



Legal Aid Foundation of Taiwan

# Annual Report 2008



# Legal Aid Foundation of Taiwan

## Philosophy :

- 1.Equality**—To realize the constitutional right of equal access to the court system, and to facilitate improvement of economic status.
- 2.Human Rights**—To protect the human rights of disadvantaged.
- 3.Rule of Law**—To strengthen the foundation of the rule of law.

## Principles of Service :

- To Be Approachable
- To Adopt Efficient Procedures
- To Be Flexible
- To Provide Professional Services

## Mission :

- 1.To pursue reform and to develop a comprehensive legal aid system.
- 2.To make legal aid available throughout Taiwan.
- 3.To actively publicize information about legal aid.
- 4.To enable convenient access to legal aid.
- 5.To improve the quality of legal aid services.
- 6.To encourage the participation of lawyers in legal aid and social reform.
- 7.To strengthen provision of legal education to the disadvantaged.

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## Preface

For Legal Aid Foundation (LAF) it was a busy and challenging year in 2008, during which many programs were initiated, including the Legal Aid Program of First Interrogation Accompanied by Legal Aid Attorney, Legal Aid Program of the Consumer Debt Clearance Act Related cases, Legal Aid program for Human Trafficking Victims, Legal Aid Program for Children Inheriting Debts, Legal Aid Programs for Reinforcing Crime Victims, researching on issues concerning the disadvantaged, and enhancing the cooperation with social groups, etc. All these programs not only helped more disadvantaged people but also expanded the recipients and scope of LAF services.

The Legal Aid Program of First Interrogation Accompanied by Legal Aid Attorney was launched in September 2007, followed by the participation of 15 police districts under National Police Agency of Ministry of Interior on February 1, 2008. Although there were only 600 applications in 2008, which fell short of the expected volume, most of the reports from participating legal aid attorneys showed positive opinions and indicated great advancement of upholding the “attorney’s right to presence of counsel” during arraign. It was gratified to know that NPA decided to add 35 police districts to the program in January 1, 2009, so that the participating police districts would total 50, comprising one third of the entire force, and it opened a door to success for this program.

After the approval of Consumer Debt Clearance Act in June, 2007 and its ensuing implementation on April 11, 2008, tens of thousands of people with debt problems had applied for assistance from LAF branches. LAF established a hot line for consultation reservation plus widespread service bases to effectively handle the urgent public needs during the initial stage of the implementation. Statistics showed that the total applications received by all branches were 23,938 cases, and 10,903 among which had been granted with legal aid.

In the past year, LAF gained apparent improvement in assisting the disadvantaged with solving legal problems, especially in the aspects of civil and criminal litigation representation and defense. However, what the general public needs more was the attorneys’ service of legal consultation because no court appearance is necessary yet. Also, while the disadvantaged people usually apply for relief of social welfare or social security directly from the governmental authorities, they would need the legal advice, negotiation or complain representation from professional attorneys. To promote operations like these will be the Foundation’s emphasis in the future.

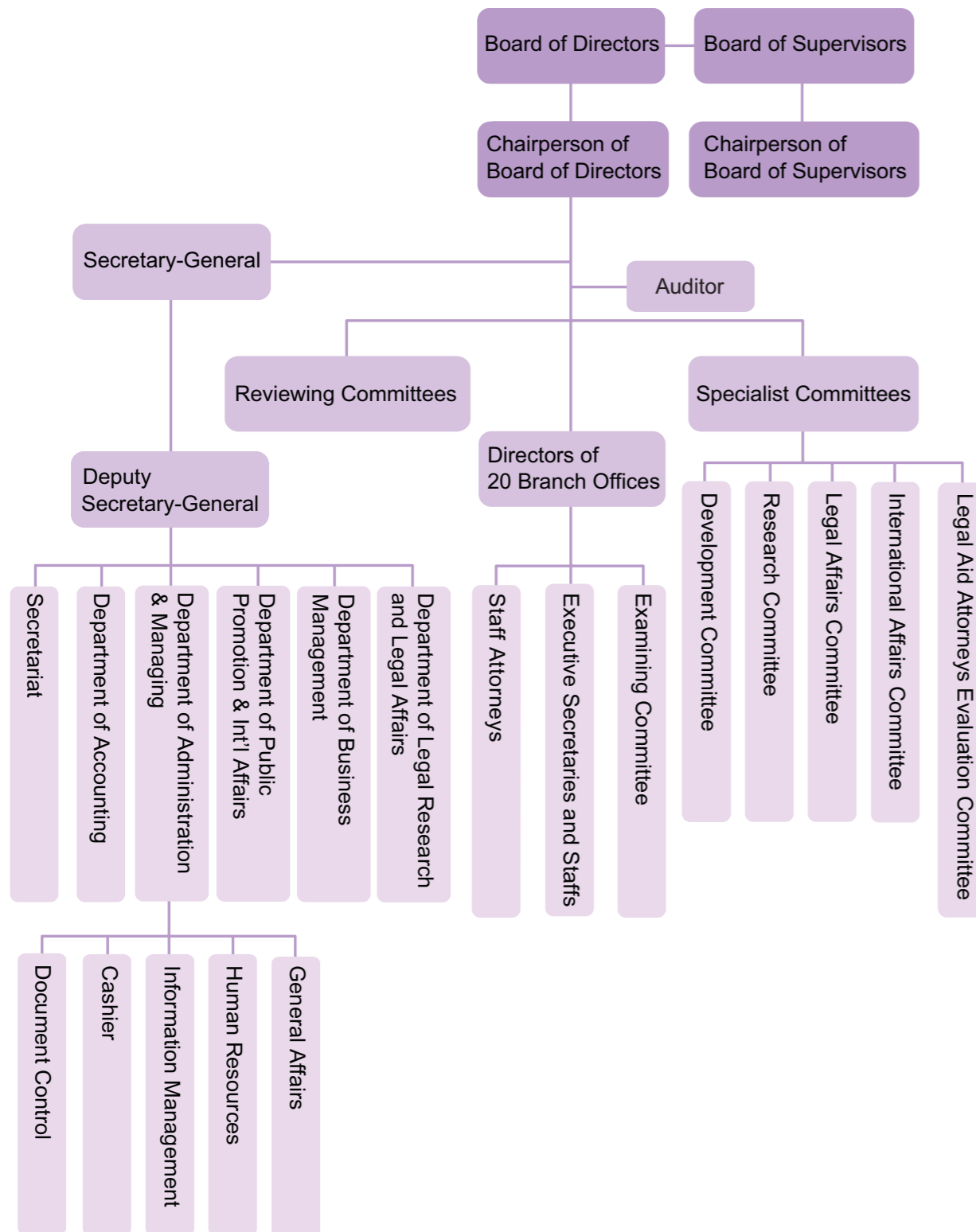
The evaluation on the performance of legal aid attorneys in 2008 was an operation conducted for the first time and therefore certain faults are found in its mechanism design. In the future, the Foundation will do the best to achieve the ultimate goals of LAF, which are upholding the sincerity in serving the disadvantaged, actively expanding the recipients and scope of legal aid service, and advancing toward the provision of quality legal aid.

# Chapter 1

## Organizational Structure



## Organization Chart



## Section 1 • Board of Directors

The Board of Directors is the highest decision-making body of the Foundation. The Board comprises thirteen directors hired by President of Judicial Yuan, with a 3-year-long term of office and positions without remuneration. The directors include two representatives from Judicial Yuan, one from Ministry of Justice, one from Ministry of National Defense, one from Ministry of Interior, four attorneys recommended by the bar associations both regional and nationwide for their ardent participation in legal aid service, two academic specialists in law or other scholastic fields, one representative from the disadvantaged groups and one indigenous representative.

### ■ Second-Term Board of Directors (Term: March 23, 2007 ~ March 22, 2010)



Chairperson

Ms. Den-mei Ku (Professor, Department of Political Science, National Taiwan University; Former Member of the Control Yuan)

#### Directors (In Alphabetical Order)

- Ms. Man-li Chen  
(President, National Union of Taiwan Women Association)
- Mr. John C. Chen  
(Attorney; Consultant of Taiwan Bar Association; Former Chairman of Judicial Reform Foundation)
- Mr. Jheng-shang Gao  
(CEO of Eastern District of Tribal Construction Center, Council of Indigenous Peoples, Executive Yuan)
- Ms. Se-jiao Jian  
(Director of Juvenile and Family Department, Judicial Yuan)
- Mr. James C. Ku,  
(Attorney; Former Director General of Taiwan Bar Association)
- Mr. Wen-dong Kuo  
(Department of Prevention, Rehabilitation and Protection, Ministry of Justice)
- Mr. Wen-shih Liu  
(Counselor, Ministry of Interior)
- Mr. Wen-tian Sie

(Attorney; Former Director General of Taiwan Bar Association; Former Director of LAF Taichung Branch)

Mr. Chi-hsiung Su

(Attorney; Consultant and Former Director General, Taiwan Bar Association)

Mr. Da-liang Wei

(Director-General, Department of Clerks for the Justices of the Constitutional Court, Judicial Yuan)

Ms. Jing-fang Wu

(Professor, Department of Law, National Taipei University)

Mr. Tai-ran Wu

(Director, Department of Military Justice, Ministry of National Defense)

## Retired Second-Term Board Directors

Mr. Lin-yung Kuo (the 6th-Term Legislator) was LAF Director between March 22, 2007 and March 28, 2008.

## Section 2 • Board of Supervisors

The Board of Supervisors constitutes five supervisors with the term of office to be 3 years, all without remuneration and hired by President of Judicial Yuan. The Supervisors include one representative from the Executive Yuan, one from the Judicial Yuan, one attorney recommended by the national and regional bar associations, one individual specialized in accounting or relevant professional field, and one disinterested community member.

## Second-Term Board of Supervisors (Term: March 23, 2007~March 22, 2010)



Chairperson

Mr. Ji-nan Chen (Visiting and Adjunct Professor, Department of Law, Soochow University and National Chengchi University; former Justice of the Constitutional Court, Judicial Yuan)

Supervisors (In Alphabetical Order)

Mr. Zhi-hong Chang

(Chief Accountant, Accounting Section, Judicial Yuan)



James C. Ku



Jing-fang Wu



Tai-ran Wu



Jheng-shang Gao



Wen-dong Kuo



John C. Chen



Man-li Chen



Wen-shih Liu



Se-jiao Jian



Wen-tian Sie



Da-liang Wei



Chi-hsiung Su



Mei-sing Lin



Zhi-hong Chang



Jian-nan Liao



Yang-zong Tsai

Mr. Jian-nan Liao  
(Attorney; Former Standing Director of Taipei Bar Association; Former Member of the Control Yuan)

Ms. Mei-sing Lin  
(Senior Rank Inspector, First Bureau of Directorate-General of Budget, Accounting and Statistics, Executive Yuan)

Mr. Yang-zong Tsai  
(Professor of Accounting Department, National Taiwan University; Ph.D. in Accounting, University of Maryland, United States)

## Section 3 • Secretary-General & Deputy Secretary-General

One full-time Secretary-General is appointed to take charge of operations of the Foundation at the command of Chairperson of Board of Directors and direct the task execution of LAF staff of all levels as well as the branch offices. In addition, for the purpose of the operational development and according to the amendment to LAF Organization Regulations approved at the 15th meeting of the Second-Term Board of Directors on May 30, 2008 and ratified at the 42nd meeting by the Supervisory Commission of Judicial Yuan on June 26, 2008, a full-time Deputy Secretary-General position is added to LAF, who acts upon the instruction of Chairperson to assist with the task of Secretary-General.



Secretary-General

Mr. Chi-jen Kuo (Attorney; Former Deputy Minister of Council of Labor Affairs, Executive Yuan; Former Minister of Labor Insurance Audit Commission, Executive Yuan)



Deputy Secretary-General

Mr. Wei-siang Chen (Attorney; Former Chairperson of Millet Foundation; Former Director of LAF Yilan Branch)

Of the original 9 departments under Secretary-General, 7 were in actual operation. After the structural adjustment in December 2008, there are 6 departments in total, and they are Legal & Research, Business Management, Public Promotion & International Affairs, Administration & Managing (in charge of General Affairs, Human Resources, Information Management and Cashier), Accounting Department and Secretariat.

1. Department of Legal Research and Legal Affairs  
Wen-jie Cheng, Director
2. Department of Business Management  
Jun-ting Wu, Acting Director (Sept 11, 2008~)
3. Department of Public Promotion & International Affairs  
Yu-lan Hsu, Director  
Wan-Chin Lan, Vice Director (December 1, 2008~)
4. Department of Administration and Managing  
Yu-lan Hsu, Director (December 1, 2008~)

General Affairs: Ruei-fan He, Vice Director (December 25, 2008~)

Human Resources: Shu-feng Jhang, Vice Director (December 1, 2008~)

Information Management: Chun-ming Hsu, Vice Director (December 1, 2008~)

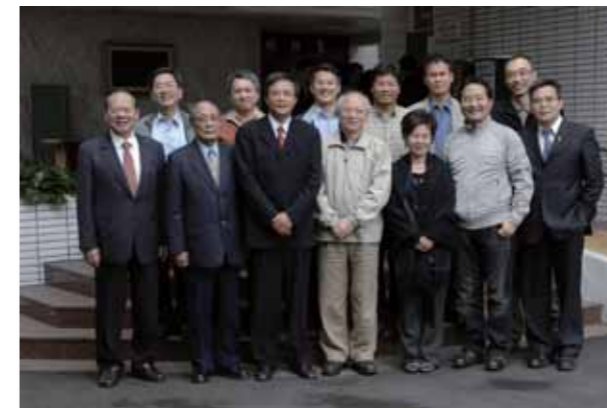
5. Department of Accounting  
Jia-en Sie, Acting Director (July 1, 2008~)

6. Secretariat  
Bao-lin Li, Director (December 1, 2008~)

## Section 4 • Branch Offices

On July 1, 2004, LAF was officially established and together with the simultaneous establishment of five Branch Offices in Taipei, Taichung, Tainan, Kaohsiung and Hualien, started to operate to the public. Five more Branches were later established in Taoyuan, Hsinchu, Changhua, Yilan and Taitung on January 10, 2005, nine more in Keelung, Miaoli, Nantou, Yunlin, Chiayi, Pingtung, Kinmen, Matsu and Penghu on June 30, and one more in Banciao on December 27, 2006.

The Directors and Executive Secretaries of Branch Offices in 2008 are listed as follows:



Secretary-General and Branch Directors: (front left to right) Taichung Director Jheng-si Wang, Kaohsiung Director Jyun-cing Chen, Chiayi Director Bi-jhong Tsai, Secretary-General Chi-jen Kuo, Nantou Director Siou-mei Lyu, Hsinchu Director Bing-chen Luo, Taoyuan Director Song-he Jiang, (Back left to right) Taipei Director Yung-song Lin, Taitung Director Bai-feng Li, Miaoli Director Jhi-hong Chang, Yunlin Director Jin-yang Lin, Pingtung Director Ruei-ke Tang and Hualien Director Jheng-da Sie



Secretary-General Chi-jen Kuo and Branch Executive Secretaries (ES): (front left to right) Kaohsiung ES Min-yin Sie, Miaoli ES Li-ren Wang, Yilan Department Director Shu-siang Chen, Chiayi ES Ruei-hua You, Taitung ES Shu-huei Wang, Pingtung ES Fu-mei Lin, Tainan Staff Attorney Syuan-chi Lin, Nantou ES Syue-ru Wu, Hualien ES Yun-chin Tsai, (back left to right) Hsinchu Department Director Mei-chi Tsai, Yunlin ES Shu-siang Chen, Changhua ES Wei-jhan Chen, Taipei ES Yu-fan Chen, Taichung ES Ji-feng Liao

## ■ Directors and Executive Secretaries of Branches Nationwide

### Keelung Branch

- Director  
Ching-song Yu, Attorney
- Executive Secretary  
Ya-jyun Chen, Attorney

### Taipei, Kinmen and Matsu Branches

- Director  
Yung-song Lin, Attorney
- Executive Secretary  
Yu-fan Chen, Attorney

### Banciao Branch

- Director  
Chin-feng Syue, Attorney
- Executive Secretary  
Cong-sian Lin, Attorney

### Taoyuan Branch

- Director  
Song-he Jiang, Attorney

### Hsinchu Branch

- Director  
Bing-chen Luo, Attorney
- Executive Secretary  
Mei-huei Li, Attorney (March 1, 2007~May 31, 2008)

### Miaoli Branch

- Director  
Jhi-hong Chang, Attorney
- Executive Secretary  
Shu-ying Zeng, Attorney (September 1, 2006~July 18, 2008)  
Li-ren Wang, Attorney (2008.08.01~)

### Taichung Branch

- Director  
Jheng-si Wang, Attorney
- Executive Secretary  
Ji-feng Liao, Attorney

### Nantou Branch

- Director  
Siou-mei Lyu, Attorney
- Executive Secretary  
Syue-ru Wu, Attorney

### Changhua Branch

- Director  
Shi-huang Chen, Attorney

- Executive Secretary  
Wei-jhan Chen, Attorney

### Yunlin Branch

- Director  
Jin-yang Lin, Attorney
- Executive Secretary  
Lun-shi Liu, Attorney (October 1, 2006~August 8, 2008)  
Shu-siang Chen, Attorney (2008.10.01~)

### Chiayi Branch

- Director  
Bi-jhong Tsai, Attorney
- Executive Secretary  
Ruei-hua You, Attorney

### Tainan Branch

- Director  
Guo-ming Lin, Attorney
- Executive Secretary  
Jin-zong Lin, Attorney

### Kaohsiung & Penghu Branches

- Director  
Jyun-cing Chen, Attorney
- Executive Secretary  
Min-yin Sie, Attorney

### Pingtung Branch

- Director  
Ruei-ke Tang, Attorney
- Executive Secretary  
Fu-mei Lin, Attorney

### Yilan Branch

- Director  
Wei-siang Chen, Attorney (November 1, 2004~October 31, 2007; 1st Term);  
(November 1, 2007~September 30, 2008; 2nd Term)  
Jhen-dong Wu, Attorney (2008.10.01~)

### Hualien Branch

- Director  
Jheng-da Sie, Attorney
- Executive Secretary  
Yun-chin Tsai, Attorney

### Taitung Branch

- Director  
Bai-feng Li, Attorney
- Executive Secretary  
Shu-huei Wang, Attorney

## ■ Staff Attorneys

Starting from 2006, LAF recruited staff attorneys to enhance the quality of legal aid, cope with the actual needs and other specific situations of certain remote regions, take charge of cases of special types and significant issues and ensure the smooth promotion of legal aid. By the end of 2008, there were 9 staff attorneys in total, among which 5 were assigned to Taipei Branch Office, 2 to Tainan Branch Office and 2 to Banciao Branch Office. (The statistic data were established on December 31, 2008.)

- ◆ The staff attorneys of Taipei Branch are: Attorney Sing-lin Sie, Attorney Ze-fang Sun, Attorney Han-wei Jhou, Attorney Yi-sin Song and Attorney San-jia Lin.
- ◆ The staff attorneys of Tainan Branch are: Attorney Syuan-ci Lin and Attorney Cih-fong Chen.
- ◆ The staff attorneys of Banciao Branch are Attorney Rong-jhih Gao and Attorney Sin-hong Jhou.

## Section 5 • Nationwide Staff

There were 20 Branch Offices under LAF with 211 staff members by the end of 2008.



At the party celebrating the 4<sup>th</sup> anniversary of LAF, the staffs and guests made a sign of "Legal Aid . Blessed Assistance" signifying the legacy of legal aid service philosophy.

### 1. Gender Proportion

Year	Male		Female		Total			
	Number	Percentage	Number	Percentage	employee	Contracted employee	Total	Percentage
2005	33	28%	85	72%	118	0	118	100%
2006	38	26%	108	74%	146	0	146	100%
2007	42	26%	117	74%	159	0	159	100%
2008	59	28%	152	72%	183	28	211	100%



## 2. Staff Age Distribution

Year	Under Age 30		30~40		Above age 40		Total		average age
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	
2005	69	58%	33	28%	16	14%	118	100%	33
2006	61	42%	67	46%	18	12%	146	100%	32
2007	58	36%	71	45%	30	19%	159	100%	34
2008	92	43%	86	41%	33	16%	211	100%	34

## 3. Staff Educational Background

Year	Below Junior College		Junior College		University		Graduate School		Total		average the educational background
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	
2005	4	3%	12	10%	87	74%	15	13%	118	100%	University
2006	4	3%	13	9%	106	72%	23	16%	146	100%	University
2007	4	3%	12	8%	122	76%	21	13%	159	100%	University
2008	3	1%	14	7%	161	76%	33	16%	211	100%	University

## 4. Personnel Seniority Analysis Prior to Foundation

Year	Less than 5 Years		5~10 Years		10-15Years		15-20Years		20~		Total	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
2005	63	53%	26	22%	23	19%	3	3%	3	3%	118	100%
2006	77	53%	38	26%	20	14%	3	2%	8	5%	146	100%
2007	84	53%	41	26%	21	13%	6	4%	7	4%	159	100%
2008	119	56%	50	24%	26	13%	9	4%	7	3%	211	100%

## 5. Previous Job System Analysis

Year	Government System		NGO		Law Firms		Private Enterprises		other		Total	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
2005	8	7%	15	13%	41	35%	32	27%	22	18%	118	100%
2006	9	6%	17	12%	45	31%	46	32%	29	19%	146	100%
2007	8	5%	19	12%	49	31%	51	32%	32	20%	159	100%
2008	10	5%	23	11%	55	26%	70	33%	53	25%	211	100%

## 6. Percentage of Staff Job Content Distinction

Year	Legal Service Staff		Non-Legal Service Staff		Total	
	Number	Percentage	Number	Percentage	Number	Percentage
2005	64	54%	54	46%	118	100%
2006	84	58%	62	42%	146	100%
2007	97	61%	62	39%	159	100%
2008	137	65%	74	35%	211	100%

## 7. Percentage of Foundation Personnel Educational background

Year	Law School		Non-Law School		Total	
	Number	Percentage	Number	Percentage	Number	Percentage
2005	57	89%	7	11%	64	100%
2006	79	94%	5	6%	84	100%
2007	85	88%	12	12%	97	100%
2008	114	83%	23	17%	137	100%

## 8. No. of Foundation Legal service Staff with Attorney Licenses

Year	With Attorney Licenses				Without Attorney Licenses		Total	
	Executive Secretary	Administrative Attorney	Staff attorney	Executive Secretary	Percentage	Percentage	Number	Percentage
2005	11	10	0	33%	43	67%	64	100%
2006	12	14	3	35%	55	65%	84	100%
2007	15	9	8	33%	65	67%	97	100%
2008	14	10	9	24%	104	76%	137	100%

\*The statistic data were established on December 31, 2008

Note : The "Legal Service Staff" mentioned in Tables 6, 7 and 8 are those who deal with the LAF operations directly related to legal aid matters.

## Section 6 • Part-Time Personnel

### 1. Specialist Committees

The Specialist Committees under the Board of Directors are established to meet the operational needs and all committee members are positions without remuneration. Currently there were 88 specialists in total (among them 6 belong to 2 to 3 committees). To optimize the committees' function, Committees of Legal Affairs, Research, Development, International Affairs, Legal Aid Attorneys Evaluation and Investigation, and Other Specialist Commissioners are formed according to their specialties, each offering professional advices to LAF and make policy decisions. The LAF Specialist Committees are listed as follows:

## (1) Legal Affairs Committee

Legal Affairs Committee primarily assists with the drafting, modifying the Foundation's internal and external rules and regulations as well as interpreting relevant questions. In 2008, the Committee held 3 meetings in total. Members of Legal Affairs Committee are: (listed in alphabetical order)

- Jyun-han Chen, Attorney (Chi He Attorney-at-Law)
- Syue-ping Chen, Attorney (Yi-chian Law Firm)
- Wen-jing Chen, Attorney (Formosan Brothers Attorneys-at-Law)
- Yi-juan Chen, Attorney (Yi-juan Chen Law Firm)
- Bi-yin Huang, Secretary (Laws and Regulations Committee, Ministry of the Interior)
- Sin-huei Huang, Attorney (Formosan Brothers Attorneys-at-Law)
- Yang-huei Gao, Attorney (Min-yang Law Firm)
- Wen-kai Jhan, Attorney (De Cheng United Law Firm)
- Sing-hua Jhou, Attorney (Jhong Sin Law Firm)
- Ruei-yang Jhu, Attorney (Guo Ju Law Firm)
- Huei-fang Liao, Attorney (Chian Cheng Attorney-at-Law)
- Hong-wen Lin, Attorney (Chian Cheng Attorney-at-Law)
- Feng-jheng Lin, CEO (Judicial Reform Foundation)
- Jia-fan Lin, Associate Professor (Department of Civic Education and Leadership, National Taiwan Normal University)
- Shih-tine Liu, Attorney (Syu-tine United Attorneys-at-Law)
- Syue-jheng Nan, Attorney (Juding Boda Law Firm)
- Jyun-jhong Shih, Attorney (Juding Boda Law Firm)
- Si-Sheng Shih, Attorney (Wei Yang Law Firm)
- Wen-lung Cheng, Attorney (Fa Jia Law Firm)
- Jhong-ciang Lai, Attorney (Formosan Brothers Attorneys-at-Law)
- Chong-jhe Su, Attorney (Synopsys Taiwan)
- Huei-cing Su, Associate Professor (Department of Law, Soochow University)
- Jhih-yang Tsai, Attorney (Yuan Chen Attorney-at-Law)
- Jhih-guang Wu, Associate Professor (Department of Law, Fu Jen Catholic University)
- Fang-wan Yang, Attorney (Hai Kuo Attorney-at-Law)
- Kai-syong You, Attorney (Kai-syong You Law Firm)

## (2) Research Committee

The Research Committee offers suggestions for the policy, guidelines and future direction of LAF. The members of Research Committee are: (listed in alphabetical order)

- Wen-yu Chang, Associate Professor (Department of Law, Fu Jen Catholic University)
- Yi-cian Chen, Assistant Professor (Graduate Institute for Gender Studies, Shi Hsin University)
- Ming-siou Cheng, Associate Professor (Department of Law, Soochow University)

- Wen-lung Cheng, Attorney (Fa Jia Law Firm)
- Guo-chang Huang, Assistant Researcher (Preparatory Office, Institutum Iurisprudentiae, Academia Sinica)
- Shih-ming Jiang, Associate Professor (Law School, National Cheng Chi University)
- Shih-sih Wang, CEO (Ketagalan Foundation)
- Jhih-guang Wu, Associate Professor (Department of Law, Fu Jen Catholic University)
- Hao-reng Wu, Associate Professor (Department of Law, Fu Jen Catholic University)

## (3) Development Committee

Composed of representatives from social welfare groups and related specialists, the Development Committee aims at gathering constructive thoughts to establish an exchange and cooperation channel, a legal support platforms and referral system on the demand of the disadvantaged people and legal aid policies, and hopefully to enhance LAF's publicity through mutual resources. Members of Development Committee are: (listed in alphabetical order)

- Ya-shu Chang, Chief (Planning Division, Eden Social Welfare Foundation)
- Ying-ciou Du, Researcher (Department of Research and Development, The Garden of Hope Foundation)
- Su-ciou He, Deputy CEO (Taiwan Fund for Children and Families)
- Ya-juan Hsu, Supervisor of Social Workers (Taiwan Association of Social Workers)
- Yi-ting Hu, Director (Taipei Association of Mentally Retarded Persons)
- Siao-lin Huang, Secretary-General (Taiwan Association for Victims of Occupational Injuries)
- Bi-cuei Lin, General Manager (Compass Public Relations Ltd.)
- Feng-jheng Lin, CEO (Judicial Reform Foundation)
- Zih-ting Lian, Social Worker (The Pearl S. Buck Foundation)
- Wan-ping Lu, CEO (Begonia Foundation)
- Bing-yi Lyu, CEO (Tsuei Ma Ma Foundation)
- Wen-syong Ran, Priest (Catholic Hsinchu Diocesan Pastoral Center)
- Dong-ru Sie, Secretary-General (League of Welfare Organizations for the Disabled, ROC)
- Yi-sin Sun, Deputy Secretary-General (Parents' Association for Persons with Intellectual Disability)
- You-lian Sun, Secretary-General (Taiwan Labor Front)
- Cing-wan Wang, Supervisor of Social Workers (Taipei Women's Rescue Foundation)
- Ciou-lan Wang, Supervisor of Social Workers (Modern Women's Foundation)
- Jin-fa Wang, Assistant Professor (National Chiayi University)
- Dong-mu Wu, Reporter (News Department, Public Television Service)
- Yu-cing Wu, Secretary-General (Old People Welfare Alliance, ROC)
- Mei-nyu You, Attorney (Mei-nyu You Law Firm)

