

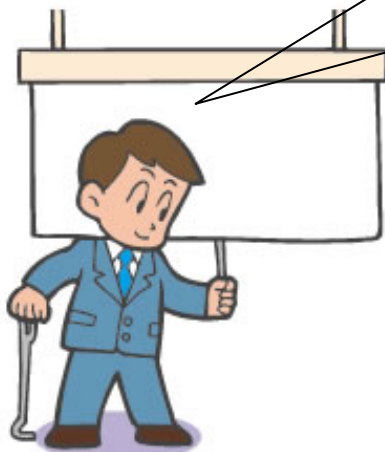


# Japan's Experiences in Justice System Reform

Focusing on  
the Current Legal Training System  
and  
Lay-judge (*Saiban-in*) System

5 June 2015

**YAMASHITA, Terutoshi**  
DIRECTOR  
UNAFEI



# INTRODUCTION



MOJ Red Brick Building  
(German style)

## Three Pillars of The Reform

**1)**

Construction of a Justice System  
Responding to Public Expectations

**2)**

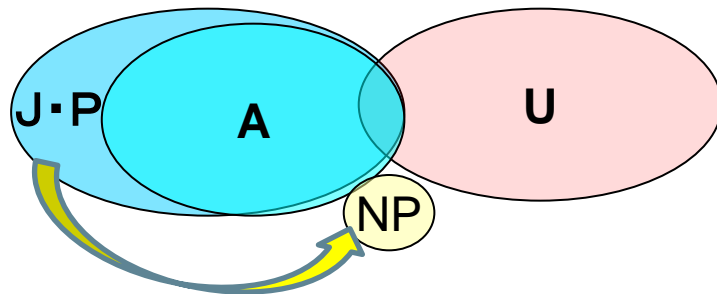
How the Legal Profession Supporting  
the Justice System Should Be  
(Expansion of the Human Base)

