FIELD WORK¹²

To discuss these matters, the author has been conducting an ethnographic study on Ishigaki Island in Okinawa Prefecture since 2003¹³. Ishigaki is located about 470 kilometers southwest of Okinawa Main Island. Travel between Ishigaki and the main island of Okinawa is about 45 minutes by airplane. It is 220 square kilometers in area and has a population of 45,000¹⁴. Ishigaki is a beautiful island and the core island of the Yaeyama archipelago which consists of 11 populated islands. The total of the population of Yaeyama is about 51,000. There is a court which oversees three areas: the district court, the family court and the summary court. Only one judge and two family court inspectors are appointed to handle cases in all of these areas covering the population of Yaeyama. In 2003, there were two lawyers originally from Yaeyama and eight active judicial scriveners.

Being designated as a “*Shiho Kaso*” area, a legal counseling center was established in Ishigaki in 1999. It was a joint establishment by the JFBA and The Okinawa Prefecture Bar Association. In addition, in 2001, a public law office was established on Ishigaki by the JFBA. It was the first establishment of a public law office in Japan. Nowadays nearly 70 public offices are open in “*Shiho Kaso*” areas throughout the country.

The reason Ishigaki-island was selected can be summarized as follows: first, The Japanese Archipelago is formed of four main islands and many smaller ones. Out of these smaller islands about 400 are populated by about one-million, three hundred thousand people. Secondly, these smaller islands tend to have traditional social systems and networks, the like of which have been lost in urban centers. For example, There is an endemic and old system of financial support called ‘*Moai*’ and right of commons called ‘*Iriaiken*’ remain. Thirdly, Ishigaki-island is the center of the Yaeyama archipelago, therefore administrative, legal, medical and other services are concentrated on this island and it enables us to collect a large amount of data and information. Fourthly, from the point of field studies, Ishigaki-island could be thought of as accessible for fieldworkers for two reasons. The tourist industry is very developed due to the airport access from many large cities in Japan. This is one factor in the openness to outsiders even though many island communities tend to be suspicious of those from other places.

¹² All notes and information about Ishigaki on this paper concern the situation in spring 2004.

¹³ The intensive work was conducted from winter in 2003 through spring in 2004, when I stayed on Ishigaki. Since then, follow-up surveys have been carried out.

¹⁴ There are also a considerable number of transients many who stay for periods of six to eleven months and are not registered as residents of Ishigaki.

Furthermore, Ishigaki has a history of forced migration from other more populated areas in order to develop the local community. These aspects were confirmed through preliminary investigations.

The purpose of the field work was to observe various meetings in order to grasp a clear view of the total workings of conflict resolution. The author also interviewed people in order to find out which path people select, or would select to resolve conflicts, and what their understanding of their choices were. Service providers were also interviewed to find out their roles, and which other service providers and specialists they collaborate with. The fieldwork schedule is detailed in Table 1 in the Appendix. This fieldwork was supplemented by weekly sessions at newly created law offices in Ishigaki to observe and discuss their work. To observe a social welfare service counselor at work, many meetings were observed between her and residents of Ishigaki. There was also a counselor who specializes in consumer complaints, such as being charged outrageous amounts for products such as bedding, or from off-colour internet sites. The number of such cases is rising rapidly.

Also, Okinawa Island based lawyers serving Ishigaki Island on a rotation basis were consulted each visiting Ishigaki for only a few hours about once yearly. This shed light on their opinions concerning their work in Ishigaki, and the difference in the needs and mindset of the residents of Ishigaki.

Because the work was conducted independently, the author focused mainly on trouble such as divorce, inheritance, domestic violence, and financial problems.¹⁵ The author closely followed the methods of fieldnotes, descriptions and analysis of Emerson, Fretz, & Shaw (1995)

FINDINGS: BEFORE INTRODUCTION OF INITIATIVES

As stated above, two new legal services have been introduced into the Ishigaki community since 1999. What has changed and what has remained unchanged? To answer this, we need to study the state of affairs prior to 1999. We could presume that before introducing these new services in the community there must have been some alternative formal and informal systems in place to resolve disputes, and some facilitators such as village elders who were active in these matters.

¹⁵ In the preliminary survey conducted on Ishigaki, we could observe that traditional troubles such as divorce, inheritance issues as well as new types of troubles - billing fraud and consumer complaints -which originated in urban centers, are both prevalent. That is also one of the reasons Ishigaki was selected for this research.

