Why do We Pursue "Oral Proceedings" in Our Legal System?

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Abstract

Historically, the value of oral proceeding was found in its two major goals to be advanced: enhancing transparency and fairness of the judiciary and providing actually opened court-procedure to the public. In these days, however, what makes our judiciary take notice of is that oral argument helps communications between parties and judges in sharing information, leading to harmonious dispute-settlements and enhancing the appropriateness of decision-making. Judical adherence to the conventional court practice such as focusing on the case files, minimizing in-court arguments, judges' concentrating on writing opinions, has obstructed the communication among the people involved in the case and caused dissatisfaction to them. As a measure to resolve these problems, oral proceeding should mean a judicial effort of making itself accountable to the public: In trial, there must be arguments over the substantial merits of the case on issue; Trial should be a place of interactive communication between the judges and the parties; Court's managements should secure the pro se partys active procedural participations. Through oral argument proceeding in presenting the case-file contents submitted and communication between the judge and the parties, more alternative dispute resolutions are likely to be and there might be increasing people's trust in judiciary, leading fewer appeals arising from the parties' acceptance of outcome of the trial.

As oral proceedings have been more used, with more court scheduled date, there has been more arguments over the substantial merits of the case on issue, making the parties and the judge share more information. While some have expressed concerns that oral argument could be time wasting in repeating the case briefs already submitted to the court, oral proceeding is a method of hearing where we try to get something more than just reading written pleadings. Since we tried to implement oral proceeding in our court system, the shared belief in the need of strengthening oral proceeding has been widely expanded among the members of the legal communities. We still need more guidelines for a detailed manual and development of supporting programs and facilities.

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I. Introduction

1. Background of raising the issue of "oral proceedings"

For the last one and a half years, the Korean judiciary has been in the center of debate on whether to implement oral proceedings regularly into our judicial system. What caused oral proceedings to become one of the most controversial issues in the Korean judiciary?

The judiciary should be accountable to the public. However, due to rapid social changes in Korea, including the growth of the public's aspirations for their rights, it is unlikely that the public would be satisfied with the services provided by the judiciary. Thus, the public will end up distrusting the judiciary.[1] We grabbed the catch phrase of oral proceedings out of imminent fear that the basis of our judiciary system would collapse if the judiciary adheres to conventional court practices and do not take measures to adjust to the desires of the public. Then, what do we expect from oral proceedings in the judicial process as one of the crucial means to reconstruct our judicial system? Would a switch to oral proceedings build up public trust on the judiciary?

This article examines the background of proposing oral proceedings, the process of discussing, and feasible methodology of using oral proceedings in the litigating process and ongoing prospects and tasks.

2. oral proceedings as a principle in civil procedure

As a counterpart of the principle of written proceeding, the principle of oral proceedings[2] refers to a 'speech-centered' legal process. In a 'speech-centered' legal process, the parties communicate with the judges through speech when parties offer their arguments, testimonies and evidence from discoveries for hearings. A judge should admit and consider only spoken arguments for his decision under the

1) Byungdae Park, *The theory and present situation of civil procedure structure reform* (in Korean), THE 21ST THESIS AND PROSPECT (in Korean), at 603.

2) HYUNGJOONG KANG, CIVIL PROCEDURE (in Korean) 427 (5th ed. 2002); SEEYOUNG OH, CIVIL PROCEDURE (in Korean) 393 (2004).

principle of oral proceedings.

The Civil Procedure Act conveys the principle of oral proceedings by promulgating specific rules of arguments,[3] examination of evidence[4] and judgments.[5] In addition, only the judges who took part in the oral proceedings should make judgment on the case at issue.[6]

3. Goal and efficiency of the principle of oral proceedings

As a role model of the Korean civil procedure, the German civil procedure has set its current oral proceedings as a substitute of the prior written proceeding tradition. The prior procedure of the old German law before 19th century, which was referred as a typical form of writing-oriented legal proceeding, could be described as the following sentence: "things which are not in records do not exist in this world (*quod non est in action, non est in mundo*)."

However, in 1877, German law adopted the principle of oral proceedings in its code of civil procedure, and began advocating liberal oral arguments in courtrooms in seeking quick and fair trials. This movement was based on the belief of the legal

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3) Civil Procedure Act

Article 134 (Necessity of Pleadings)

(1) The parties shall conduct pleadings orally in the court in regard to the litigation: Provided, with respect to the case to be concluded by a ruling, the court shall determine whether or not any pleadings are to be held.

4) Civil Procedure Act

Article 303 (Duty of Witness)

Except as otherwise prescribed, a court may examine any person as a witness.

Article 333 (Application *Mutatis Mutandis* of Provisions relating to Examination on Witnesses)

The provisions of Section 2 shall apply *mutatis mutandis* to expert testimony

Article 339 (Method of Stating Expert Testimony)

(1) The presiding judge may have expert witnesses state their opinions either in writing or orally.

Article 367 (Examination of Parties)

A court may, either ex officio or upon request of the parties, examine the parties themselves. In this case, the court shall have the parties take an oath.

5) Civil Procedure Act

Article 206 (Method of Pronouncement)

The presiding judge shall pronounce a judgment by reading the text thereof pursuant to the original of judgment, and if deemed necessary, he may briefly explain the grounds therefor.

6) Civil Procedure Act Article 204 (Principle of Directness)

(1) Judgment shall be made by the judges who have taken part in the pleadings forming a foundation thereof

profession that they should follow the need from the liberal political activism requiring the independence of the judiciary and opening the court proceeding to the public. Following the changing trends of Germany, Japan also adopted the principle of oral proceedings, although it has been criticized for not having realized the system until their recent reformation of the civil procedure.[7)]

Historically, two major reasons are usually advanced by persons who assert the value of oral proceeding: enhancing transparency and fairness of the judiciary, and providing an actual open court procedure to the public. However, what makes our judiciary take notice of this procedure is that oral arguments facilitate communication between parties and judges, eventually leading to a harmonious settlement of the dispute and enhancing appropriate decision-making.

II. Finding problems and seeking the solutions

1. How our court proceedings were in the past

It is our willingness to correct the problems resulting from the prior dominant mode of litigation in the Korean court system. Thus we began to pay attention to the values of oral proceedings and lay emphasis on it in practice. It is the judge's customary working pattern that he or she enters the courtroom only once a week to proceed tens of cases and on the other days writes judgment-opinions for the overly-loaded cases, articulating the reasons for decisions based on the written briefs and other records from case files in his or her chamber. The following theses are golden rules from that tradition, which the Korean judiciary has identified as a key to success in handling the overloaded cases quickly. However, the Korean judiciary has no choice but to change the system according to social changes, to fulfill public aspirations for better judicial services and dissolute antipathy toward the judiciary.