**3)**

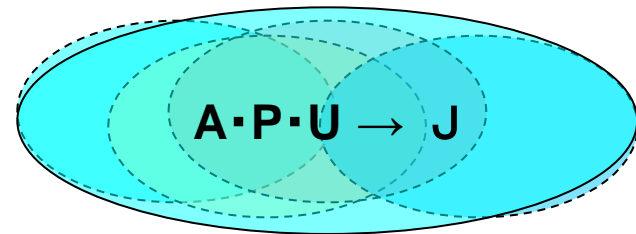
Establishment of the Popular Base

# Rough Images of Legal Profession

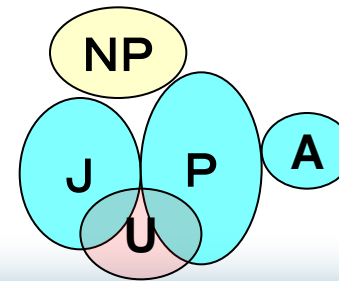
JAPAN



Common Law Countries

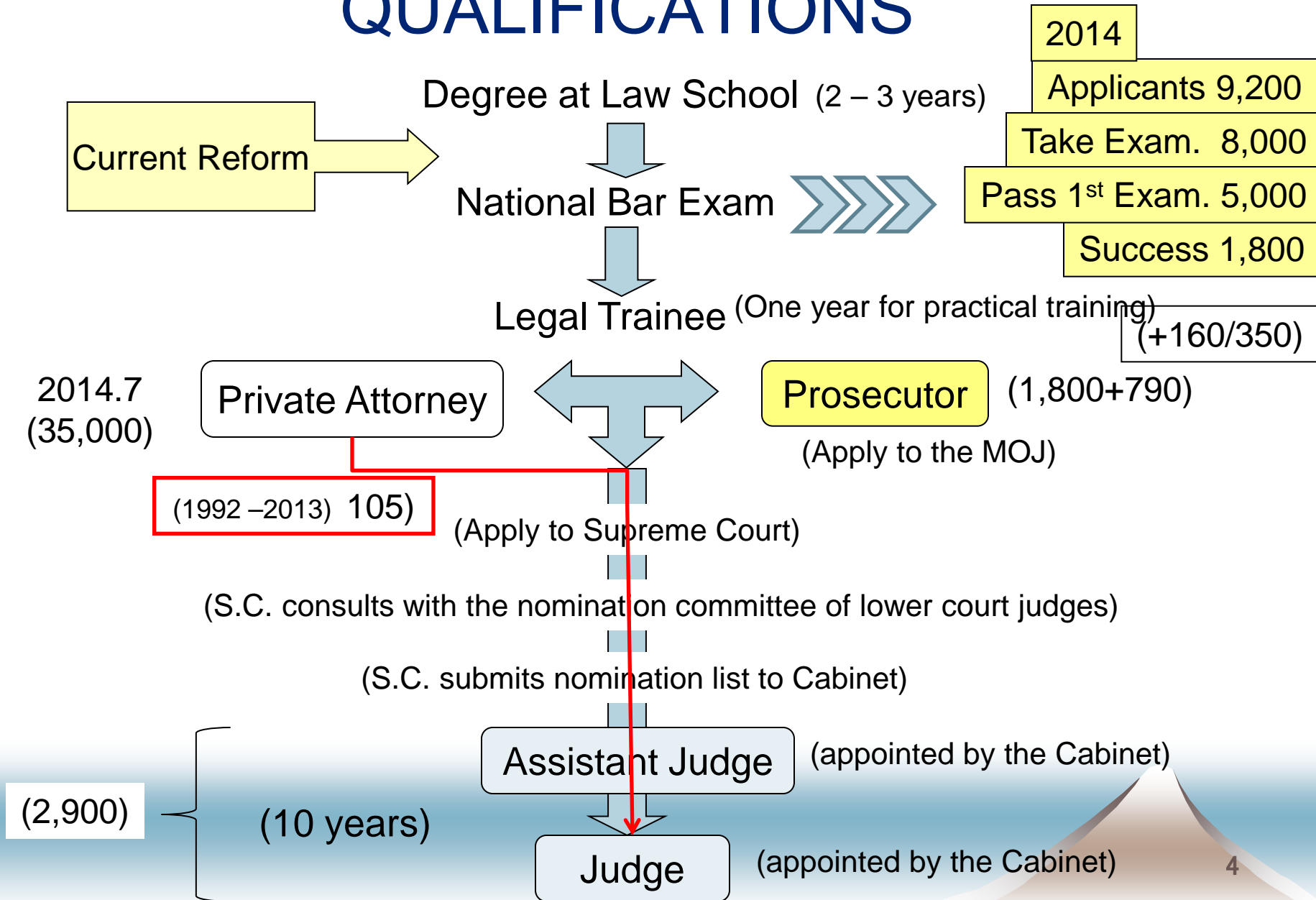


Indo-China Countries

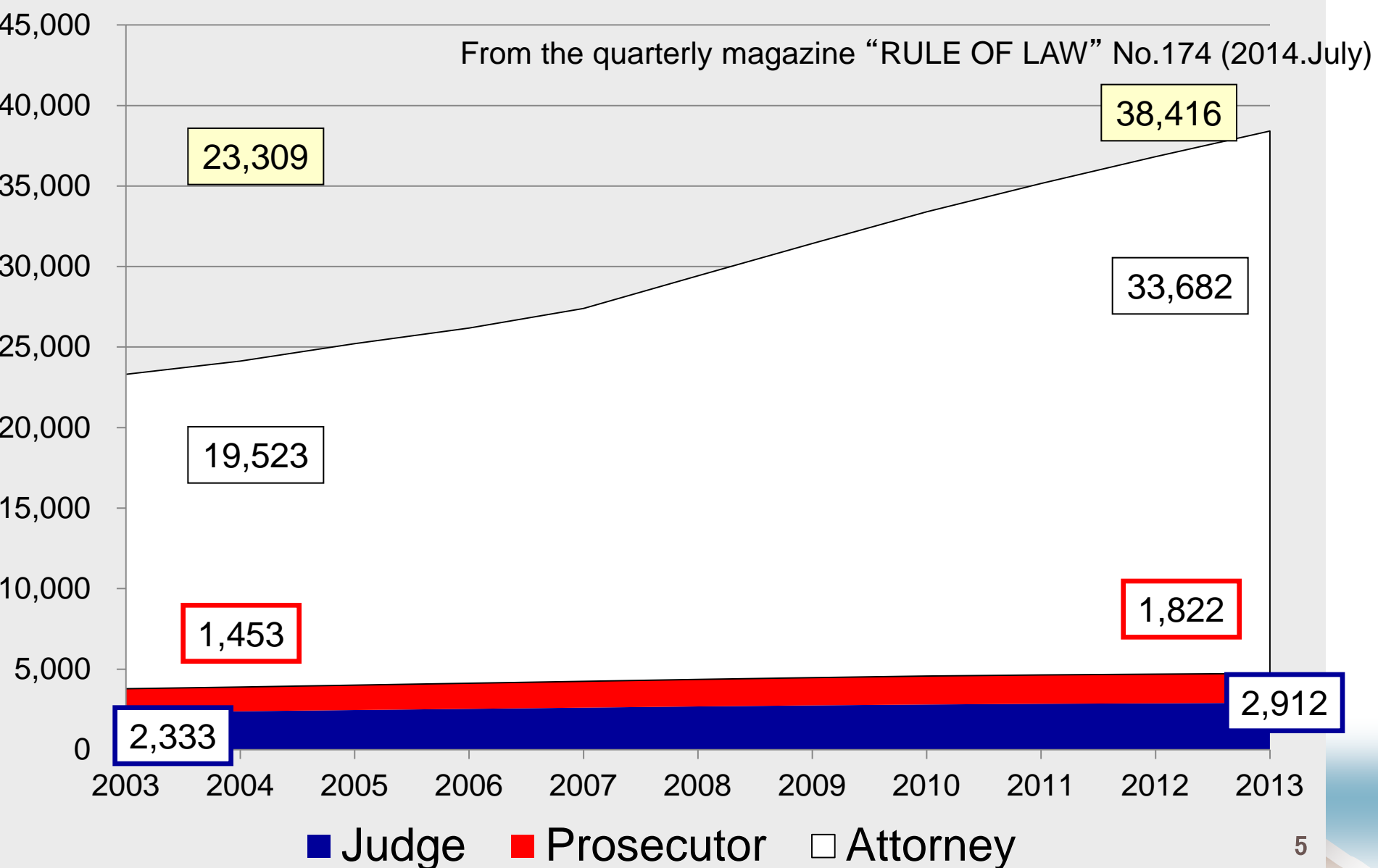


J: Judges                      U: University (Academics)  
P: Prosecutors                N: Notary  
A: Private Attorneys