Before the foundation of the legal consultation centers in 1999 the situation as follows: Firstly, the resident lawyers were in charge of residential client's individual cases so they were actively involved in solving many conflicts¹⁶. Secondly, simultaneously, the resident judicial scriveners had been providing free legal consultations¹⁷. That is to say, they played the role of legal counselors in the local community. Thirdly, as part of a local administrative service, a free legal consultation had been provided to residents weekly in city hall for over ten years. This consultation has been facilitated by two resident lawyers on a biweekly rotation. The degree of recognition of the service is relatively high. Finally, there were many contacts between lawyers on Okinawa Island and residents of Ishigaki Island. There are many Lawyers originally from Yaeyama but they are mostly conducting business on the main Island of Okinawa. This is a unique phenomenon, in other words, it shows a pattern of residents procuring lawyers from outside their community. It is still observed after the introduction of new legal services into Ishigaki. Some residents still make use of remotely based lawyers even though they are able to access lawyers locally. The author would like to elaborate on this point in the following discussion.

FINDINGS: AFTER INTRODUCTION OF INITIATIVES

Let us now turn to the present situation of Ishigaki after introducing new legal service. The findings after changes in 1999 turned out as follows. Table 2 shows the list of organizational consultation services available in Ishigaki. Each organization or individual in this chart was visited and the party in charge of the consultation and related people were interviewed to find out the scope of their daily operations, various types of consultations they provide, and their cooperation between different organizations if any. Table 3 provides a summary of different hearings and represents the Ishigaki community support groups, including legal consultation services, and how they relate to each other¹⁸. As we get closer to the center of the circle, the extent of recognition, use, and effectiveness within the community becomes higher. The small two-way arrows show that there is strong cooperation between the groups. They sometimes take

¹⁶ Because of their advanced ages, they are inactive although their firms are currently registered for business.

¹⁷ Until 2003, judicial scriveners were prohibited from providing legal consultations by Article 72 of Practicing Attorney Law etc, but many admit that in fact, not a few judicial scriveners provided free legal consultations to long term acquaintances as a social service over the years.

¹⁸The table reflects the relationships between parties as they themselves see each other, aiming to show who is in charge of what, effective in such and such an area.

their clients to each other's offices, or inform clients of other places they can visit to seek advice when they find another service is more suitable or has the expertise to better assist their clients. The large arrows show the flow of legal experts (lawyers and judicial scriveners) in charge of legal consultation. Groups shown in light boxes with white print offer free consultations and those in dark boxes with black print charge a fee. The fact remains that people may also seek professional legal advice from other sources, including certified public tax accountants, administrative scriveners and real-estate surveyors etc., and in Ishigaki these avenues do exist, however they are beyond the scope of this study.

The following goes into detail on some of the more important providers. First of all, in city hall, there are various consultation services available including legal consultation. In Ishigaki, people are highly aware of the availability of legal consultation in city hall¹⁹. It is conducted by resident lawyers on a rotation basis; the consultation is available once a week during the morning. To make use of the consultation, a reservation is required by phone which is handled by the staff of the city hall. The extent of use is quite high, however, because it is conducted by lawyers not active in their firms, it is problematic to those who would need to have continuous support of a particular lawyer. In this aspect it could be improved upon.

There are eight judicial scriveners registered in the local judicial scrivener association, and four of them are active in their daily operations. Their existence is well known to residents and they are actively involved in the community. Three of them are qualified to represent clients in the summary court in minor cases with settlements up to one million, four hundred thousand Yen²⁰. One of the characteristics that I could be observed is an apparent separation of duties amongst the judicial scriveners. For example, one is mainly engaged in registration work which is the judicial scriveners' original practice. Another is handling settle the settlement of cases of multiple debts caused by consumer loan and loan sharks. He is the only judicial scrivener who works in this field on Ishigaki. Financial problems have been steeply increasing in the past few years. There are some automated cash dispensers set up by consumer loan companies as well in Ishigaki²¹. In most of the cases, the judicial scrivener conducts an adjustment of debts or processes filing for personal bankruptcy. Another scrivener's focal point of operation is to represent clients in court. The result of this separation of areas of support seems to come from

¹⁹ This is a feature of many Japanese local government units (city, town, village), in which they offer legal consultations as one sphere of their administrative service. However the details of the service vary from place to place.

²⁰ See Article 3 of The Judicial Scrivener Law.

