

**19 February 2018, Monday ✦ 12.30pm – 1.30pm**

Lee Sheridan Conference Room, Eu Tong Sen Building, Level 1, NUS (Bukit Timah Campus)

# Civil Litigation in Japan: Conception, Reality, and Challenges

**Speaker: Judge Yoji Kawakatsu, Tokyo District Court**

**Chairperson: Assoc. Prof. Dan W. Puchniak, Director of CALS, NUS Law**

## ABSTRACT

In 1996, in an effort to make civil litigation more understandable and user-friendly for the citizens, the Japanese Code of Civil Procedure was extensively revised. The reforms included the new codified “Proceedings to Arrange Issues and Evidence” (Articles 164–178). The intent was for the judge and the parties to clarify points at dispute through a process of oral discussion and argument so as to make the subsequent process at ‘trial’ more efficient. Over two decades have elapsed since the new Code came into force, but the consensus among the practitioner community in Japan is that the reform objectives of the 1996 revision have yet to be fully realized. The courts are now examining how oral argument might be encouraged and harnessed to reduce the complexity, duration, and cost of civil dispute resolution in the Japanese legal system. Judge Yoji Kawakatsu, who has served at trial courts in Nagoya, Hokkaido, and Tokyo, will provide an overview of the Japanese civil litigation process, and share his reflections on the role a civil judge plays in the litigation process. For the benefit of participants who might not be familiar with civil law systems such as Japan, Alan Koh, a CALS comparative law researcher specializing in Japan and Singapore, will open the session by setting out the comparative context.

## ABOUT THE SPEAKER



Judge Yoji Kawakatsu is currently a Judge at the Tokyo District Court. He studied at the Faculty of Arts of the University of British Columbia, Canada (1996–1997) and graduated from the Faculty of Law of Ritsumeikan University with a Bachelor of Laws. After passing the National Bar Examination and completing practical legal training at the Legal Training and Research Institute of the Supreme Court, Judge Kawakatsu was appointed as a Judge in 2005 and received his first posting at the Nagoya District Court (2005–2008). He subsequently served as a stint as Staff Attorney while on secondment to the Tokyo Legal Affairs Bureau, Litigation Division (2008–2011), as well as judicial postings at the Tokyo District Court (2011–2013, 2015–present), and in Hokkaido at the Kushiro Family Court and Kushiro District Court, Kitami Branch (2013–2014), and Kitami and Abashiri Branches (2014–2015). Judge Kawakatsu is interested in learning about Singapore’s experience and expertise with commercial dispute resolution.

## Brief Introduction By:



Alan Koh, Research Associate at the Centre for Asian Legal Studies, is a multilingual comparativist trained in both the civil and common law traditions and a specialist in comparative corporate law. His work has been published in leading journals including the *American Journal of Comparative Law*, *Law Quarterly Review*, and *Journal of Corporate Law Studies*; and his first monograph on shareholder protection in close corporations in the United States, United Kingdom, Germany, and Japan has been offered publication by Cambridge University Press.

## REGISTRATION

There is no registration fee for this seminar but seats are limited.

Light refreshment will be provided on a first-come, first-served basis.

Closing Date: **13 February 2018, Tuesday**

For enquiries, please contact Alexandria at [cals@nus.edu.sg](mailto:cals@nus.edu.sg)

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