# QUALIFICATIONS

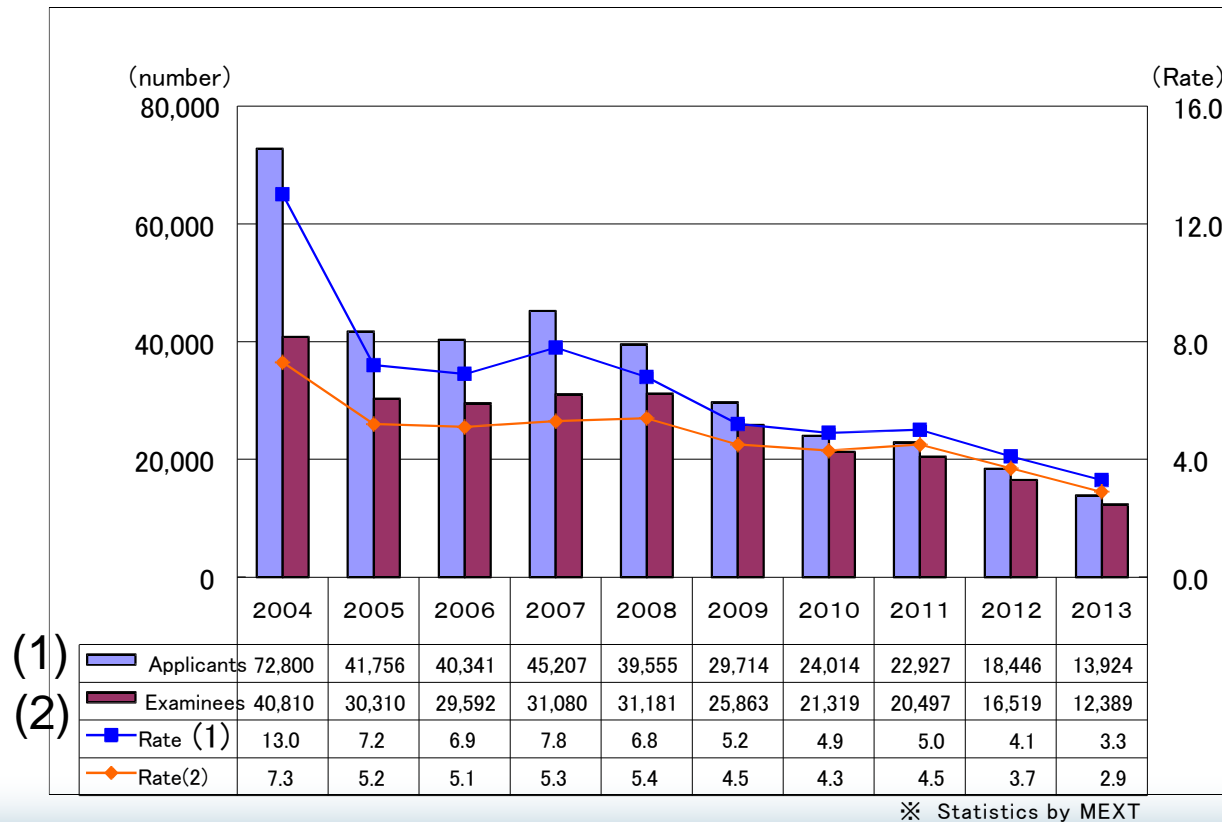


# Population of Legal Practitioners



# Law Schools

## Applicants, Examinees and Competitive Rates



### NOTES:

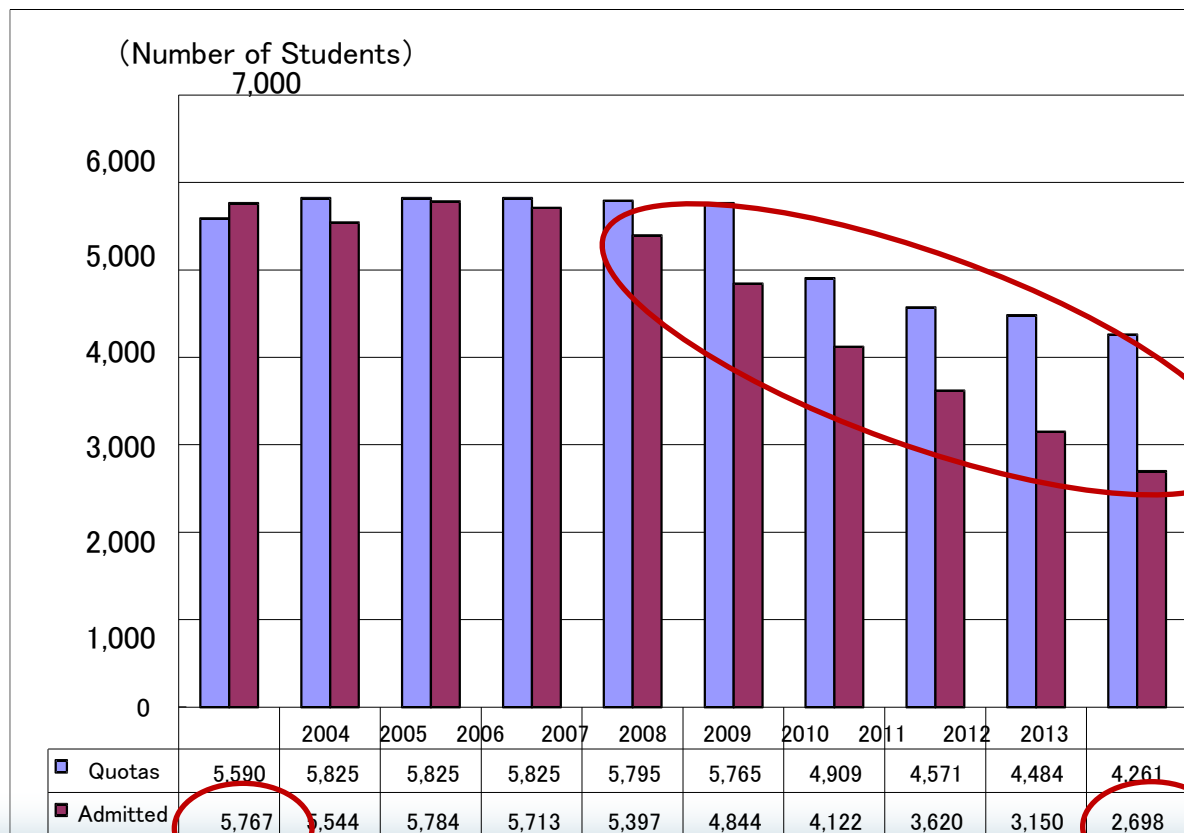
A candidate can apply to and take more than one Entrance Examination.

