

## 2014 International Forum on Legal Aid

VENUE: Howard Civil Service International House (No. 30, Sec.3, Shin-Sheng South Road, Taipei, TAIWAN)

### National Report

1. Please provide the following country information:

Country	Legal Aid Organization Name	Date of Establishment	Poverty Line & Percentage of Population in Poverty	Total No. of Practising Lawyers & Legal Aid Lawyers (including in-house and private practice)
Republic of Korea	Korea Legal Aid Corporation <sup>1</sup>	September 1, 1987	10,680,000 KW <sup>2</sup> , 16.5% (2012)	17,880 (as of July. 31. 2014). 96 Staff Attorneys <sup>3</sup> , 227 Public-Service Advocates <sup>4</sup> (as of Aug 2014)
Population	GDP	Total No. of Applications Received in the Past Year (KLAC)	Total No. of Applications Approved in the Past Year (KLAC)	Total No. of Applications Refused in the Past Year (KLAC)
51,141,463 (2013)	1304.5 billion USD (2013)	142,299	136,747	188

2. Please describe the main provider(s) of legal aid services in your country:

(a) What is the nature of the provider's organization (ie, a government department, an independent statutory body or association)?

Korea Legal Aid Corporation (KLAC) was established by the Korean government in 1987, in succession of all the rights and duties of its predecessor, the Korea Legal Aid Association<sup>5</sup>(founded in 1972), based on Legal Aid Act. KLAC is a main provider of legal aid service in Korea, as a public organization supervised by the Ministry of Justice. There are also civil organizations such as Korea Legal Aid Center for Family Relations<sup>6</sup>, Korean Bar Association Legal Aid Foundation<sup>7</sup>.

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<sup>1</sup> 大韓法律救助公團

<sup>2</sup> KW=Korean Won. 1 U.S. Dollars = 1,014 Korean Won (as of Aug 30, 2014)

<sup>3</sup> 所屬辯護士

<sup>4</sup> 公益法務官. The Minister of Justice appoints the Public-Service Advocates(PSAs), among lawyers enlisted under the Military service Act, and orders to serve in legal aid(mostly in KLAC), or related affairs, such as State litigation.

<sup>5</sup> 財團法人 大韓法律救助協會

<sup>6</sup> 韓國家庭法律相談所

<sup>7</sup> 大韓辯護士協會法律救助財團

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- (b) If supervised by another authority, how does the provider maintain independence in decision-making and in carrying out its duties and responsibilities?

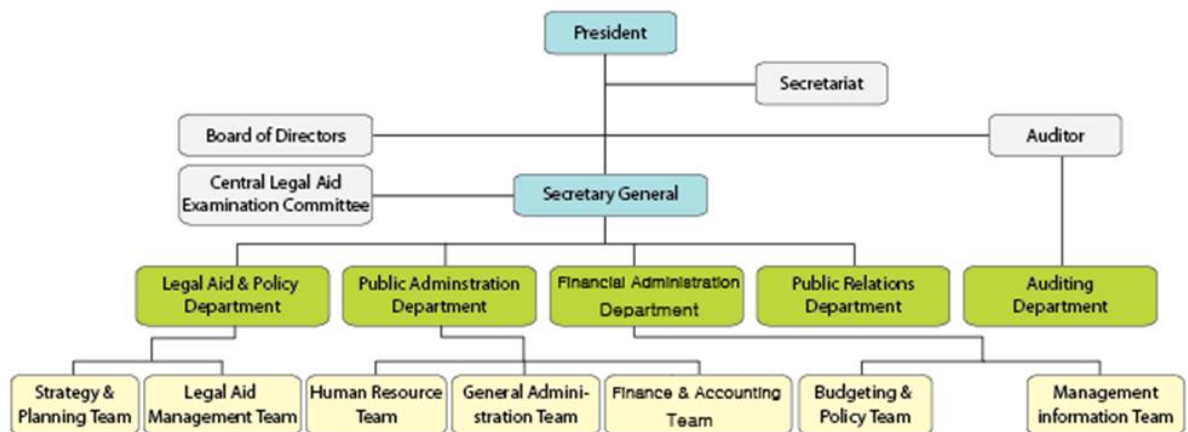
The Minister of Justice shall guide and supervise legal aid corporations. KLAC shall prepare a project plan and a budget estimate for each business year and submit them to the Minister of Justice annually. Also, the rules of KLAC, which determines the requirements and procedures of legal aid KLAC carries out, should be approved by the Minister of Justice.

