

Features of Alternative Dispute Resolution (ADR) Institutions

This document is compiled as a reference for those who are choosing an ADR institution. It contains the description of the features of individual commissioned institutions, prepared by the institutions themselves.

If you wish to obtain more details about individual institutions, please directly contact the inquiry desks shown in the commissioned institution list.

1. Arbitration & Mediation Center, Dai-Ichi Tokyo Bar Association

At the Dai-Ichi Tokyo Bar Association's Arbitration & Mediation Center, parties can choose their mediators from a list including both female and male mediators, all of whom are lawyers with significant experience. The mediators—many of whom have a good command of English from receiving an overseas education and other experiences—seek solutions by carefully listening to the views of both parties. To help promote a timely resolution of disputes, the Center promptly makes arrangements for the mediators and the date of the first ADR session upon receiving a request for international family ADR. The Center is flexible with arranging the date and time for sessions, and is happy to accommodate the preferences of the parties to the extent possible. The Center has solved a considerable number of general civil cases, and believes that its methods are also very effective in the area of international family ADR. The Center is looking forward to assisting you with a swift and amicable solution.

2. Arbitration & Mediation Center, Daini Tokyo Bar Association

The Arbitration & Mediation Center of Daini Tokyo Bar Association was established in March 1990 as the first Bar Association's ADR organization in Japan. The Center handled over 279 domestic relations cases in a period from 1998 to 2016. The features of the Center's mediation for Hague Convention cases are as follows:

Available languages are Japanese and English (please note only Japanese is available at the counter and over the phone). Please contact to enquire the availability of other languages.

In ADR procedures, two mediators intermedate the talk from a fair and neutral perspective. The mediators are lawyers with abundant experience in international domestic relations cases, and they work in male-female pairs whenever possible. The Center is committed to promoting procedures and handling the case in as flexible a manner as possible according to customers' requests, such as, for example, holding an ADR session soon after the application for ADR is filed.

3. Dispute Resolution Center, Tokyo Bar Association

In order to realize the return of a child or visitation or contact with a child based on the Hague Convention, the Dispute Resolution Center has engaged in mediation for settlement since the Ministry of Foreign Affairs entrusted it with the service in April 2014. The Center always arranges two mediators. The parties are also allowed to choose mediators from the candidate list, if they can agree. The candidate list includes many experts, including lawyers, who have been engaged in legal practice for over seven years and have abundant experience in international domestic relations cases, as well as social workers and clinical psychologists. ADR sessions are held four times, in principle. If the parties cannot come to the Center, they can also attend the sessions using the Internet or telephone. Although the available languages are limited to Japanese and English, an interpretation services can also be used to a certain extent. Basically the parties are not required to pay the costs for procedures. Please visit the website of the Tokyo Bar Association for more details (www.toben.or.jp).

4. Dispute Resolution Center in Aichi Bar Association

See Appendix 1 for the details of this institution.

5. Mediation Center Osaka

See Appendix 2 for the details of this institution.

6. Dispute Resolution Center, Fukuoka Bar Association

This Center has accepted 529 cases over a 16 year period since its establishment (approximately 10 percent of which are domestic relations cases in recent years), and, through settlement, solved about 50 percent of the cases where mutual discussions were started.

Mediation / arbitration will be conducted in Japanese or in English. For mediation / arbitration in other languages, please contact us.

Two lawyers, one male and one female, will be selected as mediators from candidates with English proficiency who are familiar with domestic relations cases.

The Center is equipped with an online video call system and other systems in order to respond to applications from outside of Japan, and will set the dates of sessions as flexibly as possible in order to respond to discussions beyond differences of time zone.

As a general rule, when your case involves the handing over of children or access to children, you do not need to bear fees.

Please do not hesitate to use this Center.

