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Remarks of Shigeru Kobori

This remarks were presented by Shigeru Kobori at the Transnational Practice for the Legal Profession Forum which took place in Paris, France on November 9th and 10th 1998.

Your Honor the Minister of Justice, Mr. Guigou, ladies and gentlemen, and representatives of the bar associations of each of the countries, my name is Shigeru Kobori, and I am President of the Japan Federation of Bar Associations (“JFBA”). It is truly a pleasure and a privilege for me to represent the JFBA and to have been given an opportunity to welcome you to this Forum on Transnational Practice for the Legal Profession. In collaboration with the American Bar Association (“ABA”) and the Council of the Bars and Law Societies of the European Community (“CCBE”), the JFBA called upon 37 bar associations including all of the OECD member countries and 7 major international legal organizations. As a result of our efforts, today we have the pleasure of having the attendance of representatives from many bar associations, legal organizations and government representatives. I believe that this Paris Forum will be a very important meeting, which will become a milestone to be remembered in the history of legal profession in the world.

As all of you may already be aware, the World Trade Organization (“WTO”) will next year start negotiations on liberalization of trade in services, especially in legal services. These negotiations will not only involve trade in services, but will determine the global and legal framework of the legal profession, and will therefore greatly influence the role of lawyers in the 21st Century. Therefore, we need to have a strong interest in the WTO negotiations. This Forum is very timely considering the fact that it is held for the purpose of gathering representatives of bar associations from all over the world to voluntarily discuss and form some kind of a direction on these matters. Beyond that, this is also a challenging attempt to realize the “independence and autonomy of lawyers” on a global scale. Over the years, Japanese

* President, Japan Federation of Bar Associations.

bar associations have protected the system of autonomy of lawyers and its spirit. In that sense, I note that this Forum corresponds to traditions maintained by Japanese lawyers.

Turning our eyes to the contemporary societies of the world, lawyers of all nations are being challenged by various types of problems arising from the “globalization of society.” Fundamentally, lawyers and the legal systems of a country are deeply rooted in the history and society of such country, and each has very strong characteristics unique to such country. Lawyers of each nation are obliged to commit themselves to the needs of its people, such as the proper administration of the judicial system and introduction of the rule of law, and for such lawyers, the “globalization of society” poses a new and important challenge to cope with. The challenge is how should modern day lawyers deal with this rapid globalization, and, at the same time, fulfill our traditional professional obligations. I sincerely hope that this Forum will be able to propose constructive answers to this issue and the conflict between the “territorial principle” characteristic, which is innate in the legal system, and demand for globalization of lawyers caused by the globalization of society.

In 1986, the JFBA introduced a system of registered foreign lawyers in Japanese bar associations for the globalization of our system of lawyers. We have already introduced reforms to this system three times and are working to further open the system to the international society. Already 53 foreign law firms have opened their offices in Tokyo, and 89 foreign lawyers are officially practicing law in Tokyo. It would not be an exaggeration to say that, with the introduction of this system, Tokyo is now one of the global legal service centers. We would not say that this is the only way for globalization, but we believe that it is one of the practical and proper solutions for globalization of the legal profession in this borderless society. We have had the opportunity of gaining many valuable experiences and instructive lessons through the globalization of legal work in Japan and promoting international exchange between legal systems of other countries. With these experiences, I have come to believe that cross-border legal work must be promoted on the foundation of mutual understanding and respect for the society, culture and legal system of each nation.

We have won the trust of the people of our country by bringing the clients’ interests before ours, whereby achieving social justice. Lawyers of all nations are given special privileges in order to protect the interests of clients. If lawyers fall into commercialism and start seeking maximization of their own

income like commercial enterprises, lawyers' ethics and privileges will be lost and the honor of being a lawyer will not be realized. Therefore, protecting the professional ethics and privileges of lawyers is in itself our obligation to the people of the country. From this viewpoint, I would like to point out that lawyers' opinions must be respected in negotiations regarding liberalization of trade in legal services before the WTO and OECD. In addition, I would like to request the Chairmen of this Forum to take appropriate measures to reflect the results of this Forum at the WTO and OECD meetings.

Last but not least, I would like to express, together with all of the attendants, my profound gratitude to the CCBE and President, Mr. Gout, for making all preparations for this Forum, as well as the Paris Bar and President, Ms. de La Garanderie, who took pains to accommodate the representatives, and all of us who have attended here today. Thank you.