²¹ Because of the availability of easy borrowing for the past ten years, the old system of financial support " *Moai* " seems to be decreasing, however further investigation is required.

the close community ties. In addition, judicial scriveners do not seem to cooperate, nor share information with each other.

Unlike people in large cities, people in Ishigaki know where the court is as it centrally located in their nuclear neighborhoods. This is the same as found in small towns with a population of 40,000 to 50,000 people, served by branch offices of district courts.²² Clerks in this court seemed to be good at dealing with minor situations and concerns such as how to proceed in family matters etc.²³ Sometimes, particularly in *Shiho Kaso* areas, people come directly to the court to ask where they are able to consult with a suitable lawyer, or where they are able to seek advice on legal matters according to their particular circumstances. This is unique to *Shiho Kaso* areas, and is not the practice in larger urban areas, where people tend to find lawyers on their own. The situation in which courts give advice, or are asked to recommend the most suitable lawyer is problematic and ingrained, and the introduction of Legal Support Centers cannot be expected to remedy the situation completely.

When explaining the Ishigaki community support groups, we definitely can not underestimate the role of the Ishigaki City Social Welfare Council. Consultation provided by the Social Welfare Service excels in the extent of use and recognition. It can be explained by four factors: Firstly, a variety of problems are acceptable for general consultation, and counselors who are in charge of these can decide which area they fall under: legal issues, women's issues, consumers' affairs, parental care, care of the elderly, etc. Moreover, as regarding legal affairs, as stated above, four judicial scriveners are in charge of legal consultations on a semimonthly rotation basis. Counselors sometimes select the most suitable judicial scrivener depending on the details of the situation and their particular area of expertise. In other words, counselors not only handle general consultations but also serve as a sorting house for more specific consultations. This function and consulting system rests largely on the counselor's personal ability and their personal networks. Secondly, the aspect of ads placed in periodicals such as municipal monthly newsletters and local newspapers can be the reason for the high recognition and use of counseling services. The local newspaper provides information on various consultation services available at the Social Welfare Council almost everyday. It is highly visible.

The third reason for common usage is the allocation of the counseling room and its layout. Because a separate entrance is available to the counseling room and the counseling room is

²² For example, Miyazu city of Kyoto prefecture and Hamada city of Shimane prefecture which are also designated as *Shiho kaso* areas. This is one of the findings from a community study by Kashimura et al. (2003) in which the author assisted.

²³ In family cases, according to the principle of mediation before proceeding to the courts, family affair consultations, which are like an orientation, are provided.

placed apart from the office, consultants are able to go directly into the counseling room without being seen by other staff of the Social Welfare Council. In a so-called close-knit local community, consideration of privacy is very important to residents. People are sensitive about bumping into others unexpectedly, or being seen by someone they know while seeking legal advice. In addition, the interior of the counseling room is designed to alleviate psychological stress. Lastly, consultations are provided free.

So far, we have looked at the important role of the Social Welfare Council, however the counselors are employed on a short-term (2-3year) contract. The function and consultation system might change with new counselors. In addition, they provide consultations targeted for the elderly, to support them with the sharply rising number of cases of consumer complaints.

Police play an important role within the support group. Especially in the community safety consultation they provide, people with a variety of problems show up for a consultation or consult by phone. For instance, in 2001's annual summary report, a total of 213 cases were brought into community safety consultations. The breakdown is: 76 for family related, 55 for crime-prevention related, 46 for civil related, 19 for police related, 4 for traffic accidents, and 13 for others. What is remarkable, 23 out of 76 family related cases concerned gender based violence. The issue of domestic violence is getting more serious in Ishigaki and there is close cooperation with other organizations such as the municipal womens' counselor, the prefectural womens counselor, NPO for domestic violence, the counselor of Ishigaki city social welfare council, if needed, the prefectural hospital (surgery and psychiatry) and the municipal welfare office. When the victim needs to escape domestic violence, it means leaving the island. Because of the closeness of the community it is impossible to establish and run a shelter in a confidential, safe fashion. The nature of the close-knit society obstructs the maintenance of confidentiality inside the community. In severe cases of violence, cooperation between counselors and the police is required round-the-clock. Sometimes police accompany counselors and victims to the airport boarding gate for security.