## (4) International Affairs Committee

Established to assist with the international affairs development of the Foundation, International

Affairs Committee held 5 meetings in 2008, and the major concerns and content of discussion included: (1) the main theme, countries to be invited and preparatory methods for the 2nd Legal Aid International Forum in 2009; (2) modifications of guidelines for selecting LAF staff studying abroad; (3) experience-sharing by members who attended the international legal aid conferences. Members of International Affairs Committee are: (listed in alphabetical order)

- Wen-lung Cheng, Attorney (Fa Jia Law Firm)
- Yi-cian Chen, Assistant Professor (Graduate Institute for Gender Studies, Shi Hsin University)
- Huang-cyuan Ciou, Attorney (Kew & Lord Law Office)
- Jhih-gang Lin, Attorney (Taiwan International Patent Attorney-at-Law)
- Wen-syong Ran, Priest (Catholic Hsinchu Diocesan Pastoral Center)
- Ruei-ming Huang, Attorney (Baker & McKenzie Taipei Office)
- Bo Tedards, Director (Taiwan Foundation for Democracy)
- Shih-sih Wang, CEO (Ketagalan Foundation)
- Wei Wei, Chief (Rerum Novarum Center)
- Robin Winkler, President (Wild at Heart Legal Defenses Association)
- Hao-ren Wu, Associate Professor (Department of Law, Fu Jen Catholic University)
- Jhih-guang Wu, Associate Professor (Department of Law, Fu Jen Catholic University)

#### (5) Legal Aid Attorneys Evaluation Committee

Legal Aid Attorneys Evaluation Committee was established on December 22, 2006 when LAF board meeting approved the Guidelines governing the Evaluation of Lawyers' Performance. Legal Aid Attorneys Evaluation Committee consists of 9 members. While Secretary-General is the ex-officio member, the others include 1 justice recommended by the Judicial Yuan, 1 prosecutor by the Ministry of Justice, 2 attorneys by the bar associations both regional and nationwide, and 2 academic or social group representatives by LAF. In 2008 the Committee held 2 meetings in total. The members other than Secretary-General are listed as follows: (in alphabetic order)

- Bing-de Huang, Associate Professor (Department of Business Administration, National Chengchi University)
- Sen-lin Jhan, Professor (College of Law, National Taiwan University)
- Cheng-nan Jhou, Prosecutor (Prosecutors Office for Taiwan High Court)
- Jhan-chun Jhou, Judge (Taiwan Taipei District Court)
- Jhih-peng Liou, Attorney (Formosan Brothers Attorneys-at-Law)
- Jing-yi Liou, Associate Professor (Division of Law, Graduate Institute of National Development, National Taiwan University)
- Jhao-peng Wang, Professor (College of Law, National Taiwan University)
- Mei-nyu You, Attorney (Mei-nyu You Law Firm)

#### (6) Investigators of Legal Aid Attorneys Evaluation

According to the Guidelines for Application for Legal Aid Attorneys Quality Evaluation,

Investigators are included in the Legal Aid Attorneys Evaluation Committee to assist with investigation. Of the total 21 Investigators, 14 are attorneys with more than 5 years' practice experience and 7 academic specialists or social group representatives. Investigation into individual cases is conducted by a team of 2 attorneys and 1 academic or social group representative. In 2008, 7 meetings were held by the Investigators. The Investigators are listed as follows: (in alphabetic order)

- Siou-cing Chen, Attorney (Siang-he Law Firm)
- Yi-cheng Chen, Director (Taichung Bar Association)
- Yan-si Chen, Attorney (Tsar & Tsai Law Firm)
- Yong-cheng Gao, Attorney (Cyun-gao Law Firm)
- Li-syong Gu, President (Taiwan Bar Association)
- Otto Shiu-tian Huang, Attorney (Primordial Law Firm)
- Siao-lin Huang, Secretary-General (Taiwan Association for Victims of Occupational Injuries)
- Guan-ling Ji, Attorney (Shan-he Law)
- Shih-sing Jhang, Attorney (An-da Law Firm)
- Sing-long Jhang, Assistant Professor (Graduate Institute of Financial and Economic Law, Feng Chia University)
- Jia-ching Li, Attorney (Lee & Li Attorneys-at-Law)
- Duan Lin, Professor (Department of Sociology; College of Social Science, National Taiwan University)
- Feng-jheng Lin, CEO (Judicial Reform Foundation)
- Shih-tine Liu, Attorney (Syu-tine United Attorneys at Law)
- Dong-ru Sie, Secretary-General (League of Welfare Organizations for the Disabled, ROC)
- Huei-cing Su, Associate Professor (Department of Law, Soochow University)
- Bao-li Wang, Attorney (Tai-yang Law Firm)
- Jhih-guang Wu, Associate Professor (Department of Law, Fu Jen Catholic University)
- Jing-ru Wu, Chief Executive (Taiwan International Workers' Association)
- Pi-ming Yang, Attorney (Pi-ming Yang Law Firm)
- Jian-ting Ye, Attorney (Lyu-da Law Firm)

#### (7) Other Specialist Commissioners

There are other specialist commissioners who would provide suggestions on the operation of each department and unit of LAF. These specialist commissioners are: (listed in alphabetic order)

##### ◎Human Resources

- Su-ciou He, Deputy Executive Director (Taiwan Fund for Children and Families)
- Su-huei Pan, Consultant (Sony Ericsson Mobile Communications Taiwan Limited)

##### ◎Finance and Accounting

- Cing-si Yang, Assistant Professor (Department of Accountancy, National Taipei University)

##### ◎General Affairs (Procurement and Property Management)/Information

- Ci-sian Pan, Officer (Procurement Section, Coast Guard Administration, Executive Yuan)
- Yun-huei Shen, Designer (Department of Information Management, Judicial Yuan)

## 2. Reviewing Committee

The Reviewing Committee of the Foundation reviews decisions made by the Examining Committees of the branch offices. Chosen from among senior judges, public prosecutors, judge advocates, attorneys, experts and academics who specialize in law, members of the Reviewing Committee Serve a term of three years without remuneration. By the end of 2008, there were 197 commissioners in total.

## 3. Examining Committee

Each Branch Office establishes an Examining Committee where Commissioners serve a term of three years without remuneration. The Examining Committee is responsible for resolving the following issues:

- (1) The granting, refusal, cancellation and termination of an application for legal aid.
- (2) The payment (including pre-payment), reduction or cancellation of legal fees and necessary expenses.
- (3) The determination of the amount of legal fees and necessary expenses that the applicant should share or be responsible for.
- (4) The mediation of any disputes between recipients of legal aid and their providers and the terms or reconciliation.
- (5) Other miscellaneous matters.

As of 2008, Branch Office Directors nominated for LAF to appoint 1,715 commissioners, chosen from among judges, public prosecutors, judge advocates, attorneys, or academics and experts having specialist knowledge in law, and appointed by the Foundation.

## 4. Legal Aid Attorneys

The Foundation provides legal aid services through legal aid attorneys. By the end of 2008, 2,986 attorneys had been registered as LAF legal aid attorneys.

## 5. Trainee Attorneys

The primary task for trainee attorneys in LAF is to help document by computer the case interview proceeding at the applicant's examining stage. The content will facilitate a reference for the Examining Committee to decide whether to approve or reject a legal aid case. The trainee attorneys may become the Foundation's future legal aid attorneys or examining commissioners when they become qualified attorneys, or they can be LAF seeds to propagate the ideals of LAF. There were 376 trainee attorneys in total by the end of 2008.

## 6. Voluntary Workers

Volunteers help LAF branch offices to promote various legal aid operations. By the end of 2008, there were 782 volunteers working for LAF.

## 7. Statistics of Part-Time Staffs

Year	Reviewing Commissioners	Examining Commissioners	Legal Aid Attorneys	Trainee Attorneys	Volunteers
2008	197	1,715	2,986	376	782

(The data were established on December 31, 2008.)



Every year LAF Taipei Branch holds a 2-day volunteer camp and arranges in-depth experience exchange activities on issues concerning the disadvantaged, indigenous people, environmental protection and human rights.

# Chapter 2

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Operational Report

## Section 1 Operational Analysis

The LAF's services include legal consultation, mediation, settlement, drafting of legal documents, and representation or defense in litigation. Our clients are those who meet financial eligibility requirements or for some other reason (e.g. in compulsory defense cases or cases where the applicant is unable to make statements in court due to mental disability) are unable to be properly protected by the law and cannot exercise their legal rights.

The statistical analysis of LAF's legal aid cases are defined as follows:

1. The "Legal Aid Cases" refers to cases granted full aid, partial aid, or provided with legal consultation after the examination by LAF.
2. The "Granted Legal Aid Cases" refers to cases granted with full aid or partial aid after the examination by LAF; legal consultation cases are not included in this category.
3. The annual case statistics of 2008 are based on the total number of applications received by LAF from January 1, 2008 to December 31, 2008.
4. The term "Legal Education" in this section refers to cases closed as "legal education cases" when the financial eligibility of applicants exceeds LAF criteria.

### Total Case Volume Analysis

#### 【Table 1】 Total Volume of General Cases and Special Cases

The total number of general applications to LAF in 2008 was 40,723 cases. Special Cases could be divided into two parts, i.e. the 23,938 cases related to the aid for Consumer Debt Clearance Act Program and the 601 cases related to the First Interrogation Accompanied by Legal Aid Attorney Program.

Statistics on Volume of LAF Cases in 2008							
Branch	General Cases			Debt Clearance Cases		Accompanied Interrogation Cases	
	Applications	Granted Legal Aid Cases	Legal consultation Cases	Applications	Legal Aid Cases	Applications	Attorneys Appointed
Keelung	1149	597	96	901	399	20	18
Taipei	8225	4115	778	5769	3050	153	130
Taoyuan	2730	1418	197	1685	360	68	57
Hsinchu	2395	530	561	675	267	15	9
Miaoli	970	208	308	471	226	41	31
Taichung	2356	1266	187	2511	881	49	46
Nantou	904	351	178	506	217	4	2
Changhua	1081	608	95	666	349	6	6

Yunlin	1351	432	336	372	206	9	7
Chiayi	1552	729	373	695	329	30	29
Tainan	3100	1511	556	2051	1105	41	30
Kaohsiung	3348	2019	277	3010	1419	32	28
Pingtung	1896	820	359	1089	531	26	21
Yilan	1738	499	458	367	178	34	32
Hualien	1769	309	477	212	40	17	15
Taitung	1755	215	669	170	72	2	1
Kinmen	286	43	51	25	9	-	-
Matsu	25	2	3	2	0	-	-
Penghu	374	146	100	78	50	-	-
Banciao	3719	1880	387	2683	1215	54	39
<b>Total</b>	<b>40723</b>	<b>17698</b>	<b>6446</b>	<b>23938</b>	<b>10903</b>	<b>601</b>	<b>501</b>

Note:

1. The "Granted Legal Aid Cases" included cases granted full aid or partial aid but not legal consultation cases.
2. The Program of First Interrogation Accompanied by Legal Aid Attorney did not apply to Kinmen, Matsu and Penghu Branches due to the lack of attorneys.
3. Legal aid to cases related to the Consumer Debt Clearance Act started in March 2008 and those related to the Program of First Interrogation Accompanied by Legal Aid Attorney started in September, so the statistics was not included in the annual report of 2007.

#### 【Table 2】 Total of Applications

The total number of applications to LAF in 2008 was 40,723 cases, of which 17,698 cases were granted with legal aid. Of the applications for legal consultation, 6,446 met LAF's financial eligibility criteria and were closed as legal consultation cases. 2,991 were not financially eligible and were closed as legal education cases.

Statistics on Total Applications								
Branch	Applications	Granted Cases	Granted with Partial Aid Cases	Cases Revoked	Legal Consultation Cases	Legal Education Cases	On-Site Withdrawn Cases	Cases with Documents Supplemented
Keelung	1149	556	41	332	96	116	8	0
Taipei	8225	4010	105	2587	778	435	61	57
Taoyuan	2730	1377	41	795	197	51	241	27
Hsinchu	2395	518	12	149	561	379	110	25
Miaoli	970	199	9	154	308	159	0	0
Taichung	2356	1260	6	758	187	25	105	0
Nantou	904	336	15	176	178	72	18	5

Changhua	1081	597	11	250	95	21	77	2
Yunlin	1351	426	6	161	336	135	2	0
Chiayi	1552	709	20	277	373	145	18	6
Tainan	3100	1483	28	659	556	215	8	19
Kaohsiung	3348	1986	33	797	277	135	96	20
Pingtung	1896	798	22	383	359	174	3	13
Yilan	1738	481	18	191	458	217	11	10
Hualien	1769	302	7	252	477	220	13	0
Taitung	1755	205	10	50	669	275	8	0
Kinmen	286	43	0	49	51	26	2	0
Matsu	25	2	0	1	3	8	0	2
Penghu	374	145	1	52	100	28	11	0
Banciao	3719	1814	66	1090	387	155	31	3
Total in 2008	40723	17247	451	9163	6446	2991	823	189
Total in 2007	35386	16724	485	8919	6123	1903	871	311

Note: The categorization was based upon the findings from LAF's computer operation system "Current Decision of Examination" (including varied decision of examination).

### 【Table 3】Number of Legal Aid Cases by Categories and Percentage

The majority of approved legal aid cases of LAF were granted with "representation or defense for litigation", comprising about 85% of all cases approved for legal aid.

Percentage and Categories of Legal Aid Cases Processed by Branch Offices							
Branch	Representation or Defense for Litigation		Drafting of Legal Documents		Mediation or Settlement		Total
	No. of Cases	Percentage	No. of Cases	Percentage	No. of Cases	Percentage	
Keelung	565	83.70%	108	16.00%	2	0.30%	675
Taipei	4227	89.71%	452	9.59%	33	0.70%	4712
Taoyuan	1295	81.50%	227	14.29%	67	4.22%	1589
Hsinchu	525	84.41%	92	14.79%	5	0.80%	622
Miaoli	209	76.56%	57	20.88%	7	2.56%	273
Taichung	1271	89.01%	152	10.64%	5	0.35%	1428
Nantou	304	74.51%	102	25.00%	2	0.49%	408
Changhua	543	80.56%	129	19.14%	2	0.30%	674
Yunlin	398	74.25%	134	25.00%	4	0.75%	536
Chiayi	591	74.34%	202	25.41%	2	0.25%	795
Tainan	1645	84.27%	282	14.45%	25	1.28%	1952
Kaohsiung	1859	83.89%	353	15.93%	4	0.18%	2216

Pingtung	757	77.09%	220	22.40%	5	0.51%	982
Yilan	523	86.59%	66	10.93%	15	2.48%	604
Hualien	272	87.74%	35	11.29%	3	0.97%	310
Taitung	229	91.60%	20	8.00%	1	0.40%	250
Kinmen	52	96.30%	1	1.85%	1	1.85%	54
Matsu	1	50.00%	1	50.00%	0	0.00%	2
Penghu	119	68.39%	55	31.61%	0	0.00%	174
Banciao	1917	90.85%	178	8.44%	15	0.71%	2110
Total in 2008	17302	84.96%	2866	14.07%	198	0.97%	20366
Total in 2007	16367	83.82%	2815	14.41%	345	1.77%	19527

### 【Table 4】Number and Percentage of Legal Aid Cases Granted

The total of granted legal aid cases by LAF was 17,698. The percentage of approved cases by all branches was 66%, same as that in 2007.

Total Cases and Percentage Granted by Branch Offices			
Branch	Granted Aid	Revocation	Percentage of Granted Aid
Keelung	597	332	64%
Taipei	4115	2587	61%
Taoyuan	1418	795	64%
Hsinchu	530	149	78%
Miaoli	208	154	57%
Taichung	1266	758	63%
Nantou	351	176	67%
Changhua	608	250	71%
Yunlin	432	161	73%
Chiayi	729	277	72%
Tainan	1511	659	70%
Kaohsiung	2019	797	72%
Pingtung	820	383	68%
Yilan	499	191	72%
Hualien	309	252	55%
Taitung	215	50	81%
Kinmen	43	49	47%
Matsu	2	1	67%
Penghu	146	52	74%
Banciao	1880	1090	63%

Total in 2008	17698	9163	66%
Total in 2007	17209	8919	66%

Calculation Formula:

$$\frac{(\text{cases granted of full aid} + \text{cases granted of partial aid})}{(\text{cases granted of full aid} + \text{cases granted of partial aid} + \text{cases revoked})}$$

## Analysis of Applicants and Legal Aid Recipients

### 【 Table 5 】 Gender Percentage of Applicants and Aid Recipients

The gender breakdown of legal aid applicants and recipients are shown below. The proportion of male applicants and recipients was higher in this table.

Gender Statistics of Applicants and Aid Recipients							
	Male		Female		Unrecorded		Total
	No. of Cases	Percentage	No. of Cases	Percentage	No. of Cases	Percentage	Total
Applicants	22245	54.63%	18472	45.36%	6	0.01%	40723
Legal Aid Recipients	13197	54.66%	10943	45.32%	4	0.02%	24144 (Including Legal Consultation)
Legal Education	1441	48.18%	1549	51.79%	1	0.03%	2991

### 【 Table 6 】 Age Analysis of Applicants and Aid Recipients

The age distribution of legal aid applicants and recipients is shown as follows. Those under 18 and over 66 were still minorities in these statistics.

Statistics on Age of Applicants and Aid Recipients				
Age Group	Application Person-Time	Percentage of Total Applicants	Legal Aid Recipient Person-Time	Percentage of Total Legal Aid Recipients
Under 18	2118	5.20%	1497	6.20%
Over 19 ~ 65	36309	89.16%	21401	88.64%
Over 66	2296	5.64%	1246	5.16%
Total	49723	100%	24144	100%

Note: The statistics in this table are calculated according to person-time because the same person may apply for multiple cases.

### 【 Table 7 】 Statistics of Legal Aid Applicants by Vocation

Table 7 shows applicants for legal aid by vocation and the outcome of their applications after examination. The proportion of the unemployed was the greatest (60.15% of the total) and laborers ranked the second (25.23%), underscoring the apparent high demand for LAF's legal aid services by the financially disadvantaged people in society.

Statistics of Approved and Refused Cases by Applicants' Vocation			
Category	Cases Granted	Cases Revoked	Percentage of Cases Granted
Unemployed	14523	60.15%	5600
Laborer	6092	25.23%	2227
Service	1778	7.36%	649
Freelancer	451	1.87%	201
Housekeeping	393	1.63%	102
Business	379	1.57%	191
Farming	230	0.95%	79
School Faculty	98	0.41%	33
Civil Service	89	0.37%	30
Fishing	60	0.25%	16
Military	51	0.21%	35
Total	24144	100%	9163

Note: The legal consultation cases were included in the legal aid cases.

### 【 Table 8 】 Analysis of Educational Background of Aid Recipients

Most legal aid recipients had a high school or junior college education. The second largest category was those with junior high school education. Recipients with educational background no higher than high school or junior college comprised 87.92% of the total.

Educational Background of Aid Recipients				
Educational Background	2008		2007	
	Cases Granted	Percentage	Cases Granted	Percentage
None	3165	13.11%	3197	13.70%
Elementary School	3482	14.42%	3441	14.75%
Junior High School	6195	25.66%	5687	24.37%
Senior High School or Junior College	8386	34.73%	8073	34.60%
University or College	2792	11.56%	2818	12.08%
Master or Ph.D.	124	0.52%	116	0.50%
Total	24144	100%	23332	100%



## 【Table 9】 Number and Percentage of Physically or Mentally Disabled Aid Recipients

Legal aid applicants with physical or mental disability totaled 2,694 in 2008, which were fewer than that in 2007, but the cases approved increased a little more.

Number and Percentage of Physically or Mentally Disabled Aid Recipients			
Branch	Recipients with Physical or Mental Disability	Total Granted Cases	Percentage
Keelung	108	693	15.58%
Taipei	648	4893	13.24%
Taoyuan	159	1615	9.85%
Hsinchu	54	1091	4.95%
Miaoli	103	516	19.96%
Taichung	99	1453	6.81%
Nantou	88	529	16.64%
Changhua	78	703	11.10%
Yunlin	107	768	13.93%
Chiayi	150	1102	13.61%
Tainan	237	2067	11.47%
Kaohsiung	193	2296	8.41%
Pingtung	117	1179	9.92%
Yilan	147	957	15.36%
Hualien	47	786	5.98%
Taitung	106	884	11.99%
Kinmen	3	94	3.19%
Matsu	0	5	0.00%
Penghu	32	246	13.01%
Banciao	218	2267	9.62%
Total in 2008	2694	24144	11.16%
Total in 2007	2786	23332	11.94%

## 【Table 10】 Nature of Cases with Physically or Mentally Disabled Recipients

The top 3 of legal aid cases with physically or mentally disabled recipients were obligation kinds of civil code (42.50% of total), crime of injury (12.51%), and crimes of fraud, breach trust and usury (11.32%).

Top 3 Nature of Legal Aid Cases with Physically or Mentally Disabled Recipients			
Rank	Nature	Total of Cases	Percentage
1	Obligation Kinds of Civil Code	1145	42.50%
2	Crime of Injury (Chapter 23)	337	12.51%
3	Crimes of Fraud, Breach Trust and Usury (Chapter 32)	305	11.32%

## 【Table 11】 Number and Percentage of Aid Cases with Indigenous Recipients

The number of cases with indigenous applicants to LAF legal aid was 1,129, 4.68% of the total cases. Among all branch offices, the percentages were higher in Hualien Branch and Taitung Branch.

Number and Percentage of Aid Cases with Indigenous Recipients			
Branch	Cases with Indigenous Recipients	Total of Legal Aid Cases	Percentage
Keelung	19	693	2.74%
Taipei	123	4893	2.51%
Taoyuan	64	1615	3.96%
Hsinchu	50	1091	4.58%
Miaoli	21	516	4.07%
Taichung	20	1453	1.38%
Nantou	56	529	10.59%
Changhua	4	703	0.57%
Yunlin	1	768	0.13%
Chiayi	13	1102	1.18%
Tainan	9	2067	0.44%
Kaohsiung	16	2296	0.70%
Pingtung	88	1179	7.46%
Yilan	69	957	7.21%
Hualien	239	786	30.41%
Taitung	298	884	33.71%
Kinmen	0	94	0.00%
Matsu	0	5	0.00%
Penghu	0	246	0.00%
Banciao	39	2267	1.72%
Total in 2008	1129	24144	4.68%
Total in 2007	1243	23332	5.33%

## 【Table 12】 Nature of Cases with Indigenous Recipients

The top 3 of legal aid cases with indigenous recipients were obligation kinds of civil code (35.25% of total), crime of injury (8.41%), and crimes of fraud, breach trust and usury (6.82%).

Top 3 Nature of Legal Aid Cases with Indigenous Recipients			
Rank	Nature	Total Cases	Percentage
1	Obligation Kinds of Civil Code	398	35.25%
2	Crime of Injury (Chapter 23)	95	8.41%
3	Crimes of Fraud, Breach Trust and Usury (Chapter 32)	77	6.82%

## 【Table 13】 Number and Percentage of Aid Cases with Foreign Recipients

Of all the legal aid cases in 2008, 1,669 were applied by foreign residents, 6.91% of the total and a little less than that in 2007.

Number and Percentage of Aid Cases with Foreign Recipients			
Branch	Cases with Foreign Recipients	Total Legal Aid Cases	Percentage
Keelung	27	693	3.90%
Taipei	432	4893	8.83%
Taoyuan	410	1615	25.39%
Hsinchu	70	1091	6.42%
Miaoli	20	516	3.88%
Taichung	85	1453	5.85%
Nantou	22	529	4.16%
Changhua	32	703	4.55%
Yunlin	28	768	3.65%
Chiayi	24	1102	2.18%
Tainan	89	2067	4.31%
Kaohsiung	93	2296	4.05%
Pingtung	75	1179	6.36%
Yilan	38	957	3.97%
Hualien	40	786	5.09%
Taitung	17	884	1.92%
Kinmen	2	94	2.13%
Matsu	0	5	0.00%
Penghu	12	246	4.88%
Banciao	153	2267	6.75%
Total in 2008	1669	24144	6.91%
Total in 2007	1671	23332	7.16%

## 【Table 14】 Nature of Cases with Foreign Recipients

The top 3 of legal aid cases with foreign recipients were labor kinds of civil litigation (31.76% of total), obligation kinds of civil code (15.46%) and crime of injury (6.71%).

Top 3 Nature of Legal Aid Cases with Foreign Recipients			
Rank	Nature	Total Cases	Percentage
1	Labor Kind of Civil Litigation	530	31.76%
2	Obligation Kinds of Civil Code	258	15.46%
3	Crime of Injury (Chapter 23)	112	6.71%

## Analysis of Applicants' source of LAF Information

### 【Table 15】 Analysis of How Applicants & Aid Recipients Were Informed of LAF's Services

The major source for both applicants and aid recipients to learn about LAF Information was "previous experience".

Statistics of Applicants & Aid Recipients' source of LAF Information					
Source of Information		No. of Applicants	Source Percentage	Cases Granted	Source Percentage
None		4388	10.78%	2708	11.22%
Referral or Advice from Others	Court	4483	11.01%	2847	11.79%
	Prosecutors Office	0	0.00%	0	0.00%
	Social Welfare Group	2313	5.68%	1430	5.92%
	Governmental Institution	2243	5.51%	1255	5.20%
	Hospital	77	0.19%	41	0.17%
	Civil Representative	382	0.94%	203	0.84%
	Police Department	82	0.20%	42	0.17%
	Detention / Prison Facility	1259	3.09%	726	3.01%
	Attorney	1897	4.66%	1078	4.46%
	Relative or Friend	5691	13.97%	2972	12.31%
	Legal Service Group	65	0.16%	39	0.16%
Others	1819	4.47%	1254	5.19%	

Publicity	TV	787	1.93%	330	1.37%
	Radio Broadcast	210	0.52%	104	0.43%
	Newspaper	301	0.74%	129	0.53%
	Printed Promotion	1043	2.56%	462	1.91%
	Website	1191	2.92%	458	1.90%
	Promotional Activity	231	0.57%	135	0.56%
	Others	182	0.45%	86	0.36%
Previously Experience	12078	29.66%	7844	32.49%	
Others	1	0.00%	1	0.00%	
<b>Total</b>	<b>40723</b>	<b>100.00%</b>	<b>24144</b>	<b>100.00%</b>	

Note: The "Governmental Institution" in the table referred to governmental organizations other than courts, prosecutors' office or police department such as county/city government and so on.

## Analysis of Revoked Reason

### 【Table 16】 Number and Percentage of Reasons for Cases Revoked

In 2008, the major reason for cases revoked was "Insufficient Justification", which comprised 5,408 cases, 57.45% of the total. "Financial Ineligibility" ranked the second, which comprised 2,387 cases, 25.36% of the total.

Category	Total Cases	Percentage
Case had Insufficient Justification	5408	57.45%
Financial Ineligibility	2387	25.36%
Revisions to Application Not Completed by the Deadline	793	8.42%
Beyond the Scope or Category for Aid	512	5.44%
Case Inconsistent with Purposes of Legal Aid	232	2.46%
Possible Benefit Gained by Applicants from Winning the Case Smaller than Expenses for Litigation and Lawyer Remuneration	67	0.71%
Illegal Residents in Taiwan	12	0.13%
Litigation Against LAF	2	0.02%
Involving Litigations Outside Taiwan	0	0.00%
<b>Total</b>	<b>9413</b>	<b>100%</b>

Note: The reviewing committee could choose more than one reason for revocation, so the total number above was greater than the actual total of cases revoked (9,163 cases).

## Analysis of Cases Categories

### 【Table 17】 Volume and Percentage of Civil, Family, Criminal or Administrative Law Cases

The percentage of aided criminal cases is still the highest, around 46.54% of the total.

Category	No. of Applications		Legal Aid Cases		
	No. of Cases	Percentage	Number of Cases	Percentage	
Litigation	Civil	12049	29.32%	6405	26.31%
	Family	8500	20.68%	5535	22.74%
	Criminal	18657	45.40%	11329	46.54%
	Administrative	728	1.77%	333	1.37%
	Unrecorded	45	0.11%	29	0.12%
Non-Litigation	1117	2.72%	713	2.93%	
<b>Total</b>	<b>41096</b>	<b>100%</b>	<b>24344</b>	<b>100%</b>	

Note:

- The choices for categories were multiple, so the total cases were more than the initial total applications (40,723) and aided cases (24,144).
- The category "Family" became independent from category "Civil" in 2007, so an evident difference in total cases appeared in 2008.

