

**American Consulate General, Naha**  
2564 Nishihara, Urasoe City, Okinawa 901-2101, Japan  
Tel: 81-98-876-4211 Fax: 81-98-876-4243

## **JUDICIAL SERVICES: DEPOSITIONS**

### **INTRODUCTION**

**Please be advised that due to its limited physical and personnel resources, the American Consulate General, Naha is only able to accommodate deposition requests in cases having a nexus to Okinawa and is unable to schedule depositions lasting longer than ten (10) consecutive working days.**

This information sheet provides a step-by-step guide to the American Consulate General Naha's procedures for the scheduling and conducting of depositions at this post. Please note that while much of the information listed below applies to depositions in Japan in general, if you schedule your deposition for a location other than the American Consulate General Naha, you should contact the post concerned directly for additional information. The Consulate cannot assist in scheduling depositions at other posts in Japan. Information on judicial assistance is also available on the Internet via the Department of State, Bureau of Consular Affairs home page at [www.travel.state.gov](http://www.travel.state.gov).

We would like to point out that in many instances, particularly when time is an important consideration, sworn affidavits (in lieu of a deposition) have proven to be expeditious and acceptable to the courts. In such cases, you should send a copy of all questions directly to the witness. S/he can prepare written replies and take an oath before a consular officer as to their veracity. The execution of such an affidavit takes only a few minutes and the charge for each oath is currently only \$30.00. This affidavit may save you and your clients considerable time and expense.

### **BACKGROUND**

Consular officers of the United States are authorized to take depositions by the Rules of Criminal Procedure for the U.S. District Courts (18 U.S.C., Rules 15 and 17), the Rules of Civil Procedure for the U.S. District Courts (28 U.S.C., Rules 28-31) and 22 U.S.C. 4215 and 4221. 22 CFR 92.56 sets forth the specific responsibilities of the consular officer in taking depositions. Authority to act in this capacity in Japan is contained in the Consular Convention between the two countries. A consular officer may take a deposition either upon Notice, or by virtue of a Commission to take testimony issued by the competent court. Article 17 of the Japan-United States Consular Convention authorizes American consular officers to take depositions in Japan, "on behalf of the court or other judicial tribunals or authorities of the sending state (United States), voluntarily given, in

accordance with the laws of the sending state (U.S.) and in a manner not inconsistent with the laws of the receiving state (Japan)".

Note that per 22 CFR 92.85, Foreign Service officers are prohibited from serving process on behalf of private litigants and from appointing others to do so unless specifically authorized by the Department of State.

## **SCHEDULING A DEPOSITION: STEP-BY-STEP**

### **STEP ONE: DEPOSITION ROOM**

Telephone the Consulate at 81-98-876-4211 or fax us at 81-98-876-4243 to determine available dates. You may call between 08:00-12:00, and 13:00-17:00 Japan time, Monday through Friday, excluding Japanese and American holidays. We *cannot* make reservations by telephone. The Consulate has one room available for depositions -- a large room which can accommodate about fifteen people. The room is equipped with tables and chairs, and is wired for 120V, 60HZ electricity with U.S.-standard outlets (most equipment that works in the U.S. will work with this type of power). The Consulate does not provide computers, typewriters, office supplies or the like.

### **STEP TWO: MAKING A RESERVATION**

After checking with us by telephone or fax as to availability, make your reservation by sending a FAX to the Consulate at 81-98-876-4243. In your FAX, list the case name and your preferred dates. In estimating the time needed to conduct your deposition, please be aware that if the witnesses will be deposed in Japanese, the use of interpreters will approximately double the time required. **Please be advised that due to its limited physical and personnel resources, the Consulate is unable to schedule depositions lasting longer than ten (10) consecutive working days.**

### **STEP THREE: THE INITIAL RESERVATION FEE**

Your reservation with us is not final until we receive your initial reservation fee of \$475.00. Therefore, concurrent with your sending us a FAX as noted above, please send us an international money order or certified check in the amount of \$475.00, made payable to the American Embassy Tokyo. This is our initial reservation fee. **This sum is not a deposit and is non-refundable. This fee must be received no later than 3 weeks prior to the start of the deposition.** The Consulate can accept either Federal Express or DHL shipments. Please address your envelope to American Citizen Services Unit, American Consulate General Naha, 2564 Nishihara, Urasoe City, Okinawa, Japan, 901-2101.

