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New Year's Address

OTANI Naoto

Chief Justice of the Supreme Court

The year 2022 has begun. I would like to give some words as my new year's address.

Last year, the Summer Olympic and Paralympic Games were held in Japan for the first time in 57 years. I suppose that many people were fascinated by the exciting competitions they watched on the screen and also impressed by the performances of the athletes challenging their own limits as well as the passion of the staff making efforts to operate the games under the difficult circumstances. In the meantime, as the spread of COVID-19 did not come to an end, we, at courts, continued to make it our biggest challenge to ensure the stable management of court operations while striking a balance between the need to prevent the spread of infection and the fulfillment of our role entrusted by the people to serve as dispute resolution bodies, as we did the year before last.

The dramatic development of information and communications technology and the recent spread of infection have accelerated the movement toward digitalization in the entire society. Under such circumstances, there is a demand that courts realize better quality judicial services by operating various proceedings with the use of digital tools. We should therefore proceed with consideration on digitalization of the entire court operations, including

administrative work, taking into consideration the changes in people's lifestyles and the needs of users, and developing a future vision of courts in the digitalized society.

In the field of civil litigation, the discussions at the expert committee under the Legislative Council of the Ministry of Justice have entered the final phase toward amending the Code of Civil Procedure and other related laws with a view to achieving full digitalization of all stages of civil proceedings from the filing of an initial action to the trial in the appellate court. The practice of operating proceedings for arranging issues and evidence using the web-conferencing system, etc., which was launched in 2020, will be introduced in all district courts and branches nationwide by the summer of this year, and a new system for submitting briefs and copies of documentary evidence, etc., by electronic means will also be introduced in some courts in February this year or thereafter. Thus, steady progress has been made in digitalization, but, with regard to civil litigation, it has been pointed out that courts should of course make appropriate decisions, and that they are also called on to enhance due process protection and make the reasons for judicial decisions more convincing, and to further improve the practice in proceedings so as to reach a solution within a reasonable period of time. Now, more than 20 years after the existing Code of Civil Procedure came into effect as a law to realize fair and expeditious trials, judges must cope with these challenges with an awareness thereof as their own issues, before the full digitalization of court proceedings starts. With the aim of establishing an appropriate practice in the future society, they are expected to engage in discussion actively beyond the boundary of job categories at cross-jurisdictional meetings and other opportunities, repeat the practice and review of

improvement measures, and thereby enhance the quality of the operation of proceedings.

Looking at the situation in criminal trials, the *Saiban-in* system, supported by the high level of consciousness and sincere attitude of citizens, has established a record of practice of more than 10 years and become a core system in criminal trials in Japan. In order to ensure the stable operation of this system, it is necessary to secure an environment where *Saiban-in* can participate in criminal proceedings safely with peace of mind, by taking meticulous considerations and ideas, etc., according to the actual conditions of the respective regions, not to mention the thorough implementation of infection control measures. At the same time, in order to have this system completely take root in Japanese society for the future, it is vital for us to make ceaseless efforts to have the views and senses of *Saiban-in* be reflected in judicial decisions more properly. Judges should make effort to consciously carry out substantial cooperations with *Saiban-in* in processing each case, and with accumulating and sharing such cases, constant and diligent deliberation in a variety of settings outside of the courtroom such as creating a clear vision for the ideal framework of judgements and ideal court operations will lead to deepening the criminal justice system as a whole. The government has been discussing measures to be taken for digitalization both in investigations and trials in criminal procedure as well, and is expected to release the outcome of the discussion by the end of FY2021. While considering the future direction that the entire criminal justice system should aim at, the court must also deepen the discussion on the use of digital tools in a manner suited to criminal proceedings.

This year, the Japanese conciliation system marks the 100th year since its establishment. During this period, this system, which is unique in the world, has played a role as an easily accessible means for dispute resolution, while meeting the needs of the people along with the changes in social and economic situations. For the future, efforts should be made to improve this system to make it more user-friendly, clarifying its difference from litigation and from out-of-court legal resolution systems.

Particularly with regard to proceedings for conciliation of domestic relations, responses to COVID-19 which made it difficult to maintain the conventional way of the management of conciliation proceedings reminded us of the need to keep deliberations and implementations based on its essence. Family courts have been making efforts for improvement with an awareness of such necessity. The government has started discussing digitalization for proceedings of domestic relations cases as well, and the web-conferencing system has been put into use on a trial basis to hold proceedings for conciliation of domestic relations at some family courts, since December last year. The discussion and practice that family courts are currently engaging in to identify the essence of conciliation and envision picture of what the management of conciliation proceedings should be will serve as the basis for the future process of considering steadily how to introduce digital tools in proceedings and conduct various works using such tools. In order to make the effort for digitalization truly fruitful, judges and other court officials in family courts are expected to share their awareness of issues and cooperate with each other in an effective manner. Furthermore, on April 1 this year, the amended Juveniles Act that provides for special rules for persons aged 18 and 19 will come into effect, and The Second Basic Plan for Promoting the

Use of the Adult Guardianship System currently under discussion will start. Thus, this year, family courts will see various kinds of changes taking place around them, and under such circumstances, they must do their job in a manner by which they can gain trust from the people, through building mutual understanding and a relationship of trust with related entities, without losing the awareness of the question of what role they are required to play.

With the people's values and behavioral patterns becoming diversified at an accelerated pace, in order to provide better quality judicial services and meet the people's expectations, courts must aim at enhancing their vitality as organizations so that all court officials will be able to concentrate their effort on playing their essential duties and exert their expertise. While properly responding to the changes in the environment surrounding court officials, such as the decline in the young working population and the raising of the mandatory retirement age, courts must make further effort to secure diverse and excellent human resources and train personnel, and also continue the effort to improve the working environment, including streamlining operations.

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