

最高裁秘書第194号

令和4年1月26日

林弘法律事務所

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最高裁判所事務総長 中 村



司法行政文書開示通知書

令和3年12月24日付け（同月27日受付，第030817号）で申出があり，同日に補正がされました司法行政文書の開示について，下記のとおり開示することとしましたので通知します。

記

- 1 開示する司法行政文書の名称等
渉外レポート第20号（片面で4枚）
- 2 開示の実施方法
写しの送付

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渉外レポート

INTERNATIONAL AFFAIRS REPORT

Vol.20

英語の手続案内ツール ～民事事件Q & A～

第19号に引き続き、英語版の裁判所ホームページのコンテンツを御紹介します。

「Questions and Answers on Civil Procedure」は、日本語版ホームページに掲載されている「民事事件Q & A」を英訳したものです。民事訴訟の概要や、労働審判手続、民事執行手続、倒産手続などについて解説しています。「Questions and Answers on Civil Proceedings in Summary Court」では、簡易裁判所で取り扱っている、少額訴訟手続や、民事調停手続、支払督促手続等の流れを説明しています。

英語での手続案内が必要な場面などにご活用ください。

▼日本語版「民事事件Q & A」

2 民事訴訟の審理手続

— (1)手続の開始—訴えの提起

- ② 民事訴訟を起こすには、どのようにするのですか。
- ② 民事裁判は、どの裁判所に起こすのですか。
- ② 地方裁判所と簡易裁判所のどちらに裁判を起せばいいのですか。

▼英語版「民事事件Q & A」

2. Trial proceedings of civil litigation

— (1) Commencement of proceedings—filing of an action

- ② How can a civil trial be instituted?
- ② With which court should a civil trial be instituted?
- ② Should a trial be instituted with a district court or a summary court?

英語版「民事事件Q & A」、「簡易裁判所の民事事件Q & A」のアクセス方法（PC版画面）



FAQ regarding Court Procedures

- ⑧ [Questions and Answers on Civil Procedure](#)
- ⑧ [Questions and Answers on Civil Proceedings in Summary Court](#)
- ⑧ [Questions and Answers on Criminal Procedure](#)
- ⑧ [Questions and Answers on the Family Related Cases](#)

① 日本語版ホームページの右上の「English」をクリックします。

② 「Judicial System in Japan」をクリックします。

③ 「Questions and Answers on Civil Procedure」が民事事件Q & A、「Questions and Answers on Civil Proceedings in Summary Court」が簡易裁判所の民事事件Q & Aです。

英文折畳み式パンフレット「Courts in Japan」の紹介

最高裁には、諸外国の法曹、研究者、法学部生ら、様々な見学者が訪れます。

渉外室では、主にそういった方々の訪問に対応するため、英文パンフレット「Courts in Japan」を発行しています。

内容は、日本の各裁判所・研修所の紹介や、裁判官・裁判所職員の役割についての概説、事件統計、よくある質問（FAQ）等を、裏表1枚にまとめたものです。

高地家簡裁においても、外国法曹の訪問等が見込まれる場合、こちらのパンフレットを利用していただくことが可能です。必要数をお送りしますので、渉外第一係までお気軽にお問い合わせください。

STATISTICAL TABLES

Courts (District, Family, Summary, and District Courts) and District Courts (District, Family, Summary, and District Courts)

Court	Total	Male	Female	Total	Male	Female
District Court	1,000	500	500	1,000	500	500
Family Court	1,000	500	500	1,000	500	500
Summary Court	1,000	500	500	1,000	500	500
District Court	1,000	500	500	1,000	500	500
Family Court	1,000	500	500	1,000	500	500
Summary Court	1,000	500	500	1,000	500	500

Note: The table shows the number of judges and court clerks in each court. The number of judges is shown in the first column, and the number of court clerks is shown in the second column.

Location of Courts in Japan

The map shows the locations of various courts across Japan, including District Courts, Family Courts, Summary Courts, and District Courts.

5 Frequently Asked Questions (FAQ)

Q1: What is the procedure through which a lower court judge is appointed?
A: The judge of the lower court is appointed by the Cabinet from the list of candidates recommended by the Supreme Court. In the nomination process, the Supreme Court must consult the Advisory Committee for the Nomination of Lower Court Judges, in principle, about whether the candidates should be nominated or not. After that, they will be assigned to positions in lower courts all over the country.

Q2: How many judges are there all over the country?
A: There are about 1,400 judges in the country. There are about 1,400 judges in the country, including about 1,400 judges in the country.

