

June 14, 2023

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

# Address by the Chief Justice of the Supreme Court

## Address by the Chief Justice of the Supreme Court

In Japan, along with the changes in socioeconomic situations and the advancement of information and communication technology, people's behaviors and ways of thinking have been constantly changing and diversifying. Among other factors, the progress of digitalization in all aspects of society and the restrictions on people's activities due to the COVID-19 pandemic that lasted for more than three years have greatly changed the way people communicate with each other, work and live. Under such circumstances, we, at court, while getting to the essence of the judicial function, must flexibly and boldly cope with various challenges by sensitively and accurately recognizing the trends of changes in society and people's consciousness, and make unremitting efforts to further enhance and strengthen the function of courts in resolving disputes.

Currently, we are working on the digitalization of court proceedings as our top priority issue. From the perspective of providing better-quality judicial services to citizens, it is essential for related departments to make court proceedings more convenient for users, including the possibility of system development, and to continue studying so that procedural work will be performed in a more streamlined and appropriate manner.

What should be specifically studied may differ for each field or challenge. Under the system in which judges with different experiences or living conditions deal with cases independently, it is desirable that the majority of judges can aim at managing proceedings in a reasonable and feasible manner. In addition, the methods of study and practice toward digitalization should be closely related to the routine work of judges and be less stressful for them, such as by helping individual judges devise ways to improve the management of proceedings and providing them with opportunities to share their achievements with each other. Handing down reasonable methods based on accumulated experience to the next-generation judges and court staffs is also very helpful in making such study and practice more substantial.

In the field of civil proceedings, where the study of digitalization has made progress, it is necessary to cope with challenges, such as the prolongation of the period of proceedings, by studying a method of conducting proceedings that can reduce the overall procedural burden from the perspective of ensuring reasonable management of all cases assigned to each judge, while enabling each judge to put sufficient energy into the necessary part of the proceedings. In particular, in view of the examination of records on the display screen under the digitalized system, it may be a pressing task to ensure that the task of reading data of documents and evidence will not place an unreasonable burden on judges and court staffs.

Following the field of civil proceedings, amendment bills for the full digitalization of proceedings in civil enforcement, civil provisional remedy, bankruptcy, and domestic relations cases have recently been passed, and accordingly, we will review our conventional manner of management of proceedings in order to respond to such changes. From the viewpoint of reducing the parties' burden in domestic relations cases in which the emotional confrontation between the parties is serious, it is important to sufficiently study in advance the effective method of using a web conferencing system in the proceedings of domestic relations cases.

In the field of criminal proceedings, where the study of legal development towards digitalization is ongoing, it is necessary to conduct study to operate and develop proceedings with a focus on personal evidence and public trials from the perspective of achieving digitalization not only in cases under the *Saiban-in* system, but also in other cases in which the accused deny their crime. Regarding pretrial conference procedures in cases under the *Saiban-in* system for which prolongation is a problem, it is necessary to study a reasonable way of management while keeping in mind a clear picture of digitalized proceedings.

As for adult guardianship-related cases, based on the Basic Plan for Promoting the Use of the Adult Guardianship System for the second term, which was formulated in March 2022, the courts must play a role as the judicial authorities appropriately in collaboration with related organizations. Regarding juvenile cases,

under the amended Juveniles Act, it is necessary to conduct study to 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.

Recently, we published an investigation report on appropriate rules for preservation and disposal of case records. A number of records with historical and social significance have been lost due to the Supreme Court's inappropriate response, and I am truly remorseful about this. Going forward, it is important to ensure that records will be properly preserved as the people's common assets in the future through various reform measures indicated in the report.

In order to make courts' dispute resolution function more substantial, it is vital to enable each and every judge and court staff to fully exercise their abilities. To this end, it is necessary for the litigation departments and the judicial administration departments to make concerted efforts to build a reasonable and efficient system for administrative work. In addition, it is essential to strengthen measures to make courts an attractive workplace where judges and court staffs are further motivated to work, such as by enhancing programs to help them improve their abilities and enable them to fully exercise their abilities in the core work, and also carrying out reforms for workstyles while giving consideration to their work-life balance. Moreover, as open-minded and diverse debates are the linchpin of all

court activities, including not only litigation but also judicial administration, it is important for judges and court staffs to frankly exchange opinions beyond the bounds of job title, experience and generation, and to create an atmosphere where they can try to improve management without fear of failure. To conclude my address, I would like to express my expectation that each and every judge and court staff will fulfill their duties with sincerity and a positive attitude in order to fulfill courts' responsibilities mandated by the people.