

LACK OF ACCESS TO JUSTICE?
JAPANESE JUDICIAL REFORM IN RURAL AREAS

A THESIS
SUBMITTED TO THE
STANFORD PROGRAM IN INTERNATIONAL LEGAL STUDIES
AT THE STANFORD LAW SCHOOL,
STANFORD UNIVERSITY
IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR THE DEGREE OF
MASTER OF THE SCIENCE OF LAW

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May 2005

Abstract

This paper will address a problem that current Japanese judicial reforms appear to overlook. The purpose of these judicial reforms is said to be to transform the rhetoric of the rule of law into practice. However, the inadequate access to lawyers in rural areas is likely to remain an obstacle to access to justice and rule of law. Although to achieve access to justice, it is important to provide legal services to rural areas as well as urban areas, current reforms seem to inadequately address the problems facing rural areas.

The basic attitude of current judicial reforms toward the small legal population in rural areas is to increase the supply of lawyers throughout the country and to promote competition among legal service providers, not limited to lawyers. However, it is doubtful that these measures will successfully eradicate the problems, if any, caused by the small legal population in rural areas. Because providing legal services to rural communities is not necessarily profitable for private service providers, market mechanisms cannot always allocate adequate legal services to these communities.

This paper will also discuss the meaning of access to justice and legal needs to provide a theoretical framework and will introduce hypotheses explaining the roles of the law and lawyers in Japanese society, which are helpful for better understanding the problem of the small legal population in rural Japan. Finally, a proposal to conduct a legal needs assessment to examine the reality of the legal problems facing rural residents in Japan will be discussed.

One important limitation of this research is the fact that the reforms are currently ongoing. As a result, new reform measures could be taken to resolve the problem of rural communities in the near future.

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