(1) "Applicants" means the number of submitting application

(2) "Examinees" means the number of taking Entrance Examination

# Law School

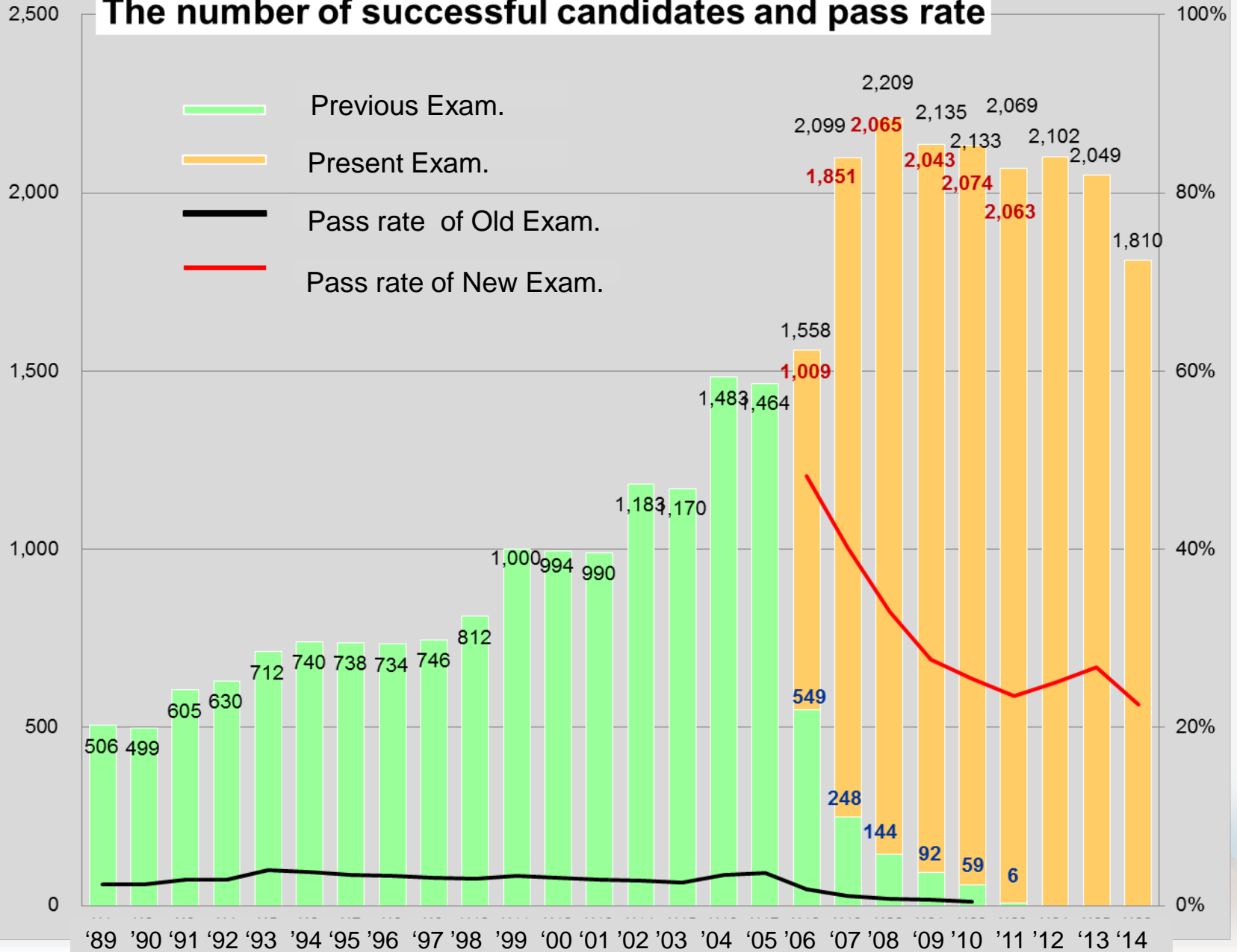
