

- (2) "Treatment of Non Typical Security"  
Mutsuo Tawara (Attorney).
- (3) "A right of Avoiding Power and the Right of Offset"  
Nakanishi Tadashi (Professor, Kobe University).
- (4) "Processing of Contract"  
Junichi Matsushita (Professor, Gakushuin University).
- (5) "The Range of a Bankrupt's Estate, and its Management and Realization"  
Hiroshi Yamamoto (Professor, Kobe University).

## 5. Criminal Law and Procedure

*The Criminal Law Society of Japan* held its 80<sup>th</sup> General Meeting at Nanzan University on May 18 and 19, 2002. The topic of each of the reports and the workshops were:

### Individual Reports:

- (1) "The Right to Effective Counsel and the Criminal Defense System"  
Yoshinori Okada (Associate Professor, Fukushima University).
- (2) "The Requirement — and the Extent — of the 'Loss of Property' in Fraud Crimes [*Vermögensschaden beim Betrug*]"  
Wataru Ito (Associate Professor, Toyo University).
- (3) "A Proposal for Adopting a 'Japanese-Style' Jury System"  
Mitsuru Shinokura (Professor, Kumamoto University).
- (4) "The Doctrine of Abandonment — The Structure of the Policy of Reduction or Remittance of Sentence and its Influence upon the Interpretation of Requirements for Abandonment — [*Rücktritt vom Versuch*]"  
Toshinori Wada (Associate Professor, Hokkaido University).
- (5) "On the Doctrine of 'Inevitability' [*Über die sog. Erfolgsvermeidbarkeit*]"  
Kentaro Kobayashi (Associate Professor, Chiba University).

- (6) “Child Abuse in Japan: The Current State and the Criminal Justice Intervention”

Hiromasa Hayashi (Professor, Seiwa University).

### **Joint Studies:**

#### **I. HIV Infection Through Medicine and Crimes of Negligence**

Introduction by Mikito Hayashi (Professor, Sophia University).

- (1) “On the Standard of Duty to Care in Crimes Committed Negligently [*Zum sog. ‘Maßstab der Sorgfaltswidrigkeit’ beim fahrlässigen Delikt*]”

Makoto Ida (Professor, Keio University).

- (2) “Three Decisions on HIV Infection through Medicine and the Doctrine of Foreseeability”

Hiroshi Otsuka (Professor, Okayama University).

- (3) “Duty of Manufacturers Concerning the Call-Back of Defective Products [*Strafrechtliche Rückruffpflichten bei fehlerhaften Produkten*]”

Jun Shiomi (Professor, Kyoto University).

#### **II. The Present and the Future of Reforms in Criminal Procedure**

Introduction by Morikazu Taguchi (Professor, Waseda University).

- (1) “The Present and the Future of Reforms in Criminal Procedure”

Naoto Otani (Judge, Tokyo District Court).

- (2) “The Present and the Future of Reforms in Criminal Procedure”

Kenji Nakai (Public Prosecutor, Supreme Public Prosecutors Office).

- (3) “The Present and the Future of Reforms in Criminal Procedure”

Isao Ura (Attorney at Law).

- (4) “The Present and the Future of Reforms in Criminal Procedure”

Yuji Shiratori (Professor, Graduate School of Law, Hokkaido University).

#### **III. Criminal Justice and Psychiatry**

Introduction by Akira Segawa (Professor, Doshisha University).

- (1) “The Influence of Elements Related to ‘Law and Order’ on the Defense of Insanity”

Masahide Maeda (Professor, Tokyo Metropolitan University).

- (2) “The Present State of the Japanese Involuntary Admission System and it’s Difficulties”  
Tetsuro Kawamoto (Professor, Kyoto Gakuen University).
- (3) “Dealing With Mentally Disordered Offenders in Criminal Procedure — Focusing on the Use of Pre-indictment Examination by Experts —”  
Kazushige Asada (Professor, Graduate School of Law, Osaka City University).
- (4) “Treatment of Mentally Disabled Offenders — From a Psychiatric Viewpoint —”  
Yoji Nakatani (Professor, Institute of Community Medicine, University of Tsukuba).

### Workshops:

- (1) “The Meaning of ‘Consequence’ in the Construction of a Crime [*Erfolg im Verbrechensbegriff*]”  
Yoshihiro Matsubara (Professor, Waseda University).
- (2) “The Process of Criminal Legislation”  
Mitsuaki Sasaki (Associate Professor, Tsu City College).
- (3) “Punishment of Inhumane Acts in International Criminal Law”  
Masahiro Aichi (Professor, Chukyo University).
- (4) “The Construction of Administrative Criminal Law and the Principle of Legality [*Die Auslegung des Verwaltungsstrafrecht und der Satz ‘nulla poena sine lege’*]”  
Shigeru Hagiwara (Professor, Aichi University).
- (5) “Criminal Regulations on Life Manipulation”  
Yuji Shiroshita (Professor, Meiji Gakuin University).
- (6) “Treatment of Victims in Criminal Procedure”  
Norio Mizutani (Professor, Aichi Gakuin University).
- (7) “Use of Bargaining in Criminal Justice — The Right to Self-Determination and the Protection of Defendants’ Procedural Rights”  
Itaru Fukushima (Professor, Ryukoku University).
- (8) “Juvenile Justice and Restorative Justice”  
Hiroyuki Kuzuno (Professor, Ritsumeikan University).

- (9) “Internationalization of Human Rights and the Rights of Prisoners”  
Shinichi Ishizuka (Professor, Ryukoku University).
- (10) “Gender and the Criminal Law”  
Tetsuo Abe (Professor, Dokkyo University).

## 6. Commercial Law

*The Japan Association of Private Law* held its 66<sup>th</sup> Annual Congress at Hitotsubashi University on October 13 and 14, 2002.

### **Symposium: Reform of the Japanese Financial System**

- (1) “Introduction”  
Hideki Kanda (Professor, University of Tokyo).
- (2) “From a Market Law Perspective”  
Tatsuo Uemura (Professor, Waseda University).
- (3) “From a Consumer Protection Perspective”  
Akira Morita (Professor, Doshisha University).
- (4) “From a Competition Law Perspective”  
Noboru Kawahama (Professor, Kyoto University).
- (5) “From an Organizational Law Perspective”  
Tomotaka Fujita (Associate Professor, University of Tokyo).

### **Workshops:**

- (1) “Issues on Shareholders’ Derivative Suits”  
Yasuhiro Yamada (Lecturer, Takasaki City University of Economics)  
and Masahumi Nakahigashi (Associate Professor, Nagoya University).
- (2) “Legal Theory for Dematerialized and Electronic Settlement of Securities”  
Yasushi Tochikawa (Associate Professor, Kanagawa University).

### **Individual Reports:**

- (1) “Hostile Takeovers and The Theory of Defensive Tactics”  
Minoru Tokumoto (Associate Professor, University of the Ryukyus).