Category	No. of Applications		Legal Aid Cases		
	No. of Cases	Percentage	No. of Cases	Percentage	
Litigation	Civil	17937	50.21%	12098	51.38%
	Family	48	0.13%	32	0.14%
	Criminal	16145	45.20%	10410	44.21%
	Administrative	633	1.77%	357	1.52%
	Unrecorded	25	0.07%	15	0.06%
Non-Litigation	934	2.62%	634	2.69%	
<b>Total</b>	<b>35722</b>	<b>100%</b>	<b>23546</b>	<b>100%</b>	

Note: Multiple choices were allowed when inputting this data, therefore the statistics might be greater than the actual total (35,386).

**【 Table 18 】 Top 5 Types of Civil Cases Granted**

Among the top 5 types of civil cases granted by LAF, Torts was the largest category, totaling 2,385 cases.

Top 5 Types of Cases Granted with Aid in 2008 (Civil Code)		
Rank	Nature of Case	Total Cases
1	Torts	2385
2	Borrowing / Lending	935
3	Work Payment	486
4	Illegal Profit	288
5	Right of Ownership	286

Top 5 Types of Cases Granted with Aid in 2007 (Civil Code)		
Rank	Nature of Case	Total Cases
1	Torts	2475
2	Divorce	2254
3	Family Support	1371
4	Borrowing / Lending	1119
5	Child Custody	1030

Note:  
 1. Multiple choices were allowed when entering data on the nature of case (for example, application for a civil case may concurrently involve three cases of divorce, child custody and family support, and thus all three are recorded). Therefore, one case type in this table did not necessarily represent one case.  
 2. The volume of cases shown in the table was not the total volume of civil cases.  
 3. While “ Civil ” and “ Family ” cases belonged to the same category in 2007, all “ Family ” cases (Divorce and Family Support, etc.) were excluded from “ Civil ” category in 2008.

**【 Table 19 】 Analysis of Tort Cases Granted**

When analyzed, most aided civil tort cases approved by LAF were traffic accidents.

Type Statistics of Tort Cases Granted with Legal Aid	
Type of Tort	Case Volume
Traffic Accident	882
General Tort	596
Torts Caused by Other Criminal Behaviors	501
Sexual Assault	215
Medical Malpractice	95
Public Nuisance Dispute	48
Domestic Violence	48
Total	2385

**【 Table 20 】 Top 5 Types of Granted Family Cases**

The number of divorce cases was much more than the others and ranked No. 1 of all cases granted with legal aid in the family category.

Top 5 Types of Family Cases Granted with Legal Aid in 2008		
Rank	Case Nature	Total Cases
1	Divorce	2653
2	Family Support	1618
3	Child Custody	1219
4	Inheritance	569
5	Domestic Violence Prevention Act	251

Note: The case total in this table did not coincide with the actual total of all family cases.

**【 Table 21 】 Top 5 Types of Criminal Cases Granted**

The top 5 types of criminal cases granted aid were “manufacturing, trafficking and selling of drugs”, “robbery”, “injury and serious injury”, “fraud” and “murder”. It is noteworthy that the fraud related cases climbed up to No. 3 in 2008 from No. 4 in 2007.

Top 5 Types of Cases Granted in 2008 (Criminal Law)		
Rank	Nature of Case	Case Total
1	Manufacturing, Trafficking and Selling of Drugs (Article 4)	2084
2	Robbery (Article 328 ~ 332)	950
3	Fraud (Article 339 ~ 341)	946
4	Injury and Serious Injury (Article 277 ~ 278)	910
5	Murder (Article 271)	749

Top 5 Types of Cases Granted in 2007 (Criminal Law)		
Rank	Nature of Case	Case Total
1	Manufacturing, Trafficking and Selling of Drugs (Article 4)	1551
2	Robbery (Article 328 ~ 332)	956
3	Injury and Serious Injury (Article 277 ~ 278)	929
4	Fraud (Article 339 ~ 341)	839
5	Murder (Article 271)	709

Note:  
 1. Multiple choices were allowed when entering data on the nature of case. Therefore, one case type in this table did not necessarily represent one case.  
 2. The case volume shown in the table was not the actual total volume of criminal cases.  
 3. The aid recipients of the cases in this table included both defendants and plaintiffs. The scope of aid included cases undergoing investigation and cases in trial proceedings.

## 【Table 22】 Top 5 Types of Administrative Cases Granted

As listed in the following table, administrative cases granted with aid by LAF were relatively few.

Top 5 Types of Cases Granted in 2008 (Administrative Law)		
Rank	Case Nature	Case Total
1	Violating the other provisions of Regulations Governing the Relations between the People of the Taiwan Area and the People of the Mainland China Area	11
2	Violating the other provisions of Tax Collection Act	10
3	Violating Labor Standards Act	7
4	Entering or exiting the country without permission or committing the crime of exiting the country when under the punishment of prohibition from exiting the country (Article 54)	6
5	Estate and Gift Tax Act	5
6	Illegal termination of contract; Failing to offer Severance Payment (Article 78)	5

Top 5 Types of Cases Granted in 2007 (Administrative Law)		
Rank	Case Nature	Case Total
1	Senior People Welfare Law	16
2	Violating the other provisions of Tax Collection Act	9
3	Water Conservation Law	8
4	Violating the other provisions of Regulations Governing the Relations between the People of the Taiwan Area and the People of the Mainland China Area	7
5	Entering or exiting the country without permission or committing the crime of exiting the country when under the punishment of prohibition from exiting the country (Article 54)	6

Note: The volume of cases shown in the table is not the actual total of approved administrative cases.

## 【Table 23】 Number and Percentage of Compulsory Defense Cases

In the part of compulsory defense cases, LAF open for written application except for those who apply to LAF in person or are referred by the court, which means those in prison or under detention or the defendant may file written applications to LAF for legal aid. With the exception of cases without sufficient reasons, LAF always provides legal aid based on the ideal of protection human rights, and so these aided cases increased in 2008 by 940 since 2007.

Statistics of Number and Percentage of Compulsory Defense Cases					
Branch	Applications	Cases Granted	Cases Revoked	Other Result	Percentage of Granted Case
Keelung	176	144	32	0	81.82%
Taipei	2104	1643	457	4	78.09%
Taoyuan	654	454	172	28	69.42%
Hsinchu	137	117	18	2	85.40%
Miaoli	52	35	17	0	67.31%

Taichung	1031	598	433	0	58.00%
Nantou	429	369	55	5	86.01%
Changhua	78	51	27	0	65.38%
Yunlin	168	153	15	0	91.07%
Chiayi	197	163	34	0	82.74%
Tainan	594	468	124	2	78.79%
Kaohsiung	1121	822	288	11	73.33%
Pingtung	291	247	44	0	84.88%
Yilan	210	180	28	2	85.71%
Hualien	205	136	69	0	66.34%
Taitung	80	71	9	0	88.75%
Kinmen	25	22	3	0	88.00%
Matsu	5	4	1	0	80.00%
Penghu	0	0	0	0	0%
Banciao	1198	920	276	2	76.79%
Total in 2008	8755	6597	2102	56	75.35%
Total in 2007	7283	5657	1581	45	77.67%

Note: " Other result " means cases withdrawal, requiring documents supplemented or other situations.

## Analysis of Reviewed Cases

With regard to item listed in the reviewing statistics tables, the definitions are as follows:

1. Unwilling to Accept Revocation of Cases: Number of requests for review due to the applicants' unwillingness to accept the reviewing result.
2. Unwilling to Accept Content of Aid: Number of request for reviewing due to the applicants' unwillingness to accept the review decision on assistance with representation in the process of first instance, defense during investigation and other procedures.
3. Unwilling to Accept Granted for Partial Aid: Number of request for reviewing due to the applicants' unwillingness to accept the review decision on granting for partial aid.
4. Unwilling to Accept Termination of Cases: Number of request for reviewing due to the applicants' unwillingness to accept a review decision to terminate the cases for statutory reasons after being granted with aid.
5. Unwilling to Accept the Withdrawal of Cases: Number of request for reviewing due to the applicants' unwillingness to accept the final review decision to withdraw the cases for statutory reasons after being approved for aid.
6. Unwilling to Accept Guarantee of Cases: Number of request for reviewing due to the applicants' unwillingness to accept the review decision of refused guarantee applications or to accept the guarantee amount of Guarantee Certificates.

7. Unwilling to Accept Agreement or Disagreement to Change Attorneys: Application to change attorneys shall be decided upon review. This item means the number of request for reviewing due to the applicants' unwillingness to accept the decision as to whether to change attorneys.

## 【Table 24】 Statistics of Reviewed Cases

The number of category "Unwilling to Accept the Revocation of Cases" was 1,747 and comprised the most of all categories, while about 70% of the initial review decision sustained.

Statistics of Number and Percentage of Reviewed Requests and the Reasons Thereof							
Category	Total Applications	Result of Review					
		Initial Decision Sustained (The Review Decided to Revoke)		Initial Decision Withdrawn (The Review Decided to Grant)		Others	
		Total	Percentage	Total	Percentage	Total	Percentage
Unwilling to Accept Revocation of Cases	1747	1256	71.89%	446	25.53%	45	2.58%
Unwilling to Accept Aid Type	82	42	51.22%	36	43.90%	4	4.88%
Unwilling to Accept Grant for Partial Aid	48	21	43.75%	26	54.17%	1	2.08%
Unwilling to Accept Termination of Cases	45	32	71.11%	11	24.44%	2	4.44%
Unwilling to Accept Aid Content	29	14	48.28%	6	20.69%	9	31.03%
Unwilling to Accept Guarantee of Cases	14	11	78.57%	3	21.43%	0	0.00%
Unwilling to Accept Withdrawal of Cases	7	7	100.00%	0	0.00%	0	0.00%
Unwilling to Accept Agreement or Disagreement to Change Attorneys	4	4	100.00%	0	0.00%	0	0.00%
<b>Total</b>	<b>1976</b>	<b>1387</b>	<b>70.19%</b>	<b>528</b>	<b>26.72%</b>	<b>61</b>	<b>3.09%</b>

## Analysis of Guarantee Certificates

### 【Table 25】 Number and Money Amount of Guarantee Certificates

In 2008, LAF issued 205 guarantee certificates, and the amount of money totaled NT\$ 87,302,004. Of all the branch offices, Taipei Branch issued the most, which were 54 certificates in total.

Statistics of Branch Offices Processing Guarantee Issuance in 2008					
Branch	Total Guarantee Certificates	Amount of Voucher Money	Subject-Matter Amount of Money	Certificates Retrieved	Money Collected
Taipei	57	24,315,487	96,794,737	4	3,811,000
Banciao	22	10,656,000	60,419,478	3	1,317,000
Taoyuan	16	8,164,600	26,425,756	4	3,300,000
Hsinchu	7	3,860,000	15,484,901	0	0
Miaoli	8	1,445,000	12,107,250	2	775,000
Taichung	14	7,944,078	74,282,827	0	0
Nantou	2	860,505	1,760,505	0	0
Changhua	10	3,833,000	26,778,259	1	64,000
Yunlin	5	2,186,000	17,152,405	2	916,000
Chiayi	11	3,668,000	17,899,061	3	878,000
Tainan	14	5,605,000	31,727,727	2	400,000
Kaohsiung	13	2,644,334	72,784,444	5	1,088,000
Pingtung	14	3,090,000	25,851,566	4	510,000
Keelung	6	2,750,000	4,234,400	1	200,000
Yilan	2	4,130,000	12,388,775	1	3,963,000
Hualien	1	1,680,000	5,031,362	0	0
Taitung	1	400,000	400,000	0	0
Penghu	2	70,000	779,586	1	40,000
Kinmen	0	0	0	0	0
Matsu	0	0	0	0	0
<b>Total</b>	<b>205</b>	<b>87,302,004</b>	<b>502,303,039</b>	<b>33</b>	<b>17,262,000</b>

## Analysis of Cases Closed

According to the definition by LAF, a case is closed when attorneys collect from the Foundation case-close remunerations after completing a case. For example, if a case is to draft complaint or court brief, it is closed when such the document is completed. If a case is mediation or settlement representation, it is closed when a settlement is reached or when the result renders no settlement at all. If a case is litigation representation and defense, it is closed at the end of first review instead of the rendering of a court decision (or the time the Prosecution Department decides to or not to prosecute), therefore, it includes both cases that are confirmed to be prosecuted and those that are not confirmed to be prosecuted.

**【 Table 26 】 Volume and Percentage of Civil, Criminal and Administrative Cases Closed**

The closed cases listed in this table referred to those reported back to LAF by attorneys who had completed the aid service, but the cases decided to be otherwise closed after review (e.g. cases withdrawn or terminated).

Type	Civil		Criminal		Administrative		Family		Others (Non-Litigation)		Total Number of Cases	
	Cases	Percentage	Cases	Percentage	Cases	Percentage	Cases	Percentage	Cases	Percentage	Cases	Percentage
2008	4119	31.01%	7296	54.93%	127	0.96%	1492	11.23%	248	1.87%	13282	100%
2007	8746	53.13%	7544	45.83%	172	1%	Not Differentiated in 2007			16462	100%	

**【 Table 27 】 Volume and Percentage of Litigation Representation or Defense Cases Closed**

Type	Litigation Representation or Defense		Mediation or Settlement		Drafting of Legal Documents		Total
	Cases	Percentage	Cases	Percentage	Cases	Percentage	Cases
2008	11053	83.22%	266	2.00%	1963	14.78%	13282
2007	12824	77.90%	372	2.26%	3266	19.84%	16462

**【 Table 28 】 Volume of Closing Status of Civil Litigation Representation or Defense**

This table shows the number of civil cases closed for litigation representation.

Volume of Cases Closed in Litigation Representation – Civil Type								
Branch	Recovery	Defeat	Partial Recovery or Partial Defeat	Mediation or Settlement	Withdrawal	Court Verdict	Initial Verdict Reversed for Remand	Total
Keelung	33	11	29	13	14	3	0	103
Taipei	215	184	163	159	51	30	10	812
Taoyuan	41	27	53	41	10	7	0	179
Hsinchu	34	13	16	38	8	8	0	117
Miaoli	6	8	9	19	1	4	0	47
Taichung	67	35	44	60	14	7	0	227
Nantou	21	4	14	17	2	1	0	59
Changhua	40	20	23	30	2	3	0	118

Yunlin	20	4	9	17	6	1	0	57	
Chiayi	72	26	41	32	12	3	1	187	
Tainan	69	25	32	61	25	15	1	228	
Kaohsiung	87	37	59	95	16	24	2	320	
Pingtung	34	19	35	49	4	2	1	144	
Yilan	26	12	15	39	1	2	0	95	
Hualien	17	7	15	18	2	0	0	59	
Taitung	17	9	5	10	1	1	1	44	
Penghu	5	2	4	7	4	5	0	27	
Kinmen	1	1	0	4	0	1	0	7	
Matsu	1	2	0	0	0	0	0	3	
Banciao	56	21	29	65	17	11	0	199	
2008	Total	862	467	595	774	190	128	16	3032
	Percentage	28.43%	15.40%	19.62%	25.53%	6.27%	4.22%	0.53%	100%
2007	Total	1998	767	971	Others : 2829			6565	
	Percentage	30.43%	11.68%	14.79%	43.09%			100%	

Definition:

1. Mediation or Settlement: meaning the cases which, upon being granted for litigation representation by LAF, the legal aid attorneys would petition for mediation, litigation settlement and other resolution method.
2. Withdrawal: meaning that either party (or both parties) of the litigants withdraws from an action for reasons other than mediation or settlement.

**【 Table 29 】 Analysis of Closing Status of Family Litigation Representation**

Analysis of Cases Closed in Litigation Representation – Family Type								
Branch	Recovery	Defeat	Partial Recovery or Partial Defeat	Mediation or Settlement	Withdrawal	Court Verdict	Others	Total
Keelung	13	3	0	20	10	9	2	57
Taipei	46	12	6	47	27	17	5	160
Taoyuan	19	2	15	17	5	7	1	66
Hsinchu	11	0	6	18	10	1	3	49
Miaoli	3	0	1	4	0	2	0	10
Taichung	19	5	12	17	9	4	4	70
Nantou	8	1	3	19	7	4	0	42
Changhua	26	6	3	12	3	1	0	51
Yunlin	7	0	0	10	4	0	0	21
Chiayi	48	4	3	25	8	5	5	98
Tainan	29	2	9	26	18	6	3	93
Kaohsiung	25	5	7	47	14	8	3	109
Pingtung	19	1	3	28	9	5	0	65

Yilan	24	3	0	15	4	0	2	48
Hualien	4	0	1	4	0	0	1	10
Taitung	6	1	1	9	5	0	0	22
Penghu	4	0	0	3	3	2	0	12
Kinmen	1	0	0	0	0	0	0	1
Matsu	0	0	0	0	0	0	0	0
Banciao	15	2	7	30	9	13	2	78
Total in 2008	327	47	77	351	145	84	31	1062

Note: No comparison could be made because there was no statistics analysis of closed family cases yet in the annual report of 2007.

Penghu	5	9	0	1	13	1	0
Kinmen	4	5	1	0	0	0	0
Matsu	0	0	1	0	0	0	0
Banciao	42	395	45	21	242	30	100
Total	347	2585	547	238	1809	417	455
2008	3479			2464			455
2007	3646			2531			-

**【 Table 31 】 Analysis of Closing Status of Administrative Litigation Representation**

Litigation Representation or Defense Case Closing Status Analysis – Administrative Type					
Branch	Recovery	Defeat	Partial Recovery or Partial Defeat	Others	Total
Keelung	0	1	0	0	1
Taipei	3	19	1	6	29
Taoyuan	0	1	0	1	2
Hsinchu	0	0	0	0	0
Miaoli	0	0	0	0	0
Taichung	0	1	1	0	2
Nantou	0	0	1	0	1
Changhua	0	0	0	0	0
Yunlin	0	0	0	0	0
Chiayi	0	0	0	0	0
Tainan	0	0	0	0	0
Kaohsiung	1	4	0	1	6
Pingtung	0	0	0	2	2
Yilan	0	0	0	0	0
Hualien	0	0	0	0	0
Taitung	0	0	0	0	0
Penghu	0	0	0	0	0
Kinmen	0	0	0	0	0
Matsu	0	0	0	0	0
Banciao	0	2	0	1	3
Total in 2008	4	28	3	11	46
Total in 2007	5	36	0	41	82

**【 Table 30 】 Analysis of Closing Status of Criminal Litigation Representation or Defense**

This table shows the closing status of criminal proceeding representation or defense cases. If the aid recipient is a defendant or criminal suspect, whether a decision is favorable to this aid recipient is determined by comparing the charges based on which he/she is prosecuted with the final decision; if the recipient is the plaintiff, then whether a case is closed in favor of the aid recipient is determined by comparing the charges based on which the opponent is prosecuted and the final decision.

Litigation Representation or Defense Case Closing Status Analysis – Criminal Type							
Branch	Benefit More to Aid Recipient			Benefit to Less Aid Recipient			Unable to Judge
	Plaintiff	Defendant	Others	Plaintiff	Defendant	Others	
Keelung	25	60	12	16	82	15	11
Taipei	97	694	151	75	435	122	196
Taoyuan	31	136	14	7	98	5	13
Hsinchu	16	50	5	12	29	3	0
Miaoli	9	22	3	10	9	2	1
Taichung	17	185	131	8	157	111	12
Nantou	4	35	3	7	25	0	1
Changhua	9	187	16	7	55	2	0
Yunlin	1	45	1	3	28	2	2
Chiayi	16	63	12	7	71	17	1
Tainan	8	124	41	6	113	19	86
Kaohsiung	43	337	69	38	271	45	11
Pingtung	13	90	15	10	58	17	10
Yilan	5	79	15	6	69	16	6
Hualien	1	34	0	3	39	3	0
Taitung	1	35	12	1	15	7	5



## Analysis of Legal Aid Attorneys

### 【Table 32】 Gender of Legal Aid Attorneys

This table shows the total registration of attorneys by the end of 2008 (no matter if the attorneys accepted a case or not).

Gender of LAF's Registered Legal Aid Attorneys in 2008	
Gender	Number of Attorneys
Male	2149
Female	837
Total	2986

### 【Table 33】 Number of Cases Accepted by Legal Aid Attorneys

The number of legal aid attorneys shown in this table does not include those who were registered but did not accept a case.

Number of Cases Accepted by Legal Aid Attorneys	Number of LAF Attorneys in 2008	Number of LAF Attorneys in 2007
1 - 5 Cases	708	437
6 - 8 Cases	319	172
9 - 11 Cases	245	127
12 - 23 Cases	401	466
24 - 35 Cases	71	429
Over 36 Cases	24	529
Total	1768	2160

### 【Table 34】 Remuneration for Legal Aid Attorneys that Accepted Cases

Amount of Remuneration	Number of Attorneys in 2008	Number of Attorneys in 2007
Below NT\$49,999	302	339
NT\$50,000 - NT\$99,999	297	360
NT\$100,000 - NT\$149,999	266	367
NT\$150,000 - NT\$299,999	608	762
Over NT\$300,000	295	332
Total	1768	2160

## Section 2 • Operational Management

The Foundation's operation became numerous and complicated after 4 years' hard work. To ensure the quality of LAF performance, the role of operational management was even more important as described in the following 3 aspects:

### 1. Control & Management of Contribution, Recovery, Repayment and Withdrawal Pay (4 Payments)

Contribution is the money applied to LAF branches by partial aid recipients who cannot afford the cost for ensuring the litigation's smooth progress without delay. Recovery is the remuneration and necessary expense for the aided case required by LAF from the party who is supposed to bear the litigation fee. Repayment is the payment decided by LAF Examining Committee for the aid recipient to share the remuneration and expense prepaid by LAF for the aided case in which the recipient acquires a property with the value exceeding NT\$ 500,000 than the remuneration and necessary expense. Withdrawal pay is the total prepaid remuneration and expense supposed to return by the aid recipient to LAF after the withdrawal of the legal aid case.

With the approval of "Operation Guidelines for the Aid Recipients to Return Remuneration and Expense after Confirmation of Aid Withdrawal" by the 21st meeting of the 2nd LAF Board of Directors on November 28, 2008, the legal basis for the Foundation to proceed with the collection of the "4 Payments" was completed. However, as the establishment of computer operational system of the "4 Payments" has not been completed yet, the current computing data and management have to be filed in the written form by manual input. To fill in a written record of the cases "4 Payments" collection status would require the branch staff to pay constant attention to the progress of aided cases and to check if the recipients have acquired certain benefit, and it adds not only an extra burden to the staff but also extra difficulty in management.

Still, for the Foundation operation to be carried on successfully, the control and management of the "4 Payments" must be performed. Therefore before the computer system is completed the branch staff is required to control and manage the "4 Payments" cases with the help of "Excel" program in addition to review the old files stage by stage, which is indeed a tremendous work. While every branch staff is fully occupied with their own task under limited manpower, it is especially admirable that they put all effort in this mission.

Realizing the importance of computer operational system in collecting the "4 Payments", LAF made it a development emphasis to complete its establishment in 2008. Also, the staff is not familiar with the "4 Payments" collection work because its related operation is quite different from the nature of present examining and legal aid operations at LAF branches. In order to provide concrete procedures as well as relative statutes for operational reference, LAF has been drafting a standard operational flow for collecting the "4 Payments" in coordination with the official on-line schedule for the computer system so that the branch offices may refer to and be familiar with this new type of operation as soon as possible to ensure the timely collection of the "4 Payments".

## 2. Makeup Entry

Ever since the establishment of LAF, the Foundation has been cooperating with Acer Inc. to develop new management system for the purpose of accelerating legal aid operation as well as facilitating the search and analysis of statistic data. Before the system completion, the Foundation still needs to process by manual, and the written data will be input and filed into the computer afterwards. With the initiation of Legal Aid Program regarding to Consumer Debt Clearance Act in March 2008, the management system of related cases was immediately developed and completed by the end of May. In late June 2008, the Foundation demanded that all branch offices should enter the data of Consumer Debt Clearance Act Aid Program cases processed between March 3, and May 23, 2008 into the computer management system.

In addition, the complicated management system of recording and collecting the "4 Payments" is about to be completed, and its related operation will be carried smoothly as soon as the system officially works on line. The vertical link between cases is important for calculating the amount to be collected, but a previous fault design in this part caused inconvenience in usage and the link function failed in managing many cases. To improve the "4 Payments" collection, the Foundation first fixed the system's function of vertical link, and asked the branch offices to complete the vertical link makeup entry between October 20 and December 15, 2008, and all LAF branches had accomplished this task in time.

## 3. Control & Management of Guarantee Certificates

In 2008, LAF issued 205 guarantee certificates with the amount of voucher money totaling NT\$ 87,302,004. Due to the facts that some cases had not been closed yet while some were closed with the application to the court for certificates retrieval in progress and that some certificates were issued at the end of 2008, the retrieved certificates were few, which were 33 copies in total and the money collected totaled NT\$ 17,262,000 (see Table 25 in Section 1 of this chapter for details).

## Section 3 • Special Programs

LAF has been devoted to advancing case volume and expanding new operation types since the Foundation's establishment so that people in need may be informed with and make use of LAF service. To cope with the Projects of First Interrogation Accompanied by Legal Aid Attorney extending from 2007 to 2008 and the passing of Consumer Debt Clearance Act, the Foundation initiated the "Legal Aid Program for Consumer Debt Clearance Cases" to offer assistance to the numerous debtors. Furthermore, LAF actively communicated with various disadvantaged groups to understand the needs of them so that the Foundation would modify the method of assistance or related regulations. LAF also endeavors to focus on the international trend of human right development, reinforce assistance with "human trafficking" cases and Children Inheriting Debts through reviewing loopholes of our national systems. All these efforts have enriched the scope of legal aid and enabled more people to acquire proper legal protection and assistance.

The special programs of LAF executed in 2008 are described as follows:

## 1. First Interrogation Accompanied by Legal Aid Attorney Program

### (1) Performance Data

The Program started on September 17, 2007. The statistics was based upon cases applied between January 1 and December 31, 2008.

#### A. Total Volum of Cases:

The total applications totaled 601 in 2008, with an average of 1.64 cases per day.

#### B. Legal Aid Scope of the Program:

Except for the mentally retarded people, a person must meet the 4 qualifications to apply to LAF for attorneys' company in interrogation.

- (a) Being taken into custody or arrested or requested for interrogation without a subpoena or a written notification;
- (b) Being subjected to a minimum term of 3 years' sentence for felony;
- (c) Being the first time for interrogation;
- (d) Financial eligibility (a signed letter of statement will replace the financial eligibility examination by LAF on general legal aid cases).



LAF staff introduced the scope of First Interrogation Accompanied by Legal Aid Attorney Program.

#### C. Sources and Analyses of Cases

This program applies to the first questioning or interrogation by all investigation authorities as well as the second interrogation after transferring by prosecutors and the detention trial by judges, so 5 types of people can call LAF for the suspect to apply for the attorney service, and they are: police, investigators, prosecutors (or chief secretaries of the clerk division of prosecutor office, court officers), judges (or court clerks, court officers) and civilians (including the suspects themselves and their relatives or friends). The applications made by these 5 types of people in 2008 are described as follows:

- (a) By the Police: 250 Cases
- (b) By the Investigation Bureau: 5 Cases
- (c) By Prosecutors Offices: 270 Cases
- (d) By Courts: 94 Cases
- (e) By Civilians: 169 Cases

129 case suspects were mentally disabled, comprising 21.39% of the total applications.

Table 35: Application Sources of the Program of First Interrogation Accompanied by Legal Aid Attorney – Analysis Based on Callers' identity

Caller's ID		Police Station		Investigation Bureau		Prosecutors Office		Court		Public	
Branch	Applications	Mentally Disabled	General	Mentally Disabled	General	Mentally Disabled	General	Mentally Disabled	General	Mentally Disabled	General
Keelung	20	3	8	0	0	0	0	0	0	4	5
Taipei	153	16	60	0	0	4	18	1	19	8	27
Banciao	55	5	6	0	0	1	8	0	18	2	15
Taoyuan	68	9	16	0	2	1	26	0	0	1	13
Hsinchu	15	0	3	0	0	2	5	0	0	0	5
Miaoli	41	25	5	0	0	3	5	0	0	2	1
Taichung	49	0	16	0	0	1	20	0	2	0	10
Nantou	4	0	0	0	0	3	1	0	0	0	0
Changhua	6	0	2	0	0	1	1	0	1	0	1
Yunlin	9	2	0	0	0	2	4	0	1	0	0
Chiayi	30	4	1	0	0	0	15	0	6	0	4
Tainan	42	0	7	0	0	4	11	0	0	2	18
Kaohsiung	32	2	3	0	0	0	11	0	2	3	11
Pingtung	26	3	5	0	0	7	8	0	1	0	2
Yilan	34	6	4	0	0	1	12	0	5	0	6
Hualien	17	0	13	0	0	0	3	0	0	0	1
Taitung	2	1	0	0	0	0	1	0	0	0	0
Subtotal	--	76	149	0	2	30	149	1	55	22	119
Total	601	225		2		179		56		141	

Note: Callers' identity was adopted as the reference for analysis because all applications for attorney's company must be made by phone.

