

Civil Procedure Reforms in Japan: The Latest Round

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I. INTRODUCTION

Delay has been cited repeatedly as a major disincentive to litigating in Japan. However, this has also been a longstanding problem in other complex industrialized democracies.¹ Still, average delays have remained considerable over the 1990s, especially for contested cases (proceeding to the witness examination phase):²

District Court Delays (months)

Year	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
All cases	10.9	10.1	9.8	10.1	10.2	10	9.3	9.2	8.8	8.5
Contested cases	21.8	21.1	20.9	21.1	21.3	20.8	20.8	20.5	19.7	19.2

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1 See *e.g.* J.M. RAMSEYER / M. NAKAZOTO, *Japanese Law: An Economic Approach* (Chicago 1999) 140-141. However, they compare only selected US District Courts, and empirical research by Professor Marc Galanter (University of Wisconsin-Madison), Professor Judith Resnick (Yale Law School) and others is uncovering significant transformations in case dispositions in US federal courts over the last decade. For aggregate data recently, see *e.g.* <www.uscourts.gov/judbus2003/contents.html>. For brief comparisons with Germany, see S. KAKIUCHI, *Reform des Zivilprozessrechts in Japan [Reform of Civil Procedure Law in Japan]*, manuscript of a lecture presented at the University of Osnabrück, 16 November 2004 (on file with the Australian Network for Japanese Law).

2 *Zadankai – Minji Soshō-hō no kaisei ni mukete* [A Round-table Discussion – Towards Reform of the Code of Civil Procedure], in: *Jurisuto* 1229 (2002), especially 129-135.