7) See Article in detail about the history of oral proceedings in Germany and its present situation in Japan, Takesitamirio, *Importance and necessity of oral argument* (in Japanese), 5 JURIST 220 (1988. 7).

A. Weight of the case documents — about the thesis of "all solutions are in the case documents"

Korean court proceedings have mainly been operated in two ways. The one is that many trial dates are scheduled every three or four weeks up to the end (dispersed trials for one case), and the other is that many cases are supposed to be heard on the same designated trial date (parallel hearings for many cases).

Therefore, the court has put more emphasis on written briefs than on oral arguments and has regarded written brief as a more appropriate method to overcome time constraint against caseloads in reality. In this court environment, the custom of written proceeding, which is not anticipated by the law, has taken roots in our court system, and the conception prevails that things which are not in records do not exist in this world, meaning that judges have difficulty in considering orally made arguments. Repetitious reviewing of case documents has become usual work for the judges when reaching decisions.

B. Ways of operating trials in courtroom — about the thesis that "court proceedings should be proceeded concisely without any delay or hindrance"

In the past, actual details of cases were not commented in courtrooms since oral arguments were substituted by implicit quotations of the written briefs if the judge did not specifically order otherwise. This kind of litigation practice was said to be unavoidable due to the time constraint and was grounded on the belief that it is unnecessary to reiterate the contents in the written documents offered to the judge. Most of the works of judges were concentrated on reviewing the written documents and written opinions. Those practices were based on a consensus that the court proceeding should reduce unnecessary components and only leave essential ones.

C. Function and role of written opinions — about the thesis "judges speak only through their decision"

In our court proceedings, judges' written opinions contain abridgments of complete records of the parties' testimony and argument, the outcome of examination of evidences, undisputed fact statements, and legal analysis. They are so

well constructed that anyone could grab a clear picture of the case in a glance. When writing his opinion, a judge can check scrupulously any possible flaw in his legal analysis based on the parties' arguments and evidences. Also, his judgment writing could function as an answer given to the parties and enhance the likelihood of their acceptance.

However, we do not always compliment the merits of our court proceedings when we consider the fact that judges are spending most of their time in writing opinions in detail. This is the time for us to reconsider what the losses are when we make judges invest enormous time and effort into performing their job in writing.

2. What kind of problems were caused by prior court proceedings?

A courtroom could not function as a communication place due to the lack of oral arguments. Parties faced limits when making counter-arguments and had to submit case briefs under the anxieties that the deciding judge would read their written works several weeks later.

These ways of court proceedings led the judge not to be interested in oral proceedings; he did not tend to listen eagerly to the parties' arguments and even the witnesses' testimonies; he believed that he could reach the right conclusion by isolated readings of case documents. The custom of court proceedings, rather than the individual choice made by the judge, prevented him from propelling the implementation of oral proceedings.

As for the parties, they had suspicions whether the judge on the bench understood their assertions properly or even the facts of the case. They were unable to figure out to which direction the case was going, or what points had to be focused on when making arguments. To them, the court proceedings were so rigid and authoritative that they would not dare to raise objections through the proceedings. Consequently, it was not so unusual that the judge on the bench did not have a chance to listen to the oral arguments itself, far from showing his deep concern over the parties' predicaments.

Due to the lack of common understanding of the merits of the case, parties were unable to predict the result. To the parties, the judiciary seemed not to be concerned about them, but only interested in formally handling the case. Also, the chances of reconciliation between the parties were low.

As a result of lack of communication between the judge and the parties in terms

of assertions and evidence during court proceedings, the parties did not understand the reasoning of the court decision. Moreover, the judge's written opinion supporting that decision was not sufficient enough to resolve the parties' questionings. The rates of appeals against the decisions made by the judges were high and the public's need of a good judicial service could not be satisfied even in the appellate courts.

In some occasions, parties had doubts about the fairness of court proceedings, as the process seemed to be indifferent to the needs of the customers of the court services. The court 's indifference had made damage to the public's faith in the judiciary. Eventually, the judicial system could not play their appropriate role in solving the disputes in society.

3. How shall we resolve these problems?

As I mentioned, the crisis in our judiciary requires us to find a new solution for the problems in courtroom procedure. What first came across my mind is that we should look back on our judicial system from the parties' point of view.

As judges, we should consider the parties' needs in court proceedings rather than our own capability in handling cases since a decision would not be regarded as fair in itself but only when the parties also believe that it is fair. The Korean judiciary started reconsidering its system; whether it has not watched the moon at which the parties have pointed but has watched the hands with which the parties pointed at the moon; whether it has done the best to serve what the parties want in trials; whether it has tried to find out the most favorable proceedings and adequate resolutions to them; whether it helped the parties reach the ultimate resolution of the disputes; and lastly whether the court has presented the right answers to the assertions from the parties.

We reached the conclusion that court proceedings should be adjusted so that it would meet the needs of the parties rather than those of the judges. Through listening to what the parties hope and what they want to assert by communicating with open minds, the judiciary could regain public faith.

Recent advocations of oral argumentation in the judiciary is one of the many judicial efforts to become "the judiciary accountable to the public." oral proceedings provides judges and parties with a chance for active communication in courtrooms by making arguments and counter-arguments in real ways.

Implementing oral arguments can be a great stress to those engaged in legal

professions, most of them who are accustomed to the writing-centered tradition. Nevertheless, our society requires a fresh change in the court system and I believe that oral proceedings would play an important role to achieve that goal, compelling a fundamental cognitive change to the legal profession.

Emphasis on oral proceedings does not imply that the writing-centered tradition is totally wrong or that it should be discarded. I do not ignore the efforts of judges who try to make the best decisions under the time straining working conditions with heavy caseloads. Rather, I point out that it is necessary for us to pay attention to the things which our tradition has overlooked.

Oral proceedings is one of the principles our procedural law had enshrined. It is necessary for the Korean judiciary to operate the court by balancing both procedural principles, writing-centered proceedings and oral proceedings. In doing so we will be able to benefit by the advantages of both types.

