

June 19, 2024

Meeting of Presidents of High Courts and Chief Judges of District Courts and
Family Courts

Address by the Chief Justice of the Supreme Court

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The further progress of digitalization in society, particularly the growing utilization of digital technologies under the circumstances where people's activities were restricted due to COVID-19, has drastically changed conventional working styles and human relationships and has been accelerating the diversification of public values and behavioral patterns. To ensure that the judicial system continues to be trusted by the public and remains the foundation to support the rule of law, it is essential for us to perceive these changes in values and behavioral patterns sensitively and accurately, and to address various challenges flexibly and boldly while keeping the essence of the judicial function in view. Our current efforts to digitalize court proceedings and review the court organization are also part of such efforts.

Upon improving the operations of court proceedings, it is unavoidable to critically verify the existing operations and underlying ideas, which is accompanied by resistance to changes in the status quo. In order to overcome this and proceed with constructive deliberations, it is essential to frankly exchange opinions beyond the differences in experience and generation and to foster a spirit of challenge recognizing the value of 'failure' through new challenges and transforming it into an organizational 'asset'.

In that consideration, it is essential to confront the reality that some court officials have limited years of experience in their duties and that an increasing number of court officials are facing time restrictions at work due to child-rearing, family care, lifestyle diversification, or other circumstances, and it is required to establish administrative methods and management practices to ensure that all court officials, including judges, can comfortably and properly fulfil their duties. In order to ensure rational and appropriate administrative practices and support the professional development of court officials, it is also necessary to establish a system for the organizational sharing of knowledge and know-how required for administrative tasks.

From the viewpoint of users, the time spent on court proceedings is a cost of dispute resolution and a factor that affects their trust in court proceedings as a means of dispute resolution, along with the appropriateness of the content. Judicial proceedings for civil cases and cases under the *Saiban-in* system tend to be prolonged, and in recent years, the prolongation of family conciliation cases has also been pointed out. Causes for the prolongation vary, but in light of the circumstances so far, it can be said that a practical solution is to streamline and enhance efficiency in proceedings and thereby mitigate the burden on users and courts as a whole. Mitigating the burden in such manner is also effective for reducing the burden of examining records after digitalization, properly dealing with serious cases, and reserving court officials' energy for professional development, and will lead to further improvement of the quality of trials.

In the field of civil procedures having a lead in digitalization, the proceedings to arrange issues and evidence by using web meetings are being adopted for approximately 80% of cases. As a result of careful consideration on how to achieve reasonable and efficient arrangement of issues and evidence, the effectiveness of the method of conducting oral arguments at the beginning and sharing an overview of the issues was confirmed. Judges are now transitioning to the phase where they implement this method and exchange and accumulate their experience regarding its effectiveness and challenges. From now on, it will be necessary to establish a support system suited to a new stage, such as creating a platform where resistance to and worries over the implementation of new methods can be reduced, examples of successes and failures can be frankly shared, and new ideas and advice can be obtained. Also with regard to the duties of court clerks, we are required to accelerate deliberations with the assumption of a flow of clerical procedures after digitalization to enable them to fully exercise their expertise for carrying out reasonable and efficient proceedings.

In the field of domestic relations cases, it is necessary to make preparations for the enforcement of the Act Partially Amending the Civil Code and Related Acts,

which mainly aims to review the family law system. At the same time, for dealing with cases under the current law, the expertise of family court investigating officers should be utilized effectively and proceedings should be carried out based on a framework for promptly making proper judgments in line with the purport of the current family law system. In domestic relations cases which vary diversely and are large in number, as minor inefficiencies accumulate and may result in imposing a heavy burden, in order to strengthen the response capabilities, we need to streamline and enhance efficiency in proceedings for domestic relations cases as a whole, and consider the required personnel and physical systems. A web meeting is a useful tool for speeding up proceedings and reducing the physical and psychological burden of parties to domestic relations cases and is expected to be utilized in an effective manner. As family courts in charge of domestic relations cases are relatively small in size and each of their judge is required to take charge of diverse types of cases, it is especially important to develop a system to ensure the proper sharing of knowledge and know-how required for domestic relations cases, and in particular, such system is urgently necessary for juvenile cases that are handled by further smaller departments.

For the issue of the prolongation of pretrial conference procedures for cases under the *Saiban-in* system, it will be realistic to start making efforts for the matters that can be managed by the court, such as re-discussing specific goals for the arrangement of issues and evidence among judges presiding over individual cases. Considering future proceedings after digitalization, for disputed cases not subject to *Saiban-in* trials as well, implementing proceedings placing emphasis on testimony and on trials in open court will be indispensable.

Affairs concerning court proceedings and judicial administration both aim to strengthen and improve dispute resolution functions of the court. Court officials who handle them should focus on core duties fit for their expertise. It is important to develop an environment where all court officials can work flexibly while achieving a work-life balance. To conclude my address, I would like to express my

expectation that each and every judge and court official will fulfill their duties sincerely with pride that they are supporting dispute resolution functions of the court as mandated by the public.