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New Year's Address

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As a new year has begun, I would like to give some words as my new year's address.

Last year, COVID-19 went on a rampage all around the world, and Japan made national efforts throughout the year toward both preventing the spread of infection and maintaining social and economic activities. The unprecedented circumstances where a declaration of a state of emergency was effective nationwide for about one month affected courts as well; we were forced to take measures that we had not taken before, such as scaling down operations at many courts. We are not yet over the difficult situation requiring us to thoroughly take infection control measures, such as avoiding the three Cs (closed spaces, crowded places, and close-contact setting) as much as possible, and also to achieve appropriate case management for each court as a whole in a manner that is well-balanced with those measures. As I have repeatedly pointed out, in order to enable each court as a whole to tackle such challenges involving the modality of processing of cases, it is important that each litigation division internally, and all litigation divisions beyond their boundaries, engage in exchange of opinions under the leadership of judges, while closely cooperating with the administrative divisions, so that all organs in the court can share an understanding of the court's primary policy. Taking advantage of what we have learned in the course of coping with this situation, we should also take all possible measures for the future, and consider a new way of operating court proceedings that is adapted to changes in people's lifestyles and users' needs.

The discussion on the introduction of information technology in court proceedings of civil cases, which was initiated against the backdrop of the rapid development and spread of information and communications technology, has been carried out at a rapid rate. In February 2020, the courts selected for the pilot program started to use IT tools (e.g., a web-conferencing system) in proceedings to

arrange issues and evidence, and this new practice was introduced at district courts nationwide in December of the same year. As reduction of the occasions of having contact with people has been called for as one of the infection control measures, the effectiveness of the use of information technology in court proceedings has been widely recognized, and the expectations for full-scale introduction will grow further. If we check the current status of civil proceedings from the viewpoint of users, we can say that we are required to ensure that courts make appropriate decisions, and moreover, it goes without saying that we are called on to make due process and the reasons for judicial decisions more convincing to litigants and society and to further improve the practice in proceedings so as to reach a solution within a reasonable period of time. Courts should continue to tackle these challenges sincerely along with the discussion on the introduction of information technology. In this process, judges are expected to review their own manner of conducting proceedings while actively exchanging opinions with other court officials in and outside their divisions, so that a consensus can be developed within the entire court with regard to how to achieve the issue-focused proceedings we aim at. In this respect, we should further accelerate the initiative to introduce information technology in civil proceedings, while regarding it as a challenge toward establishing a new practice suited to the new era. I hope that all court officials, beyond job categories, will actively engage in this initiative with a fresh perspective free from the conventional arguments.

The *Saiban-in* system, over the 11 years since its introduction, has been supported by a number of citizens and established as a core system in criminal trials in Japan. In order to continue to operate the system stably while gaining understanding and cooperation from citizens, it is important to secure an environment where *Saiban-in* can participate in criminal proceedings safely with peace of mind, and the thorough implementation of infection control measures may be one of the actions to be taken to this end. We should continue to pay attention to the actual conditions of local areas including the status of infection, and carry out meticulous measures according to the respective conditions. At the same time, it is essentially necessary for the entire court to deepen discussion on matters in general regarding how the court should operate proceedings and make decisions, including how to further pursue substantial collaboration with *Saiban-in*. I hope that judges and other court officials will make persistent efforts toward improvement, bearing in mind that discussion on these matters will lead to changing the future of criminal

trials as a whole.

I have already pointed out that it is important to take measures to reinforce the functions of family courts in order to respond to various changes in society and users' needs accurately. With regard to domestic relations conciliation proceedings, the necessity to cope with COVID-19 has led family courts to start discussing how they can achieve a proper and efficient method of conducting conciliation proceedings, not being bound by the conventional method but going back to the essence of conciliation. Family courts are expected to deepen their efforts so that they can fully perform their function to solve legal disputes, while leveraging the respective strengths of the various types of court officials they have and promoting effective collaboration among these officials. As for the adult guardianship system, a little more than a year is left before the end of the subject period of the Basic Plan for Promoting the Adult Guardianship System. It is important for each family court to continue to act as a team in actively enhancing cooperation with related organizations, while taking into account the actual conditions and problems in each community with a view to promoting the development of a framework wherein adult wards will be supported by the community as a whole. In connection with this, family courts should earnestly carry out initiatives to improve the operation of this system, such as considering appropriate methods of appointment and replacement as well as proper remuneration of guardians, while hearing various opinions from users of the system and other related persons. Regarding juvenile hearings, the Legislative Council released a report last year concerning dispositions to be rendered to people aged 18 and 19 who have committed crimes. This issue will be further discussed in the legislative process, and courts should pay attention to how the discussion will develop in the future.

In order to adapt to the changing society and continue to provide quality judicial services that meet the people's increasingly diverse needs, courts must strive to maintain and further improve their vitality as organizations. Measures should be taken to promote improvement of the working environment where all court officials will be able to engage in their duties with the motivation to assist in achieving proper and prompt court proceedings and the sense of responsibility required of their respective jobs, exert their abilities to the fullest extent, and play the respective roles assigned to their positions. These measures may include

enhancement of training of personnel and streamlining of administrative affairs. At the same time, amid the decline in the young working population, it is important to put more efforts into recruiting and securing excellent human resources.

There is concern that the current pandemic will intensify the uncertainty of the future and increase people's anxieties about their daily lives, and in such situation, there is a possibility that new types of disputes will occur. In such times as we are in now, courts must endeavor to secure the stability of the foundation of society by responding to the trust and expectations from citizens and specifically showing the philosophy of rule of law through judicial decisions. To conclude my new year's address, I express my renewed resolution to engage in my duty earnestly, while sharing with each and every court official the weight of the missions that courts should fulfill, and bringing their efforts all together.