

**Adunarea Generala a Uniunii Europene**

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**Raport Japonia**

Keynote Report (Japan)

1 An address of thanks

We would like to express our gratitude to the E.U.R. for giving a warm welcome to the Japanese delegation today. I have the honor of taking the opportunity to make a speech on behalf of the Court Clerk Association of Japan.

2 The current situation of the court clerk's operation and the aftermath of the Green Paper

In Japan after the revision of the Civil Procedure Law enacted in 1998, the judicial system reform was performed in various areas because the social situations had changed and the expectation of the judiciary has risen. Speedy trial has been accelerating, new system was introduced, and the expansion of judicial areas on-going, in order to provide citizens with prompt and proper judgment.

Among these reforms the biggest judicial reform is the ‘Saibanin System’, namely the ‘Lay Judge System’. The Lay Judge System consists of 6 lay judges chosen from among the Japanese people, who participate in a criminal trial with 3 professional judges and decide whether a defendant is guilty, and in the case a defendant is guilty, they also decide what kind of punishment is suitable. Organization reform has been carried out, the Civil Procedure Law, the Civil Execution Act, the Insolvency Act, the Non-Contentious Cases Procedures Act and the Domestic Relations Trial Act

have been revised. During these revisions, 'IT' technology has been developing as well as new PC software introduced to courts. Under these revisions the role of the court clerk in a trial has been reviewed in order that judges be better dedicated to trials and handle cases promptly. Two years have passed since the Lay Judge System was introduced, and it has been evaluated that it has taken effect smoothly and is beginning to take root. It is the first time that a lay person has participated in a trial. 90 percent of people who served as a lay judge said that they had a fruitful experience. Under the Lay Judge System it is expected that the public sense is reflected in the contents of a trial procedure, and that public understanding be deepened in the judiciary. Public confidence in the judiciary is also expected to increase through this lay judge system. We can say that the Lay Judge System has been operating satisfactorily. Judicial power was transferred to court clerks in many areas in order to operate the Lay Judge System smoothly. Court clerks perform their duties efficiently. This is the reason why the Lay Judge System has been established.

In Japan, all judicial and judicial administrative power is given to courts by law. Court clerks are entitled members of courts. Therefore court clerks are highly responsible for judicial administrative power. In a trial procedure the judge is responsible for legal rulings and contingent. The court clerk is also responsible for handling other court tasks promptly in a trial proceeding. Judges and court clerks are responsible for each task and co-operate together. On the other hand in some areas the tasks of judges and court clerks have been clarified and reviewed. For example, court clerks can work independently in a procedure of non-contentious cases, order for payment, civil execution and settling of court costs. This review aims to provide a high quality and prompt

service to citizens. It corresponds with the aim of the E.U.R. We researched the role of court clerk's tasks in the E.U.R. and introduced some task into our system based on this research.

The Green Paper has been adopted. E.U.R. members are stepping forward offering a noble aim, which provides proper and efficient judicial service to citizens internationally and uniformly. We honor this.

In Japan the role of court clerks in a judicial system is always reviewed. We distributed the Green Paper to our members; this helped us raise consciousness as to the role of court clerks. We would like to verify and examine the role of court clerk in a practical procedure.

### 3 Closing

I remember the patience the Japanese team showed in the women's FIFA world cup soccer in July this year. This patience reminds me of the people who try to rise up in damaged areas. We really appreciate your heartwarming words and kindness. We would like to do our best together with the people in damaged areas to recover their lives and perform our duties as the judiciary.

At the end of my speech, we would like to show our deep gratitude again for receiving such warm support and messages of encouragement from you. We promise to recover based on your support and sincere friendship.