However, Legal Aid Act states that the guidance and supervision shall not apply to specific cases of legal aid services. KLAC lawyers are able to carry out their litigation independently.

3. Please describe the legal aid organization and the recent business figures:

- (a) Organizational structure.

- Headquarter<sup>8</sup>:

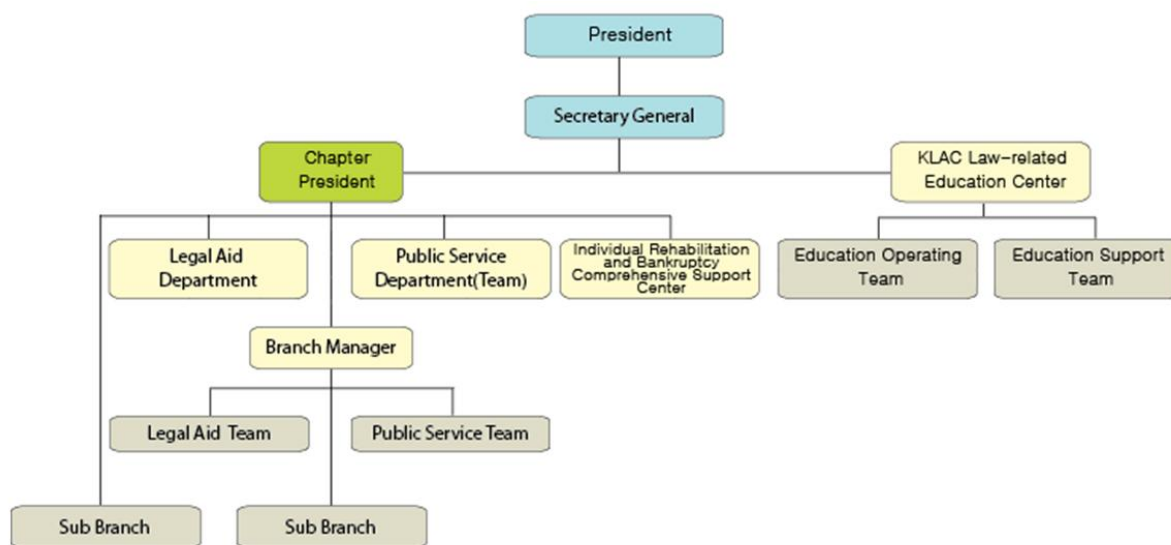


- Local Offices:

<sup>8</sup> President – 理事長, Board of Directors - 理事會, Central Legal Aid Examination Committee – 中央法律救助委員會, secretary General – 事務總長

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- The Headquarter moved from Seoul to Gimcheon<sup>9</sup> in 2014.
- KLAC Law-related Education Center<sup>10</sup> is in Gimcheon.
- 18 Chapters<sup>11</sup> (where there are district courts)
- 40 Branches<sup>12</sup> (where there are branch courts)
- 67 Sub-Branches<sup>13</sup> (where there are sub-branch courts)

(b) Analysis of the matter types aided in the past year.

Category	KLAC Legal Aid Cases (2013)	Change over 2012
<b>Civil, Family, Administrative, etc<sup>14</sup></b>	136,747	+7%
<b>Criminal</b>	16,257	+19%
<b>Legal Advice<sup>15</sup></b>	1,482,762	+5%

- **Civil, Family, Administrative cases**
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<sup>9</sup> 慶尙北道 金泉市

<sup>10</sup> 法文化教育 center

<sup>11</sup> 支部 (地方法院, 地方檢察廳 所在地)

<sup>12</sup> 出張所 (地方法院 支院, 地方檢察廳 支廳 所在地)

<sup>13</sup> 支所 (市/郡 法院 所在地)

