

Response of the JAPAN
to the Second Study Commission Civil Law and Procedure
65th Annual Reunion of the IAJ – Tel Aviv, Israel
Questionnaire 2022
VIRTUAL TRIALS IN CIVIL PROCEEDINGS

1. Did your jurisdiction offer complete or partial virtual civil trials or hearings before the Pandemic? If yes, please describe what was offered and how often the offer was exercised.

Before the Pandemic, the telephone conference system had often been used in proceedings to arrange issues and evidence in civil litigation procedure, and the video conference system could also be used in the examination of witnesses if certain conditions were met. In February 2020, before the Japanese government declared a state of emergency in relation to COVID-19 in April of that year, the main offices of some district courts started operating a web conference system via the internet for the proceedings to arrange issues and evidence in civil litigation procedure, and the operation also started in the main offices of all district courts in Japan by December 2020. This web conference system had been prepared since before the Pandemic as a part of an initiative to digitalize the civil litigation procedure.

In addition, a system of online demand procedure was introduced in 2006. The demand procedure is a simple procedure in which the court clerk may, upon the application of a creditor, demand the other party to pay money, etc. without having the parties appear before the court. In the online system, a creditor may file an application for demand procedure online.

2. Did your jurisdiction offer civil virtual trials or hearings during the Pandemic? If yes, was there a change in how, what and when it was offered? Were protocols published? Also, if yes, when were the virtual trials/hearings offered and what was the uptake?

In preparatory proceedings and written preparatory proceedings of civil litigation cases, the proceedings for arranging issues and evidence were conducted through web conferences, by also taking into account the intentions of the parties. As mentioned in 1. above, these proceedings could already be conducted by a

telephone conference system, but now they can also be conducted by a web conference system.

In proceedings for arranging issues and evidence through web conferences, issues and evidence can be arranged while communicating with the parties real-time by using not only audio and videos, but also characters and files through use of file sharing and editing functions.

Apart from the Code of Civil Procedure and the Rules of Civil Procedure, no particular protocols are published in relation to the abovementioned web conference procedure.

3. Presuming that civil virtual trials were offered, was there any improvements made in the technology/software that the government provided? How were documents and exhibits managed?

The web conferences are conducted by using Microsoft Teams.

Documents and exhibits are managed in the forms of paper and actual goods as in the past.

4. What does the future hold in your jurisdiction with respect to the continuation of virtual trials? What are the issues and or benefits that have arisen?

With regard to civil cases, the Code of Civil Procedure was amended so as to enable use of web conferences in oral arguments, including examination of witnesses and the parties, and digitization of records in civil procedure.

Such advancement of digitalization has such benefits as facilitating users' access to justice, but on the other hand, presents an issue of the need to respond to the "digital divide."

5. Has or is research being done in your jurisdiction to help ameliorate some of the concerns that have arisen with virtual trials?

We recognize that further studies will be made on security issues and issues such as spoofing.

6. How did the digitally excluded people in your jurisdictions have access to justice and specifically to virtual trials during the Pandemic?

We recognize that necessary access to justice was secured even during the Pandemic through efforts to achieve both the prevention of the spread of infection and the appropriate maintenance of the courts' functions as judicial institutions. For example, various petitions were continued to be accepted, including acceptance of complaints, and operational measures for improving access were taken in judicial proceedings, such as utilization of web conferences and telephone conferences.