Contents

Introduction 1

1. Welcoming citizen participation into Japan’s justice system 5
   A. Monumental legal reforms designed to advance Japan 5
   B. Citizen participation in the judicial process in Japan 13

2. The great debate: introducing a lay judge system 28
   A. Excitement and encouragement of citizen participation in the judicial process 28
   B. Initial opposition from the Supreme Court 31
   C. Tepid reaction of the bureaucracy 34
   D. The Japanese public – in need of convincing 35

3. Advancement of the lay judge system and ongoing challenges 38
   A. Seamless integration of lay participation in Japan’s judicial system 38

4. Reforms related to the lay judge system 51
   A. Pretrial meetings and enhanced discovery 51
   B. Cohesive, transparent and improved trial process 55
   C. Integration of different perspectives into the trial process 58
   D. Enhanced access to justice 59

5. Overcoming challenges facing the system 61
   A. Reducing the burdens of civic service 61
   B. Access to information, undue influence and excessive emotion 69
   C. Final reflections 71

6. Expanding lay participation into the civil realm 72
   A. Broadening the scope of citizen involvement 73
   B. Expansion consistent with monumental legal reforms and past preparations 78
   C. Support for citizen participation in civil trials 83
   D. Reasons for extending citizen participation in Japan to civil and administrative disputes 87
7. Citizen participation in civil trials can be beneficial as demonstrated by the experiences of the United States 100
A. The American civil jury system 101

8. Global proliferation of lay participation in justice systems 112
A. The popular jury in Asia 114
B. The popular jury in the former Soviet republics in Central Asia 120
C. The popular jury in former Soviet republics in Europe 123
D. The popular jury in Latin America 127
E. The popular jury in Africa and other parts of the world 130
F. Noteworthy observations 132

9. Civil jury trials in Okinawa – local illustration 134
A. Jury trials in Okinawa 135
B. Structure and operation of the Okinawan civil jury system 139
C. Additional considerations 148

10. Civil lay participation and state-corporate liability 151
A. The Fukushima nuclear disaster 154
B. Civil lawsuits by Fukushima businesses, residents, TEPCO shareholders and concerned citizens 156
C. Criminal complaints against TEPCO and the Japanese government 170
D. Adjudication by citizen panels versus government jurists 176

11. Final thoughts and necessary preparations 181
A. Moving toward expansion 183
B. Conclusion 190

Index 191