

June 16, 2021

Meeting of Court Presidents

Address by the Chief Justice of the Supreme Court

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The COVID-19 pandemic, which occurred on a global scale last year, continues to have a serious impact on the people's daily lives. Amid the national measures being taken in the face of this historic event, at the courts we have also been working to address this situation, giving top priority to maintaining court operations while keeping a balance between our responsibility for infection control and our role vested by the people as the branch of dispute resolution.

Since the lifting of last year's first declaration of a state of emergency, each court has endeavored to take thorough infection control measures based on expert knowledge in such fields as public health, while making various arrangements in operating court proceedings. As a result, we have been able to maintain operations without scaling them down even under the two declarations of a state of emergency issued this year.

Fortunately, there has been no cluster infection among court users to date, and the pile-up of unprocessed cases resulting from scaling down operations last year has already been resolved at most courts and even in the regions where the infection was serious, it has been improving. I would like to pay my respect again to the efforts that all court officials in Japan have made during this period.

It seems that it would take much more time for the pandemic to end. At the courts we must keep up our consistent efforts to fulfill our grave responsibility steadily, while paying attention to the conditions of each region, and become fully prepared to address new types of legal disputes that will be brought to court due to the current situation.

One of the impacts of the spread of the COVID-19 infection is that online activities have been widely disseminated in various scenes of social lives.

The digitalization of court proceedings, which is currently under discussion, must be moved forward irrespective of case categories considering what the court should be like in the digital society in the future.

At present, digitalization in court proceedings is most advanced in the field of civil litigation. The web-conferencing system has been introduced in proceedings for arranging issues and evidence at the Intellectual Property High Court and district courts (except for branch courts) nationwide, and the number of cases in which this system is used has been steadily increasing, which shows that this practice has been welcomed among court users.

The subcommittee of the Legislative Council of the Ministry of Justice has been conducting research and deliberation toward amending the Code of Civil Procedure and other related laws and regulations with a view to achieving full digitalization of all stages of civil proceedings from the filing of an initial action to the filing of an appeal. However, it would be impossible to realize better civil proceedings in the true meaning unless we set a clear vision for improvement of the current operation of proceedings before implementing digitalization on a full scale.

It is hoped that all court officials concerned will discuss this issue with free and creative ideas and continue practice and correction, from the standpoint of combining digital tools with the effort to conduct issue-focused proceedings.

The *Saiban-in* system, which has been operated for more than ten years since its introduction, has been established as the core system of criminal trials in Japan. The COVID-19 pandemic is the biggest crisis that this system has ever faced, but each court makes consideration and arrangements depending on the actual conditions of the respective regions for securing an environment where citizens selected as *Saiban-in* can participate in proceedings safely with peace of mind. This system has been operated smoothly, supported by public understanding

and cooperation.

In order to have this system completely take root in Japanese society for the future, it is desired that judges will continue to consciously carry out substantial cooperation with *Saiban-in* in processing each case, and that their experience will be accumulated and shared in each division, so as to clarify the vision for the overall framework for judgments, including how to operate proceedings so that the views and senses of *Saiban-in* can be properly reflected in judicial decisions.

I believe that the persistent effort to deliberate on this issue will lead to the redesigning of the overall picture of criminal trials into an ideal one.

In March this year, the government initiated the discussion on measures to be taken for digitalization both in investigations and trials in criminal procedure. While considering an ideal picture of criminal procedure, the court must also deepen the discussion on the use of digital tools in a manner suited to criminal proceedings.

Amid the rapid diversification of the people's values and notions of what a family should be like, the need for legal solutions for family issues, including the issues involved in the taking care of a child, seems to have been growing. It is desired that the family court will meet such need as a judicial body specialized in this area.

In the field of conciliation of domestic relations, efforts are being made to consider and practice an appropriate and efficient management of conciliation proceedings while taking legal perspectives into consideration.

From a broader viewpoint of considering a more appropriate process of dispute resolution on family-related disputes in general, rather than only focusing on improvement of practice in order to cope with the current pandemic, the family court is expected to take another look at the substance and benefits of conciliation of domestic relations and continue review and

practice toward achieving conciliation of domestic relations that will meet the needs of parties in the times to come.

With regard to cases related to guardians for adults, this year marks the last year of the Basic Plan for Promoting the Adult Guardianship System. It is hoped that the family court, as one of the bodies in charge of operating this system, will not only make efforts to ensure the operation of the system so that the users can find it beneficial to them, but also consider again what the family court is expected to do to identify and solve problems in developing the core organizations in community-based cooperation networks in respective local governments and enhancing their functions, and thereby to promote collaboration vigorously based on its accumulated experience in operating the system.

In handling juvenile cases, the family court should continue to provide educational support to juveniles and select their treatment appropriately for their improvement and rehabilitation, and deepen the discussion on the appropriate implementation of the amended Juvenile Act recently enacted, taking into consideration the purpose of the amendment.

The efforts in the fields mentioned above are required beyond the boundaries of individual instances. Each high court must recognize its role in cooperating in the improvement of the practice at the court of first instance, and continue discussing this issue internally and also with other high courts, sharing the outcome of the discussion with the court of first instance.

In order to properly cope with all these issues cited above, it is necessary for each and every court official to devote themselves in their daily work faithfully, with an awareness of the goal of actively finding points that should be improved in their conventional work process, rather than being content with it.

In particular, judges are expected to not only fully play their role as the pivot of cooperation

among court officials, whose roles encompass various job categories, in processing each case properly and promptly, but they are also individually expected to take a proactive stance to face various issues experienced by the court as a whole, while having an acute awareness of the situation around the court and changes thereof, and to find solution to these issues.

To achieve this, it is important for the judges to engage in their duties while fully discussing these issues on a daily basis within their division, thereby enhancing their capabilities. In this sense, each division can be described as a place for supporting judges to grow through processing cases. It is also necessary to provide more productive training for judges to support their growth.

It goes without saying that court officials other than judges also need to put more efforts in their respective roles to further enhance the functions that the court as a whole should fulfill. Judges and court officials must demonstrate their power with being fully aware of their respective roles in the entire framework of court operations and continue free and open discussions through proper cooperation and collaboration among them, so that they can strengthen the total power of the court as a whole to meet the expectations from the people and fulfill the court's responsibilities.

This year marks the 20th anniversary since the Justice System Reform Council published its final recommendations.

Looking back on the various reforms carried out in a broad range of judicial fields, I strongly feel that it is the responsibility for us who are in charge of the judiciary to pursue the justice system recommended by the council, i.e., a judicial system that is more easily accessible, more easily understandable, and more reliable to the people.

It is important for all of us at courts to recognize again that the court is founded on the people's trust, and as a public organ based in each community, to try to provide information to the

community in a timely and appropriate manner, and accept expectations and criticisms from people in the community properly. In doing so, we need to deepen the people's understanding of the justice system and keep our efforts for reforms to realize better management of court operations based on the experiences we have obtained.

To conclude my address, I express my expectation that each and every court official will fulfill their duties with sincerity.

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