Q3: How long does a trial last?
A: The time taken for a trial varies depending on the case. In general, the average period from the commencement of a civil case to its conclusion is 5.5 months in district courts and 2.5 months in summary courts (according to the judicial statistics of 2016).

COURTS in JAPAN

Supreme Court of Japan

1 Constitution of Japan

The Constitution of Japan was promulgated on November 3, 1946, and came into effect on May 3, 1947. In the Constitution of Japan, a system of separation of powers into three branches was established based on the principle of respect for fundamental human rights and the sovereignty of the people. The Court became the body of judicial power, independent of the Diet and the Cabinet. Furthermore, the Court was given the power of judicial review to judge whether laws, etc., violate the Constitution.

2 Outline of the Court System of Japan

The diagram shows the hierarchy of the court system in Japan, from the Supreme Court down to District Courts.

(1) Supreme Court

The Supreme Court is the highest court in the country. It has jurisdiction to decide on final appeals and on appeals against judgments brought under provisions of law. The Supreme Court is composed of a Chief Justice and fourteen Justices. They are members of the Judicial Council. Most would cases are adjudicated by one of three Panels.

(2) District Courts

District courts are located in 81 cities-one in every prefecture except for Hokkaido, which is divided into four districts-and there are 203 branches throughout the country. District courts are normally the courts of first instance for civil, administrative and criminal cases, except for litigation specifically vested in other courts exclusive jurisdiction. District courts also have jurisdiction over appeals against summary court judgments and rulings in civil cases. When a court is single judge presides over the trial, a district court, there are also cases that need to be handled by a panel of three judges. All district courts and some of the branch courts have criminal divisions with the participation of lay judges (lay judges) in certain cases. Under this system, a panel consisting of six lay judges and three professional judges handle such cases.

(3) Family Courts

Family courts are located in eight major cities in the country. In addition, there are 17 local offices at the same locations as summary courts. They have exclusive jurisdiction over cases involving domestic relations and juvenile delinquency. Domestic relations cases are cases brought to court to solve disputes concerning relationships between husband and wife, parents and children, and relatives as well as disputes over inheritance. There are few types of domestic relations cases, adoption and mediation, both of which are handled by proceedings closed to the public. Family courts also have jurisdiction over personal status litigation, which is open to the public. Pursuant to the Act for Implementation of the Convention on the Civil Aspects of International Child Abduction, which entered into force on April 1, 2014, the Tokyo Family Court and Osaka Family Court handle cases seeking the return of a child under the Act.

(4) Summary Courts

There are 438 summary courts in the country, and these are the most accessible to the people. Summary courts have jurisdiction over civil cases in which the disputed sum does not exceed 1,400,000 yen, and civil cases brought by those in lighter punishment and certain crimes specified by law such as theft and embezzlement. Summary courts are not required with the power to impose a term of imprisonment without work to be imposed in principle. All cases in summary court are handled by a single judge.

3. Judges and Court Officials

(1) Judges
In order to be appointed as a judge, it is first necessary to pass the National Bar Examination and to have a legal profession for a certain period of time. Only after completing this training, and passing the final qualifying examination, a legal profession will be eligible to become a judge. A judge will be appointed from among these qualified persons. A judge of the summary court may be appointed from among these persons who have the necessary academic knowledge but not of the 10 Supreme Court Justices that are legal professionals. Those who are knowledgeable about and familiar with the law can also be appointed even if they are not legal professionals.

(2) Court Clerks
Court clerks have duties such as attending court proceedings, preparing that records and business records, investigating facts and proceedings, and meeting with lawyers, public prosecutors, and parties to ensure smooth court proceedings.

(3) Family Court Investigating Officers
Family Court Investigating Officers contribute to hearing appropriate measures on cases handled by the family court by investigating facts, coordinating relationships and submitting a report to a judge, all of which are based on confidential information.

(4) Court Interpreters
Court interpreters are in charge of making linguistic records of court proceedings.

(5) Court Secretaries
Court secretaries assist in work related to hearing cases. They are also in charge of the public administrative work such as personnel relations, accounting and others.

In addition to those mentioned above, there are court executive officers, technical advisors, certification officers, judicial commissioners, court clerks and other judicial commissioners, etc.

4 Citizen Participation in the Judicial Process

Citizen participation in the judiciary has been a key concept of the judicial reform in the 21st century. Although there has been a system before for the participation of citizens in the judiciary such as a judicial council, the lay judge system was put into operation on May 21, 2008. As a result of this, in combination with the introduction of the judicial selection system and expansion of other systems, opportunities for the people to have their opinions reflected in the judiciary have increased.

