

July 15, 2020

Administrative Meeting of the Presidents of High Courts

Address by the Chief Justice of the
Supreme Court

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The COVID-19 pandemic has spread throughout the world, and Japan has also been taking national measures to address the situation. On April 16, the government declared a state of emergency, making all prefectures subject to emergency measures. However, after the Golden Week holidays from late April to early May, the number of new COVID-19 cases gradually settled down, and the emergency measures were lifted in phases. Yet, as the risk of future resurgence of COVID-19 has been pointed out, Japan continues to be in the process of restoring social and economic activities in a phased manner, while preventing the spread of infection. The efforts aimed at ending the COVID-19 pandemic are expected to continue for quite a long time into the future.

In light of such current circumstances, we have decided not to hold the regular annual Meeting of Court Presidents this fiscal year. Although the government has lifted the state of emergency, we considered it inappropriate for the heads of courts, who are responsible for the administration of the respective courts, to leave their workplaces and gather together at a time when we are striving to restore the court functions in a phased manner amid ongoing alert toward a resurgence of the spread of infection. Thus, this time, we asked the presidents of high courts to exchange opinions on the theme of response to COVID-19, which is an imminent issue, with the presidents of district courts and family courts within their respective jurisdictional areas by appropriate means. Based on the results, we are holding a videoconference with the presidents of high courts today to look back on the measures taken so far and exchange opinions on the current challenges and future initiatives.

Ever since the spread of COVID-19, courts have grappled with the situation, recognizing that our greatest challenge was to prevent the further spread of infection and to play our role as dispute resolution organizations that exercise the judicial power entrusted by citizens, in a balanced manner.

When the infection began to spread rapidly at the beginning, we tried to avoid the movement, etc. of court users and officials as much as possible by limiting the scope of our services to only those necessary for maintaining the functions that are still required under such epidemic situation, and minimizing the personnel arrangements accordingly, based on our business continuity plan concerning infectious diseases, while taking the government's policy, etc. into consideration. Under the unprecedented emergency situation, each court was required to immediately carry out the process of discussing how judicial proceedings should be performed according to the situation of the local area, in divisions and other frameworks, under the initiative of the judges who are responsible for processing cases, and sharing the recognition among the division officials and throughout the court. The court was also required to make effort to gain sufficient understanding of the persons concerned, including the parties to the cases, related organizations and bodies, and the local community. I would like to express my respect for the efforts exerted by the court officials nationwide during that process.

At the same time, I assume that various issues that had never been experienced before emerged in relation to business continuity in that process. Moreover, in the new phase of putting the processing of cases back on the recovery track while preventing the spread of infection, courts are required to take all possible means to respond to legal disputes, etc. that have occurred as a result of the recent situation. In addition, people's lifestyles have changed due to the expanded use of information

technology under the declaration of a state of emergency, and there is demand for a “new lifestyle norm” to take root for preventing infection. Given these circumstances, we can say that administration of court proceedings is also required to be reviewed from a broader perspective, and operational improvement needs to be put into practice.

In the past Meetings of Court Presidents, discussions have been held on the roles expected of the presiding judges and the president for enhancing the functions of divisions, among other matters. As a result, it has been increasingly recognized that having frank discussions on broad topics, including issues relating to judicial administration, in divisions contributes to also having deeper and expanded discussions on issues relating to the processing of cases. Also, the importance of having stronger awareness of the meaning of the connection between the court and the community of the local area, and reflecting it in the daily processing of cases, has been pointed out at the meetings. Response to COVID-19 is exactly an issue that must be addressed by first starting discussions in the divisions, while also taking into view the role that should be played by the court as well as the actual conditions of the local area, then sharing the recognition within the entire court, and discussing measures based on such recognition according to the characteristics of individual cases. We should analyze the issues that have actually surfaced amid the current situation also from the viewpoint of putting into practice the discussions accumulated in the Meetings of Court Presidents so far, and use the results in taking future response measures. I think such approach is essential for the courts to strengthen their functions so as to be able to play the required role under all kinds of situations and to meet the expectations and trust of citizens in a society that is changing at an ever-accelerating pace.

As mentioned earlier, we are currently in the process of putting the processing of cases back on the recovery track while preventing the spread of infection. However, long-sustained measures will be required for giving due consideration to reducing users' anxieties and so on, and the real value of the discussions we have been making during this situation will be put to the test in achieving appropriate management of cases by the entire court in a balanced manner with prevention of the spread of infection. I would like to conclude my address by hoping that all court officials will earnestly fulfill their duties in this endeavor.

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