III. Summary: Advocating the progress and procedure of oral proceedings

1. Operation of Concentrated proceedings and a New model in civil procedure

In 1989, an effort to improve the case management system in civil cases started by establishing an exemplary bench in the Seoul Central District Court. For the next ten years, the effort has been continued as the number of exemplary benches for civil cases increased, until the judiciary executed a "brand-new model for civil case management" (so-called the "New model"), effective since March 1, 2001. This new model drastically changed the civil procedure.

The motto of the "New model" is the 'enhancement of public faith in the judiciary through substantial court proceedings'. In other words, the purpose of the "New model" is to increase the likelihood of the parties' acceptances of the court decision, as a result of satisfying court proceedings. The proceedings under the "New model" are as follows. In order to avoid the previously sporadic and dispersed court proceedings, parties' exchange and rebutting with written-documents ("pleading") is required to precede first. Then, all the points at issue and the plans for proof should be prepared before the first scheduled court date when concentrated examinations of

evidence is complete. All these proceedings are newly developed to switch the previous traditional court proceedings (which needs lots of scheduled court dates and has almost no substantial oral argument), into a new one (which requires the parties to exchange pre-trial documents for an open confrontation through actual oral arguments).

2. Operation plan for oral proceedings

Although there has been noticeable achievement in pre-trial confrontation through the well-prepared written arguments, oral argument proceedings have not been effectuated successfully. Therefore, in 2006, every court in our country simultaneously executed "operation plan for oral proceedings," stressing the party *pro se*'s active participation in the proceedings and communication among all the people involved in the case.

On the date of December 2nd, 2005, the National Chief Judges Conference identified needs for making efforts to change court proceedings toward reinforcement of oral proceedings. Accordingly, courts around the country began to drive forward ways to strengthen oral proceedings. In 2006, the following official conferences were sponsored by the judiciary: the national conference of vice chief judges;[8] the national conference of civil presiding judges;[9] an informal gathering for discussion between the Supreme Court and the Korean Lawyers Association;[10] an informal gathering for discussion in courts around the country held by the Court Administration;[11] nationwide court workshops for oral proceedings;[12] and a seminar for reforming civil court proceedings in the Judicial Research and Training Institute.[13] All these conferences and gatherings were integrated into the bench book

8) March 6. 2006. oral proceedings implementation is adopted as the conference agenda and discussed.

9) April 17. 2006. Courts in every level presented the process of oral proceedings/the implementation plans in turn and all attendants agreed that the Supreme Court needs to develop an ideal model for oral proceedings.

10) April 24. 2006. Representatives of Prosecutor-General's Office, Korean Bar Association and Seoul Bar Association attended to discuss the legal community's interest, help and difficulties in strengthening oral proceedings.

11) From May 3. 2006. to May 26. 2006. The judge from Office of Court Administration, who is in charged of oral proceedings planning, held an informal gathering to discuss and collected the opinions from all local courts.

12) From June 12. 2006 to September 11. 2006. All court in nationwide established oral proceedings workshop and discussed action plan to promote oral proceedings.

13) From October 23. 2006. to October 25. 2006. In this seminar, an ideal model for oral proceedings in its

"Manual of the oral proceedings" published in the end of 2006. This book presents a standardized model for oral court proceedings. Workshops and seminars have been held throughout year 2007 by courts around the country.

Many papers,[14] articles[15] and columns[16] about oral court proceedings have been published through the newspaper and other publications. Workshop materials and trial audience reports have also been published.[17]

Now, I would like to introduce the overall methods of oral proceedings in the following paragraphs.

IV. Case Management for the court, with regard to oral proceedings

1. Summary of case classification and proceedings operation

The presiding judge shall decide on case classification and ways of handling the cases depending on whether the pleadings from the defendant have been submitted or not and the contents of the pleadings. A short track of court proceedings by rendering court judgment without any hearings is proceeded for "fast dispute resolution", if the defendant fails to file a written pleading within a limited number of days or if the submitted pleading contains full admission of the plaintiff's claim. If

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unified form was mainly discussed.

14) The judicial research and training institute, *The structure of civil procedure and the skill of oral argument* (in Korean); Hongyub Kim, *The Study of application and its limit of oral proceedings* (in Korean) etc.

15) Younghun Kim, *Is oral argument inefficient?* (in Korean), THE LAW TIMES Jul. 24, 2006; Younghun Kim, *Retrospect and thesis of oral argument* (in Korean), THE LAW TIMES Dec. 12. 2006 etc.

16) The editorial of the Law Times, *We hope that oral proceedings takes root as soon as possible* (in Korean); *The present situation and thesis of oral proceedings* (in Korean); The article of the Law Times, (1) *Light and dark side of oral proceedings*, (2) *Persuasion in courtroom and ruling concise*, (3) *No survival of lawyer without competitiveness* (in Korean); *Special Gathering for discussion on 56th anniversary of foundation of the Law Times* (in Korean) etc.

17) Essays of 33th seminar by The Society of Study of Comparative Law are ① Wooyoung Lee, *Legal System and practice of oral argument in U.S.* (in Korean), ② Junghoo Oh, *The principle of oral proceedings in German civil procedure* (in Korean) and ③ Kunho Choi, *The practice of oral proceedings in Japan* (in Korean); Those of 36th seminar are ① Wooyoung Lee, *Case management of federal civil procedure in U.S.* (in Korean), ② Hwalsub Shim (in Korean), and ③ Jaeho Chung, *Oral proceedings and ruling in Germany* (in Korean); The Study Group that comprises of the judges who are interested in foreign legal system published the book STUDY OF FOREIGN LEGAL SYSTEM (2) (in Korean) which contained the details of oral argument in U.S., U.K., France, Germany, Japan, China.

the defendant submits a written pleading within that time limit, the presiding judge classifies the case as one of three categories: preparatory (pre-trial) proceeding, a scheduled oral argument (trial), or an alternative dispute resolution proceeding. This classification is supposed to expediate "fair resolution" through efficient clarification of disputed issues and a concentrated examination of evidence and reaching an "amicable resolution" by mediation and reconciliation.

In principle, a case with disputed issues should be brought to preparatory pleadings where the disputed issues and facts will be sorted out.[18] The written argument proceeding precedes[19] and if necessary, the presiding judge may open a court date for preparatory pleadings (pre-trial hearings).[20] It is possible for the court to directly designate a date for an oral argument in trial. However, the "New model" suggests that the court should designate a preparatory hearing date in principle.[21]

From the standpoint of case management, a summary on strengthening oral proceedings is as follows.