### **STEP FOUR: THE COURT ORDER**

As soon as possible after making your reservation, please send us a certified copy of the court order or commission. This must be received no later than 3 weeks prior to the start of the deposition. The names of all persons to be deposed must be included in the court

order/commission. As the Consulate cannot schedule a deposition until the initial reservation fee, court order/commission and deposit (see below) are received here, we suggest that the court order be worded "on or about" a date for maximum flexibility. The court order/commission should be addressed to "any Consul or Vice Consul of the United States of America at Naha, Japan".

In addition to sending the court order or commission, please include the full names of all other persons (attorneys, stenographers, videographers, etc.) who will participate in the deposition on a separate sheet of paper. The Consulate can accept either Federal Express or DHL shipments. Please address your envelope to American Citizen Services Unit, American Consulate General Naha, 2564 Nishihara, Urasoe City, Okinawa, Japan, 901-2101.

### **STEP FIVE: THE DEPOSIT**

Along with the certified copy of the court order or commission, please include a full deposit of the required consular fees. The fees should be calculated at \$235.00 per day for the consular officer's service x the number of days + \$200.00 for clerical processing. The deposit must be received no later than 3 weeks prior to the start of the deposition. The Consulate may also require an additional deposit and/or shipping fiscal data (such as a Federal Express number) if you will be processing your transcripts through the Consulate (see **STEP EIGHT**, below).

For example, a five-day deposition requires a deposit calculated as follows:

$$\$235 \text{ per day} \times \text{five days} + \$200 = \$1375$$

Please make your international money order or certified check payable to the American Embassy Tokyo. This sum is a deposit; after a final receipt is prepared, the Consulate will refund the excess to you or any monies owed by you will be collected. The Consulate can accept either Federal Express or DHL shipments. Please address your envelope to American Citizen Services Unit, American Consulate General Naha, 2564 Nishihara, Urasoe City, Okinawa, Japan, 901-2101.

*(NOTE: In calculating the final cost of the deposition, the Consulate must charge fees incurred for postage, shipping and the like. If Consular certification of the deposition transcript is required, the Consulate will charge \$200.00 per hour for this service.)*

### **STEP SIX: JAPANESE VISAS**

Attorneys need a special visa issued by the Japanese Government to conduct depositions in Japan. Before the Japanese authorities will instruct one of their Consulates abroad to issue these required visas, they will confirm that we are ready to proceed with the deposition. The Consulate will only be able to so notify the Japanese authorities when all of the requirements stated above have been met.

It is important to remember that this visa is issued by the Japanese Government, and not by the American Government. Attorneys should contact the nearest Japanese Consulate for complete details on applying for their visas, including a list of required documents.

The Japanese authorities should be able to estimate the amount of time visa processing will require.

Special visas may also be required of deposition participants other than attorneys, such as stenographers and videographers. Contact the nearest Japanese Consulate for details.

## **STEP SEVEN: PLANNING FOR THE DEPOSITION**

Since the Consulate does not provide interpreters, stenographers or the like, attorneys must arrange directly with such persons for their services and payment of their fees. While financial arrangements are the responsibility of the contracting parties, you may anticipate that interpretation fees will range from ¥30,000 to ¥80,000 per day. Actual prices vary; for cost quotations, please check with the service provider. While the Consulate cannot make specific recommendations for service providers, we are attaching as a convenience a list of some local sources you may wish to contact.

Also, please note--

- The Consulate cannot schedule witnesses on your behalf.
- Consulate facilities and staff are not available for deposition-taking on Japanese and American holidays, weekends, during lunch hour, or after closing time. You should plan to use our facilities between 08:30 to 12:00 and 13:00 to 16:30.
- All witnesses, stenographers, interpreters, videographers and anyone else who is to be sworn in must present picture identification, such as a passport or driver's license. Witnesses should also bring their business cards to show their relationship to the firm or organization on whose behalf they are testifying. Attorneys and all staff traveling from outside of Japan (such as stenographers) must bring their passports to the Consulate. We must verify that all parties have the proper visa before your deposition can commence.