## Quotas and Successful Candidates



※ MEXT: Ministry of Education, Culture, Sports, Science and Technology

# National Bar Examination

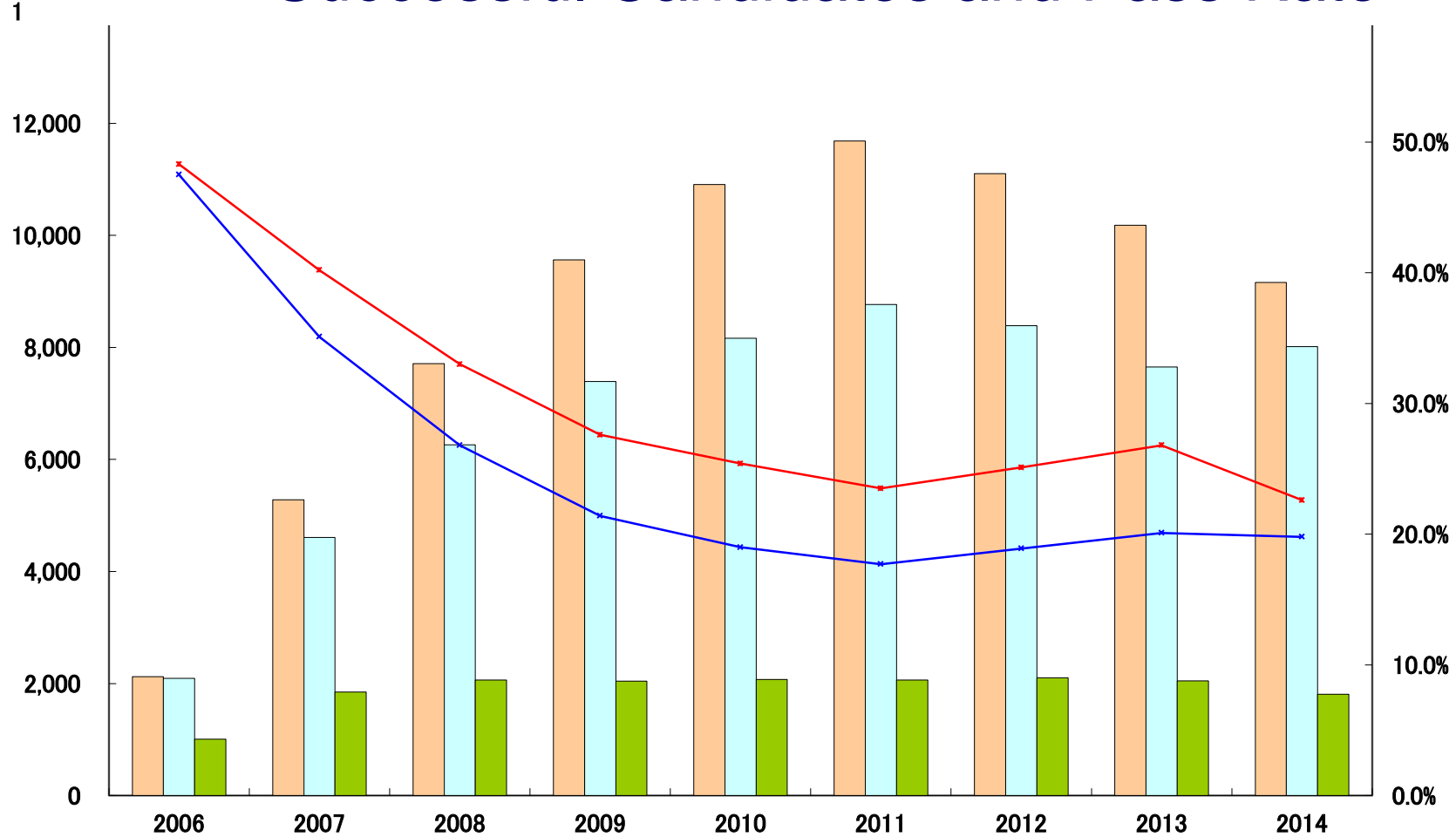
## The number of successful candidates and pass rate