2. Written argument proceeding

According to the "New model", given two written argument (pleadings) proceedings, the parties have chances to supplement written arguments for their assertions, contentions and evidence. However, this may bring out the problems like

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18) Civil Procedure Act

Article 258 (Procedures for Preparing Pleadings)

(1) The presiding judge shall bring the case straight to the procedures for preparatory pleadings, except for the case where a judgment is rendered without holding any pleadings under Article 257 (1) and (2): Provided, That the same shall not apply to the case where it is not needed to separately take the procedure for preparatory pleadings.

19) Civil Procedure Act

Article 280 (Progress of Preparatory Proceedings for Pleadings)

(1) Preparatory proceedings for pleadings shall progress, with fixing a period, by means of making the parties submit the briefs and other documents or exchange them between themselves, or letting them apply for examination of evidence to prove the alleged facts.

20) Civil Procedure Act

Article 282 (Date for Preparatory Pleading)

(1) The presiding judge, etc. may open a date for preparatory pleading and have the parties attend there, if deemed necessary for arranging the allegations and evidences during the progress of the preparatory proceedings for pleadings.

21) The Court Administrative Office, *The practice of oral proceedings* (in Korean), *in* BENCHBOOK, at 129.

hindrance of case processing, lodgings of meritless disputes, or piling of court documents.

To cope with these problems, it is necessary to adjust the time restriction of written argument proceedings depending on the parties' preparation and the character of the case. The presiding judge has the discretion to set a date for a pre-trial hearing with no written argument proceedings if he concludes that written pleadings are in enough detail, describing the facts in issue and assertions so that no additional contentions or raising factual issues are necessary.

3. Sufficient time-allocation for oral argument proceedings

In order to promote oral argument proceedings, sufficient time should be reserved for each case. The "New model" does not suggest a standard time limit, leaving the courts and divisions of courts to exert discretion in allocating appropriate time for oral argument proceedings.

Strengthening oral proceedings has great influence on the judges' working pattern. Judges are supposed to spend more time in the open courtroom or in the pre-trial hearing room for handling cases than in their chambers reviewing the court documents or writing opinions for rendering decisions. This shows that stressing oral proceedings is directly related to the increase in the amount of time spent in the open courtroom proceeding, from once a week to more than twice a week.

Stressing oral proceedings also requires the scheduling of court dates in different times for individual cases, since reserving sufficient time is crucial for such proceedings. That is, each case needs its own scheduled court hours, which the judges are required to arrange reasonably. It requires good-prediction of the hours that will be spent on each case in order to allocate enough time for oral proceedings without congestion.

4. Instruction of oral proceedings

Until oral proceedings take deep root into our litigation practice, courts need to emphasize the underlying intent of introducing oral proceedings to the parties, for them to prepare their case in advance, before the notified court date. The notice should include explanation of the detailed procedures of oral proceedings. It should be differentiated depending on whether it is a pre-trial hearing date or an oral

argument date in trial process. In some cases, the court may serve a court order for the list of preparation items via phone call or e-mail.

V. Presiding court date to reinforce oral proceedings

1. Essential components of oral proceedings

A. Substantial argument about the merits of the case on issue should be made on the court date

Rather than restating the submitted pleading documents, arguments over the substantial merits of the case on issue should be made. The argument should include clear contentions and sound reasoning. The parties should have sufficient time to make such arguments and court proceedings should be managed with consideration.

B. Interactive communications should be achieved

Oral proceedings, as a speech-centered process, pursues sincere, productive communication in order to clarify the core issues and resolve disputes through interactive communication. A proceeding in which the parties present their respective assertions all throughout the trial is undesirable. Likewise, a case where the presiding judge identifies the substantial merits of the case only after he acknowledges them is objectionable. Whoever raises the case first, there should be interactive communication between the judges and the parties and even between the parties themselves to reach a shared understanding.

Emphasizing on an "interactive court proceeding, as a new principle of court proceeding, which comes from the understanding converted from substantive justice to procedural justice, is nothing but an outcome of communication among the court, parties and attorneys" or advocating an "adversary system, as a principle, under which the court should listen to parties assertions, delivers an appropriate instruction, allows the parties to contend sufficiently letting the counterparts to make counter-argument,"[22] could be understood to be having the same purport.

22) Seokjo Jang, *Judicial Reform and International Legal System* (in Korean) at 524 (Discussion Essay in 33th

By adopting this "New model," we can identify the substantial merits of the cases more easily, increase the chance of harmonious settlement and predict the outcome of the cases better.

C. We should secure the *pro se* party's active procedural participation

As an end-user of the court services, the party *pro se*, should have chances to assert his point of view directly to the presiding judge. This is not regarded as forcing the party to state anything disadvantageous to them, nor is it viewed as infringing lawyer's right of representation. The court should be considerate of the parties' needs to present their strong contents, argument, the ground of their feelings to be verified through court proceedings.

The court recommends the attendance of the party himself, having him present next to his attorney and urges him to exercise his chances of testimony as his procedural rights.

D. The court proceedings should be open to the parties

Oral proceedings follow the principle of public trial where the assertions, contentions and evidence are presented before the parties' eyes, so that the courses of the case could be speculated well and parties are able to make prompt responses and adequately manage case dealings. Throughout this process, we will be able to preserve transparency and fairness, while eradicating public distrust and misunderstanding on the judiciary.

2. Summary of the court oral proceedings

A. Types of oral proceedings

Forms of oral proceedings are classified into 3 types; the parties can make one-sided statements (reporting type); the parties can also communicate interactively (interactive type); and the parties can argue over the justifications of their contentions

Seminar by The Society of Study of Comparative Law).

in front of the presiding judge (argumentative type). In practice, it is necessary to integrate the use of the three types, depending on: the current phase of oral proceedings, the case contents, and the parties' willingness.

Also, with regard to the leading person, we can classify oral proceedings into two types: the party-dominant type and the judge-dominant type. The latter is for cases in which the parties are not well prepared or lack argument capability, and the former is for those in which the parties are willing or are required to take part in the proceeding vigorously. In practice, depending on case types and individual situations of parties, the above proceeding types can be used selectively and are interchangeable.

B. Summary of scheduling the court dates

The oral proceedings operation model suggests a planning method for court dates for which the "New model" developed two categories: "court dates for core-issues examination" and "court dates for concentrating evidence-examination."

The chart below indicates each procedural steps for the proceedings (sectional type). The steps are designed to activate oral arguments while preventing the parties from leaving out core-issues of disputes. On the other hand, we can skip over the steps depending on the characteristics of the cases and present tentative core-points in disputes, by comparing the parties' contentions and admissibility of the evidence which are to be confirmed as solid ones in disputes (integrated type).

