

[Mini-Symposium]

Theme: Problems of Allegation and Proof in Litigation for Products Liability

(1) Damages caused by Accidents of Products—Substantive Law, by Takao Yamada (Professor, Yokohama National University).

(2) Mitigation of Burden of Proof in Litigation for Products Liability, by Hiroyuki Matsumoto (Professor, Osaka Municipal University).

(3) Legislative Problems about the Presumptive Provision, by Toshio Uehara (Professor, Hitotsubashi University).

(4) Present Conditions in Japan of Damages Caused by Defective Products and Given Relieves and Desirable Products Liability Enactment, by Masato Nakamura (Attorney, Tokyo Bar Association).

Prof. TETSUO KATO
MAYUMI NISHIZAWA

5. Criminal Law and Procedure

The Criminal Law Society of Japan held its 71st General Meeting at Kansei Gakuin University on May 22 and 23, 1993.

The contents of the meeting were as follows:

1. Reports of Individual Studies

(1) Surety-Duty of the Houseowner—On the Track of the Discussion in the Germany, by Yasuo Iwama (Associate Professor, Ehime University).

(2) Objective Conditions Subsequent which Convert an Action into a Punishable Act and the Concept of Crime, by Yoshihiro Matsumura (Lecturer, Kyushu International University).

(3) One Phase of the American Jury in the Federal Criminal

Cases: Jury Nullification and a Fair Cross-Section of the Community, by Tsutomu Yasumura (Associate Professor, Toyama University).

(4) Legality, Fair Notice and Vagueness, by Shigeto Kadota (Associate Professor, Shimane University).

(5) The Criterion for the Possibility of Awareness of Illegality, by Hisatoshi Matsubara (Lecturer, Toin Gakuen Yokohama University).

(6) An Essay on the Criterion for Sentencing—Focusing on the “Attitude after Crime” as a Factor in Sentencing, by Yuji Shiroshta (Associate Professor, Sapporo Gakuin University).

(7) Reconsideration of “Freiheitsbeweis” in the Code of Criminal Procedure, by Kouji Tabuti (Associate Professor, Shizuoka University).

2. *Special Report*

On Modernization of Terminology in the Penal Code, by Koya Mastuo (Professor, Sophia University).

3. *Reports of Joint Studies*

(1) Negligence of a Person Who Is under the Duty of Supervision—Focusing on the Cases of Fire.

- * Introduction, by Mikito Hayashi (Professor, Sophia University).
- * Problems on the Duty of Care (No. 1), by Makoto Ida (Associate Professor, Keio Gijuku University).
- * Problems on the Duty of Care (No. 2), by Hikoya Saino (Associate Professor, Seikei University).
- * Problems on the Possibility of Prognostication, by Hitoshi Saeki (Associate Professor, Tokyo University).

(2) The Function and Limit of Fraud in the Economic Criminal Law.

- * Introduction, by Keiichi Yamanaka (Professor, Kansai University) and Atsushi Yamaguchi (Professor, Tokyo University).
- * Modern Problems on Fraud in Cases, by Mitsue Kimura (Professor, Tokyo Metropolitan University).
- * Consumer's Transaction and the Function of Fraud, by

Madoka Nagai (Professor, Kanagawa University).

- * Fraud in the Economic Criminal Law, by Norihisa Kyoto (Professor, Meiji Gakuin University).

(3) The Jury System.

- * Introduction, by Kageaki Mitudo (Professor, Osaka City University).
- * Trial by Jury and the Preparation, by Takashi Maruta (Professor, Konan University).
- * The Jury System and the Prevention against Mistrial, by Yasuo Watanabe (Professor, Sapporo Gakuin University).
- * "Das Schöffensystem" in Comparison with the Jury System—In the Case of Germany, by Akimasa Takada (Professor, Osaka City University).
- * The Reason for the Jury System and Problems Indigenous to Japan in the Adoption of the Jury System, by Masaaki Toyokawa (Attorney).

(4) Cases by Foreigners and Criminal Justice.

- * Introduction, by Kazushige Asada (Professor, Osaka City University).
- * The Current Situation and the Problems of Crimes by Foreigners, Nobuyoshi Araki (Professor, St. Paul's University).
- * Trial against Foreigners, by Takeyoshi Ito (Judge, Kobe District Court).
- * Translation in the Cases by Foreigners, by Man Oh (Associate Professor, Osaka University of Economics and Law).
- * Defense in the Cases by Foreigners, by Kazuyo Sakuragi (Attorney).
- * International Human Rights and Cases by Foreigners, Norio Mizutani (Associate Professor, Mie College).

4. *Workshops*

The participants of the meeting took part in discussions on the following ten themes.

- (1) Consent by the Victim; (2) Responsibility and Prevention; (3) Life and Criminal Law; (4) Arson; (5) Property Sanction; (6) Interrogation of the Suspect; (7) Scientific Investigation;

- (8) Legislation on Narcotics; (9) Treatment of Persons in Detention; (10) Juvenile and International Human Rights.

Prof. MINORU NOMURA
FUJIIKO KATSUMATA

6. Commercial Law

The Japan Association of Private Law held its 57th Congress at Ryukoku University on October 9 and 10, 1993. The Commercial Law Division held a symposium under the title “Insurance Contract Law in Japanese Civil Law System”. On the same day the workshops were held also under the following three titles;

(1) “The Flexible Restructuring of the Corporation Law” (reporter: Junjiro Mori, Professor, Kyushu University; chairman: Kenichi Yoshimoto, Professor, Osaka University),

(2) “Duty of Loyalty of Shareholders” (reporter: Masayoshi Deguchi, Associate Professor, Tsukuba University; chairman: Hideki Kanda, Professor, Tokyo University) and

(3) “General Revision of the Act Preventing Unfair Competition” (reporter: Naoki Koizumi, Associate Professor, Kobe University).

Other individual reports delivered on the commercial law are listed below;

[The Second Division]

(1) The Rights of a Spousal Beneficiary and the Effects of Divorce, by Yasuo Fukuda (Associate Professor, Hachinohe University).

(2) L’obligation d’indemnisation de l’assureur de responsabilité en cas d’extinction de la dette de responsabilité de l’assuré, by Kazunori Niiyama (Professor, Hokkai Gakuen University).