

January 2025

New Year's Address

IMASAKI Yukihiro

Chief Justice of the Supreme Court

I wish you all a happy New Year. I would like to offer a few words as I start my first new year since assuming the office of Chief Justice of the Supreme Court.

Last year, the Noto Peninsula Earthquake occurred on January 1, and torrential rain hit the same Noto region in September. One year has passed since the earthquake, but the affected areas are still on the road to recovery. I would like to take this opportunity to extend my deepest condolences to those who lost their lives in the disaster, and my heartfelt sympathy to all those who have been affected. I also would like to pay respect to judges and other court officials who strove to fulfill the responsibilities of the court amidst such difficulties.

At present, various preparations are rapidly progressing at courts to achieve the digitalization of court proceedings, which is an immediate challenge. As has been pointed out already, when making the preparations, it is important to have a viewpoint to not only make court procedures more convenient for users through the digitalization, but also to enhance the courts' dispute resolution function as a whole by taking the opportunity of the digitalization to streamline court proceedings and reduce the burden of court business, and thereby appropriately allocating resources

according to the complexity and difficulty of the cases. The development of systems for digitalization has made progress, starting with those for civil litigation, and an e-case management system (RoootS), which was introduced in some courts in advance in July 2024, will be introduced in all courts. I believe that not a few court officials felt anxious throughout this process due to such trouble as a delay in the timing of the advance introduction. While the courts are currently in the middle of large-scale system development, I have already informed court officials of the status of deliberations on systems that respond to Phase 3 of the digitalization of civil procedure, and we also need to continue to make preparations for various plan changes and hindrances, both large and small, in the future. If any change or hindrance occurs, court officials should promptly share the relevant information and deal with the situation as one, so that all courts can steadily proceed with the development and the deliberations on the introduction of various systems.

In the field of civil court proceedings, so-called Phase 3 of digitalization, which includes the digitization of case records, is planned to be achieved by May 2026, and judges, etc. nationwide are holding discussions to improve the management of proceedings, in tandem with the digitalization. So far, a general consensus has been reached about the need to aim for compact and to-the-point proceedings and determinations and the various approaches for realizing them. Now we have moved on to a stage where each judge puts these into practice, and their effects and challenges are to be verified. In order to be fully prepared for the upcoming Phase 3, we need to study the specific operations promptly and steadily. Also, with regard to the digitalization of non-contentious cases, such as civil enforcement and bankruptcy, it was decided that measures including enforcement based on electronically prepared titles of obligation are to be implemented in advance in line

with the start of Phase 3 of civil procedure. Therefore, we need to discuss the specifics of the operation of these measures, and also discuss the standardization of written petitions and attached documents, etc. toward the full implementation of the amendment act. While these discussions are important not only for making court procedures more convenient for users, but also for reducing the burden of court business on court officials, judges need to take the initiative and be actively involved in the discussions as they concern trial matters as well.

In the field of criminal court proceedings, 15 years have passed since the introduction of the *saiban-in* (lay judge) system. The system has been operated smoothly with the support of the high awareness and sincere attitude of citizens, and has come to play a key role in criminal court proceedings. While I am not reluctant to express my respect for the efforts of those who were involved during this course, as it is well-known, many of the issues identified in the operation process have yet to be fully resolved, such as the prolongation of the pretrial conference procedure, the psychological burden on *saiban-ins*, and the problem of the attendance rate of the candidates. We also must not forget an attitude of maintaining persistent efforts for realizing substantial cooperation with *saiban-ins*, which is a fundamental principle of the system. We need to continue making constant discussions for improving the operation of the system in the future, while building on the accumulation of debates to date, and returning to the intent of the introduction of the system and the main purport of the Code of Criminal Procedure, etc. As discussions for digitalization are ongoing in the field of criminal procedure as well, the discussions for improving the operation while returning to the main purport of the Code of Criminal Procedure are expected to also lead to discussions on how criminal court proceedings should be managed with an eye on the

digitalization of criminal procedure.

In the field of domestic relations cases, the Act Partially Amending the Civil Code, etc. relating to family law was enacted in May 2024. It contains amendments that have a large impact on society, with a broad range of revisions being made to matters that become an issue in a divorce, such as parental responsibility, child custody, child support payments, parent-child visitation, and distribution of property, including a revision of the system to enable both parents to have parental responsibility. Family courts, which will bear an important responsibility for the operation after the Act comes into effect, need to make sufficient preparations to be able to appropriately manage proceedings based on the purport of the legislation. When the amended Civil Code comes into effect, it is expected that the way in which mediation proceedings should be managed will change, with the addition of new deliberation matters and procedures, and the number of mediation cases will increase. In order to meet the needs of users and citizens, there is a need to deepen initiatives for improving mediation management, including the further utilization of web conferences, and to link them to the appropriate management of proceedings after the coming into effect of the amended Civil Code. In particular, if the tendency of long intervals between appearance dates continues, it could undermine citizens' trust in mediation proceedings. Therefore, it is necessary to further step up initiatives for shortening the appearance date intervals. Also, with regard to juvenile cases, there is a need to continue operation based on the purport of the Juveniles Act amended in 2021, while taking into account the changes in the social situation surrounding delinquency.

While courts are required to respond to the digitalization of court proceedings and

law amendments in various fields as described above, efforts to rationalize, streamline, and standardize court business should be continued, both in the areas of court proceedings and judicial administration, also from the viewpoint of achieving work-life balance and flexible working styles for court officials, including judges. In that process, I would like court officials to actively engage in reviewing court business with the spirit of trial and error, without fearing failure, and even if their efforts prove unsuccessful, I expect the others to give appropriate considerations so that their attitude toward further initiatives will not falter. Moreover, in order for the entire organization to smoothly carry out work and to maintain and improve its dispute resolution function, there is a need for organizational support that enables court officials to efficiently acquire know-how and information that are useful for dealing with cases. Efforts are already being made to create and share helpful contents for the “succession of knowledge” on the courts’ portal website, and I hope to continue to implement initiatives according to your needs in the future.

I would like to conclude my New Year’s address, hoping that this year will be a wonderful year for you, and expecting that initiatives toward new court proceedings will make steady progress.