In addition, as stated above, new types of consumer troubles frequently occur in Japan and Ishigaki is no exception even though it is a very remote island. Some of the new twists on the consumer troubles are targeted on the socially vulnerable and elderly. For example, *Oreore Sagi* ["it's me" scam] is a scam in which a man calls an elderly person pretending to be a son or grandson, demands a large amount of money to be sent to a bank account to cover compensation for causing a traffic accident, or the like. *Haihai Gakko* [Yes-Yes School] is a fraudulent sales tactic using hypnotic suggestion. Malicious business people gather elders in one place to give a

clever, almost hypnotic spiel, and sell products at exorbitant prices. Products tend to be health appliances, bedding, and health food to exploit the elder's weakness. Sad to say, these new types of consumer crimes are constantly changing in their approach, making it difficult for people to build defenses against them. In Ishigaki, to settle those troubles, there is a partnership between the police, the Consumer Service Center and the Social Welfare Council. They are also active in enlightening residents to help prevent this kind of crime.

Another example of a worryingly increasing social problem in Japan is the child abuse problem, and it is on the increase in Ishigaki as well. For this problem, there is cooperation between the municipal child counselor, municipal welfare office and a NPO (CAP Ishigaki: Child Assault Prevention, Ishigaki,) which was established a few years ago. Sometimes problems related to cases of mental instability are reported to the police from family members. In these situations, there is cooperation between the police, the municipal welfare office and prefectural hospital (the single source of inpatient facility for psychiatry in Ishigaki).

About 15 operative mediators are affiliated to the court covering both civil and family cases in Ishigaki. In Japan, mediators are restricted to their roles in mediation outside the court, however, like in many other places in Japan, some mediators are also local notables and in fact serve different roles in the local communities concurrently. Not to be forgotten is the role played by neighbors and residents of the island, who visit houses to consult those in difficulty on a daily basis. Therefore one can say some mediators wear one hat as a facilitator for the community and another as an informal advisor.

There are quite a lot of caseworkers and social workers specializing in children due to the fact that two or three are selected in each small neighborhood. Their names and pictures are made known to the public in municipal newsletters. Although there is a difference among the individuals in their activity and the range of their work, generally they listen to one's problem and give advice.

In a broad sense, religious organizations such as a church offer another source of assistance which provides general consultations. In Ishigaki, there are a few churches nowadays and one of them once played the role of "*Kakekomidera*"²⁴ for battered women. This role seems to be in decline since the institution of counselors started in the administration system, and its strong

²⁴ "*Kakekomidera*" in Japanese directly translates [refuge temple] and means a temple acting as a refuge for abused wives in the Edo period. After staying there for a certain period, divorce was permitted. It was one of the means for women to escape from difficult circumstances. Currently, the temple which plays the role of the original meaning still exists in Japan, but the term is now commonly used as a place of refuge for anyone with pressing problems, and has no-one else to turn to.

corporation with the police as noted above. The ministry of the church is now one of the major NPOs fighting against domestic violence. Additionally, political party organizations might be counted on to provide general consultation services in the community.

FINDINGS: A CONSTELLATION OF COOPERATION

So far, we have seen what kinds of consultation providers and specialists are available and how they relate to each other in the community. It may be desirable to summarize important points of this paper at this stage. In this study, a constellation of cooperation between consultation providers and specialists was observed. Let us now further look at the cooperation between different organizations. One of the main focuses of the cooperation concerns the exchange of information about various situations, cases, and their prevalence. The aspect of exchanging of information is more important in cases of consumer problems. This is linked with what was previously mentioned, because consumer problems and crimes are constantly changing in their approach, those who are involved in solving the troubles need to be informed of the latest situation concerning consumer complaints.

Another focus of the cooperation is to inform consulters when they find another service is more suitable or has the expertise to better assist them. This style of cooperation, to pass those in need on to the most suitable provider, was explained by the providers to the author. This means providers needed to contact other consultation providers about the situation of consulters by phone, or sometimes they accompanied their consulters to their counterpart's offices. To be able to connect to other areas of expertise or service providers, one has to be familiar with their counterparts' abilities and areas of responsibility, and there needs to be a relationship of mutual trust.

Moreover, the last focus of the cooperation is multilateral cooperation between the service providers. Particularly in cases of domestic violence, there needs to be strong and simultaneous teamwork amongst those who are involved. For example, in the case of domestic violence, the author observed that the municipal women's counselor seems to take an unofficial central role in coordinating actions with concerned parties. This is not institutionally organized with agreed reporting lines or a systematic flow of information. From the study, the author presumes that it may be due to the counselors' wide-ranging contacts which she has built up over the years, and her passionate desire to resolve complex problems in the community.