Lay Judge Lay Judge
Lay judges are selected by the people to sit on the bench with professional judges. The lay judge system was put into operation on May 21, 2008. As a result of this, in combination with the introduction of the judicial selection system and expansion of other systems, opportunities for the people to have their opinions reflected in the judiciary have increased.

Public Hearing
Public hearings are held in open court. The public is allowed to attend the trial. The public is allowed to attend the trial. The public is allowed to attend the trial.

▲実際には、折り畳んでコンパクトに持ち運べる形式です。

このコラムでは、在外研究経験者による体験記をチラッと紹介します。

チラッと海外・・・



ヤムヤムソース？

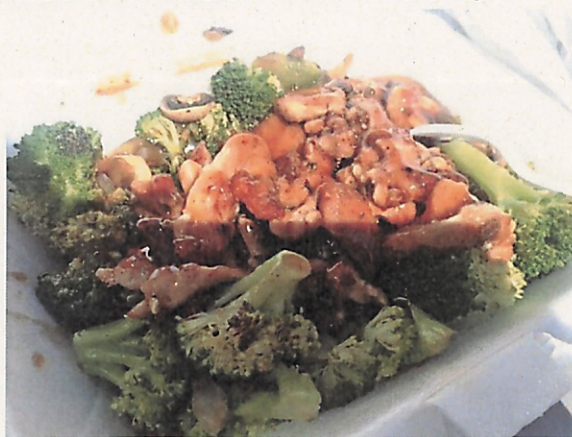
大阪地方裁判所判事補 亀井健斗
令和3年度 判事補海外留学研究員
ジョージア州立大学派遣

アトランタで外食先を探していると、中南米系、アジア系、アフリカ系と様々な国の料理がヒットするが、実は「Japanese Restaurant」のヒット数も少なくない。中華料理は郊外のチャイナタウンに集中しているので、都心部では中華よりも数が多いくらいである。特に裁判所の周辺には殆ど飲食店がなく、裁判傍聴の合間でも食べられる昼食となると極めて限られるのだが、その中でも「Japanese Restaurant」が含まれている。

こうした店のメニューが何かといえ、一番多いのは「SUSHI」だが、その他によく見かけるのが「TERIYAKI」や「HIBACHI」である。照り焼きはともかく、火鉢と言われてもさっぱりピンと来ないのだが（ちなみに発音はほぼ「ハバチ」である）、アメリカでは鉄板焼きを指して使われており、ファストフードであれば「鉄板で炒めたもの」程度の意味である。

そしてこれは HIBACHI に限ったことではないのだが、アトランタでファストフードを頼むと、結構な頻度で「Yum Yum Sauce」を付けるか尋ねられる。ヤムヤムソースとは一体全体どこの国の調味料よ？と思って調べてみれば、どうもアメリカでは日本の調味料として知られているようである。

派遣先の人々からも、度々日本食レストランを薦められる。日本人の知らない日本食を発見するのも、在外研究ならではの醍醐味ではないだろうか。

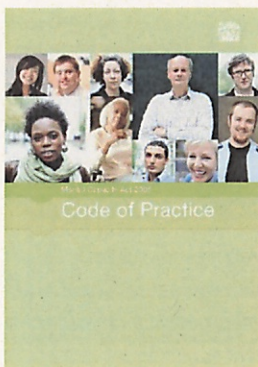


お知らせ オンラインイベントが実施されます

渉外室では、以下のとおり、外国司法関係者との意見交換会やオンライン講演会の実施を予定しています。今後、J-NET ポータルにて聴講（日本語通訳あり）のご案内をさせていただきますので、ご覧の上ぜひご応募ください（応募者多数の場合は抽選となります）。

令和3年12月9日（木）午後6時～午後8時 フランス破産院とデジタル推進室との意見交換会 テーマ「裁判のデジタル化」

令和3年6月11日に実施されたオンライン会合において、大谷直人長官とフランス破産院のシャンタル・アランス院長との間で、実務的問題を協議する事務レベルの意見交換会を実施する旨の合意がされました。本意見交換会は、この合意に基づいて実施されます。



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令和4年3月1日（火）午後5時30分～午後7時 外国法曹によるオンライン講演会 テーマ「後見制度における本人の尊重」

講師：デンゼル・ラッシュ氏（元英国保護裁判所上席裁判官）

令和4年3月18日（金）午後6時～午後7時15分 外国法曹によるオンライン講演会 テーマ「IT化を踏まえた英国における裁判運営」（仮）

講師：ジェフェリー・ボス卿
（英国王立裁判所記録長官兼控訴院民事部長）



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“New Master of the Rolls,
Sir Geoffrey Vos,
starts his appointment”

次号の渉外レポートもお楽しみに！