

How to Seek Monetary Claims in Japan (text)

Hello, everyone. I am Shogo Yamagami, an attorney at law in Japan.

We often accept cases where foreign clients want to seek compensation against Japanese companies or Japanese people in Japan.

In such cases, we basically recommend that firstly we lawyers send a legal letter to the opposing party to seek compensation and to start negotiations.

If we can settle the cases in such a negotiation stage, it is faster to solve the cases than litigation and the client can save some costs.

Generally we give a deadline to pay the compensation or to reply in this letter.

If the opposing party does not pay or does not reply within the deadline, the client needs to consider whether litigation shall be initiated or not.

To win the case in court, evidence is necessary except “judgment by default”, that means that the defendant’s absence in court and the defendant does not respond.

Identically, it is better that the clients gather and keep evidence before the lawyers start negotiations.

For example, if your case is regarding a contract with a Japanese company, the written contract is very important evidence.

So I think it is also better that the clients consult lawyers on how to get evidence before negotiation.

Even in the negotiation stage and the litigation stage, basically foreign clients do not need to stay in Japan if the clients hire Japanese lawyers.

Japanese lawyers take action on behalf of the clients even in court or out of court.

But towards the end of litigation, if the Japanese court will have examinations, this means that it is an interview of parties and witnesses, the person in charge of parties or witnesses shall attend the Japanese court. We are so sorry that nowadays Japanese courts basically do not accept online examinations.

In some countries, an arbitration is more common than litigation.

However, in Japan, litigation is common and almost no one uses international arbitration. Because I think Japanese judges are so fair and creditable, and generally court fees are cheaper than arbitration fees.

But please note that these court fees do not include lawyer’s fees.

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