3. Operation of court dates for core-issues examination

Overall proceedings are held in the following order. First, respective assertions from the parties are presented and submitted evidentiary documents are examined. Then, the presiding judge draws out and defines issues in dispute. He can let the parties make arguments if necessary. At this point, the judge should aggressively attempt to seek a legitimate resolution. When the need arises for a witness examination, the court should plan for it following the request of the parties. Details of certain steps that we need to describe are as follows.

A. Presenting contentions

There are two operation types for the proceedings; the "party-leading

proceeding", which is proper for a case represented by an attorney; and the "judge-leading type," which is proper for a *pro se* case. In practice, the operation would be a mixture of the two types because both types aim to activate oral proceedings.

The "party-leading type" presumes pre-review of the filed documents by the judge so that the actual proceeding should be concentrated on the parties' statements of core assertions. The presiding judge proceeds this step to confirm the core points and necessary evidence by cross-examining to reveal actual causes as well as the different contention of the parties.

As for the "judge-leading proceeding", the presiding judge summarizes the case and the disputed points before he question the parties' opinions. Even in this case, the judge should lead the case by urging each party to be aggressive in making their arguments about sorted points at issue. The judge should be considerate enough to provide parties with chances to make an active statement of the relevant facts.

B. Examining documentary evidence

In previous court proceedings, judges admitted documents attached to the preliminary pleading or brief as evidence without any doubt, and finished up the proceedings of evidence-proving examination. The parties were supposed to present statements explaining that they are to submit documentary evidence. In other words, the parties do not present arguments but quote written briefs which are previously submitted.

However, as a tool of proving the case, documentary evidence can be an issue disputed in many cases and plays a very important role, especially in preparing civil cases. Examining submitted documentary evidence requires thorough oral proceedings, since it is a serious and heavy decision for the judge to make.

Examination of documentary evidence should be proceeded in this order; 1) submission of documentary evidence; 2) examination of the authenticity of the documentary evidence; 3) ruling on evidence; and 4) examination of the contents of the documents. If proof by evidence is requested, the judge will request the submitting party to present the object of the proof presented by documentary evidence with core documents and allow the submitting party to make an oral argument if necessary. The other party should have the opportunity to contest the authentication of the other party's documentary evidence.

In this proceeding step, the judge should urge parties to make a statement of

relevant facts and material issues, such as the object of contesting the authentication in detail, rather than allowing the parties to make conclusive remarks like "unawareness" or "denial." Unnecessary documentary evidence should be withdrawn. If the party objects to the order of withdrawal, he should be given a chance to make sufficient argument before the court's denial to accept it as evidence. While in civil cases, examination of documentary evidence can be done merely by reading the documentary evidence, but in criminal cases, it shall be done by making oral statements of the documentary evidence or statements of the relevancy. The judge will direct the parties state the contents and the counter-party to contest. During this process, more material and significant parts should be identified and focused on, and parties' contesting over the substantial merits of the case or the evidentiary value of the documents should take place.

C. Identifying points in dispute and parties' arguments

After hearing the arguments and the examination of evidence, the judge will discern the factual and legal points which are relevant to the case. The judge will refuse to consider arguments proven to be false or ungrounded. Such facts are revealed through questionings of parties and it will promote the parties to share a common understanding over the core factual and legal points at issue. It should be the judge who presents the points in dispute. Then, the judge may redefine the points based on the parties' comments on them.

The parties' oral arguments can proceed either before or after the judge defines the points in dispute. Even when the former helps to clear the points, the latter can stress out the arguments that are more persuasive and evidence that correctly support the arguments.

D. Presenting the judges' decision-making process

Oral proceedings seek to be an interactive communication between the judge and the parties so that the parties directly or indirectly observe the whole decision-making process made by the judge. Through the proceedings, the parties and the judge can share common understandings over the material facts and legal issues in dispute and avoid unnecessary contentions. Such procedures will encourage resolutions other than judgment and able the parties to foresee the outcome of the

case and thus the court would become more accountable to the public. Most importantly, the judge should be cautious and restraing himself from making detrimental appearances in court (for instance allowing prejudice to interfere in his decision-making).

E. Seeking alternative dispute resolution

Our oral proceedings model focuses on alternative dispute resolutions like conciliation or mediation, since strengthening oral proceedings in "the court dates for core-issues examination" can create moods for that.

It is desirable that we attempt to accomplish an alternative dispute resolution at a stage prior to the planning of examination of evidences other than submitted documents. If it fails or if the fate of the case is foreseeable only after further

Pleading	Only case summaries and points at issue can be described and the additional details should be presented in the later stage of identifying issues or adversary arguments.
Examination of evidence	Parties can apply for examination of documentary evidence. Relevance and necessity of the examination should be presented by the requesting party and the counter-party may make rebuttals.
Identifying issues/ adversary argument	After discerning the facts in disputes from those that are not in dispute, the judge presents alleged points at issue and defines them reflecting the parties contentions. Adversary oral arguments can be made either prior to or after identifying issues.
Alternative Resolution Seeking	If an atmosphere of reconciliation matures through interactive communication between judges and the parties, an alternative dispute resolution can be pursued.
Plan for examining evidence	The court summons feasible witnesses and arranges a schedule that spares appropriate hours for witness examination.
Parties Making Statement	Opportunity to make statements should be given to the parties at the last phase of the court dates for core-issues examination. Nonetheless, judges should allow the parties to make statements even during the proceeding if necessary.

Summary: Operation of the court dates for core-issues examination (pre-trial hearings)

examination of the evidences, the court can try conciliation or mediation again in the closing-argument phase without notifying the delivery date of judgment.

If a judge proposes a settlement plan for the parties, he should explain the reasons or grounds for that. Furthermore, if he is going to make a "settlement proposal of mediation," which can have the same effect as a final judgment if the parties' fail to raise an objection within 14 days from delivery, he must see to it that the proposal is not much different from the prospective judgment.