As just described, the network and the teamwork amongst the counselors and specialists seem

to be functioning relatively successfully. However, those concerned in the consultation service acknowledge the necessity of lawyers who are accessible at all times in order to handle specific cases²⁵. Now, questions arise: Are the two, newly introduced legal services which provide access to lawyers working sufficiently well to accomplish their original goals? Are they easily accessible to the residents of Ishigaki? Are they useful to those concerned in the consultation service? That is to say, have they been sufficiently integrated with other consultation providers? Let us now look at the situation of these two new services.

FINDINGS: NEWLY INTRODUCED LEGAL SERVICES

Firstly, since the introduction of the Legal Counseling Center in Ishigaki in 1999²⁶, as Table 2 shows, the consultation service is provided once weekly by a lawyer from a public law office, and Okinawa Island based lawyers on a rotation basis. On other days there is no continuous presence of lawyers in the center. Compared to the Public Law Office which is another newly introduced legal service, though the establishment was later, the Legal Counseling Center has relatively low recognition and use in the community. Very surprisingly, even amongst those concerned in the consultation service, such as the counselor of the Social Welfare Service, the existence of the Legal Counseling Center was almost unknown, so the center is not involved in the network of support groups. The factors which hinder the success of the center are: first and foremost, this newly introduced legal service is not the type to provide constant access to a particular lawyer. According to the receptionist, she often receives calls inquiring when it is possible to see a lawyer (there is no particular advertising or information about the details of consultation, this is also definitely one of the factors). Then people find that there is no constant access to a particular lawyer in the center, and they have to wait up to a week for a consultation. From the receptionist's remarks, when callers find out that there are no lawyers immediately available they are often discouraged and are sometimes reluctant to make a reservation. This points to the train of thought that immediacy is required to meet the legal needs of people in

²⁵ In particular, those who are concerned with domestic violence cases see the need to have a minimum of two lawyers on hand at all times to ensure legal representation of both parties in a dispute, if needed.

²⁶ The JFBA commissioned, Kashimura and Sugawara to conduct panel surveys on three occasions to measure the effects and changes of the establishment of Public Law Offices and Legal Counseling Centers during 1999 through 2002. The survey was conducted in Ishigaki and another *Shiho kaso* area, Mineyama in Kyoto Prefecture, in which both have Public Law Offices and Legal Counseling Centers. For further details of the survey, see Kashimura and Sugawara (2003), Sugawara (2005), and Kashimura (2005).

difficulty.

On the other hand, according to the same receptionist, some residents made inquiries as to which week the lawyer from the Public Law Office offers consultations. That is to say, the information that a rotation basis exists and is spreading gradually through word of mouth, and residents seem to select the consultation day on which the lawyer from the Public Law Office consults. This tendency started to appear at the beginning of 2004 and it could be thought of as one outcome of the increasing awareness and acceptance of the lawyer from the Public Law Office. However, if one would like to consult the lawyer of the Public Law Office, one can go to there and consult with the lawyer on a daily basis. The Public Law Office is located only ten minutes walk from the Legal Counseling Center, so distance is not a factor.

Another factor which may hinder the success of center is the aspect of location. The Legal Counseling Center is located in an area where many original inhabitants live. According to the hearing from the lawyer of the Public Law Office, he gave consideration to this point when he decided where to establish the office. Thereby the Public Law Office is placed in an area populated mainly by newcomers to Ishigaki. Also, the inside layout of the Legal Counseling Center can be thought of as another limiting factor. There is no soundproof partition between the reception and the consultation space. From my observation on consultation days, the details of the consultations could be clearly heard and seen from the reception area. As there is no separate waiting area, both the receptionists and anyone waiting in the reception area can hear all the private details of another's legal affairs. This is also thought to influence the low utilization factor. According to one counselor who specializes in consumer complaints, some residents go to the trouble of changing their residency to Okinawa Island in order to enable them to receive mediation in the court in Okinawa. They go to such lengths and endure the high costs of transportation etc. in order to avoid the small court in Ishigaki which has only one waiting area, making it difficult for residents to avoid their acquaintances or adversaries.