# National Bar Examination (since 2006)

## Successful Candidates and Pass Rate

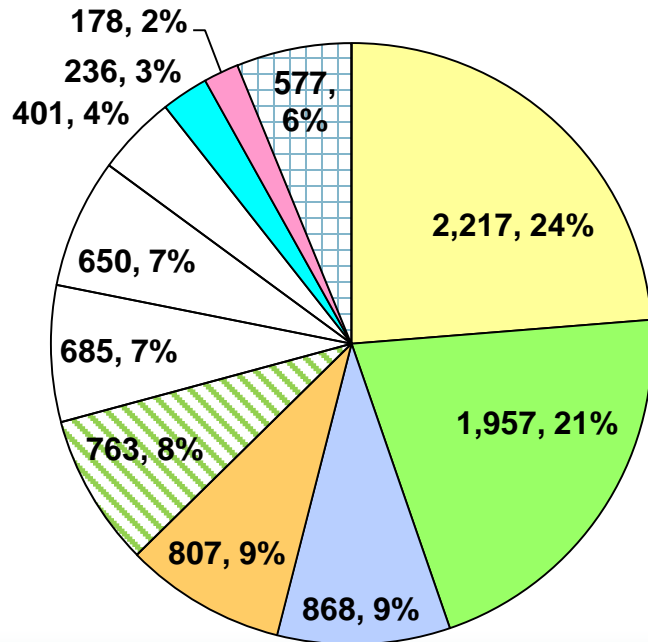


(1) Applicants (2) Examinees Successful Candidates Pass Rate to (1) Pass Rate to (2)



# Statistics by Crime for Lay Judge Trials (as of February 2015)

**Lay Judge Trials  
by Crime**



Crime	Count	Ratio
Total (newly received)	9,274	Ratio
Robbery causing injury	2,217	23.9%
Homicide	1,957	22.1%
Arson on Houses	868	9.4%
Death caused by bodily injury	807	8.7%
Violation of Methamphetamine Act	763	8.2%
Rape causing injury	685	7.4%
Forcible indecency causing death or injury	650	7.0%
Rape on the occasion of Robbery	401	4.3%
Robbery resulting in death	236	2.5%
Uttering counterfeit currency	178	1.9%
Others	577	6.2%

# Statistics of Lay Judge System

A	Candidates for Lay Judge	691,468
B	Candidates dismissed/excused during the first selection process	197,508
C	Candidates who received notification to attend	493,960
D	Candidates excused based on written questionnaire	209,715
E	Candidates expected to attend	285,425
F	Candidates appeared	216,631
G	Lay Judges (Alternates included)	56,681
H	Average length of trial (including non-trial days)	6.9 days
I	Average times of trial (excluding non-trial days)	4.3 times
J	Average length of deliberation	594.1 minutes
K	Number of defendants (Judgment rendered)	7,464
L	Number of defendants in contested cases	3,222
M	Capital sentences	23
N	Acquittals	42

## Percentage of Attendance

$$F / A \times 100 = 31.3 \%$$

$$F / E \times 100 = 75.9 \%$$

## Acquittal Rate

$$N / K \times 100 = 0.56 \%$$

$$N / L \times 100 = 1.3 \%$$

# Recent Discussions on Reform

## A

Provisions for DVD recording of suspects' interviews during the investigation stage

## B

Agreements between prosecutors and suspects/defendants and immunity from criminal liability

## C

Expansion of wire-tapping as an investigative method

## D

Points considered in the decision of release on bail

## E

Expanding legal advice by private attorneys

## F

Promoting and enhancing the discovery of evidence

## G

Measures to protect victims and witnesses

**THANK YOU  
FOR YOUR ATTENTION**



**Mt. Fuji**