4. Operation of court dates for concentrated evidence-examination

The overall process is as follows. First, previous proceedings in court dates for core-issues examination are summarized and presented so that judges and the parties share common understandings over the core issues in dispute in oder to make the following witness examination efficient. Second, witness examination takes place. Finally, the judge gives the parties a chance to make overall contentions. At this point, the judge should be aggressive in attempting to reach conciliation or

Presenting Points at Issue	Judges present summary of case in dispute, points at issue and the result of evident examinations at the pre-trial hearings and remaining methods of evidences (Witnesses).
Witness Examination	Witness examination process should take place protecting the parties' procedural rights and the process should be appropriate in finding factual truth.
Parties Evidence-Proving Contentions	After the witness examination, the parties should be given a chance to make respective contentions about the results of the examination.
Pursuing Dispute Resolution	As a result of witness examination, the fate of the case becomes foreseeable and a renewed attempt at dispute resolution is recommended.
Closing Statement	At the last phase of the trial, judges should give the parties a chance to make final arguments (closing statement).

Summary: Operation of court dates for concentrating evidence-examination (trials)

mediation, since the merits of the case have been fully revealed to the parties at this stage. The judge should provide the parties with opportunities to closing statements, which are supposed to encompass the overall aspects of the case.

The following is a detailed explanation for the necessary proceedings.

A. Presentation of the outcome of the date for preparatory pleadings (pre-trial hearings)

Core-issues examination takes place in the procedure of preparatory pleadings (pre-trial hearings), even though the judge has an option to arrange it on trials. If the core-issues examination takes place in the preparatory pleadings (pre-trial hearings), the outcome of that procedure must be presented in trial, for the procedure may be presided by a commissioned judge without other panel members' participation and usually it is not held in public.[23)]

This process should be processed by actual oral arguments. In the past, however, it was substituted by formal statements, indicating that the presentation of the result was already made.

This presentation process varies between "parties' statement" and "statement about the outcome of evidence examination" in the preparatory pleadings (pre-trial hearings). In some cases, courts can help the parties foresee the result of the trial just by indicating the substantial facts that are necessary to prove through unexpectedly strong testimonies from crucial witnesses.

B. Witness examination proceeding

Witness examination should be performed in a way that protects the parties' procedural rights as well as secures the finding of factual truth. Most importantly, the examination should focus on crucial points and should not be substituted by certified documentary statements. Cross-examinations should be made in a manner in which material facts can be argued in detail. It's main agenda should be to reveal the

23) Civil Procedure Act

Article 287 (Pleadings after Conclusion of Preparatory Procedures for Pleadings)

(2) The parties shall state the outcomes of the date for preparatory pleadings at the date for pleading after a conclusion of the date for preparatory pleadings.

relevant circumstances with which the judge could determine the credibility of the witnesses’ testimony. Cross-examinations should not be directed to extract a confession of false testimony.

Confrontation of the witnesses, examination of the parties’ testimony and parties’ direct participation in witness impeachment should be considered positively along the course of the proceedings. Also, the judge is to convey to the parties that he is fully aware of the contents of the testimony and the attitudes of the witnesses.

C. Delivering opinions on the result of evidence examination

After completing the examination of witness testimony, the judge provides the parties with chances to deliver their opinions on all the evidence submitted so far. This proceeding should not be omitted, for it has a significant influence on the judge’s decision making.

The judge should instruct the parties or the witnesses to ask and give only factual testimonials, and not to quarrel on meritless issues, then give the parties opportunities to make sufficient arguments.

D. Closing argument for summing up the case

Just before finishing argument proceedings, the judges should give each party a chance to make closing arguments for summing up the case. Judges can proceed like it is done in criminal procedure. The parties need to do their best to make impressive closing arguments, putting together all the evidence and information from the previous proceedings.

5. Pro se case

A. Summary

Pro se cases represent a great share of cases and are related to the public trust on the judiciary, since the ordinary individuals’ experience with the judicial system come from court proceedings. In particular, to enhance the public trust and understanding on the judiciary, it should be emphasized that Pro se procedures can satisfy individuals only when the parties are given sufficient chances to argue and

testify. The party himself or herself, plaintiff or defendant, is the right person to give oral arguments in that he or she, as a party concerned, know the substances of the case more than any others.

B. Considerations according to the characteristics of *pro se* cases

(1) Writing of pleadings by third hand

In many occasions, individuals in *pro se* cases tend not to write the pleadings himself. Therefore, the court should induce the parties to vigorously participate in giving their own opinions orally and attempt to figure out the underlying actual intents of their claim or defense.

(2) Lack of legal knowledge

Daily life expressions should be used in court proceedings and the judges are supposed to explain relevant legal principles using proper examples to the parties, for they might have difficulty in understanding legal issues properly due to lack of legal knowledge.

(3) Argument patterns in *pro se* cases

The parties tend to end up in exchanging verbal assaults and personal attacks clinging to trivial circumstantial facts. In this case, the judge should take appropriate measures taking the following into consideration; the judge can call their attentions on other material legal points to change issues; or the judge can demand parties to follow his instruction of oral argument proceeding to make it orderly.

(4) Expectations and worries about fairness

As more and more emphasis is put on oral proceedings, the parties will become

< Statistic of 2005>

	both parties represented by counsel		only one party represented by counsel		neither party represented by counsel	
	cases	rates	cases	rates	cases	rates
collegiate panel case	19,209	45.1%	13,822	32.5%	9,531	22.4%
single judge case	25,023	11.8%	56,394	26.7%	129,835	61.5%
small claim case	1,754	0.2%	85,085	9.7%	789,756	90.1%

keen to the procedural fairness in court proceedings. All the while a judge must deliberate seriously in giving fair chances to make arguments, showing respectful attitudes when listening, minimizing the risk of misunderstanding on judge's comments, and peacefully managing the proceedings.

C. Court proceeding preparations

The judge should discourage repetitious and meritless submission of documentary arguments and make an effort to read between the lines of pleadings although they seem fallacious. The judge should develop guidelines for the parties to easily understand the disputed issues and legal points.

D. Court-date operations

Although the judges lead the overall court proceedings, the parties themselves should take part in the proceedings actively. There may be two types of operating the court proceedings: 1) the judge can deliver the case summary based on his or her previous court-file reviewing and then ask opinions from the parties; or 2) the judge can start the oral argument process by letting the parties present their own cases. Meanwhile, the judge should actively involve himself in the argument by clarifying the points in dispute.

If either one of the parties is not represented by an attorney, the judge should be extra careful so that the *pro se*-party does not receive any unnecessary suspicion, and proceed with the case in an adjusted level to which each parties are capable of understanding. In a *pro se* case, judges can make use of the civil legal services and should be careful not to go too far in operating oral proceedings, considering that he or she may be entitled to proceed in *forma pauperis*. Using daily life expressions helps ordinary people to understand what judges say; explaining legal issues using common sense or common wisdom is more comprehensible.

