

June 1, 2022

Meeting of Court Presidents

Address by the Chief Justice of the Supreme Court

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The spread of COVID-19 infections has been exerting serious impact worldwide since the year before the last. However, thanks to the progress of countermeasures, such as vaccination and development of oral agents, behavioral restrictions have been relaxed and efforts by many parties involved for restoring normal socioeconomic activities have come to bear fruit. We refrained from convening this meeting with the participation of members the last two years, but I am pleased that all Court Presidents nationwide could gather and exchange opinions directly this year. The battle against infection is still ongoing, but we must fulfill the mandate from the people through developing environments to promptly and properly respond to increasingly diversifying legal disputes with an eye to a post-corona society, while continuing thorough infection control measures.

Looking at the current situation of Japanese society, digitalization has been progressing rapidly in various fields and a shift to new lifestyles using IT is broadly spreading among people, which is partly being accelerated due to the impact of COVID-19. It is also indispensable for the court to promote digitalization of judicial proceedings in accordance with such changes and to respond to people's trust through providing better legal services.

In the field of civil procedures having a lead in digitalization, the proceedings to arrange issues and evidence by using web meetings, which was commenced as a demonstration preceding full digitalization, was further expanded and the introduction of mints (electronic document submission system for civil cases) was also started. This May, the Act Amending the Code of Civil Procedure, etc. was enacted and specific details of new civil procedures were made clear, but there are only around three years left until full enforcement of the amended Code. The latest amendment reviewed various provisions of the Code and created new systems, and we need to swiftly create a concrete idea for properly operating civil procedures after the amendment. At the same time, the improvement of the operation of proceedings, for which each court has been making earnest efforts, needs to be advanced to increase the viability through repeating concrete practices, verifications and reviews while keeping the objective of improvement in mind. I feel like we are required to link these efforts organically and clarify reformed practices of civil procedures incorporating digitalization.

Additionally, procedures for civil execution and insolvency, etc. are also being deliberated at a rapid pace, and it is urgently required to reconsider affairs of court proceedings in light of the significance of digitalization on this occasion. Also in the field of criminal procedures, the results of deliberations concerning digitalization of investigations and trials were compiled this March, and the issue will be further deliberated at the Legislative Council of the Ministry of Justice, and moves for relevant legislation are expected to be accelerated.

We have endeavored to achieve ideal criminal trials in various aspects of procedures, centered on better operation of the *Saiban-in* system, but will be expected to make further efforts to seek ideal forms of trial preparation and trial proceedings after digitalization. From next year, young people aged 18 and 19 will be included among candidates for *Saiban-in*. It is important for the court to actively provide information based on the actual situation of legal education to encourage young people to positively participate in the system and to reflect their opinions in improving the operation of the system. In order to have the *Saiban-in* system, which is being established as the core of criminal trials, surely take root in Japanese society, the court must consciously continue to achieve substantial cooperation between *Saiban-in* and judges in processing each case and properly reflect the views and senses of *Saiban-in* in judicial decisions, thereby deepening the entirety of criminal trials while sharing the universal significance of the *Saiban-in* system among parties concerned. Furthermore, some family courts introduced procedures for conciliation of domestic relations through web meetings on a trial basis last December. Family courts have been endeavoring to further improve conciliation procedures as a means for dispute resolution, while maintaining good points unique to conciliation, but they need to further deepen deliberations on the operation of the procedures fully utilizing web meetings based on the achievements so far. In promoting digitalization, it is highly expected that court officials engaging in various duties will cooperate and collaborate with one another while mutually understanding their respective roles and positions to deliberate and practice digitalized procedures, including those other than procedures for conciliation of domestic relations, in light of users' needs. This March, the Basic Plan for Promoting the Adult Guardianship System for the second term was established. Family courts need to sincerely work for achieving improvement of the operation of the system through appropriate collaboration among the regional alliance network

based on their expected roles. Regarding juvenile cases, the amended Juvenile Act was put into effect this April. Family courts are expected to continue efforts for appropriate operation of the Act so that they can properly make an educational approach to and select treatment for individual juveniles, including those aged 18 and 19, for their improvement and rehabilitation in accordance with their specific problems in terms of their qualitative circumstances and surrounding environments.

Incidentally, this year marks the 100th anniversary of the conciliation system, which has served as a familiar means for dispute resolution. The conciliation system steadily took root in Japanese society through solving disputes over land and building leases, which increased significantly after the Great Kanto Earthquake that occurred immediately after the commencement of the system. The system has resolved disputes over family affairs and otherwise played significant roles amid the changing socioeconomic circumstances of the times, and has thus functioned as a major pillar of Japan's legal dispute resolution systems next to judicial proceedings for as long as one century. One major factor that has enabled the system to maintain the public's confidence over these years may be the efforts made for reforming the system and exercising ingenuity for the operation thereof in order to fully utilize the characteristics of conciliation, with the aim of responding to requests for dispute resolution in a timely manner in accordance with the changes in the times and society.

The key to obtaining the public's confidence in a system or an organization throughout the ages is a mindset not to hesitate to morph into a new form for sensitively and accurately understanding changes in the circumstances and making flexible responses while keeping an eye on the core and the essence of its functions. When coping with various issues faced by the court due to the progress of digitalization as mentioned above, we must accurately understand the demands of a rapidly changing society, review the essence of our efforts so far for carrying out proceedings and handling operations and affairs of court proceedings, and discuss drastic revision. At the same time, we are required to continuously discuss whether there is a need to review the organization of the court. All court officials need to make all-out efforts for these matters sincerely through exercising wisdom and repeating opinion exchanges.

In particular, judges who comprise the central core of the organization of the court play significant roles. In recent years, the court has promoted the initiative to

encourage judges to have discussions actively at each division, which is a place for basic opinion exchanges, but individual judges are expected to utilize such experience and expand discussions beyond the divisions they belong to or otherwise exercise their leadership in coping with organizational problems. Additionally, court clerks, family court investigating officers, and court administrative officers need to question their own roles amid changes in ways of conducting operations and affairs of court proceedings and respond to such changes by aggregating the knowledge and expertise they have respectively acquired through their duties.

Unpredictable unprecedented challenges are emerging in front of us. While achieving unrestricted discussions, which constitute the essence of the council system, also in judicial administration, efforts to cope with those challenges in a multifaceted manner by listening to the opinions of local people and users and broadly referring to the history and experiences of foreign judicial organs will lead to increased confidence in the courts of the respective local communities and society and will enable us to fulfill our responsibilities mandated by the people. To conclude my address, I express my expectation that each and every court official will fulfill their duties with sincerity.