<sup>14</sup> 民事, 家事, 行政

<sup>15</sup> 法律相談

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	Legal Aid provided for:	cases	Percent (%)
1	Overdue wages <sup>16</sup>	134,064	66
2	Low - Income Citizens (other than basic living security receivers)	15,700	8
3	Victims of Crime (other than Victims of domestic assault and sexual assault)	15,044	7
4	Individual Rehabilitation and Bankruptcy <sup>17</sup>	9,510	5
5	Basic living security receivers <sup>18</sup> (except individual rehabilitation and bankruptcy cases)	6,427	3
6	The Disabled	5,853	3
7	Farmers	4,964	2
8	Children in need, Basic old age pensioner <sup>19</sup>	2,710	1
9	Victims of domestic assault and sexual assault	2,578	1
10	The Court-granted litigation aid cases <sup>20</sup>	2,400	1

The Amount of Dispute (KW)	Cases	Percent (%)
0 ~ 5 million	55,565	41
~ 10 million	23,979	17
~ 20 million	18,381	13
~ 50 million	26,747	20
~ 80 million	4,934	4
~ 100 million	1,750	1

<sup>16</sup> Korean Ministry of Employment and Labor(雇傭勞動部) sponsors legal aid for workers with overdue wages and retirement benefits(including foreign residents). These cases mostly come to KLAC via Labor Board(勞動廳), which certifies back pay, and the amount of wages.

<sup>17</sup> 個人回生/破產 事件

<sup>18</sup> 基礎生活受給者

<sup>19</sup> 基礎老齡年金受給者

<sup>20</sup> ‘法院 訴訟救助’

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<b>Over 100 million</b>	5,392	4
<b>Total</b>	136,747	100

<b>Legal Aid Fee</b>	<b>Cases</b>	<b>Percent (%)</b>
<b>Charged</b>	8,222	6
<b>Non-charged (free)</b>	128,525	94
<b>Total</b>	136,747	100

**- Criminal Cases**

<b>Category</b>	<b>Cases</b>	<b>Percent (%)</b>
<b>Via KLAC<sup>21</sup></b>	4,331	27
<b>Court-appointed<sup>22</sup></b>	11,926	73
<b>Total</b>	16,257	100

- (c) What is the number and percentage of cases conducted by in-house/staff attorneys and legal aid lawyers in private practice?

<b>Category</b>	<b>Cases (KLAC)</b>	<b>Percent (%)</b>
<b>Staff Lawyers (includes PSAs)</b>	152,939	99.95
<b>Lawyers in private practice<sup>23</sup></b>	65	0.05
<b>Total</b>	153,004	100

4. Please describe your country's (or organization) legal aid funding arrangements:  
 (a) What are the sources and amount of legal aid funding? Are there caps on annual

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<sup>21</sup> ‘公選’

<sup>22</sup> ‘國選’

<sup>23</sup> Explained in question 6.(a)

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spending?

- KLAC shall be operated with the following financial resources: Contributions and subsidies provided by the Government, Cash and other property contributed by persons other than the Government<sup>24</sup>, Borrowed funds, Proceeds derived from business of KLAC, Other proceeds.
- KLAC 2014 Budgets are as follows:

Category	Budget (in Millions of KW)	Percent(%)
<b>Government subsidies</b>	35,454	44
<b>KLAC acquired<sup>25</sup></b>	45,106	56
<b>Total</b>	80,560	100

- (b) Has your organization experienced large-scale funding cuts? If so, what were the strategies for responding to such situation?

Not experienced.

- (c) What is the percentage of funding spent on paying lawyers' fees and costs, and on administration expenses respectively?

- According to KLAC Financial report of spending in 2013<sup>26</sup>:

Category	Spending (in Millions of KW)	Percent
<b>Personnel expenses<sup>27</sup></b>	37,907	49.3
<b>Ordinary expenses<sup>28</sup></b>	5,304	6.9
<b>Legal Aid expenses<sup>29</sup></b>	33,635	43.7

<sup>24</sup> Banks, Farmers' association, etc.

<sup>25</sup> 自體資金

<sup>26</sup> 稅出決算內譯

<sup>27</sup> 人件費。 This includes the payment to the staff attorneys, however, the above-mentioned respective expenses data are not available, as KLAC staff's duty includes not only litigation, but also administrative work. This does not include salaries paid to Public-service Advocates, as they are directly paid by the government.