In a case without any direct evidence, the judge is supposed to re-examine the reasonableness of their arguments through sufficient communication about the circumstantial facts of the case rather than urging them to prove evidence in a businesslike manner.

VI. Oral proceedings: Present situations and issues

1. Oral proceedings: Present situations and goals of change

A. Changes in judges' work pattern

In the past, a judge's main job was to review case-files and write opinions of judgment, and to preside in the open-court proceeding once a week. Currently, however, they are putting in efforts to increase courtroom hours for oral proceedings more than twice a week.

In order to have more courtroom oral proceedings, these measures should be taken at the same time: reducing unnecessary documentary-evidence file and simplifying judgment opinions focused on points in disputes. Judges can use the model forms of simple judgment opinions which are posted in the judicial intranet.

B. Changes in courtroom

Court date scheduling in different time-lines has been stressed and the hours consumed for each case has been significantly increased. We can see more cases where the judge gives parties more chances for oral argument rather than recommending them to submit written pleadings. There have been changes in the attorneys' attitude toward oral arguments since the beginning. Some attorneys are still passive in oral arguments.[24)]

C. Changes in court proceedings

Several positive effects, such as the parties' satisfaction with the court proceeding and the recovery of the parties' trust in the judicial system, can be found. When I look into my recent six-month experience[25)] in court proceedings and the outcome of local courts' seminars on oral proceedings,[26)] the interactive communications among

24) *See* Exhibit [Survey Result] Questionnaire 3. or 5.

25) *See* Exhibit [Survey Result].

26) *See* Supreme Court homepages, courtnet/resources/civil case/new model: oral proceedings examples.

the parties and the judges has been substantially improved compared to those in the past.

Still, we cannot notice significant changes in statistics, as it has only been about one year since we began emphasizing the importance of oral argument proceedings. The court statistics from 2006 to 2007 are as shown in the appendix: 1) overall, the case handling has been improved; and 2) the number of appeal cases are continuing to decrease.[27)]

The affects of oral proceedings on the court's decision making could be a controversial issue, though we all agree that oral proceedings are helpful in understanding the case itself. Until now, we do not have a statistics report or evidence showing the outcome. However, we will evaluate the effects as oral proceedings gradually begin to take root in our court system.

2. Merits of oral proceedings

As you see above, the advantages of oral proceedings are as follows: 1) the judge can acquire more accurate information when deciding cases;[28)] 2) for the parties, more chances are given to them to make arguments and testimonies, and the results of the trials are more easily predicted. As a result, more alternative dispute resolutions are likely to surface and there might be an increase in people's trust in the judiciary.

(Maximizing court communication)
Through oral argument proceedings, the court communication among the people concerned, judges and the parties, can be maximized. Interactive communication can be accomplished by oral argument proceedings, since the proceedings give the judges and the parties (attorneys) a chance to

27) *See* Exhibit [Court Cases in Nationalwide]

28) These advantages of oral arguments are indicated in the articles about oral arguments in appellate court proceedings in U.S.; Robert J. Martineau, 72. IOWA L.REV 1 (1986) (Martineau criticizes current oral arguments practice in appellate court proceedings in US. He insists as follows: The oral arguments are to become helpful to judges in deciding judgment; Judges should be able to make questions to counsels whenever he need to ask; The parties counsels should be able to answer immediately; Even judges should be able to discuss with counsels if they want.); Myron H. Bright, The power of the spoken word: In defense of oral argument, 72. IOWA L.REV 35 (1986) (Bright emphasized the importance of the oral arguments especially in judges' judgment decision. He provides some research projects results showing that the judges changed their case decisions, which made only from reviewing the case documents, after having the oral argument proceeding.)

cast direct questions about ambiguous or doubtful assertions and testimonies on the spot, so that they can even unearth the underlying causes, motives or other unrevealed circumstances of dispute.

(Accurate understanding of complex litigation)

Through oral proceedings, a judge or panel can comprehend even the most complex litigation which involves so many technical terminologies that would otherwise be incomprehensible (just by reading the brief, for example), but by oral explanation from parties and other people concerned, it is understandable.

(Helping the judge to make the correct decision)

Oral proceedings help the judge make his or her right decisions. Because the judge is able to figure out the overall intentions of the parties, he or she can appropriately evaluate the witnesses' testimonies and appreciate the parties' and witnesses' manners through the oral proceedings.

(Providing sufficient chances to making statements — the Court as a listener)

In pursuing "Court as a Listener," oral proceedings provide a place; where the parties can persuade the judges by making persuasive arguments and presenting compelling evidence; where the parties can reveal their real intentions and situations. A judge should create an atmosphere where active contentions and arguments, rather than plain statements, can be made. A judge should be a serious listener also.

(Helping parties to understand court procedure — the Court as a explainer)

During oral proceedings, the court can present and explain its opinion and reasoning to the parties so that the parties can directly figure out towards which direction the court procedure is going. 'Court as an explainer', which is one of the core aspects of oral proceedings, can enhance public trust in the judiciary.

(Fostering parties' alternative dispute resolution)

Oral proceedings, through its functioning as 'court as a listener' and as 'court as an explainer', heightens the likelihood of reaching alternative dispute resolutions. Oral proceedings itself can be the most effective tool to find a way to resolve disputes in ways that the parties exactly want, since a reasonable alternative dispute resolution can be reached not by just waiting for the parties' reconciliation, but also by exploring common understandings through oral exchanges.

(Improving foreseeability of case-outcome)

Although an alternative dispute resolution may not be successful, judges would make their decisions relying on the findings from oral proceedings and the parties would be able to predict what the result of trial will be like. This means that the distrust on the court's decision could be minimized, since the parties will not argue that they were not given enough chances for contentions or that they were unable to foresee the reasons, when they lose their cases.

(Enhancing effectiveness of case management)

Oral proceedings help the judge to do his or her work more easily and effectively, since they can remove meritless contentions from considerations and have the judge to concentrate on the remaining substantial factors when making decision. So, it becomes much easier to comprehend the case in detail and to set up a reasoning to make a decision. Oral proceedings could make the judge's work tougher due to the increase in courtroom hours and serious preexamination of the court files. However, in the long run, oral proceedings will lighten the workload of judges because of effective case management and fewer appeals arising from the parties' acceptance of the results (decision) of the trial.

(Implementing public disclosure)
Oral proceedings is the only way to accomplish public disclosure. By way of revealing the issues in dispute in the open courtroom, oral proceedings can make the audience understand the case better and judges will recognize the merits of the case thoroughly. Judges can manage oral proceedings with the principle of equity and by adhering to courtroom courtesies.

3. Criticism and Measures

These are the criticisms of oral proceedings initiatives: 1) the parties' statements over the case summary in oral proceedings are not so helpful in examining the case, since the judges review the parties written pleadings before the oral proceedings; 2) oral proceedings is not helpful for the parties who are not competent enough to make arguments.[29] A survey of judges shows the following: 1) with the present case backlog, judges cannot manage the oral proceedings effectively; 2) oral proceedings itself may add burden to judges, if the parties are noncooperative.[30]

Oral proceedings is a method of hearing the case where judges try to get something more out of a case than by just reading written pleadings. What we are trying to seek through oral proceedings is similar to what a student strives for when being present at a professor's lecture compared to what he can achieve reading from a book.[31] Therefore, oral proceedings should be focused on communications, which means that it is unnecessary to repeat the submitted pleadings. In a *pro se* case, judges can run the process by making access to the party and finding out what each party wants and by allowing the party to participate in the proceedings actively.

I do not agree with the suggestion that the court should run oral proceedings only for selected cases. oral proceedings is one of the most basic procedural principles; one that should not be left to our own discretion whether to impose it or discard it. The only thing we can do is adjust the level when operating oral proceedings

29) Seung Moon Seul, *Arrogance and Modesty: a Thought of Open-Court Oriented Court Proceedings and oral proceedings* (in Korean), HUMAN RIGHT AND JUSTICE, at 221 (September 2006).

30) Hong Woo Park, *Oral proceedings Initiatives: Current Situations and Action Plan* (in Korean), Essay presented at the seminar of oral proceedings in Seoul High Court (May 2007).

31) Kyung Gic Gwack, *Ideal Court Proceedings: What should be done* (in Korean), THE LAW TIMES, Oct. 30, 2006: "What the oral argument can not be replaced by the brief would be like what the brief can not be replaced by the oral argument. We need both."

considering case details, the parties preparations, and the depth of the proceeding.

In order to effectuate the oral proceedings principle in our judicial system, we need to do the following: curtail the caseload; take measures for easy grasping case-files; simplify the court decision making proceeding; and secure court facilities.

VII. Conclusion

This article examines the background of oral-proceeding initiatives in the Korean judiciary, the road-map of its progress to reach the goals, and its detailed strategies and plans. oral proceedings initiatives seem to be a motto which urges us to follow one of the most basic legal principles. However, it is also an effort to recover the public's trust on the judiciary through the reform of court proceedings. It has been about one and a half year since we started to implement oral proceedings in our court system. At this point, belief that we are in need of a stronger oral proceedings system has been widely spread among the members of the legal community. Yet we are still in need fore more guidelines, a detailed manual, and the development of supporting programs and facilities.

From now on, we have to develop action plans to implement oral proceedings in actual situations rather than reiterate principle of oral proceedings or develop abstract civil procedure models.

KEY WORDS: Oral Proceeding, Written Argument Proceeding, Concentrated Hearing, Pro Se Party, Core-Issues Examination, Argument Preparation, Concentrated Evidence-Examination, Oral Argument, Settlement

Exhibit [Survey Result]

<Survey Result—Counsel >

Questionnaire		Answer point range (From 1 to 7)		Average point
1	Did the court prepare the trial well?	1 point = Yes	7 point = No	1.32
2	Was the oral proceedings in the argument preparation court-date run well?	1 point = Yes	7 point = No	1.75
3	Do you think that the oral proceedings is helpful?	1 point = Yes	7 point = No	3.00
4	Did the oral proceedings influence on the case decision?	1 point = Yes	7 point = No	3.38
5	Did the oral proceedings make judges to understand cases much better?	1 point = Yes	7 point = No	3.00
6	Did the judge ask the parties to explain or run the court proceeding deviated from the case substances?	1 point = I guess no	7 point = I guess yes	1.48
7	Are you satisfied with the judge's running the court proceeding?	1 point = Yes	7 point = No	1.52
8	How was the judge's attitude?	1 point = Sincere	7 point = Businesslike	1.16
9	Who do you think leads the oral proceedings?	1 point = Presiding Judge	7 point = Counsel	3.21

<Survey Result-Parties, Witnesses>

	Questionnaire	Answer point range (From 1 to 7)		Average point
1	Were the judges sincere in running the proceeding?	1 point = Sincere	7 point = Businesslike	1.66
2	How was the judge's attitude?	1 point = Respectful	7 point = Disrespectful	1.21
3	Did the judges understand the case well?	1 point = Yes	7 point = No	1.65
4	Did the judges listen to the parties seriously?	1 point = Yes	7 point = No	1.59
5	Was it easy to understand the judge's instructions/words?	1 point = Hard	7 point = Easy	1.43
6	Did you say all you want to say?	1 point = Yes	7 point = No	1.94
7	Did you feel the court proceedings fair enough?	1 point = Yes	7 point = No	1.59
8	Are you satisfied with the court proceedings?	1 point = Yes	7 point = No	1.82

** Cases for Survey: Cases from the District Court in Pusan/Civil Case 10th Division
** Survey Period: 2007. 3. - 2007. 7.
** Suvey Personnel: 31 Counsels, 35 Parties/Witnesses
** Survey Method: We asked the counsels and parties/witnesses to answer questionnaire with points from 1 to 7 according to their tendency toward answer point range. Average points were calculated with answered points.

Exhibit [Court Cases in Nationwide]

Court	Disposition		Dispute Resolution		Appeal	
	2006	2007	2006	2007	2006	2007
High Court	94.4%	102.3%	24.2%	28.0%	32.8%	31.5%
Appelate Division in District Court	89.3%	96.6%	29.1%	28.1%	25.4%	23.3%
Collegiate panel in District Court	91.8%	86.6%	20.7%	20.5%	41.5%	40.4%
Single Judge in District Court	80.9%	95.1%	33.7%	31.8%	22.2%	23.2%

** Statistics Period
- 2006 Statistics: 2006. 1. 1. - 6. 30.
- 2007 Statistics: 2007. 1. 1. - 6. 30.

** Case Classification: According to value of lawsuit
- Over 100 Million Won claim: Trial in collegiate panel in District Court, Appeal to the High Court
- Below 100 Million Won claim: Trial in single judge in District Court, Appeal to Appellate Division in District Court.