## **STEP EIGHT: THE TRANSCRIPTS**

After your deposition has concluded, there are two ways the transcripts may be processed:

### **METHOD ONE**

The simplest method of concluding a deposition is to have the transcripts prepared and distributed among the interested parties by your stenographer/court reporter, without further involvement by the Consulate. This procedure is the easiest and lowest cost option, and the method by which the transcripts can be returned to you in the shortest amount of time. A brief signed statement by all concerned parties agreeing to this method is all that is required by the Consulate.

### **METHOD TWO**

After the deposing of witnesses is completed, the stenographer transcribes the testimony and forwards the original transcript to the Consulate General. It is advisable to send additional copies of the transcript to the witnesses as well so they can review the transcript in advance and prepare an errata sheet as necessary, and make any necessary corrections on the copy and use it to make changes on the original transcript retained in our office. After the witnesses make any necessary corrections on the original transcript, they will then sign the transcript in the presence of a consular officer. Once all witnesses have signed their transcripts, a consular certification is prepared and the deposition, along with any exhibits, is sent to the Clerk of the Court that requested the deposition. By stipulation/written agreement, the materials can also be sent to the attorneys' offices.

This method is the most time consuming. Since we cannot forward the final transcripts to you until all witnesses have signed, delays in receiving your documents can occur if a witness or witnesses are unable to return to our offices. While we will make every effort to process your transcripts in a timely fashion, please be advised that our other statutory functions, as well as emergency services, may delay processing. In addition, as we must wait until the final shipping of your documents before preparing a final accounting, billing will also be significantly delayed. This may result in delays in your processing a case to conclusion within your own offices. Finally, due to storage space limitations at the Consulate, unfinished transcripts will be returned to you at your own expense after eight weeks.

## **CONCLUSION**

The information presented above is designed to assist you in efficiently conducting and concluding a deposition at the American Consulate General Naha. Should you have any questions, please contact the American Citizen Services section at 81-98-876-4211 or FAX us at 81-98-876-4243. The Consulate will make every effort to respond to your inquiries within five working days, and we ask that you not send follow-up requests to us unless you do not receive a response within that time frame. Your cooperation will permit us to provide the best possible service.

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As you prepare for your deposition, you may find the following checklist useful. Please refer to the attached information sheet for additional details.

\_\_\_\_\_ **STEP ONE: DEPOSITION ROOM**

Telephone (81-98-876-4211) or FAX (81-98-876-4243) the Consulate to determine available dates.

\_\_\_\_\_ **STEP TWO: MAKING A RESERVATION**

Make your reservation by sending a FAX to the Consulate at 81-98-876-4243. In your FAX, list the case name and your preferred dates.

\_\_\_\_\_ **STEP THREE: THE INITIAL RESERVATION FEE**

Concurrent with sending the above mentioned FAX, send an international money order or certified check in the amount of \$475.00, made payable to the American Embassy Tokyo. **This sum is not a deposit and is not refundable. This fee must be received no later than 3 weeks prior to the start of the deposition.**

\_\_\_\_\_ **STEP FOUR: THE COURT ORDER**

Send a certified copy of the court order or commission, including the names of all persons to be deposed. On a separate sheet of paper, list the names of all other persons who will participate in the deposition.

\_\_\_\_\_ **STEP FIVE: THE DEPOSIT**

Send a deposit of the required consular fees, calculated at \$235.00 per day x the number of days +\$200.00

\_\_\_\_\_ **STEP SIX: JAPANESE VISAS**

Contact the nearest Japanese Consulate for details on visas for attorneys, stenographers, videographers, etc.

\_\_\_\_\_ **STEP SEVEN: PLANNING FOR THE DEPOSITION**

Arrange for interpreters, stenographers and the like. Schedule witnesses.

\_\_\_\_\_ **STEP EIGHT: THE TRANSCRIPTS**

Plan for the disposition of your transcripts.

Should you have any questions, please call the Consulate at 81-98-846-4211 or FAX us at 81-98-876-4243. The Consulate can accept either Federal Express or DHL shipments. Please address your envelope to American Citizen Services Unit, American Consulate General Naha, 2564 Nishihara, Urasoe City, Okinawa, Japan, 901-2101.

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## **JUDICIAL SERVICES: DEPOSITIONS**

**We are unable to continue processing your request for the use of our deposition room because of the following reason(s).**

\_\_\_\_\_ To reserve our deposition room, you must send a FAX to the Consulate at 81-98-876-4243. In your FAX, list the case name and your preferred dates. We cannot make reservations by telephone.

\_\_\_\_\_ Please send us an international money order or certified check in the amount of \$475.00, made payable to the American Embassy Tokyo. This is our initial reservation fee. We cannot hold the deposition room for you until we receive your initial reservation fee of \$475.00.

\_\_\_\_\_ Please send us a certified copy of the court order or commission, including the names of all persons to be deposed. We suggest that the court order be worded "on or about" a date for maximum flexibility. The court order/commission should be addressed to "any Consul or Vice Consul of the United States of America at Naha, Japan".

\_\_\_\_\_ Please forward a list of all persons who will participate in the deposition (witnesses, attorneys, stenographers, etc.)

\_\_\_\_\_ The Consulate cannot directly assist you in securing Japanese visas. Please contact the nearest Japanese Consulate for details on visas for attorneys, stenographers, videographers, etc.

\_\_\_\_\_ The Consulate cannot arrange for interpreters, stenographers and the like. You must make these arrangements independently. While the Consulate does not make specific recommendations for providers of these types of services, attached, as a convenience is a list of some local sources you may wish to contact for additional information.

\_\_\_\_\_ The Consulate cannot schedule witnesses. You must make these arrangements independently.

\_\_\_\_\_ Please send a deposit of the required consular fees, calculated at \$235.00 per day x the number of days +\$200.00.

\_\_\_\_\_ Other:

Should you have any questions, please telephone us at 81-98-876-4211 or FAX us at 81-98-876-4243. The Consulate can accept either Federal Express or DHL shipments. Please address your envelope to American Citizen Services Unit, American Consulate General Naha, 2564 Nishihara, Urasoe City, Okinawa, Japan, 901-2101.



## **Naha**

2564 Nishihara, Urasoe City, Okinawa 901-2101, Japan

Tel: 81-98-876-4211 Fax: 81-98-876-4243

Internet address: *http://www.congennaha.org*

### **LIST OF INTERPRETERS AND STENOGRAPHERS**

Note: The American Consulate General Naha, Japan, assumes no responsibility for the professional ability or integrity of the under-mentioned interpreters and stenographers. They will provide a cost estimate upon request. There is no significance to the order in which they are listed.

1. **Jan FLOATE**, RPR, CSR (Court Reporter)

P.O. Box 18231

Kailua, Hawaii 96734

Tel: (808) 263-1149

Fax: (808) 262-1096

2. **Yasuko KAWAKAMI** (Interpreter)

2-10-1 Takakuradai

1750 Kalakaua Ave. #3903

Suma-ku, Kobe 654-0081

Honolulu, Hawaii 96826

Fax: (078) 734-0515

Tel: 808-955-5257 Fax: 808-942-8117

E-mail: YaKawakami@aol.com

3. **Antenna Ltd. Convention Organizer**

2-16-5 Makishi

Naha City, Okinawa 900-0013

Tel: 81-98-860-5218

Fax: 81-98-860-5219

E-mail: [www.antenna-okinawa.co.jp](http://www.antenna-okinawa.co.jp)

4. **The Executive Link**

2-10-14 Tsuji 1C

Naha City, Okinawa 900-0037

E-mail: <http://www.xec-link.com>

Tel: 81-98-869-9525

Fax: 81-98-869-9596

5. **Friends Abroad**

3-9-1 Serikyaku

Urasoe City, Okinawa 901-2122

Tel: 81-98-878-7386

Fax: 81-98-877-6971

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**6. Ki Translation Service**

Ichiro Uechi

260 Uechi

Okinawa City, Okinawa

Tel: 81-98-939-7971

**7. Mine Translation Service**

Eisho Akamine

2-9-2 Oyama

Ginowan City, Okinawa

Tel: 81-98-897-1925

**8. Jinguu Translation Services (JTS)**

Seiki Kiyan

1-26-16 Futenma

Ginowan City, Okinawa

Tel: 81-98-897-6739

**9. Visual Information Systems, Inc. (legal video services)**

Paul B. Diserio, Producer/President

2-28-1, B 707 Honkomagome

Bunkyo-ku, Tokyo 113-0021

Tel/Fax: 03-5977-0531

Cell: 0901-036-4681

E-mail: [www.spinfish@gol.com](mailto:www.spinfish@gol.com)

[www.spinfish.tv](http://www.spinfish.tv)