-Dispute Resolution Center in Aichi Bar Association-

About International Family ADR

The Center started conducting ADR in:
April 2015

Available language:
Japanese/English (other languages can also be used when an interpreter is appointed)

Mediator/arbitrator candidates:
12 lawyers with specialized knowledge and mediation techniques concerning domestic relations and international family disputes
Other experts, including psychological counselors

Selection of mediators/arbitrators:
Always a pair of male and female lawyer mediators/arbitrators
+
Expert mediators/arbitrators, such as psychological counselors, for some cases

Secretarial lawyer (available in English, Chinese, Korean, French, and Portuguese):
One Secretarial lawyer is always appointed (for consultation for procedures, contact with the parties and the Ministry of Foreign Affairs, attendance at ADR sessions, etc.).

ADR sessions:
Sessions can also be conducted by means of Skype or telephone.
Procedures are taken at the sessions or at a different opportunity, depending on the case.

When parties have agreed on any payment (e.g. child support) other than those related to the return of the child or visitation or contact with the child
They may be required to pay a contingency fee set by the Center (please contact us for details).

Cases handled by the Center in 2017:
223 cases, including general cases (among which 14 were domestic relations cases, of which 1 cases reached a settlement).

ADR for International family dispute including Hague Cases at the Mediation Center Osaka

○Application for ADR

If you are living outside Japan, you can apply for ADR at the Center by sending a written application and reference materials as attachments to email.

In principle, we only accept applications written in Japanese, English or Korean. You may submit an application in a different language but must attach a Japanese translation.

○Available languages

In addition to English and Korean, interpreters are also available for German, French, Spanish, Italian, Chinese, Russian, Indonesian, and other languages. Please contact the Center for available languages.

○About mediators and ADR sessions

Two mediators are chosen—a pair of male and female mediators, in principle—from 24 lawyers, 4 academics, and 11 other experts, including clinical psychologists and labor consultants, who are listed in the Center's mediator candidate list. One of the two mediators is always a lawyer.

Moreover, one mediator is chosen from among those who have a good command of the language usually used by a party who does not understand Japanese sufficiently. However, this does not apply when there is no one on the mediator candidate list who is good at the desired language.

Parties are required to appear at ADR sessions by coming to the Center or using an online teleconference system. In principle, ADR sessions are conducted with the attendance of both parties.

The Center endeavors to achieve early resolutions, but it does not set any limits on the number of ADR sessions. Therefore, parties may have multiple ADR sessions regardless of whether or not assistance for the case is granted by the Minister of Foreign Affairs.

○Costs

(1) Fee for filing an application for ADR (30,000 yen) ... Paid by the claimant.

The fee is 30,000 yen, of which 10,000 yen must be paid at the time of filing the case, and the other 20,000 yen after the confirmation of the other party's intention to accept ADR. The claimant does not have to pay this 20,000 yen fee if the procedure is terminated because it is confirmed that the other party is not willing to accept mediation procedures.

(2) Contingency fee (100,000 yen) ... Paid by both parties.

The contingency fee may be increased or decreased by up to 50%, according to the difficulty of the case, number of ADR sessions, time required to reach the resolution, and other factors.

(3) Translation fee

Parties may be required to pay a translation fee for the documents they submit.

(4) Fees for ADR sessions (unnecessary)

Parties are not required to pay any fees for ADR sessions, regardless of the number of sessions. N.B. The above fees are born by the Ministry of Foreign Affairs in principle if the case is a dispute between parties for whom the Minister of Foreign Affairs has decided to provide assistance under the Act for Implementation of the Convention on the Civil Aspects of International Child Abduction. However, the parties may be required to pay the fee stated in (3) if it is greater than the support provided by the Ministry of Foreign Affairs.

○Experience in family relations cases

The Center has handled about 70 family relations cases other than Hague cases to date, and a resolution was reached in over 30% of them.

○Main area of activity

The Center does not set any particular area eligible for an application for ADR, so anyone from any region can apply for ADR at the Center. We mainly conduct our activities in the Kansai Area since the Center is located in Osaka.