#### D. Cases Content Analyses:

- (a) 65 cases, i.e. 10.78% of the total applications, fell beyond the Program scope and therefore did not meet the qualifications of this Program.
- (b) 37 applications, i.e. 6.14% of the total, were withdrawn by the suspects after phone calls.
- (c) 28 applications that should have been appointed with attorneys by LAF failed to get appointed because the attorneys were out on missions or could not be contacted.

Table 36: Statistics of Cases Content of the Program -Based on Outcome of Handling Process

Branch	Total Application	Beyond the Program Scope		Withdrawn after Application		Attorneys Should Be Appointed		Attorneys Failed to be Appointed		Attorneys Actually Appointed	
		Total Cases	Percentage	Total Cases	Percentage	Total Cases	Percentage	Percentage	Percentage (Based on Cases that Should Be Appointed with Attorneys)	Total Cases	Percentage (Based on Cases that Should Be Appointed with Attorneys)
Taipei	153	19	12%	4	3%	130	85%	4	3%	126	97%
Banciao	54	9	17%	6	11%	39	72%	0	0%	39	100%
Taoyuan	68	4	6%	7	10%	57	84%	1	2%	56	98%
Hsinchu	15	3	20%	3	20%	9	60%	0	0%	9	100%
Miaoli	41	4	10%	6	15%	31	76%	5	16%	26	84%
Taichung	49	3	6%	0	0%	46	94%	1	2%	45	98%
Nantou	4	2	50%	0	0%	2	50%	0	0%	2	100%
Changhua	6	0	0%	0	0%	6	100%	1	17%	5	83%
Yunlin	9	0	0%	2	22%	7	78%	1	14%	6	86%
Chiayi	30	1	3%	0	0%	29	97%	0	0%	29	100%
Tainan	41	8	20%	3	7%	30	73%	0	0%	30	100%
Kaohsiung	32	1	3%	3	9%		88%	3	11%	25	89%
Pingtung	26	4	15%	1	4%	21	81%	1	5%	20	95%
Yilan	34	1	3%	1	3%	32	94%	7	22%	25	78%
Hualien	17	2	12%	0	0%	15	88%	4	27%	11	73%
Taitung	2	1	50%	0	0%	1	50%	0	0%	1	100%
Total	601	63	10%	37	6%	501	83%	28	6%	473	94%

#### E. A study of the content of the 141 cases applied by civilians who called LAF directly showed that:

- (a) 32 applications, i.e. 22.7% of the total, fell beyond the Program scope and therefore were not granted with aid.
- (b) 22 applications, i.e. 15.6% of the total by civilians, were made on behalf of suspects with mental disability.
- (c) 15 applications, i.e. 10.64% of the total by civilians, were withdrawn afterwards.

#### (2) Attorneys' Opinions Were Surveyed for Basic Standard of Remuneration Modification.

Before the initiation of this Program, quite a few attorneys had commented that the remuneration was relatively lower than the reference standard suggested by district bar associations. After the launch of this Program, the Foundation collected the attorneys' opinions and produced a draft amendment of remuneration for legal aid attorneys with a raise from NT\$ 1,000 to NT\$ 1,200 per hour for night shift service. The amendment was passed by the board meeting on January

25, 2008 and approved by the Judicial Yuan by the letter sent on June 2, 2008. Still the remuneration was considered too low by some attorneys, and the inclination to accompany the interrogation was therefore affected. LAF would continue to collect relevant opinions for modification reference.

**(3) Publicating Promotion Handbook on Program of First Interrogation Accompanied by Legal Aid Attorney**

Besides depending on cases referral from the investigating authorities, it would be more effective to ensure the criminal right in Taiwan through advancing the public awareness of rights and the legal aid service provided by this Program. In late 2008, LAF compiled a “Handbook on Program of First Interrogation by Legal Attorneys” to be distributed to family of the mentally disabled via the Parents’ Association for Persons with Intellectual Disability and at LAF branches and regular service stations with the expectation that, by reading this handbook, the public might understand more easily the content of this Program and know how to use the service to protect their own right.



The Handbook on Program of First Interrogation Accompanied by Legal Attorneys

**(4) Soliciting for Support from Legislators, National Police Agency and Ministry of Justice**

For the purpose of promoting this Program, LAF paid several visits to the governmental authorities for their support, as described below:

- A. On February 25, 2008, LAF representatives paid a visit to Legislator Jie-ru Chen at the Legislative Yuan and later to the then Director-General You-yi Hou of National Police Agency.
- B. On August 27, 2008, LAF representatives visited Director-General Cho-chiun Wang of National Police Agency.
- C. On September 19, 2008, Minister Ching-feng Wang of Ministry of Justice came to LAF for an understanding about the content of this Program.



On February 1, 2008, 50 police districts of NPA joined in the Program so that civilians might have the company of attorneys during interrogations, which meant a great advancement of Taiwan’s safeguard for human rights. (On the left was Deputy Commissioner Jheng-sheng Gao of CIB.)



With the participation of 15 more police districts of NPA in the Program, LAF and NPA announced at the press conference on December 29 that, starting from January 1, 2009, the participating police districts would increase from 15 to 50. The police and attorneys would defend justice hand in hand to discover truth and ensure the righteous use of power of punishment. (The 3rd on the right was Chief Secretary Yuan-ming Yang of CIB.)

**(5) Expanding the Program Service via Active Participation from Police District**

Through the active support from NPA Director-General Cho-chiun Wang after LAF representatives’ visit, it was decided that, starting from January 1, 2009, the participating police districts would increase from 15 to 50. To review the performance of this expanded participation by police, LAF would hold nationwide attorney meetings and invite participating attorneys to share their experience and advices for police reference.

**2. Legal Aid for Consumer Debt Clearance Program**

**(1) Program Statistics**

In responding to the implementation of the “Consumer Debt Clearance Act” on April 11, 2008, LAF started the legal aid service for the public on March 3, 2008. By December 31, 2008, the total applications were 23,938, among which 5,005 were closed with legal consultation, 1,583 with legal education, and 17,350 were granted with litigation representation and legal document drafting.

**A. The amount of applications, cases granted and revoked**

From March 3, 2008 to December 31, 2008, a total of 17, 350 applications for litigation representation and legal document drafting were made, among which 10,903 met the aid qualification, 6,447 were revoked. The percentage of cases granted was 62.84%.

Branch	Total Application	Granted	Revoked	Legal Consultation	Legal Education
Keelung	901	399	367	111	24
Taipei	5769	3050	1533	869	317
Banciao	2683	1215	711	608	149
Taoyuan	1685	360	557	684	84
Hsinchu	675	267	120	184	104
Miaoli	471	226	108	84	53
Taichung	2511	881	697	737	196
Nantou	506	217	163	96	30
Changhua	666	349	141	133	43
Yunlin	372	206	67	79	20
Chiayi	695	329	135	173	58
Tainan	2051	1105	296	471	179
Kaohsiung	3010	1419	957	456	178
Pingtung	1089	531	336	152	70
Yilan	367	178	55	107	27
Hualien	212	40	155	12	5
Taitung	170	72	25	28	45
Kinmen	25	9	7	9	0

Matsi	2	0	2	0	0
Penghu	78	50	15	12	1
Total	23938	10903	6447	5005	158

Note: The data were gathered over the period between March 3, 2008 and December 31, 2008.

## B. Analysis of Cases Granted

A total of 10,903 cases were granted with legal aid by LAF, and according to the proceedings of Consumer Debt Clearance Act they were further categorized into 5,388 cases granted with “negotiation and restructuring”, 861 with “negotiation and clearance”, 4,043 with “restructuring” and 611 with “clearance”.

Table 38 Categories of Aid Granted for Consumer Debt Cases – Based on LAF Branches

Branch	Total	Negotiation & Re-structuring	Negotiation & Clearance	Restructuring	Clearance
Keelung	399	177	17	184	21
Taipei	3050	1305	201	1370	174
Banciao	1215	527	77	549	62
Taoyuan	360	109	37	165	49
Hsinchu	267	109	20	113	25
Miaoli	226	103	18	91	14
Taichung	881	392	82	335	72
Nantou	217	85	15	96	21
Changhua	349	142	27	154	26
Yunlin	206	68	16	89	33
Chiayi	329	121	25	163	20
Tainan	1105	659	74	346	26
Kaohsiung	1419	1046	182	163	28
Pingtung	531	385	47	81	18
Yilan	178	71	9	87	11
Hualien	40	22	1	16	1
Taitung	72	20	11	32	9
Kinmen	9	6	0	3	0
Matsu	0	0	0	0	0
Penhu	50	41	2	6	1
Total	10903	5388	861	4043	611

Note: The data were gathered over the period between March 3, 2008 and December 31, 2008.

### (2) Relevant Amendment in Coordination with “ Consumer Debt Clearance Program ”

The Consumer Debt Clearance Act was approved on June 8, 2007 and enforced on April 11, 2008. To respond to the Act’ senforcement, LAF offered to the 4th board meeting of the 2nd

Board of Directors to approve of the amendment of relevant legal aid scope and guidelines by rescinding the previous provisions against legal aid to bankruptcy case, and instead allowing aid to personal debt clearance cases. The amendment was later approved by the letter by the Judicial Yuan by the letter No. 0960015022 of Tai Ting J Four.

## (3) Establishing Relevant Software and Hardware Facilities

### A. Assigning Credit Card Debt Consultation Centers

- (a) It was expected that LAF branches would be crowded with personal debt clearance cases. To avoid the operation of branches becoming paralyzed by sudden massive applications, the Foundation requested each branch to promote attorney consultation at local service bases (e.g. Credit Card Debt Consultation Centers), where applications would be accepted by the consulting attorneys.
- (b) Starting from March 3, 2008 and under the assistance from the Foundation, 104 bases were established by branches nationwide with attorneys assigned to provide legal consultation and aid application for consumer debt cases. With the later steady development of applications, the number of bases were trimmed down to 77 while consultation and application service was further provided at local branch offices.

### B. Establishing Credit Card Debt Consultation Reservation Hotline Service Center

The reservation hotline (02)3322-6666 was established for credit card debt consultation by LAF, and trained service staff would process the reservation by phone. The hotline service started from 9 am to 11 pm daily (holidays included) from February 26, 2008. Presently the service started from 9 am to 7 pm daily (holidays excluded) due to adjustment coping with the case volume variation.



LAF Hotline Service Center for Credit Card Debt Consultation Reservation

### C. Establishing Website for Credit Card Consultation Reservation

To facilitate the public direct reservation for legal consultation, LAF launched an online reservation system [www.laf.org.tw](http://www.laf.org.tw) providing service all the year round.

## (4) Educational Trainings and Teaching Materials for Consultation Attorneys, Examining Committee and Legal Aid Attorneys

Because the Consumer Debt Clearance Act was a newly established law, and that the LAF Program operation in coordination with the Act implementation was quite different from the Foundation’s general operation flow, LAF made complete plans for educational trainings and teaching materials compilation especially for this Program.

## (5) Planning for Legal Consultation and Educational Training for Attorneys to Consult by Phone

A plan was made to promote the trial legal consultation by phone on November 1, 2008, in

addition to an educational training and introduction for attorneys to consult by phone.

### (6) Participating in Official and Unofficial Communicating Meetings by Judicial Yuan and Bankers Association

At the early stage of the enforcement of Consumer Debt Clearance Act, different interpretations and applications were found between the court and banks. Hence LAF appointed attorneys in charge to attend to many official and unofficial meetings held by the Judicial Yuan and Bankers Association, hoping to reach a consensus and eliminate different opinions.



Justice Jin-long Wang of Civil Department of Judicial Yuan spoke at "Workshop on Things to Know about Practice, Examination and Legal Aid for Debt Clearance"

### (7) Assisting with and Participating in Legal Aid Attorneys Symposiums Held by Branches and Public Legal Education Promotions for the Program

To promote correct legal knowledge and the Program as well as gathering legal aid attorneys' experience and problems half a year after the enforcement of the Act, LAF required that each branch would at least hold one symposium for legal aid attorneys and promote public legal education as much as possible if the budget allowed. The Foundation also appointed attorneys in charge to lecture on legal education or attend to the symposiums.

### (8) Establishing Professional Website for Credit Card Debt Service and Immediate Response to Questions from Bloggers

LAF established a professional website [www.laf.org.tw/debtclear](http://www.laf.org.tw/debtclear) to provide relevant information, empirical analysis, court verdicts download, sample restructuring petition, summary of the Consumer Debt Clearance Act and stories of credit card debtors, etc. for the general public and legal aid attorneys to refer to. There was a discussion section especially for legal aid attorneys to exchange opinions about the application of the Act. Through the official blog the Foundation would offer immediate responses to visitors' questions and messages, which were about 10 pieces per day.

### (9) Establishing "Strategy Analysis Team for Consumer Debt Cases Practice" to Research on Relevant Issues and Court Verdicts after Enforcement of the Act

Since the enforcement of Consumer Debt Clearance Act on April 11, 2008, the court verdicts over restructuring and clearance cases differed from one another, which shook the debtors' faith in this law and legal aid. Therefore, LAF invited legal aid attorneys, professional attorneys and LAF attorneys to form a "Strategy Analysis Team for Consumer Debt Cases Practice" to research on different verdicts, handling progress of negotiation cases and opinions about legal issues by presenting continuous analytic reports.



Website [www.laf.org.tw/debtclear](http://www.laf.org.tw/debtclear) provides online reservation for credit card debt consultation service.



The official blog of LAF offers immediate responses to visitors' questions and messages.

## 3. Legal Aid for Victims of Human Trafficking Program

Human trafficking is in fact the modern slavery system. It is LAF's responsibility to offer legal assistance to victims and help fight against those criminals who exploit the victims' sex service and labor force.

### (1) Offering Educational Training to Legal Aid Attorneys in South District

Considering that human trafficking cases were different from others (e.g. most victims were foreigners needing translations due to language and cultural differences; the victims might produce inconsistent testimonies because they did not trust the police or suffered from serious trauma and therefore it might take long to win their trust), LAF started a plan of educational trainings for attorneys by branch offices in November 2007. The first was held by Kaohsiung Branch on January 19, 2008, with participating attorneys from the South District (including Tainan, Kaohsiung and Pingtung).

### (2) Loosening Restrictions on Legal Aid to Victims of Human Trafficking through Interpretation of Act

While victims of human trafficking are most disadvantaged of the disadvantaged, LAF often meet difficulty and could not offer aid to them, according to Article 15 of Legal Aid Act that aid recipients are restricted to "people residing in Taiwan legally", because they were usually illegal immigrants.

To break this restriction, LAF Legal Affairs Committee decided on October 31 that all those identified by prosecution or police as victims of human trafficking were "legal aid applicants living in Taiwan legally". Also, in principle aid would be granted when victims of human trafficking applied for litigation representation. All LAF branches were then notified of this decision and requested to further assist with these cases.

### (3) Conducting "International Workshop for Human Trafficking Victims and Legal Aid" besides Relevant Symposiums and Visits

To call for LAF branches staff and attorneys' awareness of countering human trafficking issues, the Foundation held on November 1<sup>st</sup> the "International Workshop for Human Trafficking Victims

and Legal Aid” , where the federal prosecutor from USA and social work representatives from Southeast Asia were invited to join domestic scholars, prosecutors and social workers in relating how to stop human trafficking and how LAF offered proper assistance to the victims (see Chapter 4 “International Events” ).

Furthermore, on the day before (October 31), LAF held a symposium on “Sharing the Experience of Countering International Human Trafficking and Protecting the Victims” so that the foreign lecturers could fully communicate with over 40 representatives from 11 social groups concerned with this issue, police, and staff from LAF Branches of Taipei, Banciao and Taoyuan. In the afternoon the lecturers paid a visit to Hope Worker Center in Taoyuan and the Prosecutors Office of Ministry of Justice for experience exchange and sharing with units actually engaging in countering human trafficking. Their visit not only helped enhance LAF staff’s understanding about this issue but also provided opportunities for them to listen to the victims’ expectation and demand from legal aid.



From left to right, Chairperson Ying-jih Liao of TWRF, President Man-li Chen of NUTWA, LAF Director Jing-fang Wu and Representative Deanna Kim from AIT spoke at the symposium on “International Workshop for Human Trafficking Victims and Legal Aid” .

#### (4) Participating in Drafting Unofficial Version of “ Human Trafficking Prevention Act ”

In Taiwan one of the dilemmas faced by people who concerned with countering human trafficking is that there is no specific law to set a standard norm for victims’ protection, responsibilities of the authorities, crime constitutive elements and punishment. As a result, the victims do not know where to go for help. The offenders are often charged with forgery, offense against liberty or light offenses, which obviously do not conform to the actual criminal responsibility. Therefore the administrative attorneys of LAF and staff attorneys of Taipei Branch worked together to draft a civilian version, and met Human Trafficking Prevention Alliance regularly to discuss about the content of relevant articles from November 2007 to July 2008, during which all consensus reached were recorded in a written form.

## 4. Legal Aid for Children Inheriting Debts Program

Since originally the Civil Code of ROC adopted the hiheritance system, some people did not know that the legal effect could not cover waived inheritance. As a result, many minors did not apply to waive their right and were burdened with huge debts. It not only greatly affected their life but also created serious social problems, while minors were in fact the objects of LAF’s legal aid.

### (1) Establishing a Communication Platform through Joint Effort of Social Welfare Groups, Attorneys and Judicial Authorities to Assist Children Inheriting Debts with Legal Issues

In December 2007, Taiwan Fund for Children and Families (TFCF) paid a visit to LAF, expecting LAF to join them in assisting children inheriting debts with relevant issues. Hence LAF consulted with legislators, judges, attorneys and those concerned with these issues for their advices, and in the mean time the Foundation started to make plans within the scope of LAF operation to help children inheriting debts with legal problems.

With the Books of Family and Succession of the Civil Code enacted in January 2008, the legal issues concerning children inheriting debts were solved to a certain degree. LAF Legal Department first held an internal meeting to draft preliminary policies for legal aid (e.g. financial eligibility criteria or types of litigation to be granted with aid), and then notified all branches about the implement of the new law and LAF philosophy of aid to children inheriting debts.

### (2) Holding Press Conference on Enactment of New Law and Publication Cooperation

To promote public understanding and attention about the new Books of Family and Succession of the Civil Code, LAF joined TFCF to hold the “Press Conference for Hand in Hand Helping Children Inheriting Debts” on the day of its enactment. LAF and TFCF also published handbooks and promotion leaflets about the new law to be distributed in hopes of advancing the public’s legal knowledge.



LAF joined TFCF to help children inheriting debts out of the labyrinth. Shown in the photo was Judge Ye-sin Chen who is concerned about the issue.

### (3) Stations for Public Legal Consultation about Issues of Inheritance

For family of children inheriting debts to understand the significance and application of the new Books of Family and Succession of the Civil Code, LAF arranged the cooperation between TFCF and each LAF branch to offer legal consultation service about relevant issues. Starting from March 2008, attorneys who had participated in the educational training of the new Books of Family and Succession of the Civil Code would meet the public on reservation and give answers to questions about inheritance.

### (4) Assisting Branches with Educational Trainings for Attorneys

Starting from January 2008, the Foundation trusted Banciao, Taichung, Kaohsiung and Yilan Branches to provide attorneys with educational trainings of the new Books of Family and Succession of the Civil Code in the north, central, south and east districts so that legal aid attorneys might have in-depth understanding about the content of the new law and relevant legal aid works.

### (5) Amending LAF’s Relevant Financial Eligibility Criteria

Since the amending of the new Books of Family and Succession of the Civil Code in January 2008, social groups raised certain questions and requested LAF to review the Foundation’s aid to children inheriting debts. In October 2008, after investigation into the examining and actual

aid status of all branches, LAF held a series of meetings to establish adequate examining criteria and categories of aid cases (e.g. whether to aid the “suit claiming the non-existence of debt”) according to the present application of the new law by court for the branches to follow.

In addition, LAF Legal Affairs Committee held a meeting on December 3, 2008 to discuss the establishment of a set of consistent aid criteria. Besides members of the Committee, the representative from Legislator Jhong-hsiung Syu, Attorney Cyong-jia Lin and representatives from TFCF were also present to help decide how LAF would provide aid to these kinds of cases.

## 5. Legal Aid for Criminal Victim's Protection Program

The Foundation cooperated with the Association for Protection of Victim of Crime from Ministry of Justice(MOJ) to reinforce legal assistance for crime victims and their family.

### (1) Cooperation with Association for Protection of Victims of Crime (APVC)

On September 22, 2008, Minister Ching-feng Wang of MOJ visited LAF and expressed the Ministry's hope to cooperate with the Foundation in reinforcing legal aid to victims of criminal acts. Then on October 6, LAF Deputy Secretary-General Wei-siang Chen paid a visit to APVC to deliberate cooperative projects and returned to the Foundation with a copy of “Along with You – Plan for Legal Assistance Program” to look into the possibility of cooperation. The first meeting between LAF and APVC was held on November 24, with continuous planning for a cooperative program to be followed.

### (2) Participating in “Deliberation Meeting on the Amendment and Reinforcement of Criminal Victims' Protection” Held by MOJ

On October 13 and November 20, 2008, LAF representatives attended the “Deliberation Meeting on the Amendment of Reinforcement of Criminal Victims' Protection Plan” convened by MOJ. On October 29, LAF attended the “Seminar of Reviewing and Promoting the Protection System of Criminal Victims in Taiwan” held by the Criminal Law Journal Foundation to further understand issues of relevant issues and for future research on cooperation with APVC.



Minister Ching-feng Wang of MOJ ( 2nd front left) visited LAF to discuss cooperation in reinforcing legal aid to victims of criminal acts.

### (3) Follow-up Plan

- A. In response to the “Reinforcement of Criminal Victims' Protection Plan” of the Executive Yuan, LAF would assist APVC with the modification of “Along with You – Plan for Legal Assistance Program” in accordance with LAF's operational direction.
- B. In coordination with APVC's “Along with You – Plan for Legal Assistance Program”, LAF would make relevant operational flow and establish necessary computer system.

- C. to cope with the “Reinforcement of Criminal Victims' Protection Plan”, LAF would arrange educational trainings to legal aid attorneys, including courses on protecting victims of sexual assault, domestic violence, human trafficking and other serious crimes.
- D. LAF would draft an emergency system for accompanying criminal victims to interrogation, so that criminal victims might be immediately accompanied by legal aid attorneys during testification.

## 6. Considering Issues Concerning the Disadvantaged and Strengthening Cooperation with Social Groups

The main goal of LAF is to offer most immediate and adequate legal service to the disadvantaged people, therefore it is necessary to strengthen ties with social welfare groups to understand their actual problems.

### (1) Establishing “Alliance Advocating Amendment to Occupational Injury Law” with Labor Groups

#### A. Goals of the establishment of the Alliance:

- (a) Considering that “occupational injuries” often cause harm, disability or death to laborers and great impact and damage to their families or even to the entire country and society, this Alliance is formed by organizations that are constantly concerned with labor right.
- (b) Despite that a complete system of prevention, compensation and rehabilitation exists, occupational injuries happen all the time. Bottlenecks and loopholes are found in measures for lowering the occurrence rate, for compensation and rehabilitation. Therefore the Alliance hopes to exchange practical experience and professional opinions about existing faults with the system, and for the benefit of all laborers in Taiwan, to integrate the consensus for the establishment of a complete and comprehensive protection system against occupational injury.

#### B. Visiting Council of Labor Affairs to Convey the Appeal

The Alliance had met regularly since June 12, 2007, and for 11 times by November 12, 2008. Visits were also made to former Minister Tian-lin Lu of Council of Labor Affairs on July 20 and incumbent Minister Ju-Hsuan Wang on September 11, 2008. On November 12 the Council invited the Alliance to further explore the feasibility of implementation on the basis of the Alliance's plan and appeal. The Alliance would proceed to compare with the system and function of other advanced countries, and then make a proposal of a concrete content of amendment to establish a more ideal protection system against occupational injury.

### (2) Deliberating with Labor Groups on the Legal Aid Meeting for Labor Dispute Litigation System

- A. The labor is often the disadvantaged party in a dispute and cannot find justice through litigation or arbitration due to the inequality of finance and resource. To protect the labor's



right and benefit, the Council of Labor Affairs and Legistors together plans to establish the “Foundation of Labor Protection” to offer litigation assistance by raising a “Labor’s Right and Benefit Protection Fund” to ensure the sufficient financial source for legal aid. The plan is worth acknowledgement, though it is hard to reach a consensus for establishing a special organization for it.

- B. Whereas it is LAF’s goal to provide legal assistance to the disadvantaged people in society, the various national resources should be integrated and effectively utilized. Therefore, the Council of Labor Affairs might consider to commission LAF to process these cases in order to maximize the effect of resources.

### (3) Holding “ 1st Legal Practice Workshop for Indigenous People ” in Cooperation with Indigenous Groups

- A. Conflicts sometimes happen between national law and the indigenous people’s custom and traditional value, and it is an issue must be taken seriously and solved. To establish a judicial process with equality and justice reliable for the indigenous people, LAF cooperated with indigenous groups to invite judicial workers from the judiciary, prosecution and defense fields as well as the academic to the “1st Legal Practice Workshop for Indigenous People” , where the controversy over procedural law or substantive law might involved in the indigenous litigation cases were reviewed and discussed and relevant experiences were also shared by the attendants.
- B. The subjects of discussion at the Workshop included the significance of indigenous group rights, application of indigenous people’s habitual norm, the judgement on elements of subjective or objective transgression, witnesses’ qualification of evidence, expected possibility, manipulation of suspended indictment or probation, application of the interpretation of “Indigenous Peoples Basic Law” , choosing interpreters and function of a specific court for indigenous people, etc. It was expected that this Workshop might gather the professional opinions of the judiciary, prosecution and defense workers as well as scholastic advices to gradually form a consensus for seeking protection of the indigenous people’s legal rights. About 80 specialists attended the Workshop that day.



Judicial workers and the academic gave advices at “Legal Practice Workshop for Indigenous People” to strategies for fighting for legal rights of indigenous people.

## Section 4 Cases of Major Social Concern

In 2008, besides the major programs in progress, LAF also kept on paying attention to those cases of major social concern, which were related as follows:

### 1. The Case of Losheng Sanatorium

The Losheng Sanatorium was originally a trace of the policy during Japanese occupation. After WWII, the government followed the compulsive quarantine policy, and publicized that the Hansen’s disease was a horrible infectious disease, resulting in needless public fear and discrimination against the patients and their family. The Patients with Hansen’s disease at Losheng Sanatorium had suffered various inhumane treatments such as compulsory sterilization, medical experiments on human and improper quarantine, etc. Not only the patients were deprived of the possibility of development in life naturally owned by every one, but their human rights were aggrieved for long. LAF’s legal aid to Losheng Sanatorium started from April 2005, when attorneys were appointed to handle the cases of administrative litigation and false punishment. Then a team was formed by the staff attorneys of LAF Taipei Branch and other voluntary attorneys to assist over 80 patients with litigations by pleading for state compensation for their human rights violated by compulsory quarantine and sterilization, etc. in addition to the administrative litigation of the patients’ being forced to move out of the hospital. Assisted by LAF’s promotion, the Hansen’s Disease Patients Act was passed and promulgated by the President on August 13, 2008 and officially enacted on August 15, 2008. In addition to recover the reputation of patients with Hansen’s Disease, it was also stipulated in the Act that the government was obligated to offer compensation, medical treatment and care to the patients with Hansen’s disease.

### 2. Cases of Significant Environmental Protection

#### (1) The Case of RCA Pollution and Occupational Injury

Over 30,000 employees had worked for the noted electronics company RCA from its plant first establishment in Taiwan in 1960 to its shutdown later. During those years, the RCA plant had illegally dumped trichloroethylene and other toxic chemicals which were internationally considered possible cancer-inducing toxins, resulting in pollution of the soil and water and even the underground water at and around the plant location. Those who worked there suffered from death, cancer and other series damage to health through drinking polluted underground water or inhaling the evaporated toxic gas. Ex-employees one after another were diagnosed with cancer and even death, but none of them had ever received any compensation for occupational injury. For this case, a team of attorneys and a consulting team of specialists in different fields were organized by LAF to meet regularly and determine strategies. Currently a total occupational injury compensation of over 2.4 billion NT Dollars was claimed by representation form the staff attorneys of LAF Taipei Branch and a voluntary team of attorneys to the international companies

of RCA, GE and Thomson, and the litigation was still in progress.

### **(2) The Case of CPDC Pollution**

When the China Petrochemical Development Corporation Plant in Anshun, Tainan started to manufacture caustic soda solid, hydrochloric acid and other products in 1942, various byproducts and harmful industrial wastes, including mercury, dioxin and pentachlorophenol, were also produced. Unfortunately at the time between the 40's and 80's relevant environmental protection laws and management system were absent in Taiwan, and as a result, the various toxic byproducts and industrial wastes caused serious damage to the health of local residents due to pollution to the neighborhood and excessive dioxin in the human blood.