Secondly, on the other hand, the management of the Public Law Office established by the JFBA has been stable since the opening. A veteran lawyer from the mainland runs the office and he announced to the public his intention to remain in Ishigaki after his term of office expires²⁷. The existence of this office and its new lawyer is better known to the residents of Ishigaki than the Legal Counseling Center. In other words, the Public Law Office seems to be succeeding and gaining in local awareness in the community. Also, the demand for his services illustrates the

²⁷ The term of public law offices is generally 2 to 3years. Extension of the term is permitted. After the end of one's term, some lawyers decide to stay, in that case, their offices have to be run privately.

needs of the community, which were previously unanticipated. However, this has not happened as smoothly and quickly as would be desirable. One reason is that, due to the fact that there were two aged but inactive lawyers officially on hand in Ishigaki before the new initiatives, the local government did nothing to support the initiatives, nor did they advertise the new services to help them integrate. Therefore, unlike other public law offices in other *Shiho Kaso* areas, Ishigaki Public Law Office had to follow the traditional way of customer acquisition which is to say, by word of mouth²⁸.

DISCUSSION

Thus far, the discussion has been entirely descriptive and explanatory. Let us now further examine factors that illustrate the main point: ‘Why do residents of Ishigaki prefer to use the services of mainland based lawyers rather than locally based lawyers?’

In Japan, in discussions about access to justice, and on measures needed in areas in which there are few lawyers, accessibility to lawyers has been considered very important. We can say that there is a consensus amongst researchers that lawyers should be near their clients, both physically and socially, and access should be easily provided due to their close proximity.

Through the field work, the author asked some residents of Ishigaki what they would do if they need to see a lawyer for legal advice and assistance. Some of them answered that they would use a lawyer based on the main-island of Okinawa to whom they are acquainted. Not a few residents seemed to have a relationship with these lawyers. As mentioned previously, pre-1999, there were many long term contacts between lawyers on Okinawa Island and residents of Ishigaki Island. There are many lawyers originally from Yaeyama but they are mostly conducting business on the main Island of Okinawa. Why don’t they open their firms in their hometown? It was obvious that people were suffering from the shortage of lawyers. Moreover, there have been legal needs as we can see from the success of the Public Law Office. Some residents still make use of remotely based lawyers even though they are able to access lawyers locally. In Ishigaki some people do not seem to have become familiar with the new services provided by newly assigned lawyers. This seems paradoxical to the conventional idea of access to justice. What are the causes behind this phenomenon? How can we explain this paradoxical behavior?

²⁸ For example, the public law office in Hamada of Shimane prefecture, which used to be a zero-lawyer area, local government supported the establishment and advertising

To explain the phenomenon, the author considers the reasons behind this unusual state of affairs are complex. The first factor is to explain why a lawyer whom one is acquainted to is preferred. The locality (regional characteristics) of Ishigaki and Okinawa society places importance on personal networks, especially territorial connection and kinship. Ties between relatives and hometowns are remarkably strong. The author considers this factor to provide one source of explaining the pattern.

The second factor is to explain why the Okinawa island based lawyers are preferred. People of Ishigaki often refer their community as “*Shima Shakai*” [Island Society] or “*Shigarami Shakai*” [ball and chain society] which means to be connected mutually for better or worse, without being able to escape from community obligations. For example, one judicial scrivener told the author, he goes to the trouble of checking out whether a new client is his child’s classmate’s parent or not.

Privacy is also a concern in the community. When visiting local consultation offices it is highly likely that consulters may be seen by other residents, and their conversations will be overheard by local receptionists or other residents waiting for consultations. In such a society lawyers get caught up in competitive relationships when legal dispute resolution is needed. What is the best solution for these two factors? Offering cases to lawyers one is familiar with, but lives out of the “*Shigarami Shakai*”.

Thirdly, the aspect of the conventions to mutual help can be thought of as one of the factors. Especially in remote islands it is said that the traditional societal systems and networks of mutual aid remain in aggregation because of their geographical isolation. In Ishigaki and the Yaeyama archipelago, adherence to mutual help remain strong. This is a feature of Okinawa but it can also be observed in other rural areas on the mainland of Japan.