<sup>28</sup> 基本事業費(經常費用)

<sup>29</sup> 事業費(法律救助費用)

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<b>Total</b>	76,846	99.9
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- (d) Does assistance extend to covering costs such as court costs, government charges, and costs awarded against the legal aid recipient?
- The government and non-government organizations donate funds to KLAC for specific cases. In these cases, such as cases for overdue wages, victims of crime, the disabled, etc, KLAC covers most costs and reimburses from the accumulated donation fund. See the table below.
  - In other cases, the legal aid recipients are to pay the costs that KLAC spent for the case. If he or she won the case, the recipients can charge the costs to the other party.
  - The assistance does not extend to the costs award against the legal aid recipient.
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Category	Reimbursed costs(KW)	Percent (%)
<b>Charged cases</b>	4,712,708,000	9
<b>Non-charged cases</b>	51,308,740,000	91

5. How does your organization evaluate performance? What are the effective tools or methods of evaluation? If your organization has established branch offices, how are their performances evaluated?
- KLAC regularly assess its performances based on its own guidelines. The assessment includes the performances of every office (Chapters, branches, sub-branches).
  - The assessment evaluates the amount and the result of the legal aid cases (75%), customer satisfaction (20%), training results (5%).
6. Please describe the methods of service delivery in your country (or organization):
- (a) Are the bulk of the approved cases conducted by in-house/staff attorneys or by lawyers in private practice?
- Basically, KLAC assigns every case to its own attorneys(including Public-service Advocates)
  - If it is inappropriate for KLAC to litigate the case(when there is a conflict of interest, etc), the office manager can appoint a lawyer in private practice as a designated legal aid lawyer<sup>30</sup>.
- (b) What are the conditions of registering as a legal aid lawyer?
- No specific registering is needed for a legal aid lawyer in Korea. But anyone who

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<sup>30</sup> ‘法律救助委員’

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intends to render legal aid services as a corporation shall register with the Minister of Justice by meeting requirements for assets and persons engaged in legal aid services, etc. under conditions prescribed by Presidential Decree.

- KLAC annually employ their staff attorneys among many applicants.

(c) What are the rules and procedures of assigning approved cases to legal aid lawyers?

- Before approval phase, if it seems that litigation is needed, the lawyers investigate the case and report to the managing attorney<sup>31</sup> who later approves the case. The manager assigns the case usually to the investigating lawyer (the staff attorney or the Public-service Advocate) or to the other, on his or her own judgment.

- When the Court or the Constitutional court assigns a case to KLAC members, the case is also regarded as the managing attorney assigned the staff attorney or the Public-service Advocate of that case.

(d) How do the salaries and fees paid to legal aid lawyers compare with the general market rate?

- The general market rate does not apply to the legal aid cases. The basic wages paid to the KLAC staff attorneys are equivalent to those of public prosecutors. KLAC staff attorneys additionally are paid performance-based bonuses every quarter.

7. Please describe the types of legal aid services provided in your country (or organization), and the types of matters aided.

- legal counseling (for everyone, every matter)
- litigation (civil, family, administrative, constitutional cases)
- Individual rehabilitation or bankruptcy petition
- Criminal defense
- Sexual assault victim assistance program

8. Please describe application procedures and the criteria of granting legal aid.

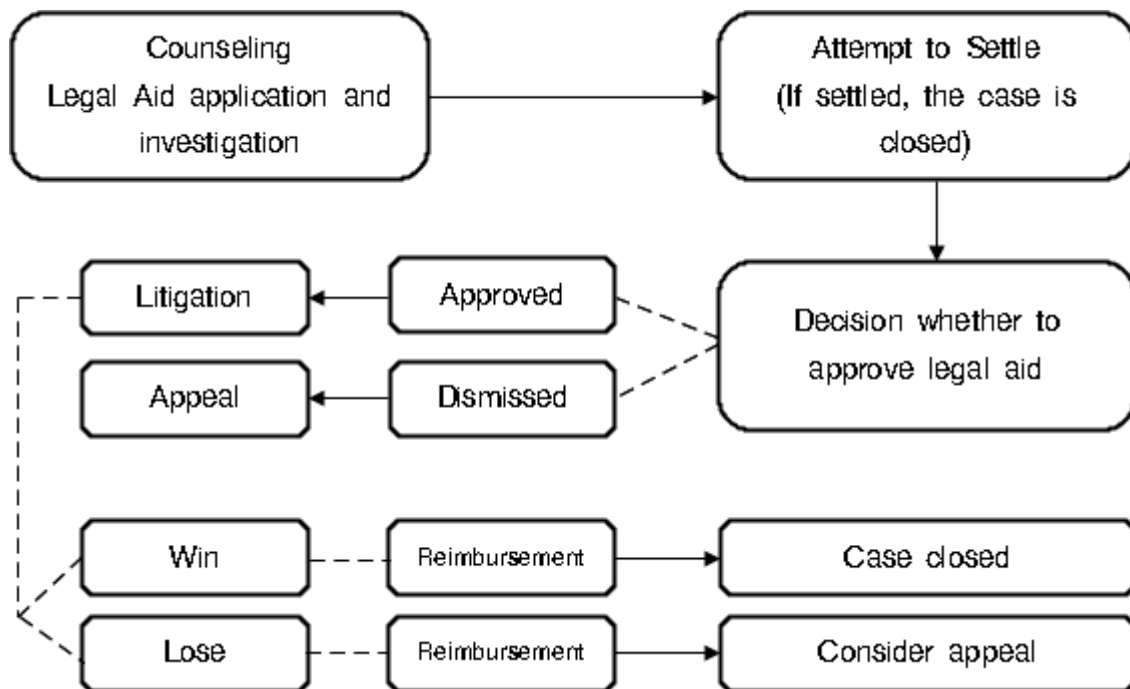
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<sup>31</sup> 支部長, 出張所長, 支所長



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\* If the legal aid application is dismissed, the applicants can appeal to Central Legal Aid Examination Committee.

To grant legal aid, the chance of winning, the eligibility and adequacy of legal aid must be considered. As most people apply for legal aid after they are legally advised in KLAC, the counseling personnel explains about and arranges the application.

### 9. In order to satisfy demand:

(a) Are there services or standards specifically designed to help disadvantaged groups, such as women, children, indigenous people, labor and residents living in remote areas?

- The victims of domestic assault and sexual assault, workers who suffers overdue wages, children in need are eligible for legal aid, without expenses.
- KLAC has many offices in rural areas, and also runs legal counseling buses for those who live in remote area.
- Sentenced persons, as well as the pretrial detainees, are also eligible for legal counseling, as KLAC lawyers regularly visit prisons or detention facilities near their offices upon request.

(b) Are there special standards or rules for deciding whether (and how much) legal aid resources should be allocated to assist complex cases (eg, environmental lawsuits or other class action lawsuits)?

- Special standards or rules upon the matter are not set.

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10. How does your organization monitor the quality of legal aid lawyers' services?

- KLAC auditing department and an experienced staff attorney who is designated for inspection, are regularly inspecting legal aid activities, including litigations.
- Each staff attorney is encouraged to have expertise areas, and to form studying societies, which are to submit research papers for the annual seminar.
- KLAC has appointed 58 medical doctors for legal advice for the related legal cases.
- KLAC conducts annual legal aid seminar and PSA seminar, for exchange of knowledge and discussion.

11. How does your country (or organization) inform potential applicants (particularly residents living in remote locations) of the availability of legal aid services?

- In connection with the local governments and farmers association, KLAC regularly visits remote areas, and provides legal service by sending its 'counseling bus', which functions as a small mobile office. This specially re-formed bus has computers, network system and a copy machine in it. The visiting events are often held with educational lectures on basic legal matters. (See the table below)
- KLAC has public relations department, which advertises its legal aid activities, deals with media, and publishes 'Legal Aid', a quarterly publication.



Year	Visits	Legal Counseling	Legal Aid Application Received	Lecture	
				Held	Attendee
2012	100	1,455	91	21	1,200
2013	105	1,473	96	22	1,374

12. How does your organization help to reduce the amount of disputes which resort to the courts? Does your organization participate in law reform or offer legal education to the public? If so, please describe these activities or services.

- Before bringing the case to the court, if the case can be settled, the staff attorney considers to solve the case by ADR.

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- As the main legal aid provider in Korea, KLAC is frequently requested to present opinion in law reform.
- KLAC Law-related Education Center, opened in 2011, is an educational facility to help adaptation of immigrants, by teaching Korean legal system and basic legal matters. It can accommodate 136 persons. (See the table below)

Category		Group	Attendee	Satisfactory rate (based on Survey)
marriage-based immigrants	2012	54	2,285	94.37
	2013	53	2,218	94.95
Residents Escaping from North Korea	2012	2	76	95.28
	2013	5	142	96.09
Students	2012	1	30	98.6
	2013	9	316	90.25

13. Please describe recent initiatives which made services accessible through the use of technology. If self-help services are available, please comment on the effectiveness of these services.

- KLAC Home Page ([www.klac.or.kr](http://www.klac.or.kr)) / Mobile Home Page (<http://m.klac.or.kr>)  
: Appointment (or cancellation) of visiting for legal counseling are available.  
Also contains various legal aid cases (FAQs) and legal forms.
- Cyber-counseling  
: A brief legal counseling is available for everyone, at the KLAC website, by uploading a post.
- Individual Rehabilitation and Bankruptcy Comprehensive Support Center<sup>32</sup> Home Page (<http://resu.klac.or.kr>)  
: Self-test system on Individual Rehabilitation and Bankruptcy  
Individual Rehabilitation and Bankruptcy forms (automatic filling)  
Instructing videos on Individual Rehabilitation and Bankruptcy

<sup>32</sup> 個人回生破産綜合支援 center

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- 132 Call Center system (<http://132call.klac.or.kr>)  
: A brief legal counseling is available for everyone, simply by pressing 132 on phone.
  - SMS system  
: Those who applied for legal aid get messages (e.g. ‘the application received’, ‘legal aid approved’, ‘trial date set’) from KLAC by automatic SMS system.
14. Please describe the difficulties encountered by your country (or organization) in promoting legal aid work in the recent years, and the strategies for responding to these difficulties.
- Legal aid is being carried out by several justice agencies (the Ministry of Justice, the Supreme Court, the Constitutional Court), and civil agencies. Some legal aid activities are overlapped, and not well-connected. From the perspective of legal aid recipients, it is not desirable.
  - A central legal aid organization is needed for coordinating connection and cooperation, and building legal aid network for the legal aid recipients. The country’s main legal aid provider, who has the nationwide network and years of experience, shall be suitable for the job.
15. Has your country (or organization) established any mechanisms of co-operation with legal aid organizations abroad?
- MOU between KLAC and IALS(Institute of Advanced Legal Studies), University of London (November 4, 2009)
  - MOU between KLAC and Japan Legal Support Center<sup>33</sup> - international relationship on legal aid system and information interchange (November 6, 2009)  
: KLAC and JLSC are exchanging correspondents
  - MOU between KLAC and Korean Residents Union<sup>34</sup> on Japan - establish the mutual cooperative relationship for promoting the human rights and legal welfare of Korean residents in Japan (June 13, 2011)
16. How does your country (or organization) adopt United Nations legal aid principles and guidelines in policies and services?
- Republic of Korea considers the provision of legal aid their duty and responsibility, and enacted specific legislation which is Legal Aid Act, and established Korea Legal

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<sup>33</sup> 日本司法支援 center

<sup>34</sup> 在日本 大韓民國國民團

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Aid Corporation.

- KLAC is a nationwide organization, which especially has 67 sub-branches, many of them in rural and remote area, to provide legal aid service to disadvantaged groups.
- KLAC has legal aid programs for victims of crime, children, women, which the United Nations guidelines request.
- Those who are detained, arrested, charged with a criminal offence is fully eligible for legal aid if they cannot afford private legal services. KLAC lawyers regularly visit prisons or detention facilities, as legal aid at the post-trial stage.
- The report submitted by the Korean government to United Nations regarding UN International Covenant on Civil and Political Rights contains and emphasizes the role of Korea Legal Aid Corporation.