Currently two LAF staff attorneys were appointed to handle this case. As most of the local residents in concern were quite old and the connecting transportation was not convenient, these two attorneys would frequently visit the residents in person between February and June to process the legal aid application, case summary, field investigation and case examination (1 to 2 visits per week in average). In March, a negotiation meeting was held between the attorneys and Environmental Protection Bureau of Tainan City, and a suit for state compensation was filed after the Bureau's rejection by mail. The staff attorneys represented a total of 85 civilians to file a lawsuit at Tainan District Court for state compensation of NT\$ 198,700,000 from Ministry of Economy Affairs, Tainan City Government, Environmental Protection Bureau of Tainan City and CPDC, with the purpose to claim the rights for people who had lived with dioxin and other toxins for more than 60 years. In September, a statement of defense from Tainan City Government, Environmental Protection Bureau of Tainan City, CPDC and MOEA were received, and the attorneys team had been engaging in meetings to deliberate about a draft responding to the points of issue and defense strategy.

## **3. Cases of Sanying Tribe and Sijhou Tribe**

### **(1) Case of Sanying Tribe**

According to the website of Council of Indigenous Peoples of Executive Yuan, "the majority of Sanying Tribe is Amis people. The elders were originally workers at Haishan Mine and moved to Sanying after the explosion of the mine in 1984". In February 2008 when Taipei County Government tried to tear down the tribal village for three times without offering any assistance with moving measures, the residents were left behind in the ruins torn down by power shovels. The staff attorney of LAF Banciao Branch defended for the on-site supporters against the charge of interference with public functions, and all the accused made a confession in exchange for not being prosecuted except for one who insisted on protesting.

### **(2) Case of Sijhou Tribe**

Residents of the Sijhou Tribe by the Sindian River of Taipei County were the urban Amis people that had lived there for over 30 years. When the local government planned to establish a park

there and decided that the village houses were constructed without licenses to be torn down, the tribal residents were therefore forced to move away. It was until Taiwan Association for Human Rights and dozens of volunteers completed a survey and collected the information about local residents door by door that the staff attorney of LAF Banciao Branch was able to draft the statement pleading for administrative false punishment. The plea was not yet delivered because the official announcement of tearing down the buildings had not been posted.

## **4. Significant Cases of Human Right**

### **(1) Case of International Human Trafficking**

The ancient slavery system continues to exploit people from the disadvantaged regions now in the form of human trafficking, which is one of the three major transnational crimes in the world (drugs, arms and human trafficking). By means of deceit, threat, violence and imprisonment to control the victims, human trafficking organizations easily gain huge profit from labor and sex exploitation and organ harvesting. Being the country of exporting, importing and transferring victims of human trafficking, Taiwan is rated very low in the report on global human trafficking published by US State Department. Also among the economically more developed countries in East Asia, the seriousness of the problem in Taiwan is only next to Japan. Considering the seriousness of the human trafficking crime involving Taiwan, LAF would assign staff attorneys to take charge of cases referred by NGO. Currently 33 victims of transnational human trafficking were represented and assisted by the staff attorney of LAF Taipei Branch with defense and accusation in relevant criminal investigation in addition to claiming for civil compensation from laborer agencies.

### **(2) Case of Lujheng's Being Kidnapped and Murdered**

It was over 19 years ago when Lujheng was accused kidnapping and killing. Of the 12 defendants, an interrogation tape could prove that 2 had been tortured, threatened and beaten. The policemen involved were later impeached by the Control Yuan and found guilty by the court. Furthermore, all the other defendants clearly described that they had been shocked in their genitals by electricity, forced to drink spicy hoter and beaten. Therefore whether or not the police in charge tortured them for confession concerned with the defendants' human right and justice of procedure. The case was referred by Taiwan High Court to LAF and handled by the staff attorneys appointed by the Foundation.

The total files of this case piled up one story high with papers as many as 17,500 pages. It took 3 persons to make photocopies continuously for 4 whole days for the files reading part. The attorneys spent over 300 working hours to read, analyze and sort the file, and organized a team together with the volunteer attorneys who had continuously assisted with the case to study the files and case description. Presently the case was under the jurisdiction of Taiwan High Court as a case of the tenth instance.

### **(3) Death Penalty and Cases of Death Sentence by Final Verdict**

Agreeing or not on abolishing death penalty, the legal aid systems everywhere in the world all provide aid out of respect for life to cases of death sentence and fight for the chance for retrial by final verdict without examining the case nature. Hence providing aid to cases with final death verdict is a statutory obligation of the world's legal aid system. However, for the aid to a case with final death verdict, the attorney in charge undertakes an extraordinary pressure. Even if an attorney intends to assist, he or she will probably lacks similar experience and cannot use a proper defense strategy or will have difficulty and inconvenience in reading the files. As a result, most attorneys do not have the strong willingness to take the responsibility. Furthermore, for a case with final death verdict there will be no public defenders appointed, so a financially disadvantaged defendant who cannot afford to hire an attorney to make an extraordinary appeal is apparently incapable of fighting for his or her right of life and litigation right. Therefore the staff attorneys of LAF Banciao Branch had always been devoted great effort and resources to the defense for death penalty cases and research on the relevant theory. Now through their assistance, the three defendants who were already sentenced to death would try to fight for their last chance to live by appealing to the supreme court.

# Chapter 3

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## **Fulfillment of Service Philosophy**

## Section 1 Providing Convenient Service

### 1. Outreach Services for Rural Areas

Ever since the establishment of the Foundation, LAF has been dedicated to fulfill the service philosophy of approachability, convenience, professional quality, immediate efficiency and flexibility all around the country. The regular stationed services provided in 2008 by all LAF branches were: starting from October 2005 every week at Keelung District Court by Keelung Branch; starting from January 2008 every month at Legal Service Society of Yu Da College of Business by Miaoli Branch; starting from March 2008 every Wednesday afternoon at Puli Town Hall by Nantou Branch; starting from 2007 every Wednesday morning at Douliou Summary Court by Yunlin Branch; starting from February 2008 every Tuesday afternoon at Chiayi District Court by Chiayi Branch; starting from July 2004 every Friday at South Service Center of Hualien County Government by Hualien Branch; starting from May 2008 every Saturday at Service Center for Foreign Spouses by Penghu Branch. The branches are also encouraged to emphasize on legal service for remote areas. In 2008, the rural services by LAF branches totaled 142 times, during which they offered professional on-site service to the disadvantaged people in need of legal aid at places lacking legal resources.



At the Careers and Employment Expo on National Legal Aid Day, Banciao Branch called for people with debt problems to stand out and find a solution bravely.



An explanation meeting was held by Keelung Branch and Keelung Family Helper Project to assist families with debt issue to solve their problems.



Yilan Branch held a meeting to introduce the Credit Card Debt Program and offer one-one-one legal consultation service at Dong Guang Junior High School in Luodong Town.



Chiayi Branch held an expanded service for credit card debt consultation at Puzih Town Hall, where the eager crowds expressed their opinions one after another.

Since 2006, LAF made the second Saturday of July the “National Legal Aid Day”, when the 20 LAF branches would visit the remote areas to offer free legal consultation. From June 27 to July 30, 2008, the Foundation acted in response to the enactment of Consumer Debt Clearance Act on April 11 by arranging a nationwide campaign with the appeal “It’s a hard life to be indebted; Legal aid attorneys walk beside you”, holding 27 services of credit card debt consultation and legal aid application for the disadvantaged at rural areas, including the activity centers, town halls, churches, schools and LAF branch offices of 16 cities and counties. In addition to attorneys’ on-site explanation about the content of the Act, free consultation and application to the legal aid service of negotiation, restructuring and clearance procedures were offered. The public could gain relevant legal knowledge about debt management through multiple application accesses.

### 2. Strengthening Legal Consultation

According to Subparagraph 1 of Paragraph 1, Article 2, Legal Aid Act, legal consultation is one of the legal aid services of the Foundation. With the development of the entire social environment, there is a great increase in general public’s need for legal consultation about all kinds of legal issues. To meet this demand, LAF has launched a variety of legal consultation services depending on local characteristic circumstances of individual branches. These services are described as below:

#### (1) On-Site Legal Consultation

Most LAF branches offer on-site legal consultation service except four of them (Banciao, Taoyuan, Changhua and Kaohsiung Branches), but referral to other consultation institutions are offered by these four. The consultation service is usually combined with the time for examination, and therefore needed to make reservations before coming to the branch offices in person for consultation. However, Taipei Branch and Taitung Branch offer separated hours for legal consultation only, while Yunlin Branch and Penghu Branch offer legal consultation at appointed stations and at certain fixed hours.

#### (2) Legal Consultation by Phone

Currently there are 5 LAF branches (Taipei, Miaoli, Taitung, Kinmen and Matsu) offering legal consultation by phone.

- Taipei Branch: Legal consultation service by phone is offered to the remote areas and must be reserved through town halls of Wulai, Sindian and Tamsui. The Examining Committee members of LAF Taipei Branch will then provide legal consultation by phone after being contacted.
- Miaoli Branch: Usually handled by the legal affairs staff of the branch office, e.g. the executive secretary and two legal affairs assistants.

- Taitung Branch: Legal consultation service by phone is offered to residents at Green Island and Lanyu, and will be answered by the executive secretary of the office.
- Kinmen and Matsu Branches: This service is offered to residents of Kinmen and Matsu only. On contact, the branch offices will arrange the legal consultation service by phone by members of the Examining Committee of Taipei Branch. The effect of this service has been excellent, and so will be expanded to cover all residents of Kinmen County and Lienchiang County.

### (3) Referral Service

Should people cannot be available at the on-site legal consultation service time offered by LAF branches, the offices will refer them to some other institutions for consultation. For those branches that do not offer on-site legal consultation, people will also be referred to other relevant institutions, most of which are the court's litigation counseling section, mediation committee of the town hall, legal service center of the county or city government, and civilian legal service center of the bar association, etc.

## 3. Public Promotion

It is necessary for more disadvantaged people to learn about LAF and related services of the Foundation so that they may come to apply for legal aid resources when needed. The LAF promotion goal in 2008 was to emphasize on the promotion of new legal aid operations, actively engage in promotion and publication, and reinforce people's trust in the Foundation.

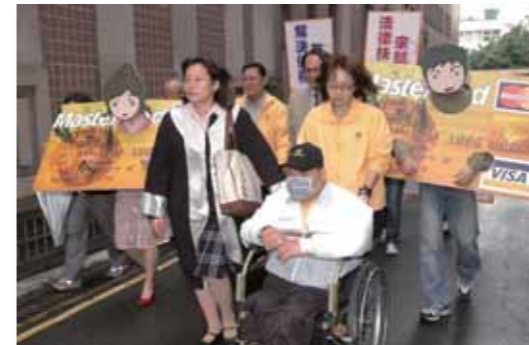
LAF's major operational focuses in 2008 were described as follows:

### (1) Promotional Activities and Seminars

#### 1. Press Conferences (22 in Total)

To act in accordance with the enactment of the Consumer Debt Clearance Act on April 11, 2008, the Foundation held a press conference for the establishment of "LAF's Hotline for Consultation Reservation about Credit Card Debt" on February 25. Taoyuan Branch also held a press conference of "There's Hope for Solving Debts – LAF Taoyuan Branch Come for Help" on March 7; Nantou Branch held a press conference for the establishment of "Debt Clearance Cases Service Station at Nantou District Court" on April 1; Keelung Branch, Changhua Branch, Tainan Branch and Taipei Branch each held a press conference respectively for "LAF's Filing the First Lawsuit of Restructuring Case" on April 11. A series of 13 press conferences in total were held on the issue of consumer debt clearance in the whole year.

Also, to respond to the regulation amendment to the Part of Succession of the Civil Code, LAF and Taiwan Fund for Children and Families held a joint press conference on "TFCF & LAF Unite to End Debt Succession" on January 4, announcing that TFCF and LAF would work together to help debt-inheriting children to solve their problem with debt succession. On July 11 at the



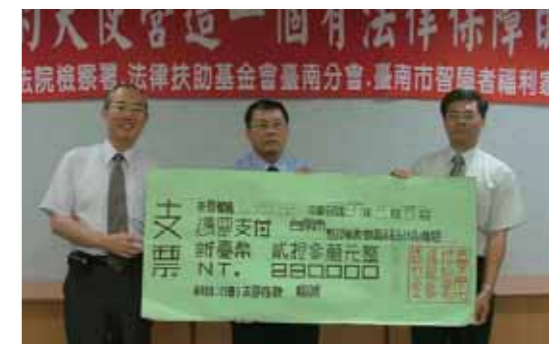
On the first day of the enactment of Consumer Debt Clearance Act, Staff Attorney Singling Sie of Taipei Branch accompanied the aid recipient to submit the application statement for the first restructuring case and the first successful one by LAF.



President Ying-jeou Ma attended the party for the 4th anniversary of LAF and gave commendation to senior volunteers. He was also present for the seminar on "The Disadvantaged, Human Rights and Legal Aid" to talk with the disadvantaged people and social groups.



Hualien Branch produced a documentary film "Distant Love" on the experience of women suffering from domestic violence to encourage the victims to fight for their basic human rights.



Tainan Branch, Tainan District Prosecution and Tainan Parents' Association for the Welfare of Persons with Intellectual Disability together announced to assist the disadvantaged interdicted people at the press conference "Building a Sky with Legal Protection for Angels with Broken Wings";



At the promotional activity held by Association for Victims' support, Chiayi Branch offered prize for answering legal aid questions and received enthusiastic response from the participants.



At the activity "e-Together to Prevent Suicide-Unite to Care for Life" held by Shepherd Life Association, Kaohsiung Branch had a stall to distribute legal aid promotional prints.

"Tea Party Celebrating the 4th Anniversary of LAF", LAF presented the Foundation's service accomplishment since its establishment to the society and media. State President Ying-jeou Ma, President In-jaw Lai of the Judicial Yuan and representatives from various supporting fields were also present at the party. On the other hand, on June 27, Hualien Branch held a premiere presentation of the LAF documentary film "Distant Love"; on July 14, Tainan Branch reported its

updated progress of the case of CPDC Pollution at the press conference “LAF Tainan Branch Cares about Our Land” , and on August 5 announced to assist the disadvantaged interdicted people at the press conference “Building a Sky with Legal Protection for Angels with Broken Wings” ; On July 27, Nantou Branch released a new book “Law, So that Explains It” , which was the first on legal knowledge concerning with the indigenous people in Taiwan. All these promotions received excellent responses and reports from the media.

## 2. Promotional Activities (240 in Total)

In the year of 2008, LAF held a total of 240 promotional activities with subjects including “2008 National Legal Aid Day ~ Expansion of Credit Card Debt Consultation and Application Services” , “Circuit Lectures on the Consumer Debt Clearance Act” , “Distant Love – Documentary Film Circuit Show and Symposium” and other series of nationwide programs. In addition, there were local promotions held by LAF branches, including Lecturing Series on Women Concern, Lectures at Prisons and Detention Houses, Circuit Legal Education Courses at Remote Indigenous Village Churches, and Promotional Courses on Everyday Legal Concerns at Community Colleges of different cities and counties, etc.

Moreover, due to the limited manpower for promotion, LAF branch offices would make use of local resources and actively participate in activities conducted by local communities in the forms of charity bazaars, athlete games, lecture courses and circuit church lectures, etc. for 439 times in total in 2008.

## 3. Seminars (5 in Total)

In 2008, LAF held 5 promotional seminars. Besides the lecture series, practical issues and educational trainings (see the section of “Educational Trainings for Attorneys” ) on the “Consumer Debt Clearance Act” by branch offices, the seminars focused on subjects about “Understanding Restructuring and Clearance” , “From ‘Trapped in Debts’ to ‘Plastic Opium’ and ‘Banks that Sell Debts’ – on Credit Card Debt Storm and the 2nd Financial Reformation” , as well as the one on “The Disadvantaged, Human Rights and Legal Aid” that was held on July 11 in celebration of the 4th anniversary of LAF. In the seminar on July 11, State President Ying-jeou Ma and presidents of LAF branches in Taipei, Nantou and Kaohsiung were invited to present keynote speeches, while new immigrants Ms. Wu, Mr. Yi-sin Sun who was representative of welfare groups for the mentally disabled, and Mr. Huang who was the legal aid recipient of LAF Credit Card Debt Program were also present to share their experiences with the participants.

## 4. Promotional Programs

### (1) Promotion for “Consumer Debt Clearance Act” Program

For residents of remote areas to understand the service contents of LAF’ s“Debt Clearance Act” Program, the branch offices hired local advertising cars to advocate about the Program’s service contents and hotline all over these areas. To avoid excessive reservations, LAF branches also



LAF staff interpreted through a play the stereotype impression people had on credit card debtors.



At the book release for “LAF Essays – Trapped in Debts” , the author of “Plastic Opium” Chuan-wei Sia (first left) and Associate Professor You-we Jheng of NCU Institute of Industrial Economics (first right) talked about the default card affection and credit card storm.

held dozens of large meetings around the country to explain about legal consultation service.

In addition, LAF printed relevant publications about the Program, e.g. Q&A Handbook on Debt Clearance Act, DM leaflets, various posters, the book “Trapped in Debts” and bookmarks. The TV ads “Hope” , “Hotline” and “The Missing Pieces” , and radio ad “Hotline” were not only broadcasted as part of public services by TV and radio stations but also provided by LAF branches to local stations and governmental authorities for public showing.



LAF invited Legislator Jhong-syong Syu who was enthusiastic for promoting the Consumer Debt Clearance Act to make the public service ad “Legal Aid – Hotline” hoping that people with debt problems would stand out bravely.

### (2) Let’s Make the Law Young Again ~ 2008 National Legal Aid Day Campaign

To extensively promote LAF services and cultivate legal aid volunteers, the Foundation launched a large-scaled “Let’s Make the Law Young Again ~ 2008 National Legal Aid Day Campaign” , which comprised a series activities such as the “Tea Party Celebrating the 4th Anniversary of LAF & Symposium of the Disadvantaged, Human Rights and Legal Aid” on July 11, the “Let’s Make the Law Young Again ~ Campus Promotional Projects Wanted” aiming at college students and student clubs between May 15 and September 30, and finally the “2008 National Legal Aid Day ~ Expanding Consultation and Application Service for Credit Card Debt Problems”



Students of “Legal Seed Service Team” from SCU, winner of LAF promotional project “Make the Law Young Again” explained everyday legal knowledge to children in an easy-to-understand way through the lively performance of play.

### (3) Promotion for “Program of First Interrogation Accompanied by Legal Aid Attorney”

In responding to the execution of this trial Program’s expansion to 50 police districts nationwide on the coming January 1, LAF invited the National Police Agency to the press conference on December 29, hoping to rouse the public’s attention to their own interests. The Foundation also produced a series of relevant printed promotions and keepsakes, established a special website for the Program – [www.laf.org.tw/lawyer](http://www.laf.org.tw/lawyer), and TV films for public service ads, etc. while local promotions by the 20 LAF branches started from late December. It was expected that people’s rights and interests would be further protected with attorney’s company during interrogations in the future.

### (4) Continuing to Promote “Legal Aid Support Network”

The establishment of Legal Aid Support Network was promoted by the 20 LAF branches by uniting local organizations that had frequent encounters with those in need of legal aid people, and including these organizations in the Network. Since its official promotion in July 2007, more than 900 supportive bases were established, thanks to the communication and cooperation between LAF branches and local social welfare groups, governmental authorities, village heads’ offices and hospitals, etc.

### (5) “NGOs in Taiwan” International Book Exhibition 2008

LAF joined Taiwan Labor Front, Taiwan Thinktank, Green Formosa Front, Wild at Heart Legal Defenses Association and other social welfare groups, with “NGOs in Taiwan” as the main theme, to partake in Taipei International Book Exhibition 2008 from February 13 to February 18. During the exhibition, a booth is provided for “An Appointment with Debt Issues ~ Free Consultation with Public Service Attorneys” by LAF, in addition to a symposium on “Understanding Restructuring and Clearance” at the activity area explaining about the implementation of Consumer Debt Clearance Act’ effect over people with credit card debts.

## (2) Media, Public Relations and Printed Promotion

### 1. Promotional Films and Radio Ads Production

#### (1) TV Promotional Films



TV Promotional films produced by LAF (From Left: “Hope”, “Missing Piece” and “Hotline” )

In 2008, 5 promotional films were produced, which were “Hope”, “Hope-New Version”, “Hotline”, “Hotline-New Version” and “Missing Pieces”. These films were submitted to National Communications Commission (NCC) for examination, and then broadcasted at cable TV stations as public service advertisements.

#### (2) Radio Advertisements

In 2008, 4 radio advertisements were produced, including “Legal Aid Hotline”, “Legal Aid Program of Interrogations Accompanied by Attorneys”, “Legal Aid for Occupational Injuries” and “Legal Aid for Foreign Spouses”, which were assisted by the Judicial Yuan and the Department of Local Information of GIO with broadcasting through radio stations around the country.

#### (3) Documentary Film “Distant Love”

Considering that the number of domestic violence and divorce cases processed by LAF Hualien Branch was too high, the Branch produced the first documentary film “Distant Love” about the story of women suffering marital violence with the purpose to advocate domestic human rights and legal aid system. Through the assistance from the Judicial Yuan, Ministry of Interior, Ministry of Justice, Ministry of National Defense, colleges and universities, Women’s Film Festival and Taiwan International Documentary Film Festival, this film was shown followed by a symposium all around the country. LAF expected that in the future it would be shown via more channels for the general public to understand about the issue of domestic violence, and that public concern would be roused to reduce the happening of tragedies.

### 2. Cooperation with Media for Interviews

Two new categories were added to LAF’s operation in 2008, and so active communication and cooperation between the Foundation and the media would be required. In total, LAF had contacted for interview and news release for 28 times, while the branch offices had arranged for interviews with attorneys by local media for 123 times in addition to providing relevant contents about the Programs.

### 3. Promotional Publications and Handouts

Promotional publications are made every year by LAF. The publications in 2008 were as follows:

- (1) Legal Aid Quarterly
- (2) LAF Introduction in English
- (3) LAF Publications 002 “Trapped in Debts – Story of George and Mary”
- (4) LAF special edition of “The Law & stories for Aborigines”
- (5) Advising A Suspect in the Police Station - Chinese Edition
- (6) Promotional DMs



Legal Aid Quarterly

“Trapped in Debts – Story of George and Mary”



- DM - “Look! NGOs in Taiwan ~ International Book Exhibition 2008”
- DM - “I don’t want to be a child burdened with debts.”
- DM - “There’s Hope for Solving Debts.”
- DM for display at 7-11 convenient stores and nationwide versions
- DM for regional and for-branches-only in 2008
- To facilitate local promotion, DMs and leaflets were printed by the following LAF branches: Chiayi Branch (A4 leaflets for general application, free legal consultation and written application cases); Pingtung Branch (posters and leaflets for activities); Hualien Branch (DM); Kinmen Branch (self-printed DM to be distributed by fax); Matsu Branch (3 types of leaflets for rural service).



DM “I don’t want to be a child burdened with debts.” Printed by LAF and Taiwan Fund for Children and Families.



DM for display at 7-11 convenient stores

(7) Promotional Posters

- Poster for the Credit Card Debts Program
- Poster for the Attorneys’ Accompanied Interrogations Program
- Poster for Credit Card Debts Consultation Center
- Poster for the book “Trapped in Debts – Story of George and Mary”
- Poster for “2008 National Legal Aid Day ~ Expanding Consultation and Application Service for Credit Card Debt Problems” celebrating LAF’s 4th anniversary



Poster for Credit Card Debts Consultation Center

(8) Promotional Pamphlets

- Q&A about Consumer Debt Clearance Act
- Guidebook to Interrogations Accompanied by Legal Aid Attorneys

(9) Key rings for the promotion of the Attorneys’ Accompanied Interrogations Program

(10) Other promotional items

The other promotional items produced by the Foundation and all branches included: USB disk, volunteer T-shirt, ballpoint pen, environment-friendly cup, desktop pennant, bookmark for the book “Trapped in Debts”, I-cash card for the book “Trapped in Debts”, New Year’s greeting card, desktop calendar, LAF environment-friendly bag, mini card with volunteers’ thoughts and feelings, thank-you card for senior volunteers, L-shaped LAF folder, vest for Banciao Branch volunteers, promotional banners for the Consumer Debt Clearance Act, red banners promoting legal aid service for rural areas, promotional kerchief, post-it pad, environment-friendly chopsticks and notepaper pad, etc.



DM for Interrogations Accompanied by Legal Aid Attorneys

4. Website and Blog

(1) Website (www.laf.org.tw)

LAF website has been popular with netizens. By December 31, 2008, the total count was 2,230,000 visits and 6,177 subscriptions for LAF e-news. E-news is released in every 3 months, with the function to establish regular users community and to promote the Foundation’s internet resources via these members.

(2) LAF official blog (http://blog.roodo.com/laf)

LAF’s official blog was established in 2006. More than 20,000 browses had been counted since, with over 2,500 messages enquiring about relevant legal issues.

(3) LAF’s Yahoo blog (http://tw.myblog.yahoo.com/legal\_org )

LAF’s Yahoo blog is featured with the Foundation’s spokesman “Fu Bau Bau”, through whom introductions about LAF and relevant legal opinions regularly appear, while law-related films and plays are shown without a fixed schedule in hopes of changing the public’s serious impress about the law.

In the part of branch offices’ promotion through internet, the following blogs and websites have been established:

- Taipei Branch volunteers’ blog – <http://blog.yam.com/lafvol>
- Banciao Branch’s blog – [http://tw.myblog.yahoo.com/laf\\_banciao/](http://tw.myblog.yahoo.com/laf_banciao/)
- Hualien Branch’s website – <http://lafhualien.blogspot.com/>
- Miaoli Branch’s blog – <http://www.wretch.cc/blog/lafmiaoli>

(4) Websites for promoting LAF programs

- Website for “Understanding the Consumer Debt Clearance Act”

To respond to the enactment of the Consumer Debt Clearance Act, LAF has established the webpage “Click for Understanding the Consumer Debt Clearance Act” (www.laf.org.tw/debtclear), the contents of which consist of online reservation for consultation for debtors, latest news about LAF Consumer Debt Clearance Program, different aspects of the Consumer Debt Clearance Act, and the stories of credit card debtors, etc. In addition, there is a “Legal Aid Attorneys’ section” for more than 800 voluntary attorneys for this Program, with contents including sample petition for consumer debt clearance cases, court’s written verdict, opinions about court rules and other useful references. It is expected that this will be positioned as the first public service webpage for the disadvantaged people with debt problems.

- Website for the book “Trapped in Debts”

In the webpage for LAF’s book “Trapped in Debts – Story of George and Mary”, excerpts from this book are posted for public reading in addition to a related online game. 14,757 visitors had browsed over this webpage and 6,649 had participated in the prize draw last year.

- Webpage for the “Interrogations Accompanied by Legal Aid Attorneys”

The webpage for the Interrogations Accompanied by Legal Aid Attorneys Program was established in December, with contents comprising introduction about the Program and

instructions on how to protect one's own rights during interrogation. There is also a section "Interrogation Classroom" with information about the basic procedures during interrogation as well as legal terms for people to learn to protect their own rights at right time and establish a fair interrogation procedure.



LAF's sblog in Yahoo! is featured with the Foundation's spokesman "Fu Bau Bau", through whom introductions about legal issues.



The webpage for the First Interrogations Accompanied by Legal Aid Attorneys Program has a section "Interrogation Classroom" with pictorial information about the significance of the attorneys' company.

## Section 2 Advancing Service Quality

### 1. Legal Aid Attorneys' Evaluation System

Four years after the establishment of LAF in July 2004, the total legal aid cases exceeded 50,000, which meant that more than 10,000 financially disadvantaged people were served per year by the Foundation. One of the key missions of LAF is not only offering an access to the disadvantaged people who need legal aid but also providing the legal aid with professional quality and humanistic care. Hence LAF focuses on the system of regular evaluation on legal aid attorneys in order to enhance the quality of the attorneys' service.

#### (1) Analysis of Legal Aid Attorneys' Evaluation

There are two sources for the Foundation's evaluation on legal aid attorneys: statistics of the findings of survey and evaluation on referral of major grievances, as described as follows.

##### A. Statistics of Findings of Survey

The targets of this evaluation consisted of the legal aid recipients, the judges responsible for legal aid cases, and social workers of referral groups who had actually accompanied the recipients to meet the attorneys or to the court trial. The rating of this survey was made according to three categories: the attorneys' conscientiousness, attitude and professionalism. After the rating data were compiled, 547 attorneys received over 3 copies of valid surveys in a single category. The Legal Aid Attorneys Evaluation Committee (LAAEC) of LAF decided to conduct further investigation and evaluation on the attorneys with rating ranked among the top 3% in each category and those among the last 6%.

### B. Evaluation on Referral of Major Petitions

When processing a legal aid case, if the legal aid attorney violates the Lawyer Act, ethics or LAF regulations and commits a grave misconduct, and is considered necessary to be dismissed from the legal aid job or to be referred to Lawyers Discipline Committee, he or she may be referred to LAAEC for evaluation according to LAF Guidelines Governing Petition and Punishment. In 2008, two petitions cases were referred to evaluation, and before referral LAAEC already decided to suspend their appointment for a certain period to avoid damaging the legal aid recipients' interest.

#### (2) Procedures of Evaluation and Investigation

To understand the circumstance of the case processing of the attorney under investigation, LAAEC invited scholars, social group representatives and external attorneys to form an investigation team and work through the assistance from LAF staff. Besides examining the files of the case undertaken by the attorneys, the team also interviewed the aid recipients and branch office staff, and checked if there were related petition cases and rewards or punishment records of the attorneys. A preliminary report was written after compiling and integrating the collected information, and was submitted to the team case by case.

For the 28 legal aid attorneys with rating ranked among top 3%, members of the investigation team met for appraisal after having examined relevant files and interviews, and then 12 attorneys with outstanding performance were reported to LAAEC for commendation. For the 56 attorneys with unsatisfactory service quality, the investigation members wrote to them to clarify certain doubts about the cases. After examining the explanation and defense from the attorneys under investigation, the team members considered it necessary for further interview to understand the processing situation of cases and if the attorneys committed any mistakes, allowing the attorneys under investigation an opportunity to state their own opinions either in person or via video telecommunication.

When the investigation procedures of files examination, interview of related persons, written clarification and interview of the attorneys concerned, the investigation team worked under LAF staff's assistance to compile all the evaluation information, which was then submitted together with proposals of punishment and a final report to LAAEC.

#### (3) Evaluation Results

With the completion of evaluation and investigation by the investigation team, LAAEC met to deliberate about the attorneys concerned and proposed punishment. The evaluation results from LAAEC's evaluation are described as follows:

##### A. Excellent Legal Aid Attorneys

After the investigation members completed full examination and appraisal on the attorneys with excellent service quality and case processing, LAAEC decided to give commendation to the proposed 12 outstanding attorneys.

## B. Unsatisfactory Legal Aid Attorneys

LAAEC must decide the punishment of warning, reduction of case appointments, suspension of case appointments, dismissal from legal aid job, or referral to Lawyers Discipline Committee according to Guideline 24 of the Guidelines Governing the Evaluation of Lawyers' Performance, hence a further comprehensive deliberation on the evaluation criteria and the misconduct of the attorneys concerned. By the time of this annual report was started, decisions were made by LAAEC on 8 attorneys concerned, while decisions on the rest 48 attorneys were still in progress. The punishment decisions are summarized as follows:

### (a) Giving Advice: 1 Attorney

While this legal aid attorney concerned did not wish to cooperate with the follow-up investigation, LAAEC decided to simply give an advice instead, considering that this attorney had not committed other grave misconducts.

### (b) Giving Warning: 4 Attorneys

These 4 attorneys concerned neither provided files nor cooperated with the investigation, and the relevant written case statements were not kept properly, therefore LAAEC decided to give them a warning punishment. (Note: On December 26, 2008, LAF Board decided to amend Paragraph 2 of Guideline 24 of the existing Guidelines Governing the Evaluation of Lawyers' Performance by changing "warning" into "requiring by letter for improvement" to avoid confusion with the punishment of "warning" stipulated by Article 44 of Lawyers Act. Therefore the punishment of "advice" and "warning" decided by LAAEC on December 22, 2008 would need to be confirmed by LAAEC's further deliberation in February 2009.

### (c) Suspending Case Appointment: 1 Attorney

This legal aid attorney was punished with 1 year's suspension of case appointment for his misconduct that gravely affected the person involved by being absent from a cross examination on court when handling a juvenile criminal case. It was also found out that the said attorney did not truthfully report back to the Foundation on the number of his presentation of written case close statements, and so was punished with suspension of case appointment for 6 months. Added together with these 2 punishments, this attorney concerned should be suspended from case appointment for 1 year and 6 months.

### (d) Dismissing the Attorneys from Legal Aid Job: 2 Attorneys

These two attorneys were referred by Taichung Branch and Kaohsiung Branch to LAAEC for unsatisfactory performance in cases of grave grievance. These two attorneys concerned were responsible for criminal cases appealing for the third instance, but one was overdue for submitting appeal statement, resulting in the case dismissal by the high court for violating legal procedures, and the other attorney concerned also failed to submit appeal statement before the court dismissed the case. LAAEC thought that these two attorneys had committed grave misconducts that caused serious harm to legal aid recipients' interests with hard proof, and therefore decided to dismiss their legal aid job.

## (4) Review and Reform

LAF started the first legal aid attorneys' performance evaluation in late 2007, and met a number of difficulties. For instance, it was hard to request for file retrieval from the legal aid attorneys, and only 478 survey copies were collected from the judges concerned. In the future it would be necessary to negotiate with the Judicial Yuan for coordination in order to clarify the legal aid attorneys' performance at court and case processing status. Moreover, it required follow-up observation over the objectivity and fairness in the execution of the Program because the appropriateness of the sampling method for this evaluation, i.e. most rating source (target population) being legal aid recipients, remained to be judged. When this Program is completed, LAF staff will try for review and reform, and in the mean time make plans for the evaluation in 2009, hoping to perfect this evaluation system and therefore advance the service quality of LAF legal aid attorneys and secure the rights and interests of aid recipients.

## 2. Establishing a Quality and Fair Attorney Appointment System

### (1) Current Status of Attorney Appointment by Branches

#### A. Legal Basis for Branches' Case Appointment

According to Article 26 of the Legal Aid Act, "an LAF branch should present the roster of legal aid attorneys and assist the aid recipient with choosing a suitable attorney. when the recipient failed to choose his own or makes an inadequate choice, the branch will appoint the attorney stipulated by Paragraph 1 of Article 24." Also according to Point 3, 5 and 8 of LAF Branches' Operational Flow of Attorney Appointment, "an LAF branch should check and record the number of cases acceptable per month, the acceptable service regions and aid categories for each attorney before assigning the duty schedule", "an LAF branch should appoint an attorney for a legal aid job according to the attorney's specialty and court registered as well as the case nature and duty schedule order with fairness, but the branch can increase or decrease the number of cases on the basis of the attorney's performance, and the reaction of aid recipient or the court and prosecutor. When the aid recipient designates an attorney, the branch can appoint the designated attorney as the legal aid attorney", and "the appointed attorney cannot reject the case without proper cause".

#### B. Current Status of Attorney Appointment by Branches

Each LAF branch should assign the legal aid attorneys duty schedule according to the aforesaid stipulations on the basis of fair appointment, and follow the scheduled order to appoint cases. By considering the difference between aid categories, some branches will appoint cases according to the categories of litigation representation and defense, statement writing, negotiation and mediation, etc. e.g. in the case of Hsinchu Branch, Chiayi Branch, Nantou Branch and Taitung Branch. Some branches will appoint litigation cases to attorneys who have been appointed with statement writing the previous time, e.g. Taichung Branch and Tainan Branch. Some branches

will appoint cases on the basis of the total LAF remuneration received by attorneys in one year, e.g. Yunlin Branch and Changhua Branch. When appointing legal aid attorneys with cases, each LAF branch may have different operational considerations for assignment of duty schedule, but all the following factors will be included:

**(a) Number of Cases that Attorneys Are Willing to Accept**

When surveying the preference of legal aid attorneys, the Foundation also checks the amount of cases (per month or per year) the attorneys are willing to accept. The branch staff, e.g. those in Taipei Branch, will then appoint cases accordingly. To some branches in the south, such as Hsinchu Branch, Miaoli Branch, Changhua Branch and Chiayi Branch, the attorneys usually do not specify the amount of cases they are willing to accept per month or per year, and so these branches will appoint cases according to the duty schedule.

**(b) Regions where Attorneys Can Practice and Courts They Are Registered at**

The courts at which attorneys are registered and the regions they serve are recorded in the duty schedule, and in principle most legal aid attorneys of each LAF branch have local practices. However in smaller branches with fewer local attorneys, inter-branch operations often occur. For instance, there are only 9 local attorneys in Miaoli Branch, and so attorneys who practice in Hsinchu and Taichung are also included in their legal aid attorneys' roster.

When appointing cases, the branch staff will also take the specific situation of the applicants into consideration. For example, if the applicant has trouble to walk, the distance between the location of the attorney's practice and the applicant's residence will be considered to save the applicant's trip, e.g. in the case of Keelung Branch and Miaoli Branch.

**(c) Categories Attorneys Are Willing to Offer Legal Aid to**

When surveying the attorneys' preference, LAF also respects their preference to legal aid categories, e.g. an attorney may choose to represent litigations or write statements, or civil cases or criminal cases only. While attorneys' preference is used for the staff's reference in appointing cases, in fact most legal aid attorneys of each branch are willing to undertake all aid categories.

**(d) Attorneys' specialties**

In the survey on the preference of legal aid attorneys, their specialties are also included besides their preference to case amount and aid categories, which will also be taken into consideration by LAF branches for appointment, as in the case of Taipei Branch and Banciao Branch. However for some smaller branches, the attorneys are willing to undertake all categories of cases because of their population distribution, therefore except in certain specific cases such as those in which women are involved, the appointment is not made according to attorneys' specialties, as in the case of Taitung Branch and Nantou Branch.

**(e) Whether an Attorney Is Designated by Applicants**

According to Article 26 of Legal Aid Act and Guideline 5 of Guidelines Governing the Appointment of Legal Aid Attorneys by LAF Branches, the aid applicant may designate an attorney. However, to avoid over concentration of attorney designation, some branches will

control the number of aid cases with attorney designation, as in the case of Kanhsiung Branch, Chanhua Branch and Chiayi Branch, while some other branches will respect the aid recipients' designation because it does not occur often, as in the case of Tainan Branch and Nantou Branch. In the mean time, if the applicant wishes to designate an attorney who is designated more often, some branches will negotiate with the applicant into designating another adequate legal aid attorney. To the attorneys with more designated cases, in principle each branch will not appoint other cases in order to uphold the fairness of case appointment.

In Taipei Branch there are more group cases and designation cases, and as a result certain attorneys may undertake a greater number of cases. For this situation, Taipei Branch has been trying to review and control, and noticeable effect is expected.

**(f) Gender**

For some specific types of cases, e.g. domestic violence and marital cases, especially when the aid recipients are victims of sexual assault, LAF branches will enquire if they need a woman attorney.

**(g) Result of Evaluation and If Petitions Are Made against the Attorneys**

With the attorneys' performance evaluation and petition system established in 2007, if it is proved that the service quality of an legal aid attorney is not satisfactory or certain misconduct is committed, a punishment mechanism of reducing and suspending case appointment will be adopted to maintain the quality of LAF aided cases.

**(h) Others**

■ Language Competency

For some specific cases, e.g. cases with foreign employees or foreigners are involved in, the legal aid attorneys' language competency will be taken into consideration.

■ Specific Conditions of Legal Aid Attorneys

For example, when the legal aid attorney is pregnant, soon to be drafted into military service or suffering from bad health, her or his condition will be taken into consideration for case appointment.

■ Status of Attorneys' Participation in Examination

For some LAF branches with fewer local legal aid attorneys and difficulty with case appointment, inter-district services with non-local attorneys coming over and undertaking the cases. To facilitate the aid recipients in communicating with attorneys, in principle the branches will take local attorneys into priority consideration, while non-local attorneys with frequent participation in case examination will also have priority in case appointment.

**(2) The Establishment of Attorney Appointment System Operation Software in 2009**

To enhance the legal aid quality and consider the specific case nature, recipients' need and attorneys' service quality, the Foundation always appoint the attorneys most suitable for the cases while upholding the fairness of appointment. Hence the establishment of a software system for attorneys appointment is planned to replace the existing duty schedule assigned by branches' staff. The design and development of this system started in 2008, and was estimated

to work in the first half of the year 2009. The use of this system will make LAF branches' case appointment more adequate and fair, as described as follows:

#### A. Purposes of Establishment:

The purposes of establishment of attorneys appointment software system are:

- (a) Based on the applicant's specific need or case nature, and with the consideration of the attorney's specialty, a quality case appointment system is established by appointing the most adequate attorney, as in the case when the applicant has difficulty to walk or move and needs an attorney whose practice is close by, or the applicant is the victim of sexual assault and hopes to have a woman attorney to take care of the case.
- (b) Cases are fairly appointed on the premise of quality: Except for the case when any attorney is met with petition or reduction or suspension of appointment after evaluation or under other specific circumstances, every attorney will be fairly appointed with cases on the premise of quality, based on the attorney's preference and at equal conditions.
- (c) To reduce branch staff's case appointment works: Through the establishment of this operational software, it will be easier for the staff to fairly appoint the most adequate attorneys according to the specific case nature and the applicants' need.

#### B. System Description:

The design of attorneys appointment operational software is based on the principle of automatic screening system, plus the auxiliary manual screening function for specific needs. There is also a negative qualificatory control in this system to eliminate attorneys unfit for certain cases. For example, members of the examining committee and review committee for the case concerned ought to avoid undertaking, and an attorney will not be reappointed with a case if the applicant had required to change or filed a petition against him or her in consideration of the trust between them. Besides screening and comparing in accordance with the demand of applicants and cases, this appointment system will combine with the petition and attorneys evaluation systems, i.e. the system will put it into consideration and reduce or stop appointment when an attorney is punished with appointment reduction or suspension for being deemed unsatisfactory after petition or evaluation.

For attorneys who meet the screening qualification, the system will, by referring to their preference to case amount and status of previous appointments, select those with preferred amount less satisfied as priority. The system has 3 screening modes, which are designated or previously appointed attorneys appointment, automatic screening and manual screening as described as follows:

##### (a) Designated or Previously Appointed Attorneys Appointment

When a applicant comes to LAF, the staff in charge should confirm if the applicant wishes to designate an attorney or to be served by the previously appointed attorney. Based on the trust between attorneys and case applicants, an applicant's wish will be respected and an

designated appointment will become top priority.

##### (b) Automatic Screening

If the applicant neither wishes to designate nor had any attorney previously appointed to him or her, automatic screening will be used to compare the case nature with categories preferred by attorneys. For instance, if the case nature is "Litigation/Criminal/Criminal Code: Specific Provisions/Theft (Chapter 29)/Offense of Theft and Theft of Movables and Immovables (Article 320)", the system will automatically search the database for attorneys willing to undertake "Common Criminal" cases. Through automatic screening to compare case categories with adequate attorneys with related professional skill and experience, the legal aid that fits in more with the case demand will be provided.

##### (c) Manual Screening

For specific case nature or the needs of applicants with specific identity, manual screening can be used as an auxiliary for searching and case appointment.

###### ■ Gender:

For example, in a sexual assault or domestic case, if the applicant designates the gender of attorneys, the designated gender can be selected through manual screening before searching.

###### ■ Language Competency:

This qualification is mainly categorized into English, Hakka and Taiwanese. If the applicant is a foreigner or understands only certain dialect, the category of language competency can be selected and an attorney able to communicate with the aid recipient will be chosen.

###### ■ Case Nature in Contrast with Willingness to Accept:

##### (i) Specific Cases:

For instance, cases concerned with environmental protection or medical practices may require attorneys with relevant experience or specialties, and manual screening can be used to select and search for the attorney willing to undertake this type of cases.

##### (ii) Specific Applicants:

Applicants with mental or intellectual disability may require attorneys with relevant case experience, patience and communication skills.

##### (d) Location of Attorney's Practice:

For applicants with difficulty in walking or moving about and need to be appointed with attorneys with practices nearby for the convenience in interview and case discussion, manual screening can be used to search for the addresses of attorneys' practices.

### (3) Conclusion

LAF started the petition system and evaluation on legal aid attorneys' performance in 2007, together with unscheduled educational trainings on different issues for attorneys. It was expected that, in addition to strengthening the attorneys' professional knowledge, through rewarding outstanding attorneys and eliminating unsatisfactory ones, the Foundation's service

quality would be enhanced. In August 2007 after the report on the attorneys appointment by each branch, the board gave instructions to all branches that the appointment should be conducted fairly according to the needs of cases and applicants under considerations with the attorneys' professionalism, service quality and preference to case amount. In December 2008, a report on the status quo of case appointment was also presented at the board meeting, and regular follow-up control would proceed in the future. Now with the establishment of petition system, legal aid attorneys' performance evaluation system together with the attorneys' appointment software system, the most adequate legal aid will be provided by the Foundation to the disadvantaged in fighting for their deserved rights and interests.

### 3. Quality Enhancement (Supervision) Program

To enhance the service quality, fully understand the actual execution of branch offices in operation, promotion, human resources, financial accounting, administration, general affairs and security management and to strengthen assistance to each branch office, other than through usual communication and discussion meetings, members of the Legal Research and Legal Affairs Department, Business and Management Department, Public Promotion Department, Human Resources Department, General Affairs Department, Financial Accounting Department and Information Department of LAF paid visits between September and October to each branch office to actually observe the operation and communicate with them, and provided concrete advices on their strong and weak points.

### 4. Complaints Handling System

Since LAF was established to provide legal aid, many applicants have filed complaints to the Foundation. Hence with the purpose to enhance the service quality, every legal aid case will be served by a specific staff, and a complaint hot line is established in LAF headquarters with specific persons to answer and handle the complaints. In addition, to ensure the definition and handling procedures of complaints, the "Guidelines Governing Complaints Handling" was drafted in April 2007 so that the rights and interests of the applicants, the party against whom petitions were filed against and the interested party might be protected in written laws.

In December 2007, the complaints management software system was developed by the Foundation and Acer Inc. and completed in 2008 to provide a definite record and control for handling grievances. Now through this system all complaints to LAF can be recorded and processed so that the complaints system will become an important channel for service improvement.

From January 1, 2008 to December 31, 2008, LAF received a total of 238 complaints. Of all the parties against whom the complaints were filed, the top three most in number when categorized according to identities were legal aid attorneys, members of the Examining Committee and LAF staff. All complaints were immediately processed by the Foundation on receiving, and the relevant

investigation and punishment were completed in two months according to the stipulation of the Guidelines, and the applicants were informed of the results. Also, among the complaints processed in 2008, three major complaints were processed by branch offices according to the Guidelines, the punishment of suspending case appointment for a certain period, and the persons against whom the complaints were filed against were referred to LAAEC for evaluation.

## 5. Internal Audit System

### (1) The Major Responsibility of LAF Auditors

The responsibility of LAF Auditors is to ensure the accomplishment of "Internal Control System" in the aspects of (1) the effect and efficiency of operation, including the performance and property security, (2) the reliability of financial report, and (3) the observance of relevant laws and regulations. LAF auditors work according to the "Internal Audit Operation Handbook"

### (2) Progress Report of Internal Audit in 2008

Item	Content	Status by December 31, 2008
(1)	Routine Audit: Based on the "2008 Audit Program" deliberated and approved by the third Board Meeting of the Second Term on December 21, 2007. The audit was conducted by the end of 2008 for LAF headquarters and the branch offices of Miaoli, Keelung, Banciao, Hsinchu, Yilan, Taoyuan, Kaohsiung, Taitung, Changhua, Tainan, Taichung, Taipei (including Kinmen and Matsu), Nantou, Yunlin, Hualien, and Pingtung.	Completed
(2)	Project Audit: Conducted according to the instructions from the Board of Directors or the authorized person by the Board	In progress

## 6. Educational Training

### (1) Staff Educational Training

Relevant courses were offered in 2008 according to the annual training program. To meet the regional nature and the purpose of resources sharing, most of the courses were held in separate areas, which counted up to 155 times, while the external education trainings totaled 19. The educational trainings were divided into the following categories:

#### A. Legal Affairs Category

To acquaint branch offices staff with LAF initiatives and regulations, 75 trainings were held by the branch offices, including lectures and studies of legal aid laws and regulations, legal aid application and examination, Consumer Debt Clearance Act, operations of police and prosecutors interrogation and various issues

#### B. Specialty Category

To acquaint all staff with the management operation system and rear service, 25

trainings were held for operational management system, practical computer application and various professional techniques.

#### C. Counseling

To advance interactive service relationship, maintain working efficiency and enhance service quality, 22 training courses were held for emotional relief, happy at work, communication skills and pressure management, etc.

#### D. Volunteers

To assist with the voluntary workers in operation, 23 activities were held, including introductory meetings, volunteer camps and volunteer service conference, etc.

#### E. Others

19 activities were held in the forms of participating in trainings by general training institutions or other social groups, including financial management, computer software, project management, strategic management of non-profit organization, human resources professional training, procurement professional training, promotion professional training and legal development training, etc.

Due to the limited human resources of LAF and the increase of applications, voluntary workers were desperately needed for assisting with various legal aid operations. By the branch offices' promotion through the internet, schools, local institutions and public occasions to call for students or social elites, an average of 630 person/times per month responded to the voluntary services by the end of 2008. To help the volunteers and trainees to understand in general about LAF and the content of services, the branch offices held various educational trainings, including introductions, conferences and camps.

## (2) Educational Trainings for Attorneys

In 2008, various educational trainings and introductions for attorneys were held by LAF on diverse new types of operation and specific issues as described as follows:

#### A. Introduction on “ Consumer Debt Clearance Act ” and Litigation Practice Courses

Since the enactment of Consumer Debt Clearance Act, the general public and even attorneys did not quite understand the contents and procedures of this new law. With the purpose to help debtors further understand the laws spirit and relevant application procedures as well as to make legal aid attorneys further understand the legal demand and practical problems concerned with tens of thousands of consumer banking debtors, educational trainings for legal aid attorneys and examining members were held by LAF to acquaint them with the law's practical function and strengthen their basic knowledge about the Act.

(a). Educational Training for Consultation Attorneys and Examining Members of the Legal Aid to Consumer Debt Clearance Program on Matters for Attention (once at LAF Headquarters and once at each branch office)

(b). Educational Training for Legal Aid Attorneys of the Legal Aid to Consumer Debt Clearance

Program(once at LAF Headquarters and once at each branch office)

(c). Symposium for Consultation Attorneys and Examining Members of the Legal Aid to Consumer Debt Clearance Program (once at each branch office)

#### B. Educational Training on Anti-Human Trafficking Cases

The characteristic victims of human trafficking cases are quite different from those of common cases (e.g. most victims are foreigners with language and cultural barriers and need interpretation for communication; they are incapable of trusting the police due to serious physical and psychological damages, and as a result their testimonies often contradict with each other and it takes longer to win their trust). Hence on January 19, 2008, AF held an educational training on anti-human trafficking cases in the south, and the International Workshop for Human Trafficking Victims and Legal Aid on November 1st in Taipei with the purpose of advancing LAF's legal aid attorneys' understanding about this issue.

#### C. Educational Training on Issues Related to Article 1-1 and 1-2 of the Enforcement Law for Part of Succession of the Civil Code

The Part of Succession of the Civil Code and its Enforcement Law offered legal passages after the amendment to certain related articles. However, the legal aid attorneys' professional knowledge concerning this new issued needed to be strengthened in order to maintain LAF's service quality. Hence starting from February 2008, LAF Kaohsiung Branch, Taichung Branch, Yilan Branch and Banciao Branch held an educational training separately for attorneys on the amendment to the Part of Succession of the Civil Code, where in-depth exploration and explanation about its content and possible issues on future practice were made.

#### D. Educational Training on Legal Practice for the Indigenous People

On October 25, 2008, the “Legal Practice Workshop for Indigenous People” was held by LAF in cooperation with Bar Association, Millet Foundation, Judicial Reform Foundation, Institute of Law for Science and Technology of National Tsing Hua University and Association for Taiwan Indigenous People's Policies. At the workshop, case analyses were made on the “honey bee incident of the tribal chief of Tsou people”, the “incident of fallen beechwood trees in Smangus tribe”, the case of “violation to the Gun, Artillery and Weaponry Control Act” and the “incident of the tearing down of the Aboriginal Volunteer Army's stele”, etc. It was expected that the legitimate rights and interests of the indigenous people could be protected through accumulating consensus and experiences.

#### E. Lecture on “ Mental Disorders and Legal Aid; Understanding Sadness and Expelling Melancholy ”

To enhance the aid and service quality of LAF, and to cultivate LAF staff's and legal aid attorneys' understanding and empathy for the disadvantaged people with mental disorders, the Foundation held a lecture “Mental Disorders and Legal Aid; Understanding Sadness and

Expelling Melancholy” at National Science and Technology Museum in Kaohsiung on October 25. Counseling psychotherapist Syuan-huei Su of Mackay Memorial Hospital Tamshui Branch and Director Syue-ping Chen of LAF Taipei Branch, who was experienced in handling legal aid cases for people with mental disorders, were invited to share their experiences. It was expected that the staff and attorneys could learn how to fulfill the knowledge in practice, and how to face melancholy and other negative emotions and offer better service to the disadvantaged people.

## Section 3 Enhancing Service Efficiency

### 1. Operational Management System

Since the beginning of establishment, LAF realized the necessity of computerization, and started to develop the related operational system. In June 2005, the first stage of existing business management system was initiated, and started a partial online function operation in July. By 2008, this development entered the second stage.

The establishment of business management system in 2008 consisted in 3 parts: establishment of new system, system reinforcement and expansion and system maintenance.

#### (1) Establishment of the New System:

##### A. Major Business Flow

The major tasks in 2008 were development of the second, third and fourth phases of the second stage of ERP and the development of debt clearance business system. The content of development of the second, third and fourth phases comprised the improvement of the previously completed functions, and the development of systems related with new business operations such as the attorneys performance evaluation system, petition system, simplified enquiry about financial eligibility, attorney appointment system, limits of authority system, collection system of contribution, repayment, recovery, withdrawal pay and guarantee certificates, and the system of written examination and referral by social groups and courts.

The establishment of the second stage was focused on improving the business flow, and further connecting the business establishment and financial system so as to increase the administrative efficiency and decrease administrative cost. This stage began in June 2007, and by 2008 the work of second, third and fourth phases were in progress. The newly developed functions of the second stage are described as follows:

- (a) The establishment of the “3 payments”
- (b) Collection of the Guarantee Certificates
- (c) Retrieval of Fees on Withdrawal
- (d) Attorneys Evaluation
- (e) Written Application
- (f) Petition procedure
- (g) Attorney appointment system and duty schedule of Examining Commissioners
- (h) Refund Procedure for Partial Aid Cases Terminated or Withdrawn by Applicants

(i) Procedure for Cases with Remuneration Change Because of Merge

(j) Court Referral Flow

The development project of the second stage started in June 2007 for 18 months, and completed in December 2008.

##### B. Debt Clearance Business Flow

To act in coordination with the launch of Legal Aid for Consumer Debt Clearance Program in early 2008, LAF signed an independent contract with Acer Inc. for the development of debt clearance system function. The development and test of related software of this project began in February, completed in late March and operated online in early April. The major developed items of this project were:

- (a) Basic information system of applicants. The case examination and eligibility check systems were greatly changed in coordination with the debt clearance business.
- (b) The original system of Examining Commissioners’ deliberation operation was greatly modified in accordance with the debt clearance business.
- (c) The control system and the rear service system of examination.
- (d) The varied review system, attorneys replacement system and termination system.
- (e) Case closure system.
- (f) The financial and accounting system of debt clearance business and the modification of relevant financial and accounting forms.

#### (2) System Reinforcement and Expansion

##### A. Modification or Improvement of the Original System

- (a) In accordance with the statute amendment or operation variation, the original system’s function and columns were modified, including the application operation, examination operation and rear service of examination, etc.
- (b) In accordance with the staff’s operational demand, the interfaces of enquire, statistics and analysis were fortified.

##### B. Completion Internet Security Check in Business System

The online VPN (Virtual Private Network) was completed for the business systems between LAF headquarters and each branch office, together with the closed beta test operation, and from now on LAF’s business system network would be separated from the internet. This establishment provides fortified security for business system, though it might be inconvenient for mobile operation away from the LAF office.

Therefore, LAF Information Department also established a connection mechanism for the internal and external network. By utilizing PPTP connection technology, the external online security system was established to be connected with the Foundation’s business system via an intermediate facility, and so the demand for mobile operation was satisfied while the information security was also safely guarded.



**(3). Strengthening the Searching, Compiling and Analyzing Functions of Legal Aid**

**Cases Information within Business System**

The second stage development of ERP system included more information search, access and statistics functions to facilitate the Foundation's business review as well as provide reference for the policy making of legislative organizations and competent authorities.

**A. System Maintenance:**

(a) Establishing the information security management system to reinforce information and communication security

In response to the increasing threat to information security brought by technological progress, LAF set up an information security management in addition to the usual systematic check and maintenance. Two measures were adopted to strengthen the information security.

(b) Proceeding with the execution of Guidelines for Information Security Management

The Guidelines for Information Security Management was released to each branch office in mid 2007. Besides offering necessary assistance, LAF Information Department also sent specialists to each branch for facility tuning and instruction.

(c) Reinforcing software and hardware protection to guard the applicants' information

- A firewall was established to detect hacking and monitor unauthorized upload, alternation of webpage and information, or intent of sabotage.
- Network control facility was set up to fortify network monitoring. Warnings would be sounded with the connection being cut off immediately upon unusual usage.
- A virus shield and protection program was installed, and all personnel are obliged to conduct regular scan in order to provide a safe environment for operation.

**2. Video Telecommunication System**

A distance service project started in the spring of 2005 to establish electronic examining interview mechanism, and the video telecommunication system was a major tool for the extension of LAF service coverage. By 2008, the initial system establishment was completed all over the country for the use by LAF branches and remote areas, among which a comprehensive service system covered 8 faraway townships of Hengchuen, Liuchiu, Manchou, Majia, Laiyi, Checheng, Wutai and Fangshan through the cooperation between Pintung Branch and Pingtung County Government. The Foundation will continue to improve the ways of operation of the system and consider increasing service bases in the future.

Currently the video telecommunication system is used for:

**(1) Application for Legal Aid by Residents of Offshore Islands and Remote Areas**

There is almost no attorney practicing on the remote islands or in faraway areas, and the lack of convenient transportation makes it hard for the residents to reach an LAF branch to apply for

service. Distance video telecommunication enables the applicants to interview with attorneys in a way just like urban applicants do. For example, an applicant in Penghu can interview to the attorney of Kaohsiung Branch via video telecommunication, and those in Kinmen and Matsu can talk with attorneys of Taipei Branch. With the help of video telecommunication, the attorneys will have an understanding about the case nature and then proceed with the examining procedure.

**Applications for Legal Aid via Video Telecommunication (VT) in 2008**

VT Period LAF Branch	VT Counterpart	VT Time	Reservation Capacity
Taipei Branch	Kinmen Branch	Every Monday and Thursday	5 persons most for each period
	Kaohsiung Branch	Every Wednesday	4 persons most for each period
Kaohsiung Branch	Penghu Branch	Every Monday and Friday	3 persons most for each period

VT Period LAF Branch	VT Counterpart	Times of VT Connection in 2008
Pingtung Branch	Town Halls of Pingtung County	37 times

**(2) Complaints Service**

When a resident in a remote area or somewhere beyond the service area of the branch wishes to file a petition to LAF but finds it difficult to arrange an interview, the petitioner can come to the nearest branch office or a place with video telecommunication establishment to interview with the competent branch and provide details about the petition.

**(3) Inter-City Contact between Aid Recipients and Attorneys**

For the aid recipient who resides in a city different from where the court of competence is due to the case transfer or appealing for the second or third instance, video telecommunication facilitates the contact or examination interview between the recipient and attorneys or LAF branches around the country.

Moreover, video telecommunication system is also used for the Foundation's internal general meeting or regional branches' joint meeting, inter-branch contact and attorneys' evaluation, etc. to save operational cost and enhance administrative efficiency. In 2008, the system had been used for 8 times.

## **(4) Monthly Meetings of Executive Secretaries and Meeting of Branch Directors via Video Telecommunication**

In addition to the LAF headquarters, the Foundation has 20 branch offices over all cities and offshore islands (Penghu, Kinmen and Matsu). To facilitate the interchange of opinions between the headquarters and branches and among branches, a monthly meeting of executive secretaries and branch directors are held to understand the status of each branch's legal aid business operation as well as to announce the headquarters' policy. In principle these meetings are held through video telecommunication to save the trip and transportation expenses for the participants.

## **(5) Inter-Branch Communication and Other Circumstances Using Video Telecommunication**

Besides the aforesaid occasions, there are other circumstances that the video telecommunication system may be used. For instance, when LAF headquarters needs to deliberate with branch directors on certain issues or the branch offices wish to contact with one another, using video telecommunication can save the administrative expenditure and enhance the operational efficiency.

## **3. Online Reservation System for Credit Card Debt Consultation Service**

To respond to the enactment of the Consumer Debt Clearance Act and expand the service for people with debt problems, LAF not only offered the multiple application channels of telephone hotline and internet website, but also launched an online reservation system for credit card debt consultation service (<http://59.120.201.217/>) in February 2008. People can call the hotline (02) 33226666 or use the internet to make a reservation for credit card debt consultation service. This system will save the waiting time on phone, and shows the immediate status of reservation before the user registers for reservation, thus providing a fast and convenient service to the internet users. The record of 2008 showed that a total of 13,740 people used this online reservation system.

# Chapter 4

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## International Events

## 1. Major Activities

### (1) International Workshop for Human Trafficking Victims and Legal Aid

Human trafficking is a modern version of slavery. Due to the specific geographical location, Taiwan plays triple roles in the human flow of trafficking, i.e. exporter, importer and transit state. Hence on November 1, LAF held the International Workshop for Human Trafficking Victims and Legal Aid to explore issues concerning the indictment for human trafficking and victims protection from the three angles of NGOs, prosecutors and attorneys. At the workshop, the NGO representative Ms. Panadda Changmanee from Southeast Asia, who had long been dedicated to victims' protection and assistance, and Mr. Jim Felte, the US prosecutor in charge of human trafficking cases shared their experience with the participants. Deputy Director-General Li-kung Hsieh of National Immigration Agency, who had been promoting the legislation of countering human trafficking in Taiwan, Supervisor Hongying Wang of Women's Rescue Foundation, Head Prosecutor Jheng-fen Chen of the Prosecutors Office of Banciao District Court, Attorney Meijheng Shen and LAF Staff Attorney Zefang Sun were also present to state their efforts in human trafficking issues.



At the International Workshop for Human Trafficking Victims and Legal Aid, specialists concerned with the relevant issues, including Mei-jheng Shen who was Member of the Control Yuan, Professor Li-kung Hsieh who was Deputy Director-General of National Immigration Agency, President Ying-jhih Liao, Board Deirector Yu-lan Yeh and Supervisor Hong-ying Wang of Women's Rescue Foundation, Head Prosecutor Jheng-fen Chen of the Prosecutors Office of Banciao District Court and AIT Representative Ms. Deanna Kim were invited to discuss about the role of legal aid in countering human trafficking and corresponding strategies.



US Prosecutor Mr. Jim Felte who was in charge of human trafficking cases came to Taiwan to share his experience in investigation and litigation about human trafficking, and participated in an symposium with prosecutors of Taipei District Prosecutors Office who were concerned with human trafficking issues.



Besides the Workshop, LAF also invited Mr. Jim Felte, Ms. Panadda Changmanee and members of Taiwan's Counter Human Trafficking Alliance to the International Symposium of Exchanging Experiences in Countering Human Trafficking and Protecting the Victims by reporting the current governmental system for countering human trafficking and discuss about the future challenges and strategies.



Ms. Panadda Changmanee, who was the NGO representative from Southeast Asia and had been devoted to protecting and assisting the victims, paid a visit to the Shelter Center for Human Trafficking Victims at Catholic Hope Workers Center with the purpose to understand the actual life of the victims in Taiwan.

For Mr. Jim Felte and Ms. Panadda Changmanee who came afar from abroad, the Foundation arranged for them, together with Mr. Navuth Ya, another NGO representative from Southeast Asia for a meeting by National Immigration Agency, to meet representatives of Taiwan's Counter Human Trafficking Alliance and LAF members on December 31 morning at the International Symposium of Exchanging Experiences in Countering Human Trafficking and Protecting the Victims.

### (2) LAF Staff Study Abroad Project

For the purpose of long-term talents cultivation, in the year of 2008 LAF initiated for the first time "Overseas Internship Program", which was approved by the 15th board meeting on May 30 and followed by an announcement of the opening for application to all branches between June 3 and July 2.

### (3) Publishing the Translation of "Advising a Suspect in the Police Station"

To promote the Program of First Interrogation Accompanied by Legal Aid Attorneys, LAF acquired the free authorization and started to translate the book "Advising a Suspect in the Police Station" by British senior criminal specialist Attorney Anthony Edwards for the use of educational training's reference material in 2007. In the process of translation and editing, considering the difference between British criminal litigation system and Taiwan's system, an editorial team was formed by Attorney Bo-siang You, Attorney Yi-ching Guo and Professor Ming-wei Jhang of Department of Financial and Economic Law of Aletheia University, and after many discussion meetings the book was finally published in November 2008 with 2500 copies for the first edition.



The Chinese Version of "Advising a Suspect in the Police Station"

### (4) Preparation for the 2009 International Forum on Legal Aid

LAF had been connected with the world in the beginning by holding the "2005 International Forum on Legal Aid", followed by consistent participation in the interaction among international legal aid organizations to establish a fine global resource network. Through the exchange of experience with different countries and research on the operation of foreign legal aid system, LAF had successfully laid the foundation for the development of legal aid system in Taiwan. It would be the 5th anniversary of LAF in 2009, and so with the support from the Board, the Foundation decided to hold the 2009 International Forum on Legal Aid.

The preparation for 2009 International Forum on Legal Aid was taken care of by a preparatory commission formed by 12 members of LAF International Affairs Committee, Board Directors Manli Chen and John C. Chen, who would work together with an inter-departmental project team. The general plan for the Forum was to invite representatives from 15 countries for 1 keynote speech, 2 session of country' reports and 3 panel discussions about issues of "Non-

nationals and Legal Aid” , “Criminal Justice, Human Rights, and Legal Aid” , and “Poverty, Debt and Legal Aid” .

## 2. International Exchanges

### (1) The Visit by Okayama Public Law Office from Japan

The Okayama Public Law Office is a pro bono practice by attorneys providing legal aid to the disadvantaged in Japan. It offers legal service with a favorable fee to people in need, and works closely with legal aid business. Hoping to learn from the methods for processing cases of consumer debts in Japan, LAF invited 10 representatives from Okayama Public Law Office to Taiwan. During their stay, they were scheduled to visit Taipei District Court and Prosecutors Office, and participate in the symposium held by LAF on January 25.

### (2) The Visit by Mark Taylor, Senior Coordinator of U.S. State Department Office to Monitor and Combat Human Trafficking in Persons

Mr. Mark Taylor, Senior Coordinator of U.S. State Department Office to Monitor and Combat Trafficking in Persons, paid a visit to LAF in the company of Mr. Brad Parker and Ms. Deanna Kim of AIT on July 2, and participated in a symposium hosted by LAF Director-General Chi-jen Kuo. After the reports by Attorney Fang-jyun Jhu of LAF Legal Affairs Department and Attorney Ze-fang Sun of LAF Taipei Branch on the Foundation’s efforts and experience in offering aid to victims of human trafficking, the 20 and more attendants from LAF headquarters, Taipei Branch and Banciao Branch enthusiastically exchanged thoughts with Mr. Mark Taylor.



Representatives from Okayama Public Law Office came from Japan to share their experience in handling consumer debt cases. Shown in the center of the photo is President Mizutani Ken of the Okayama Public Law Office.



Mr. Mark Taylor, Senior Coordinator of U.S. State Department Office to Monitor and Combat Trafficking in Persons visited LAF to understand the Foundation’s accomplishment in offering aid to victims of human trafficking.

### (3) The Participation in the Biennial Meeting of Soroptimist International: Special Topics Discussion on Human Trafficking

The Soroptimist International founded in 1921 held the biennial meeting at Taipei International Convention Center from July 16 to 19, with a special topics discussion on countering human

trafficking on July 19. LAF Director-General Chi-jen Kuo was invited to attend and share opinions with other participants. On July 31, Director-General Kuo shared with LAF staff a film about human trafficking provided by the biennial meeting to enhance the Foundation staff’s understanding about this issue.

### (4) The Visit by Zhejiang People’s District Court Exchanges Group

A team of 14 members of the Intermediate People’s Court of Jinhua City, Zhejiang Province, led by Deputy President Xu-dong Fang, came to visit LAF and was greeted by LAF Director-General Chi-jen Kuo. The team exchanged opinions with LAF staff about the legal aid systems across Taiwan Strait, and rounded off the visit by taking a group picture together.

### (5) The Visit by Exchange Students of Legal Department and Graduate Institute from China to LAF Kaohsiung Branch

21 exchange students of legal department and graduate institute from China, led by Department Chair and Associate Professor Yong-ming Jhang of Department of Economic and Financial Law of National University of Kaohsiung, paid a visit to LAF. The Foundation staff stated the purpose and promotion of the establishment of LAF, and explained about the significance of legal aid to the people.

### (6) LAF’s Participation in International Workshop on Legal Aid in Vietnam ~ Legal Aid to Migrant Workers in Asia-Pacific

The National Legal Aid Agency of Vietnam held “The International Workshop on Legal Aid in Asia-Pacific and Cooperation in Providing Legal Aid to Migrant Workers” in Danang from November 26 to 28. LAF Deputy Secretary-General Wei-siang Chen represented the Foundation and participated in the workshop to share with other legal aid organizations of the Asia-Pacific region the experience in legal aid development as well as the expectation of future cooperation in offering legal service to migrant workers.

# Chapter 5

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Financial Report

## 1. Independent Auditor's Report

### INDEPENDENT AUDITOR'S REPORT

NO.140797EA

The Board of Directors  
Legal Aid Foundation

We have audited the balance sheets of the Legal Aid Foundation as of December 31, 2008 and 2007, and the related statements of income, changes in equity and cash flows for the years then ended. These financial statements are the responsibility of the Foundation's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with generally accepted auditing standards. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit can provide a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial positions of the Legal Aid Foundation as of December 31, 2008 and 2007, and the results of its operations and its cash flows for the years then ended, in conformity with note No.2 and generally accepted accounting principles in the Republic of China (ROC).

As stated in the note No. 3 of the financial statement, starting from 2007, Legal Aid Foundation has adopted Statements of Financial Accounting Standard (SFAS) No. 29 "Accounting for Government Grants and Disclosure of Government Assistance."

*Baker Tilly Clock & Co*  
BAKER TILLY CLOCK & CO  
January 15, 2009

### LEGAL AID FOUNDATION BALANCE SHEETS DECEMBER 31, 2008 and 2007 (Expressed in New Taiwan Dollars)

ASSETS	December 31, 2008		December 31, 2007		Notes	December 31, 2008		December 31, 2007	
	Amount	%	Amount	%		Amount	%	Amount	%
<u>Current Assets</u>	\$ 315,090,990	12	\$ 140,917,703	6		\$ 291,209,248	11	\$ 131,227,505	6
Cash and bank deposit	100,493,626	4	55,475,311	2	10	286,261,769	11	126,568,061	6
Receivables	205,333,503	8	83,207,688	4		3,682,353	—	3,012,789	—
Advance payments	9,263,861	—	2,234,704	—		1,265,126	—	1,646,655	—
<u>Funds and Investments</u>	2,303,447,689	86	2,002,827,856	92		28,222,051	1	19,540,163	1
Funds	350,338,695	13	55,878,485	3		838,320	—	1,200,000	—
Held-to-maturity financial assets, noncurrent	1,953,108,994	73	1,946,949,371	89	11	366,414	—	923,293	—
<u>Fixed Assets</u>	27,725,677	1	31,680,267	1	12	27,017,317	1	17,416,870	1
Machinery and equipment	21,660,985	1	19,564,729	1		319,431,299	12	150,767,668	7
Traffic and transportation equipment	2,745,103	—	2,594,054	—		2,340,697,338	88	2,038,973,192	93
Miscellaneous equipment	11,256,433	—	10,610,503	—	13	500,000,000	19	500,000,000	23
Leasehold improvement	19,519,834	1	18,429,105	1	13	1,800,000,000	67	1,500,000,000	68
Less: accumulated depreciation	(27,456,678)	(1)	(19,518,124)	(1)		40,697,338	2	38,973,192	2
<u>Other Assets</u>	13,864,281	1	14,315,034	1					
Differed debits	9,584,841	1	10,333,244	1					
Other assets	4,279,440	—	3,981,790	—					
Total Assets	\$2,660,128,637	100	\$2,189,740,860	100		\$2,660,128,637	100	\$2,189,740,860	100

(The accompanying notes are a part of the financial statements)

**LEGAL AID FOUNDATION**  
**STATEMENT OF INCOME**  
**FOR THE YEARS ENDED DECEMBER 31, 2008 and 2007**  
**(Expressed in New Taiwan Dollars)**

DESCRIPTION	Notes	2008		2007	
		Amount	%	Amount	%
<u>Revenues</u>		\$ 675,618,392	100	\$ 464,917,536	100
Revenue from government grants	2	623,946,211	92	421,187,331	90
Revenue from other donations	2	870,157	—	1,132,784	—
Revenue from contingent contribution		1,615,808	1	1,782,704	1
Revenue from projects		93,560	—	260,566	—
Other revenue-operating		1,234,678	—	3,716,411	1
Interest earned		47,855,338	7	36,704,840	8
Other revenue-Non-operating		2,640	—	132,900	—
<u>Expenses</u>		673,894,246	100	456,258,001	98
Remuneration for legal aid lawyers	2	424,579,493	63	246,621,196	53
Transportation fee for examining and review lawyers		23,999,000	4	19,619,500	4
Litigation expenses	2	6,048,727	1	6,538,692	2
Other operating costs		7,200	—	—	—
Operation and administrative expenses (Table I)		218,778,985	32	183,368,012	39
Other non-operating loss		480,841	—	110,601	—
Net income		\$ 1,724,146	—	\$ 8,659,535	2

(The accompany notes are a part of the financial statements)

**LEGAL AID FOUNDATION**  
**STATEMENT OF CHANGES IN EQUITY**  
**FOR THE YEARS ENDED DECEMBER 31, 2008 and 2007**  
**(Expressed in New Taiwan Dollars)**

DESCRIPTION	INITIAL FUNDS	OTHER FUNDS	ACCUMULATED SURPLUS	TOTAL
Balance, January 1, 2007	\$ 500,000,000	\$ 1,000,000,000	\$ 30,313,657	\$ 1,530,313,657
Added funds in July 2007	—	500,000,000	-	500,000,000
Net income for 2007	—	-	8,659,535	8,659,535
Balance, December 31, 2007	500,000,000	1,500,000,000	38,973,192	2,038,973,192
Added funds in July 2008	—	300,000,000	-	300,000,000
Net income for 2008	—	-	1,724,146	1,724,146
Balance, December 31, 2008	\$ 500,000,000	\$ 1,800,000,000	\$ 40,697,338	\$ 2,340,697,338

(The accompany notes are a part of the financial statements)



**LEGAL AID FOUNDATION**  
**STATEMENT OF CASH FLOWS**  
**FOR THE YEARS ENDED DECEMBER 31, 2008 and 2007**  
**(Expressed in New Taiwan Dollars)**

DESCRIPTION	2008	2007
Cash flows from operating activities		
Net income	\$ 1,724,146	\$ 8,659,535
Adjustments:		
Loss on disposal of fixed assets	480,523	110,601
Depreciation expenses	8,661,268	8,179,866
Amortization expenses	3,428,293	3,533,216
Amortization of bond discount	(6,159,623)	(5,396,803)
Changes in assets and liabilities		
Receivables	(122,125,815)	(15,762,277)
Advance payments	(7,029,157)	444,026
Accrued payables	159,693,708	14,566,420
Advance receipts	669,564	1,565,789
Pension payables	(556,879)	(528,503)
Revenue of deferred government grants	9,600,447	17,416,870
Net cash provided by operating activities	48,386,475	32,788,740
Cash flows from investing activities		
Increase of funds	(294,460,210)	(6,016,560)
Acquisition of held-to-maturity financial assets, noncurrent	-	(489,918,770)
Acquisition of fixed assets	(5,187,201)	(5,503,595)
Increase of deferred expenses	(2,679,890)	(189,100)
Increase of refundable deposits	(297,650)	(27,000)
Net cash used in investing activities	(302,624,951)	(501,655,025)
Cash flows from financing activities		
Increase of other funds	300,000,000	500,000,000
Increase (decrease) of accounts collected for other parties	(387,729)	339,721
Increase of temporary receipts	6,200	-
Decrease of deposits received	(361,680)	(99,780)
Net cash provided by financing activities	299,256,791	500,239,941
Net increase in cash and bank deposits	45,018,315	31,373,656
Cash and bank deposits at beginning of year	55,475,311	24,101,655
Cash and bank deposits at end of year	\$ 100,493,626	\$ 55,475,311

(The accompany notes are a part of the financial statements)

**LEGAL AID FOUNDATION**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2008 and 2007**

(Expressed in New Taiwan Dollars except as cited in particular footnotes)

**1. ORGANIZATION AND HISTORY**

The Legal Aid Foundation was approved on 22 April 2004 in accordance with Article 5 Paragraph 2 of the Legal Aid Act (hereafter the Act) to conduct legal aid specified in the Act and protect the interests of people.

The major operation of the Foundation:

- (1) Establishing and amending the Act
- (2) Planning and conducting legal aid
- (3) Raising, management and use of legal aid budget
- (4) Promoting legal aid education
- (5) Providing legal aid requested by government institutes or other groups
- (6) Granting, refusal, revoking or termination of examination and execution of legal aid
- (7) Examination and execution of advancement, payment, slight deduction, cancellation, return, sharing or responsibility of lawyer's remuneration
- (8) Mediation between legal aid recipients and legal aid providers
- (9) Other legal aid matters

**2. SIGNIFICANT ACCOUNTING POLICIES**

**(1) Accounting basis**

The accounting process and preparation of financial statements of the Foundation are made according to the Foundation's accounting system approved by the Judicial Yuan and generally accepted accounting principles.

**(2) Funds**

They refer to the funds requiring an exclusive saving account as mandated for either the initial fund established when the Foundation was founded, or the donate assets in which the donor is requested to do so.

**(3) Held-to-maturity financial assets, noncurrent**

They refer to the bonds purchased for long-term holding, measured by the cost amortized by the interest method and processed according to Statements of Financial Accounting Standard No. 34.

**(4) Fixed assets**

Fixed assets are recorded at cost. Major improvements, renewals and replacements are capitalized, while repairs and maintenance are expensed currently. When assets are disposed of, the cost and related accumulated depreciation are removed from the accounts and any gain or loss is credited or charged to income.

Depreciation is computed by the straight-line method over minimum useful life which under the Commodity Standard Classification by the Executive Yuan.

**(5) Differed debits**

They refer to the incurred expenses which shall be amortized in future periods.

**(6) Pension payable**

Prior to the enforcement of the revised Labor Pension Act on July 1, 2005, the Foundation had proceeded with its staff departure procedure in accordance with Labor Standards Act and contributed 6% of the monthly wage of each employee as the pension payable. The retirement payment will be withdrawn from the pension account and the deficient amount will be listed as the expense of the current year. On the other hand, as from July, 2006, for the above mentioned pension, the Foundation has contributed 2% of the monthly wage of each employee to the account of labor pension reserves.

The revised Labor Pension Act has been enforced as from July 1, 2005 in which defined contribution plan (money purchase) has been applied. After the enforcement of the revised Labor Pension Act, the personnel of the Foundation have all selected the pension system regulated in the revised Labor Pension Act (the new system) and retained their working seniority accumulated before the enforcement of the revised Labor Pension Act (retained seniority from the old system). In addition, the Foundation has also contributed 6% of the monthly wage of each employee as the retirement fund and deposited in the individual personal account of labor pension at the Bureau of Labor Insurance.

**(7) Revenue from government grants**

This includes subscription from the government and private donation and is listed in the revenue upon receipt of payment. However, the amount of the subscription from the Judicial Yuan which was not used and should be returned by the end of the period will be adjusted and written off from the account.

Additionally, since 2007, as regulated in Statements of Financial Accounting Standard (SFAS) No. 29 "Accounting for Government Grants and Disclosure of Government Assistance.", government related grants and assets related government grants are listed as deferred revenue, the items related to depreciated assets are listed as the subscription revenue in phases according to the assets' useful life years, the ones related to non-depreciated assets are listed as the subscription revenue for the period listing the invested cost as the expense when fulfilling obligations, the government grants related to income are reasonably and systematically listed as the subscription revenue in line with the occurrence period of other related costs, and the items having yet to be realized are listed as deferred revenue.

**(8) Remuneration for legal aid lawyers**

It is the remuneration given to attorneys for their implementation of legal aid according to the percentage of completion in the task.

**(9) Litigation expense**

This refers to the litigation expense from legal aid. That from the legal aid case approved by the court shall not be recognized until the confirmation of court sentence.

**(10) Income tax**

This is computed in accordance with Income Tax and Application Standards of Tax Exemption

for Education, Culture, and Public Welfare Institutions or Groups.

**(11) Approval and adjustment of financial statement**

The Foundation's income and expenditure account shall be audited by the Judicial Yuan and Directorate-General of Budget, Accounting & Statistics (DGBAS). In this case, the Foundation's income and expenditure account would not be finalized until passing their examination. If there is any adjustment, it will enter into next year's account, and the financial statements of the year in which it occurs will be revised accordingly.

**(12) Reclassification of accounting titles**

Part of the accounting titles in 2007 financial statements have been reclassified in order to give consistent expression for 2008 financial statements.

**3. ACCOUNTING CHANGES AND THEIR EFFECT**

As from January 1, 2007, the Foundation has adopted Statements of Financial Accounting Standard (SFAS) No. 29 "Accounting for Government Grants and Disclosure of Government Assistance," and the government grants received before the adopted date will not be retroactively adjusted.

**4. CASH AND BANK DEPOSIT**

	December 31, 2008	December 31, 2007
Cash on hand	\$ 30,622	\$ 900
Petty cash	700,000	663,361
Bank deposits	99,763,004	54,811,050
Total	<u>\$ 100,493,626</u>	<u>\$ 55,475,311</u>

**5. RECEIVABLES**

	December 31, 2008	December 31, 2007
Notes receivable	\$ 120,000	\$ 84,885
Accrued deposits interest receivable	452,455	161,387
Government grants receivable	181,231,660	59,056,561
Accrued bonds interest receivable	18,895,840	18,652,499
Contingent contribution receivable	757,416	558,010
Other receivable	3,876,132	4,694,346
Total	<u>\$ 205,333,503</u>	<u>\$ 83,207,688</u>

**6. FUNDS**

December 31, 2008		
	Amount	Annual interest rate
Time deposit— Bank of Taiwan	\$ 150,000,000	2.09%
Time deposit— E. Sun Commercial Bank	200,338,695	2.20-2.72%
<b>Total</b>	<b>\$ 350,338,695</b>	

December 31, 2007		
	Amount	Annual interest rate
Time deposit— Taishin Bank	\$ 3,479,860	2.58%
Time deposit— E. Sun Commercial Bank	52,398,625	2.48%-2.56%
<b>Total</b>	<b>\$ 55,878,485</b>	

**7. HELD-TO-MATURITY FINANCIAL ASSETS, NONCURRENT**

December 31, 2008					
	Principal Amount	Carrying Amount	Face interest rate	Yield of transaction days	Maturity date
Government Bonds -No.94107	\$ 950,000,000	\$ 919,117,954	1.625%	2.040% -2.630%	Sept.12,2015
Government Bonds -No.95103	650,000,000	636,567,786	1.750%	2.025% -2.081%	March 31, 2016
Government Bonds -No.96103	250,000,000	237,939,129	1.875%	2.529% -2.531%	March 16, 2017
Government Bonds -No.90107	150,000,000	159,484,125	3.500%	2.530% -2.680%	Oct. 19, 2016
<b>Total</b>	<b>\$2,000,000,000</b>	<b>\$1,953,108,994</b>			

December 31, 2007					
	Principal Amount	Carrying Amount	Face interest rate	Yield of transaction days	Maturity date
Government Bonds -No.94107	\$ 950,000,000	\$ 914,871,107	1.625%	2.040% -2.630%	Sept.12,2015
Government Bonds -No.95103	650,000,000	634,865,718	1.750%	2.025% -2.081%	March 31, 2016
Government Bonds -No.96103	250,000,000	236,648,625	1.875%	2.529% -2.531%	March 16, 2017
Government Bonds -No.90107	150,000,000	160,563,921	3.500%	2.530% -2.680%	Oct. 19, 2016
<b>Total</b>	<b>\$2,000,000,000</b>	<b>\$1,946,949,371</b>			

**8. FIXED ASSETS**

December 31, 2008			
	Cost	Accumulated depreciation	Ending balance
Machinery and equipment	\$ 21,660,985	\$ 11,324,861	\$ 10,336,124
Traffic and transportation equipment	2,745,103	1,026,344	1,718,759
Miscellaneous equipment	11,256,433	5,409,382	5,847,051
Leasehold improvement	19,519,834	9,696,091	9,823,743
<b>Total</b>	<b>\$ 55,182,355</b>	<b>\$ 27,456,678</b>	<b>\$ 27,725,677</b>

December 31, 2007			
	Cost	Accumulated depreciation	Ending balance
Machinery and equipment	\$ 19,564,729	\$ 7,784,405	\$ 11,780,324
Traffic and transportation equipment	2,594,054	732,549	1,861,505
Miscellaneous equipment	10,610,503	3,766,450	6,844,053
Leasehold improvement	18,429,105	7,234,720	11,194,385
<b>Total</b>	<b>\$ 51,198,391</b>	<b>\$ 19,518,124</b>	<b>\$ 31,680,267</b>

The total amounts of fire insurance for December 31 2008 and 2007 were \$29,472,116 and \$30,126,979 respectively.

**9. DIFFERED DEBITS**

	December 31, 2008	December 31, 2007
Operating software systems	\$ 7,832,550	\$ 8,503,710
Other software and wire systems	1,752,291	1,829,534
<b>Total</b>	<b>\$ 9,584,841</b>	<b>\$ 10,333,244</b>

**10. ACCRUED PAYABLES**

	December 31, 2008	December 31, 2007
Notes payable	\$ 97,200	\$ -
Lawyer remuneration payable	187,414,399	72,083,849
Wage and bonus payable	17,626,876	13,462,312
Expense payable	4,671,755	4,578,575
Government grants refund	76,213,003	36,110,760
Other payables	238,536	332,565
<b>Total</b>	<b>\$ 286,261,769</b>	<b>\$ 126,568,061</b>

**11. PENSION PAYABLES**

	Year Ended December 31, 2008	Year Ended December 31, 2007
Balance at the beginning period	\$ 923,293	\$ 1,451,796
Minus: the amount contributed to the account of labor pension reserves	556,879	528,503
Balance at the end of the period	<u>\$ 366,414</u>	<u>\$ 923,293</u>

The details of the exclusive labor pension reserve account for 2008 and 2007 are as below:

	Year Ended December 31, 2008	Year Ended December 31, 2007
Balance at the beginning period	\$ 766,172	\$ 226,115
Deposit in the current period	556,879	528,503
Current period income	31,561	11,554
Minus: deposit in transit	(86,754)	-
Balance at the end of the period	<u>\$ 1,267,858</u>	<u>\$ 766,172</u>

**12. DEFERRED REVENUE FROM GOVERNMENT GRANTS**

	Year Ended December 31, 2008		
	Subscription amount	Amortized amount	Revenue of deferred government grants
Government grants related to depreciated assets			
Purchased and used	\$ 12,420,815	\$ 1,685,662	\$ 10,735,153
Purchase having yet to be completed	16,282,164	-	16,282,164
Total	<u>\$ 28,702,979</u>	<u>\$ 1,685,662</u>	<u>\$ 27,017,317</u>
	Year Ended December 31, 2007		
	Subscription amount	Amortized amount	Revenue of deferred government grants
Government grants related to depreciated assets			
Purchased and used	\$ 4,553,724	\$ 119,649	\$ 4,434,075
Purchase having yet to be completed	12,982,795	-	12,982,795
Total	<u>\$ 17,536,519</u>	<u>\$ 119,649</u>	<u>\$ 17,416,870</u>

**13. INITIAL AND OTHER FUNDS**

(1) Details:

	December 31, 2008	December 31, 2007
Government bonds-No.94107	\$ 919,117,954	\$ 914,871,107
Government bonds-No.95103	636,567,786	634,865,718
Government bonds-No.96103	237,939,129	236,648,625
Government bonds-No.90107	159,484,125	160,563,921
Time deposit- Taishin Bank	-	652,004
Time deposit- E. Sun Commercial Bank	196,891,006	52,398,625
Time deposit- Bank of Taiwan	150,000,000	-
Total	<u>\$ 2,300,000,000</u>	<u>\$ 2,000,000,000</u>

(2) The amount of interest accrued from fund investment for 2008 and 2007 was \$47,232,733 and \$36,264,622 respectively.

(3) The registered total assets in the Taipei District Court by December 31, 2008 were NT\$2,300,000,000.

**14. COMMITMENTS AND CONTINGENT**

(1) As of December 31, 2008 and 2007, the amount of guarantee balance arising from issuing injunction to preserve the status quo is NT\$433,918,871 and NT\$431,379,315, respectively. By referring to the latest rate occurring in Taipei District Court in 2008, the prosecuted claim rate resulting from damage caused by provisional seizure is about 0.06%.

(2) As of December 31, 2008, the amount reserved by the Foundation for the unpaid contract purchase of equipment and software was \$14,674,164.

**15. DISCLOSURE OF APPROVAL**

The 2007 final account of the Foundation was approved by Judicial Yuan on March 24, 2008 as per letter no. Tai-Tin-Szu-Szu-Tzu-Ti No. 0970002912 for further reference. The financial statements examined in 2007 are same as those approved by the Judicial Yuan.

## ANALYSIS OF THE CHANGE IN OPERATION AND ADMINISTRATION EXPENSES

### 1. Operation and administration expenses

In: NT\$

Category	2008 (A)	2007 (B)	Change (A) - (B)	Change ratio % [(A) - (B)] / (B)	Explanation
Wages	\$ 93,988,641	\$ 75,903,916	\$ 18,084,725	24	(1)
Traffic expenses for part-time personnel	2,309,500	2,379,500	(70,000)	(3)	-
Overtime pay	12,422,256	9,809,830	2,612,426	27	(1)
Dining	53,305	32,534	20,771	64	(3)
Performance bonus	9,252,248	7,976,558	1,275,690	16	(1)
Year-end bonus	7,327,931	5,647,181	1,680,750	30	(1)
Sharing insurance premium of employees	8,392,530	7,925,356	467,174	6	-
Entertainment activities	648,115	511,358	136,757	27	(1)
Educational training	553,958	803,305	(249,347)	(31)	(2)
Pension	6,359,379	4,291,635	2,067,744	48	(1)
Water and electricity	2,639,139	2,280,543	358,596	16	(8)
Postage and phone bills	8,739,521	6,933,720	1,805,801	26	(7)
Travel expenses	2,188,926	1,455,653	733,273	50	(3)
Freight	179,697	140,010	39,687	28	(7)
Printing and binding	1,693,449	1,179,688	513,761	44	(4)
Advertisement	1,039,948	1,932,929	(892,981)	(46)	(4)
Operation and publicity	3,470,451	3,813,228	(342,777)	(9)	-
Repair	961,946	906,529	55,417	6	-
Insurance	90,079	303,205	(213,126)	(70)	(5)
Chartered accountants and actuaries remuneration	250,000	215,000	35,000	16	(6)
Other professional service charges	8,268,228	2,113,396	6,154,832	291	(3)
Public relations fees	840,488	771,398	69,090	9	-
Office supplies	2,793,803	2,285,207	508,596	22	(7)
Miscellaneous items	1,561,589	1,264,540	297,049	23	(8)
Books, newspapers and magazines	362,642	344,102	18,540	5	-
Foods	1,036,348	1,050,759	(14,411)	(1)	-
Building rental	18,884,891	17,974,250	910,771	5	-
Office equipment rental	786,520	627,731	158,659	25	(8)
Depreciation of fixed assets	8,661,268	8,179,866	481,402	6	-
Various kinds of amortization	3,428,293	3,533,216	(104,923)	(3)	-
Research and field trip expenses	495,564	1,268,062	(772,498)	(61)	(9)
Special projects	4,336,150	4,842,760	(506,610)	(10)	(10)
Conferences	470,903	661,373	(190,470)	(29)	(11)
Management	1,726,611	1,686,082	40,529	2	-
Others	2,564,668	2,323,592	241,076	10	(3)
Total	\$218,778,985	\$183,368,012	\$ 35,410,973	19	

2. The following is the analysis and explanation of the items having more than 10% of change:

(1) Increase in “wages”, “overtime pay”, “performance bonus”, “year-end bonus”, “entertainment activities” and “pension”.

A. The increase in the expenses of the foresaid items resulted from the increase in the number of employees.

B. Compared to 2007, 50 employees (including 25 regular employees and 25 contracted employees) were added in 2008, and the performance evaluation as the reference for a salary raise was conducted in accordance with personnel evaluation guidelines.

C. Even though there were more employees in 2008 compared with 2007, the manpower was still deficient due to heavier working load required by dealing the project of Consumer Debt Clearance Act Promotion and Legal Aid”, which resulted in the increase of overtime pay.

(2) Decrease in “educational training”

The enforcement of the project of “Consumer Debt Clearance Act Promotion and Legal Aid” and the promotion of the operation for updating social insurance in 2008 relatively squeezed employees’ opportunities for attending either internal or external training.

(3) Increase in “dining”, “travel expenses”, “other professional service charges” and “others”

A. The number of cases increased as a result of the enforcement of the project of “Consumer Debt Clearance Act Promotion and Legal Aid” in 2008.

a. Increase in the expenses occurring in remitting remuneration to the Veto Committee and attorneys, and the costs occurring in dispatching more personnel to the branch offices in order to maintain the regular operation of those branch offices.

b. 104 stations were simultaneously set up nationwide in 2008 (Currently, the number of the stations nationwide has been downsized to 77), in which each station has attorneys available for providing legal consultation and assisting in legal aid application. As a result, the transportation allowance for the stationed attorneys increased accordingly.

B. The “project of Pilot Program of First Interrogation Accompanied by Legal Aid Attorney” kicked off in September, 2007. Thus, compared with 2007, related expenses increased for eight months in 2008.

(4) Increase in “printing and binding” and decrease in “advertisement”

Given that printed posters, DM and manuals were mainly used to promote the projects of “Consumer Debt Clearance Act Promotion and Legal Aid” and the “Pilot Program of First Interrogation Accompanied by Legal Aid Attorney” in 2008, the costs of media and newspaper advertisements were therefore comparatively reduced.

(5) Decrease in “insurance”

As aggressively negotiating with the insurer in 2008 for the insurance types and characteristics applicable to the volunteers, the volunteers’ travel accident insurance which is at a higher premium rate has been changed into group casualty insurance at a lower premium rate. As a result, the

insurance premium decreased in 2008.

**(6) Increase in “chartered accountants and actuaries remuneration”**

Due to the enforcement of the project of “Consumer Debt Clearance Act Promotion and Legal Aid” in 2008, the number of hours spent by the accounting firm increased accordingly.

**(7) Increase in “postage and phone bills”, “freight” and “office supplies”**

A. Due to the enforcement of the project of “Consumer Debt Clearance Act Promotion and Legal Aid” in 2008, the number of cases increased in 2008 compared with 2007. As a result, more expenses of consumptive materials, such as copy paper and carbon powder, postage for delivering notifications and examination data, and follow-up documentation compiling and filing, occurred in 2008.

B. Given that printed materials were mainly used in 2008 for publicity, postage and shipping expenses therefore increased in 2008 accordingly.

**(8) Increase in “water and electricity”, “miscellaneous items” and “office equipment rental”**

A. Enforcement of the project of “Consumer Debt Clearance Act Promotion and Legal Aid” in 2008:

Due to the enforcement, the original space in Taichung and Banqiao branches became insufficient, thus, a customer hot line was set up at the headquarters for credit card debt consultation, office related rental was extended and required objects were purchased in 2008.

B. Utility fees rose in July and October, 2008 respectively.

**(9) Decrease in “research and field trip expenses”**

It was executed according to the budget quota approved by Judicial Yuan in 2008.

**(10) Decrease in “special projects”**

In 2008, the operation focused on the enforcement of the projects of “Pilot Program of First Interrogation Accompanied by Legal Aid Attorney” and “Consumer Debt Clearance Act Promotion and Legal Aid”, and reduced the implementation of the operation designated from suspended prosecution punishment.

**(11) Decrease in “conferences”**

Conference expenses had reduced due to the increased use of video conferencing technology and improvements of projects progresses in regulatory development and execution.

## 2. Examination Report by Board of Supervisors

### 監事審查報告書

本基金會 97 年度之財務報表暨財產目錄等表冊，業經正風會計師事務所徐素琴會計師查核簽證完畢，發布無保留意見書；並經第二屆第 23 次董事會承認在案，認為足以允當表達本基金會民國 97 年 12 月 31 日之財務狀況，暨民國 97 年 1 月 1 日至 12 月 31 日止之經營成果與現金流量。本監事對上開表冊已依法審核完竣，特此承認。

監事主席 陳計男

(以下依姓氏筆畫排序)

監事 林美杏

監事 張志弘

監事 廖健男

監事 蔡揚宗

陳計男  
林美杏  
張志弘  
廖健男  
蔡揚宗

### 3. Analysis of Key Points of Financial Report

The accounting system of the Foundation is fiscal calendar year system (January 1 to December 31). The 2008 financial report was audited by an independent local CPA firm with no retained comments reported. In order to ensure financial transparency to allow the general public to the supervisors of the Foundation, the Foundation discloses the financial reported certified by accountants and related financial analysis to public so as to allow the public to monitor the Foundation's financial status

**(1) The total expenditure of the Foundation for 2008 was NT\$669,671,776 (including capital expense and excluding depreciation and amortizations).**

- A. The cost of legal aid was NT\$454,634,420, which accounted for 67.89% of the total expense. The cost of legal aid was NT\$454,634,420 (including NT\$424,579,493 for lawyers, NT\$23,999,000 for examining and reviewing commissioners, NT\$6,055,927 for litigation and other agency costs), which accounts for 67.89% of total expense. Furthermore, attorney remunerations for legal aid cases were calculated and paid according to the "Regulations for the Calculation of Legal Aid Remunerations and Necessary Fees", which was lower than the average to market. In order to control the quality and progress of legal aid cases, only 80% of the remuneration is paid in advance while the remaining 20% will be paid when the case is closed.
- B. The personnel cost was NT\$141,307,863, which accounted for 21.10% of total expenses. The personnel cost was NT\$141,307,863, which accounted for 21.10% of total expenses, including employee salaries, overtime pay, performance and year-end bonuses, insurance fees, pension and so on and the traveling expenses for board directors and supervisors and members of each committee for the attendance of meetings.
- C. The administration cost was NT\$65,862,402, which accounted for 9.84% of total expenses. The administration cost was NT\$65,862,402, which accounted for 9.84% of total expenses, including office rental, promotion expenses, utilities, postage, traveling expenses, cost of office supply, printing and other administrative expenses.
- D. The capital expense in 2008 was NT\$7,867,091, which accounted for only 1.17% of total expenses. The capital expense in 2008 was NT\$7,867,091, which accounted for only 1.17% of total expenses. The expense primarily included the procurement of the telecommunication terminal system and expansion of office space, etc.

**(2) Each people in Taiwan paid NT\$29 in average and could support the operations of the Foundation in 2008.**

The total expense of the Foundation in 2008 was NT\$669,671,776. If divided by the population of 23,037,031 people in Taiwan, each people shares NT\$29 in average.

**(3) The average remuneration for attorneys in each legal aid case was NT\$19,816.**

The budgeted remuneration for attorneys in 2008 was NT\$424,579,493, which was calculated according to previous experience with legal aid attorney progress in the year before and 80% of which was paid in the year when the attorneys accepted the cases and 20% was paid when the cases closed. Adjustment was made with increase or decrease in the remuneration caused by changes of legal aid cases (e.g., change of attorneys, the cancellation, termination or withdrawal) in 2008.

When calculated according to the total remuneration for attorneys of 17,650 legal aid cases in 2008, the average remuneration was NT\$19,816.

**(4) The Foundation's total income in 2008 was NT\$675,618,392.**

- A. The government donated NT\$623,946,211, which accounted for 92.35% of the Foundation's total income and included NT\$623,426,600 by the Judicial Yuan, NT\$419,611 by the Ministry of Defense and NT\$100,000 by the Legal Affairs Department of Taipei City Government.
- B. The citizen donation was NT\$839,085, which accounted for 0.13% of the total income.
- C. The programs income was NT\$93,560, which accounted for 0.01% of the total income and was the subsidy for governmental and civilian special programs.
- D. The interest income was NT\$47,855,338, which accounted for 7.09% of the total income, including the interests from time deposit, bond and demand deposit.
- E. The legal aid income (Contribution, Repayment and Recovery of Cost) was NT\$1,646,880, which accounted for 0.24% of the total income and was collected according to Article 32, 33 and 35 of the Legal Aid Act.
- F. The other income was NT\$1,237,318, which accounted for 0.18% of the total income, including the contribution from deferred prosecution designated by district prosecutors offices and procurements tender obtaining, etc.

**(5) The total endowment of NT\$2,300,000,000 of LAF in 2008 was used to purchase government bonds.**

Item	Domination
Government Bond – Central Bond 94107	950,000,000
Government Bond – Central Bond 95103	650,000,000
Government Bond – Central Bond 96103	250,000,000
Government Bond – Central Bond 90107	150,000,000
Time Deposit at Bank of Taiwan	150,000,000
Time Deposit at E. Sun Bank	150,000,000
Total	2,300,000,000

According to Article 6 of the Legal Aid Act: “The endowment of the Foundation is NT\$10,000,000,000. Apart from encouraging donations from the public, the Competent Authority will budget annual contributions to the endowment of the Foundation.” Up until December 31, 2008, the endowment of the Foundation had accumulated to NT\$2,300,000,000, which was invested in government bond upon the agreement made by the Board of Directors.

Based on the consideration of the safety and stability of the Foundation’s fund, currently the Foundation’s total endowment in the amount of NT\$2,300,000,000 were all invested in government bond. The Foundation keeps the entire government bond with book entry government bond instead of the bond certificates under the security concern. In addition, the bank chops of the bank book of the government bond are kept separately by the cashier, accounting officer, Secretary-General and Chairperson of Legal Aid Foundation.



# Chapter 6

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Future Prospects

### 1. Expansion of the Program of First Interrogation Accompanied by Legal Aid Attorneys

Being a key indicator of the human right development in Taiwan, the Program of First Interrogation Accompanied by Legal Aid Attorney won great attention from the public. Though not so effective as expected since the execution of this pilot program, a foundation had already been established and brought positive effect over the attorneys' company during interrogation. Moreover, the National Police Agency announced that the number of police districts participating in this Program would be increased to 50 on January 1, 2009. In the future, LAF will continue to promote the Program by:

- (1) Establishing a communication platform with National Police Agency and constantly reviewing the performance to control the effect.
- (2) Reviewing and improving the existing cooperating mode with courts and prosecutors to provide a more effective service of attorneys' company during interrogations.
- (3) Augmenting the promotion to enhance the public's awareness of human rights.
- (4) Reinforcing the recruitment of legal aid attorneys and offering more study opportunities in response to the probable increase of cases due to the expanded participation from National Police Agency.

### 2. Regular Review of Legal Aid Program for Consumer Debt Clearance

LAF has invested considerable resources in promoting the Legal Aid Program for Consumer Debt Clearance, and has seen an impressive accomplishment in the number of legal aid cases. However, as an agreement in the courts' interpretations has yet to be formed, and the speed of process has fallen short of the public's expectation, certain obstacles have been encountered in promoting this Program. Still, a reasonable debt clearance mechanism is essential for a modern capital society, and lots of wage-earners are suffering from unemployment or salary cut and in desperate need for the help of debt clearance during the recent global economic recession. In the future, LAF will continue to promote this Program through the following ways:

- (1) Constantly analyzing the courts' interpretations and making timely adjustment in the Foundation's examining mechanism.
- (2) Studying various sample statements and the calculation of relevant data in order to assist legal aid attorneys in accelerating the case process.
- (3) Researching into the possibility of expanding the coverage of negotiation between debtors and banks in order to fight for more reasonable clearance conditions for debtors.
- (4) Restoring the faith of legal aid attorneys and the public in the debt clearance mechanism.

### 3. Establishment of a "Fast, Professional, Efficient and Effective" Legal Consultation

When encountering legal problems in life, the public often are not aware what legal rights and obligations they have, but "legal consultation" can offer the public the simplest the most immediate solution to their confusion. According to researches and other countries' experience, "legal consultation" is the most convenient and economical to solve a dispute before appealing to litigation. Therefore it is LAF's responsibility to offer the public the service and place for legal consultation. In the future, the Foundation's plans for providing legal consultation service are described as follows:

- (1) Differentiating the "legal aid" service from "application for legal aid" service  
LAF plans to fully expand the legal consultation service in 2009, and separate the people for "legal consultation" from those for "application for legal aid" during the service flow according to their needs.
- (2) Establishing the legal consultation service by specialist attorneys  
Because the laws and statutes are complicated and diversified, and each attorney has his or her own background and specialty, the Foundation plans to provide specialized legal consultation service by specialist attorneys in the future.
- (3) Advancing the accessibility of legal consultation service  
Besides a scheduled regular period for legal consultation service, each LAF branch should, depending upon the branch's condition, unite the local NGOs or governmental resources to establish bases of legal consultation service.
- (4) Planning for the hotline for legal consultation service by phone  
Direct legal consultation by phone is the most convenient and fastest way of service. It will be a most immediate and effective help to the public if their doubts and worries can be solved in a convenient way.
- (5) Amending the Act to change Legal Consultation into a service not requiring the examination of financial eligibility

Under the existing structure of Legal Aid Act, financial eligibility is a prerequisite for legal consultation. In the future, LAF plans to promote the amendment of Article 14 of Legal Aid Act to change legal consultation into a service that no financial eligibility examination is required with the expectation that the legal consultation service offered to the public will be simple, convenient, fast, professional, efficient and effective.

### 4. Enhancement of Legal Aid's Quality

While LAF has made impressive achievement in the quantity of legal aid cases, the quality of legal aid attorneys are often criticized by people of different fields. To enhance the service quality of legal aid attorneys, the Foundation will make use of the following establishments:

- (1) The database of legal aid attorneys: Through the comprehensive database of legal aid attorneys in the Foundation's computer system, their updated statuses can be followed and used as the reference for case appointment.
- (2) Computer appointment system: When the system is completed, in principle the appointment will be fairly made according to the legal aid attorneys' specialties and preference, their aid record as well as the case categories and specific needs of the aid recipients.
- (3) Petition system: The status of legal aid attorneys' process will be investigated and understood through petitions filed by aid recipients, the judges or prosecutors in charge and other interested parties.
- (4) Legal Aid Attorneys Evaluation System: An overall review will be conducted when this evaluation (punishment included) to be used for future scheduled or unscheduled evaluation's reference, expecting to achieve the best effect of evaluation within a limited budget.
- (5) Contract attorney system: With attorneys who have outstanding performance when processing legal aid cases, signing a contract for a service with agreed case amount within an agreed period will ensure the aid quality and help establishing a pro bono attorney system.

## 5. Review of Internal Regulations and Completion of Relevant Systems

Facing the continuous expansion of operation, LAF has made efforts to plan and review the internal control but with not so satisfactory progress and effect. For example, the management and collection of the "4 payments", the retrieval of guarantee certificates and even the establishment of relevant standard operation flow still need some hard work. In the coming year, the Foundation will emphasize on the internal management by completing an integral operation flow to meet a consistent basic requirement.

The Foundation has already completed related establishment or amendment of laws and regulations one in succession, still part of which cannot meet the actual demand. LAF will go on with review and modification to meet the Foundation's need.

## 6. A General Review of Legal Aid System through Domestic Forum

It has been almost 5 years since the establishment of LAF in July 2004, and the initial goal of helping the disadvantaged has been achieved with tens of thousands of legal aid cases processed. In the meanwhile advices have been given by both the interior of the Foundation and people of different fields, including:

- (1) Is the coverage of no requirement for financial eligibility examination too narrow?
- (2) Are the criteria for financial eligibility too strict?
- (3) Does the criterion for no insufficient justification need to be modified?

- (4) Should there be a limit to the categories of legal aid cases? Should there be an order of priority?
- (5) Should the examination mechanism be modified?
- (6) Should the contract attorney system be adopted?
- (7) Should it be legal aid free of charge for a criminal defendant with sufficient financial capability of a compulsory defense case? Will the system be modified and start to charge the defendant for legal aid?
- (8) Should the aided civil cases adopt the pre-trial mediation mechanism instead?

With respect to the above issues, LAF plans to invite all interested parties to a forum for in-depth discussion for future amendment to relevant statutes.

## 7. Constant Concern with Specific Case Categories of the Specific Disadvantaged Group of People

According to Article 1 of the Legal Aid Act, the goal of LAF is to protect people's rights and provide necessary legal aid to those who cannot be properly protected by law due to their lack of financial capability or other reasons. It can be understood that the recipients of LAF's legal aid are not limited to those without financial capability, and all those who cannot be properly protected by law for other reasons should be the recipients of assistance from LAF. Hence the Foundation has always been keeping close connection with different social welfare groups and caring about the disadvantaged people's demand for legal aid. However, with the limited resources of the Foundation, LAF cannot take care of all their demands, while the changes of social and economic conditions have caused great impact on the formation and evolution of the disadvantaged groups. Therefore LAF should constantly keep alert to the urgent needs of the disadvantaged people in order to provide timely aid. In the future, LAF will continue to keep concern with the specific needs of the specific disadvantaged people in addition to the aforesaid "Legal Aid Program to Children Inheriting with Debts" and "Legal Aid Program to Victims of Human Trafficking".

## 8. Seeking for New Opportunity for International Forum on Legal Aid

Though starting late in comparison with other countries in the legal aid system development, LAF has been keeping constant communications and exchanges with foreign legal aid groups since the establishment of the Foundation in hopes of learning from the experiences of advanced countries. When celebrating the Foundation's first anniversary, LAF held the 1st International Forum on Legal Aid. 24 representatives from 17 countries, including those from Australia, Southeast Asia, South Africa, UK, USA and Europe, gathered together to discuss the foundation and future development of legal aid regarding to the 4 major issues of "Organization", "Need Assessment and Access", "Quality" and "Role of Lawyers", and huge inspiration and response

had been received.

In recent years, as the international community has been under the influence of globalization and the “financial tsunami” that result in a sharper contrast in the M-letter type society and the lowering criterion for poverty, and no country can keep itself out of this “butterfly effect” . With such a drastic change of environment, the legal aid system in every country is facing a severe challenge, and it is in such a time that the exchanges and interactions among legal aid organizations become even more important. Therefore LAF plans to hold the 2009 Internatioanl Forum on Legal, which will focus upon the issues of “Non-nationals and Legal Aid” , “Criminal Justice, Human Rights, and Legal Aid” , and “Poverty, Debt and Legal Aid” , with expectations to explore the integral development of legal aid mechanism through the exchange of international experiences.

# Appendixes

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## 1. Chronicle of Major Events in 2008

Date	Event
January 4	LAF and TFCF held a joint press conference "Hand in Hand Helping Children Inheriting Debts" , encouraging those children burdened with inherited debts to face the problems.
January 22	LAF announced the findings and explained about the course of the disadvantaged people's debt cycle at the press conference for "The 1st Survey on Credit Card Debtors in Taiwan" .
January 24	The Okayama Public Law Office came from Japan and attended the international symposium held by LAF on January 25.
January 31	LAF and NPA held press conference "Interrogation Accompanied by Legal Aid Attorneys Program" , witnessed by Deputy Commissioner Jheng-sheng Gao of CIB and President Yi-sin Sun of PAPID.
February 24	At the press conference LAF announced hotline 02-3322-6666 for debt consultation provided at nearly 100 legal bases.
March 3	"Debt Consultation Center" started officially and attorneys would answer in person to people with debt problems.
March 6	Facing powerful banks and the traps of fraud agencies, LAF held a press conference "Fighting against Agencies" together with CEO Feng-jheng Lin of JRF, Secretary-General Syun-jia Jhang of Taiwan Bar Association and Secretary-General Zih-yu Lin of Taipei Bar Association.
March 13	LAF participated in the symposium on "Protecting the Lifeline of Credit Card Debtors: Debt Negotiation Operation and Debt Clearance Act Related Application" convened by Legislator Jhong-syong Syu. Also present were representatives for Banks Association and Banking Bureau of Financial Supervisory Commission.
April 10	LAF held the new book release for "Trapped in Debts – Story of George and Mary" , a collection of 17 true cases of credit card debtors to call for public care and assistance for debtors. LAF also held "Symposium on Credit Card Debt Storm and 2nd Financial Reformation" on April 13.
April 11	The Consumer Debt Clearance Act was officially put into effect! LAF held a press conference on "Celebration of Revival Day of Credit Card Debtors and the First Case of Submitting Appeal Statement for Debt Clearance" , appealing to the government for attention to the relevant measures with enactment of the Regulations.
May 14	At the 1st "Media Presentation of Debt Clearance Program Execution" , LAF announced the 1st case of successful appeal for restructuring procedure.
July 1	LAF celebrated its 4th anniversary.
July 2	Mr. Mark Taylor, Senior Coordinator of U.S. State Department Office to Monitor and Combat Trafficking in Persons visited LAF in the company of Mr. Brad Parker and Ms. