

# Introduction to Japanese Legal Materials A Workshop

Part of Prof. Andrew Pardieck's course, Japanese Law  
(Law B540)

**Instructor: Rob Britt**

Phone: 543-7447

Email: [rbritt@u.washington.edu](mailto:rbritt@u.washington.edu)

October 6<sup>th</sup> and 13<sup>th</sup>, 2006

For help finding materials cited in this document, see:  
Japanese Legal Research at the University of Washington  
<http://lib.law.washington.edu/eald/JLR/jres.html>

And/Or:

The Law Library Catalog ("Marian")  
<http://marian.law.washington.edu/>

---

## I. Day One

### A. Introduction

#### 1. Workshop Overview

##### a) Day one

- (1) *Overview of Available Resources*
- (2) *English Language Materials: part 1*
- (3) *Japanese Language Materials, part 1: Print*
- (4) *Language and Citation Issues*
- (5) *Using the Library, part 1*  
(Includes library tour)
- (6) *Exercise Handed Out*

##### b) Day Two

- (1) *Using the Library, part 2*
- (2) *English Language Materials: part 2*
- (3) *Japanese Language Materials, part 2: CD ROMs and Online*
- (4) *Guided Practice*
- (5) *Review, Discuss Answers to Exercise*

#### 2. What Do You Know?

(5 min)

- a) Experience with Japanese Legal Research?
- b) Level of Japanese language?
- c) What Do you Expect to learn In this workshop?

#### 3. Why Japanese Language Resources are Important For You (Even if you don't know Japanese)

(5 min)

- a) Confirming the resource's existence
- b) Asking the right questions
  - (1) *First: Does it exist?*
  - (2) *Then: If so, is it available in English?*

### B. Overview of Major Resources

(10 min)

#### 1. Library Catalogs

- a) UW Libraries Catalog
  - b) UW Law Library Catalog ("Marian")
- 2. Library Offices**
- a) MGGLL
    - (1) EALD (East Asian Law Department)
    - (2) Reference Office
  - b) UW Libraries
    - (1) East Asia Library
    - (2) Suzzallo Library
    - (3) Business Library
    - (4) Engineering Library (Patents)
- 3. Books**
- a) Reference
 

Many Useful Resources Located in "EALR" (East Asian Legal Reference) on lower floor of library

    - (1) EALR (East Asian Law Reference) Many useful resources are located on the lower floor of the Law Library
    - (2) Encyclopedia of Japan (also available online)
    - (3) Kenkyusha's New Japanese-English and English-Japanese Dictionaries
  - b) Guides to Japanese Legal Research
    - (1) *The Japanese legal system* by Hideo Tanaka
    - (2) *Guide to Japanese legal literature and research* by Dan Fenno Henderson
    - (3) *Research and readings in Japanese law* (draft ed.) by Veronica Taylor
  - c) Treatises (some recent examples)
    - (1) Milhaupt, Curtis J. and Mark Ramseyer  
*The Japanese legal system : Cases, Codes, and Commentary*
    - (2) Haley, John Owen  
***The Spirit Of Japanese Law***
    - (3) Port, Kenneth L  
***Comparative Law : Law And The Legal Process In Japan***
    - (4) Ramseyer, J. Mark  
***Japanese Law : An Economic Approach***
    - (5) Dean, Meryll  
***Japanese Legal System (2<sup>nd</sup> ed) / Meryll Dean***
    - (6) West, Mark D  
***Law In Everyday Japan : Sex, Sumo, Suicide, And Statutes / Mark D. West***
- 4. Electronic Resources Useful for Japanese Legal Research**
- a) OCLC (International Bibliographic Database)
  - b) LegalTrac
  - c) Wikipedia
  - d) Encyclopedia of Japan
  - e) JLR Website (Japanese Legal Research at the University of Washington)  
<http://lib.law.washington.edu/eald/JLR/jres.html>
  - f) U.S. Websites on Japanese Law  
(see links in JLR)
  - g) Japanese Websites on Japanese Law  
(see links in JLR)
  - h) UW Libraries Research Databases  
(see link on Law Library homepage)
  - i) CD ROM Databases for Japanese Cases, Articles

## **C. English language Materials, part 1**

(15 Minutes)

### **1. Introduction: Why aren't more Japanese legal materials translated into English?**

- a) **Small market, expensive**
- b) **Types of Materials (with estimate of percent translated)**
  - (1) **Statutes and Regulations (20%)**
  - (2) **Cases(1%)**
  - (3) **Articles and Other Materials (5%)**

### **2. Cases**

- a) **Few Available in English**
- b) **Mostly constitutional law cases**
  - (1) Books by Beer and Maki
  - (2) "Series of prominent judgments of the Supreme Court of Japan" in print, and on the web only after 1997)
- c) **Lists of Cases indexed, Summarized in English**
- d) **English Translations of Cases in Japanese**
  - (1) *Constitutional Law. in Constitutional case law of Japan, 1970-1990. Appendix 4, p. 667-680. KNX2066.5 1996*

### **e) Senrei (Website)**

<http://www.senrei.com/>

### **3. Laws**

#### **a) The Japanese Government's New Law Translation Policy**

*The Japanese government has implemented a policy to translate as many as 200 laws into English, and provide a website with side-by-side Japanese-English translations. Below are links to information about the policy.*

- (1) *Law Translation Policy (Cabinet Secretariat)*  
<http://www.cas.go.jp/jp/seisaku/hourei/index.html>
- (2) *法令翻訳データ集 [Hōrei honyaku dētashū] Japanese Government Law Translation Links*  
<http://www.cas.go.jp/jp/seisaku/hourei/data1.html>
- (3) *Interim Report of the Study Council for Promoting Translation of Japanese Laws and Regulations into Foreign Languages (法令外国語訳・実施推進検討会議) published September 30, 2005.*  
[http://www.cas.go.jp/jp/seisaku/hourei/pc/houkoku\\_e.pdf](http://www.cas.go.jp/jp/seisaku/hourei/pc/houkoku_e.pdf) (English version)  
<http://www.cas.go.jp/jp/seisaku/hourei/pc/houkoku.pdf> (Japanese version)
- (4) *200 laws to be translated, placed on website:*  
<http://www.cas.go.jp/jp/seisaku/hourei/data2.html>

#### **b) EHS Law Bulletin Series**

**Most Comprehensive Source of English translations of Japanese laws**

#### **c) Laws on the Web**

#### **d) Laws translated in separate books and as appendices to treatises**

### **4. Indexes to Laws in English**

- (1) *Index to EHS by UW Law Library*
- (2) *National Diet Library's "Bibliography on English-translated texts of Japanese laws and regulations"*

## D. Japanese Language Materials, part 1: Print Publications

(15 minutes)

Show Books (bring book truck); Also show Online Resources, CD ROMs

### 1. Major Types of Legal Publications

#### a) Hanreishū 判例集

(Reporters)

#### b) Laws and Law collections

(1) Hōrei zensho 法令全書

(Monthly Complete Laws and Regulations)

(2) Roppō 六法

(Selected Laws; Usually annual publications)

#### c) Zasshi 雑誌, Shinbun 新聞 (Journals and Newspapers)

(1) Academic

(2) Commercial

#### d) Sakuin 索引(Indexes), Digests

##### (1) Laws

(a) 法律關係雑誌記事索引[Hōritsu kankei zasshi kiji],  
1952-2004 (replaced by electronic resources)

(b) 日本法令索引 = Index to the Japanese laws &  
regulations in force [Nihon hōrei sakuin] (replaced by  
electronic resources)

##### (2) Cases

(a) 法律判例文献情報 [Hōritsu Hanrei Bunken Jōhō] (in  
print and CD ROM)

### 2. By Type of Agency

#### a) Government Publications

(1) Supreme Court 最高裁判所事務局

(2) Reporters

(3) Information about court system

(4) Fair Trade Commission Publications

公正取引 [Kōsei Torihiki] Published by 公正取引協会 [Kōsei Torihiki Kyōkai]

(5) Kanpō 官報 (see also: Official Gazette, 1946-1952)

Government Gazette; Has full text of laws

(6) Shihō Tōkei 司法統計

(Judicial Statistics)

#### b) Academic Publishers

(1) Law Faculty Reviews

(2) University Presses

#### c) NGOs

(1) AIPPI

(Japanese Group of the International Association for the Protection of Industrial  
Property)

(2) Freedom of Information Organization Publications

(a) 情報公開 digest

(b) 情報公開クリアリングハウス (Fair Trade Clearinghouse)

(3) Japan Commercial Arbitration Association

(国際商事仲裁協会)

(4) JCA Janaru

(5) Shōji Hōmu Kenkyūkai

(商事法務研究会)

(a) 旬刊商事法務 [Junkan Shōji hōmu]

(b) NBL

#### d) Commercial Publications

- (1) Laws
- (2) Cases Collections
- (3) Hyōshaku, Chūkai (評釈, 注解, コンメンタール)  
Commentaries for Cases, Statutes
- (4) Ronbunshū (論文集)  
Edited Volumes, Festschriften
- (5) Nyūmon, Shōkai 入門, 紹介  
Introductory Works, Text books

## E. Language and Citation Issues

(20 Minutes)

### 1. Language Issues

#### a) Japanese Era Names: Converting to Western Years

- (1) Four eras since 1867
  - (a) 明治 [Meiji] (1867-1912)
  - (b) 大正 [Taishō] (1912-1926)
  - (c) 昭和 [Shōwa] (1926-1989)
  - (d) 平成 [Heisei] (1989-)
- (2) Formulas to convert from Japanese Era years to Western years
  - (a) Meiji: add 67
  - (b) Taishō: add 11
  - (c) Shōwa: add 25
  - (d) Heisei: add 88
- (3) For a conversion chart, see the Japanese Legal Research guide:  
<http://lib.law.washington.edu/eald/jlr/jlrwebresources.htm#JapaneseEraNames>
- (4) For more on Japanese eras, see Wikipedia:  
[http://en.wikipedia.org/wiki/Japanese\\_era\\_name#Neng.C5.8D\\_in\\_Modern\\_Japan](http://en.wikipedia.org/wiki/Japanese_era_name#Neng.C5.8D_in_Modern_Japan)

#### b) Japanese Legal Vocabulary

法学言語 [hōgaku gengo] vocabulary for the study of law; legal vocabulary

- (1) Words for Laws
  - (a) 法律 [hōritsu] a law; the law
  - (b) 法令 [hōrei] a law; an ordinance; laws and ordinances
  - (c) 法規 [hōki] laws and regulations
- (2) Words for Decisions
  - (a) 判例 [hanrei] a judicial precedent
  - (b) 判決[hanketsu] a judicial decision
- (3) Words for Legal Publications
  - (a) 論文集 [ronbunshū] a collection of essays; festschriften
  - (b) 六法 [roppō] "six codes" a selection of important statutes, often published annually. Includes general compilations and compilations for specific subjects, such as securities law or labor law. Similar to a desk book
  - (c) 判例集 [hanreishū] a reporter; collection of decisions
  - (d) 法令全書 [Hōrei zensho] Complete Laws (a monthly publication of the Japanese government compiling all the new laws, regulations, and amendments)

#### c) Some Abbreviations Used in Citations

- (1) Era names
  - (a) 明 [Mei] = Meiji (Meiji Era, 1868-1912)
  - (b) 大 [Tai] = Taishō (Taisho Era, 1912-1925)
  - (c) 昭 [Shō] = Shōwa (Showa Era, 1925-1989)
  - (d) 平 [Hei] = Heisei (Heisei Era, 1989- )
- (2) Names of Courts (Saihan = Supreme Court)
  - (a) 最 = Sai, for "Saikō Saibansho" (Supreme Court)
  - (b) 高 = Kō, for "Kōtō Saibansho (High Court)

- (c) 大阪高 = Ōsakakō (Ōsaka High Court)
- (d) 名古屋高 Nagoyakō (Nagoya High Court)
- (e) 地 = Chi, for "Chihō Saibansho" (District Court)
- (3) **Reporters**
  - (a) 判タ = Hanta (Hanrei taimuzu)  
(Decisions Times)
  - (b) 判時 = Hanji (Hanrei jihō)  
(Decisions Times)
  - (c) 刑集 = Keishū (Saikō Saibansho Keiji hanreishū)  
(Supreme Court Criminal Decisions Reporter)
  - (d) 民集 = Minshū (Saikō Saibansho Minji hanreishū)  
(Supreme Court Civil Decisions Reporter)
- (4) **Other Publications**
  - (a) ジュリ [Juri] = Jurisuto  
(Jurist)
  - (b) 別冊判タ [Besatsu hanta] = Bessatsu Hanta  
Hanrei Taimuzu Supplement

## 2. Citation Issues

### a) Citation Standards

- (1) *General Principles for Citation*
  - (a) Citations should allow user to find the cited material easily (*Often citations to East Asian language materials do not*)
  - (b) Providing only an English translation of cited material's title is a bad idea (*Romanization of titles and key reference points (such as some numbering and dates, names of people and organizations, etc.) is vital. Translation can be useful but does not substitute for romanization.*)
  - (c) Following standards is a good idea (see below)
- (2) *Standards In the U.S.*
  - (a) The Bluebook : a uniform system of citation Cambridge, Mass. : Harvard Law Review Association, c1991-KF245 .U5  
Current edition: 18<sup>th</sup> (2005) at Reference Area, Reference Office (for Japanese section, see 18<sup>th</sup> edition, p. 287-290)  
*The standard for Japanese citation in the U.S. legal publications is the "Foreign Jurisdictions: Japan" section of the Bluebook, edited by Yukino Nakashima of Columbia University Law Library. The standard is useful, but there are problems with it.*
  - (b) Problems with Bluebook Format for Japanese Sources  
*Difference between what's cited and what's found in indexes and library catalogs*
    - (①) Keishū, minshū
    - (②) <plaintiff> v. <defendant>
    - (③) Include Japanese text in citation?
    - (④) Cite to translation or original? (see: Bluebook, p. 289, "When citing a translation...")
    - (⑤) Citation Principle:  
Make it easy for readers to look up your sources!
  - (c) Law in Japan (Use as a model)  
Law in Japan  
Tokyo : Japanese American Society for Legal Studies, c1967-2001  
KNX6 .L39, Library has v. 1 (1967)-v. 27 (2001)
- (3) *Standards In Japan*  
*Legal citation standards for academic publications are based on a very an annual publication (now also on the web). This publications gives proper citation forms as prescribed by a well know group of Japanese law academics.*
  - (a) 法律文献等の出典の表示方法  
[Hōritsu bunken no shutten no hyōji hōhō]  
(Methods of legal citation)
    - (①) Online Version  
<http://www.law.kobe-u.ac.jp/citation/mokuji.htm>
    - (②) Print Version  
KNX33.N54 at EALR (East Asian Law Reference)

## b) Citing Laws

- (1) Law Number, Date
- (2) Amendments listed at beginning, also by Law number, date
- (3) Published in 法令全書 [Hōrei Zensho] chronologically
- (4) "Completely Revised" Laws  
Special Case: Law's content is completely revised; Law is assigned a new law number and date  
Example:  
会社更生法 [Kaisha kōseihō] Corporate Reorganization law (Law number 172 of 1952 AND completely revised by Law no. 154 of 2002)

## c) Citing Cases: How They're Indexed

- (1) Cases are not Indexed by names of parties (parties are often not included in case reports)
- (2) Case Indexes are Sorted in Many Ways
  - (a) by trial date
  - (b) by court's docket numbering system (see below)
  - (c) by case name
  - (d) by keywords (digital resources only)
  - (e) by court name
  - (f) by reporter or other publication title
  - (g) by name of judge
- (3) Court's Docket numbering system  
Courts use a combination of kanji, katakana and numbers to identify cases

## d) Case Citation Examples

- (1) H 1 7. 1 0. 2 5 第三小法廷・判決 平成 1 5 (行七) 3 2 0 勸告取消請求事件
  - (a) Romanization:  
[H17.10.25 dai-3 shō hōtei; hanketsu Heisei 15 (gyō hi) 320 Kankoku torikeshi seikyū jiken]
  - (b) Translation:  
10/25/2005. 3<sup>rd</sup> Petty bench of the Supreme Court, Decision 2003 (Gyō Hi) 320, Request to rescind Advise.
  - (c) Format of entry  
<Year, Month, Date>  
<Court Name, Branch>  
<Type>  
<Era name and year>  
<identifying letter in parenthesis>  
<Incident name>
- (2) 最高昭 56・2・16 民集 35-1-56
  - (a) Romanization:  
[Saikō 56, 2, 16 Minshū 35-1-56]
  - (b) Translation:  
Supreme Court Feb. 16, 1981, Supreme Court Civil Decisions Reporter (= Saikō Saibansho minji hanreishū), vol. 35, p. 1-56
  - (c) Format of Entry  
<Court Location (except Supreme Court)>  
< Court name (abbreviated)>  
<Era (abbreviated), year, month, day>  
<Reporter name (abbreviated)>  
<Volume, Issue, Page number>  
Year Case entered system, one character designator, bench, then date of decision
- (3) 広島高岡山支判昭 33・12・26 高民 11-10-743
  - (a) Romanization:  
Hiroshima Kō Okayama shi, hanketsu Shō 33. 12. 26, Kōmin 11-10-743
  - (b) Translation:  
Hiroshima High Court, Okayama Branch, Decision, Dec. 26, 1958, High Court Civil Decision Reporter (= Kōtō Saibansho Minji hanreishū)
- (4) 大阪高判昭 36・10・11 判時 282-22
  - (a) Romanization:  
Ōsaka Kō han Shō 36 10 11 Hanji 282-22

(b) Translation:  
Osaka High Court decision, Oct. 11, 1961, Decisions Times (= Hanrei Jihō)

## **F. Using the Library, part 1**

### **1. Locating Materials in the Library**

(5 minutes)

#### **a) What is the Library Catalog (aka "Marian")?**

- (1) *Index and finding aid that allows searching by keyword, title, author, subject, etc.*
- (2) *Helps Locate books and periodicals on the shelf*
- (3) *Does not have full text of books or periodical articles*

#### **b) Library of Congress Classification Numbers for Japanese Law-related Resources**

(1) *KNX = Japanese Law Examples*

- (a)  
KNX [Japanese Law]  
500 [Civil law]  
M56 [Book identifier]  
1965 [Date of publication of 1st volume]

- (b)  
KNX [Japanese Law]  
6 [General Periodicals]  
J57 [Book Identifier]

- (c)  
KNX [Japanese Law]  
2064.51947 [Constitutional law (1946 Const)]  
S89 [Book Identifier]  
1947 [Date of Publication of 1st volume]

(2) *K = Comparative Law Examples*

- (a)  
K [Comparative Law]  
1060 [Banking]  
M59 [Book Identifier]  
2005 [Date of Publication]

#### **c) Locations in MGGLL**

- (1) *CLAS = Classified Stacks [all materials with a call number ("classification number")]*
- (2) *EALR = East Asian Law Reference [Special reference section on L2. Includes Dictionaries, Encyclopedias, Indexes, English Translations of Laws, and other important materials for quick reference]*

### **2. Library Tour**

(25 minutes)

## **G. Hand Out Exercise**

*(Work on it during the week; Due Friday, Oct. 13th)*

## **II. Day Two**

### **A. Using the Library, part 2**

(10 minutes)

#### **1. Local Library Resources**

##### **a) Marian Gould Gallagher Law Library**

- (1) *Print*
- (2) *CD ROM, Floppy Disk (Some in Rob's Office only)*
- (3) *Online*
- (4) *ILL*

##### **b) University of Washington Libraries**

- (1) *Print*
- (2) *Online*
- (3) *East Asia Library*



(4) *Other Libraries*

## 2. Other Library Resources

### a) Inter-Library Loan (ILL)

(Includes international ILL with Japan)

### b) OCLC

(Library Bibliographic Database, for Inter-Library Loan (ILL))

### c) Online Pay Databases (Law Library)

(1) *LexisNexis*

(2) *Westlaw*

(3) *Index to Foreign Legal Periodicals (IFLP)*

### d) Online Pay Databases (UW Libraries)

(1) *JSTOR*

(2) *Proquest Dissertations*

(3) *Many Others*

## B. English language Materials, part 2

(20 Minutes)

### 1. UW Law School Student Papers (LLM, JD, PhD)

*Good for both their content and to their references*

#### a) Search the Marian catalog for this title:

Student papers University of Washington

#### b) Then limit your search by subject: Japan

#### c) Result should be 270 "hits"

### 2. Treaties

Most published in *Hōrei zensho* bilingually

### 3. Books

#### a) Marian Catalog

#### b) UW Libraries Catalog

#### c) OCLC

### 4. Dissertations

#### a) Doctoral dissertations on Asia

[Ann Arbor, Mich.] : Association for Asian Studies, 1975-1993

Call # DS5.A1 D62

Location Classified Stacks

Library has v. 1 (1975)-v. 16 (1993)

#### b) Proquest Dissertations Database (through UW Libraries)

### 5. Articles

#### a) Proquest Digital Dissertations (UW Restricted)

<http://wwwlib.umi.com/dissertations/gateway>

#### b) LegalTrac (UW restricted database)

<http://infotrac.galegroup.com/menu>

#### c) JSTOR (UW restricted database)

Has full text of some older English language articles

<http://www.jstor.org/search/>

#### d) Bibliography of Asian Studies (UW Restricted Database)

<http://ets.umdl.umich.edu/b/bas/>

#### e) Index to Foreign Legal Periodicals (UW Restricted Database)

<http://eureka.rlg.org/Eureka/zgate2.prod>

### 6. Other

- a) Statistics
- b) Internet (Google)

## C. Japanese Language Materials, part 2: CD ROMs and Online (20 Minutes)

### 1. CD ROMs

a) 法律判例文献情報 [Hōritsu Hanrei Bunken jōhō] = Current legal information

Index to Japanese cases and legal articles; updated twice a year

b) リーガルベース = Legalbase

Index to post 1945 Japanese cases (also available online with password)

### 2. Online

a) No Direct equivalent of West, LexisNexis

(But new developments include LexisNexisJP, D-1law.com)

b) Japanese Newspapers on Factiva

*Factiva provides full-text access to current newspapers (as old as ten years)*

c) Japanese Government Websites

(1) NDL (国立国会図書館)

(2) Nihon hōrei sakuin

*Index to Japanese Laws and Regulations; includes abolished laws [Not full-text] good for searching for citations*

(3) Hōrei deta teikyō shisutemu

= Legal data presentation system

*Japanese government's full-text online database of Japanese laws and regulations*

(4) Patent Office

(5) 審決公報DB [Shinketsu kōhō DB] (Online)

<http://www.ipdl.ncipi.go.jp/Shinpan/shinpan.htm>

(6) 審決速報 [Shinketsu sokuhō] (Online)

<http://www.ipdl.ncipi.go.jp/Shinpan/shinpan.htm>

d) NGOs

(1) Bar Associations

(2) Advocacy Groups

(3) Law firm websites

(4) Law professor websites

(5) Practitioner websites

## D. Guided Practice

*Students work on their exercises and/or their own research with help from Rob and Prof. Pardieck*

(30 minutes)

## E. Review, Discuss Answers to Exercise

(20 minutes)