THE FUTURE STUDY OF LAWYERS AND THE COMMUNITY SUPPORT NETWORK

The Japan Legal Support Center which was founded in 2006 provides several types of services to provide an access point for the resolution of legal issues and legal services concerning both civil and criminal cases. It is organized as a "quasi-independent administrative institution," and has opened offices in most areas throughout Japan where district courts are located. One of the activities is targeted to tackle the *Shiho Kaso* phenomena. To achieve this goal, The Japan Legal Support Center launched programs to establish “Law Offices” in areas across the country

suffering from shortages of lawyers. It also assigned lawyers to these areas, thus providing residents with legal services in coordination with local bar associations. As of June 2007, seven law offices had been established nationwide and newly assigned lawyers are working in these offices. As mentioned above, the JFBA has been setting up Legal Counseling Centers and Public Law Offices in *Shiho Kaso* areas, and dispatching lawyers to these areas since 2001. To sum up, regarding the actions to eliminate *Shiho Kaso*, at present in Japan there are two measures to provide legal services by lawyers on a full time basis: one from the JFBA and another from the Japan Legal Support Center. The (quasi governmental) Japan Legal Support Center recruits lawyers for dispatch to the law offices and employs them as “*Staff Bengoshi*” [Staff Lawyer]. This is a non-conventional style of work and employment for lawyers, as it is usual that branches of government and the legal system have been kept separate. Due to the emergence of this new system of legal employees and the possible impact to the community, the traditional image of Japanese lawyers is sure be transformed in the near future. As already mentioned, Japanese socio-legal studies have focused on lawyers who practice in urban districts. This research tendency, as Kashimura (2005: 184) pointed out, should not be viewed critically because it is clear that the history of the Japanese legal profession has been one nearly exclusively made up of urban lawyers. However, in years to come, due to the anticipated large increase of the number of lawyers resulting from recent judicial educational reforms, as well as the existence of *Shiho Kaso* initiatives, the research situation will change.

In addition, as shown in illustrations of Ishigaki above, though it is a remote island having a relatively small community, a range of versatile consultation services in collaboration with each other could be observed. The same holds true all over Japan, however, only few empirical studies have been made up to this time and the actual situation not well understood.²⁹

Public law offices established by the JFBA in this paper, these have proved successful not only in Ishigaki but in other *Shiho Kaso* areas as well. The lawyers of public law offices share the impression that they could reach clients within communities where no legal needs were previously thought to exist. What is clear from these successful public law offices is that there is a need to gather further information in individual communities to be better able to grasp the actual situation. In the field of socio-legal studies, there is a pressing urgency to explore and report on the relationships between the community, lawyers and other consultation providers in individual situations. This will enable us to see the whole picture of *Shiho Kaso* in Japan.

²⁹ For example, Kashimura (2000), Murayama and Hamano(2003).

Table 1. Time Table of the Field Work in Ishigaki³⁰

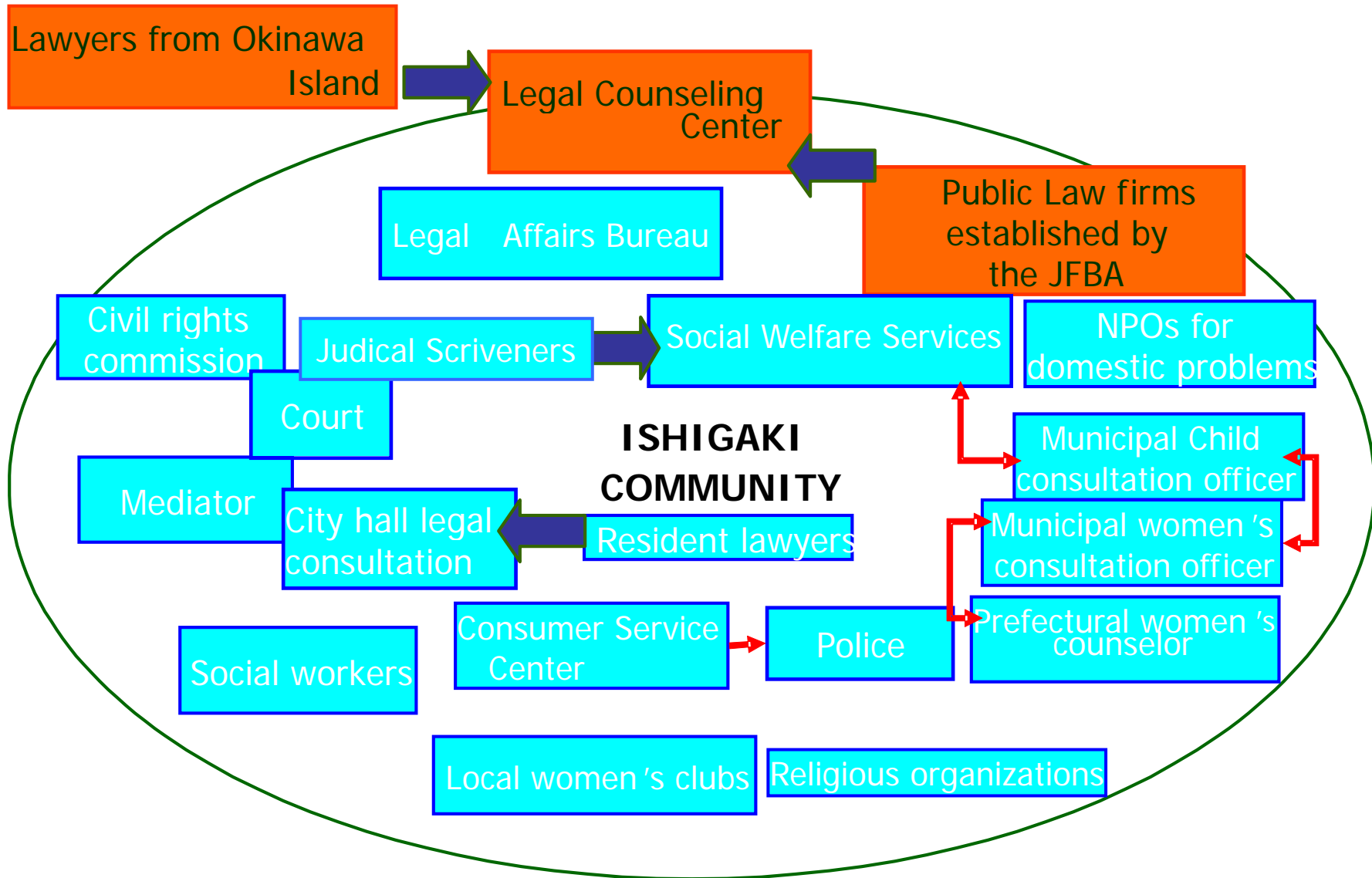
	When	Activity	People Observed or Interviewed
Fixed Schedule	Ishigaki City Social Welfare Council		
	Any time	Participant Observation (in volunteer activities) , Observation (at consultations) , Interviews (on and off the record)	Full time Counselor , Consumer Service Counselor, Resident Judicial Scriveners Residents Etc.
	Public Law Office established by the JFBA		
	Once a week	Interviews , direct observation of the firm	Lawyer
	Ishigaki Legal counseling center		
	Biweekly	Interviews	Lawyers from Okinawa main Island, Receptionist
Other Schedule	Individual Interviews Case by case	Resident Lawyers A/B, Resident Judicial Scriveners, Mediators, Officers of Human Rights, Officers of Legal Affairs Bureau, City Hall Staff in charge of consultations , Municipal Child Counselor, Municipal women s Counselor, Prefectural Women s Counselor, NPOs for domestic problems, etc.	
	Other activities		
	Compiling memos, description of field notes Modifications of individual questionnaires and arranging visiting schedule Collecting historical materials (at local library and resource center)		

³⁰ In total, 40 formal interviews and 9 observations of consultations at four different settings were carried out. I also recorded these when permitted. The volume of fieldnotes is about 109,000 words in Japanese.

Table 2. Organizational Consultation Service in Ishigaki

Organization	Consultation intended for	Frequency	Administrator	Fee
City Hall	Legal	Once weekly, Half day (AM)	Resident Lawyers	Free
	Administrative	Once a month	Counselor of Administrative Issues	Free
	Child • Woman	As needed	City Child Counselor, City women's Counselor	Free
	Human rights	Once a month	Human Rights Counselors	Free
Ishigaki City Social Welfare Council	Legal	Twice a month	4 Resident Judicial Scriveners (in rotation)	Free
	Consumers' Affairs	Once a month	Consumer Service Counselor	Free
	Woman • Child • General Affairs	As needed	Full time Counselor of Ishigaki City Social Welfare Council	Free
Legal Counseling Center	Legal (Traffic Accident)	Once weekly	Lawyer of Public Firm Lawyers from Okinawa Island	Free
	Legal (Other)	Once weekly	Lawyer of Public Firm Lawyers from Okinawa Island	Charge
Consumer Service Center	Consumer Affairs	As needed (By Phone)	Full time Counselor	Free
Police	Safety in the Community	As needed	Police Officers	Free
District court, Summary court, Family court	General, Family Affairs	As needed	Court officials Court clerks	Free
Legal Affairs Bureau	Land registry etc, General	As needed	Officers of Legal Affairs Bureau	Free

Table 3. Summary of Consultation Groups



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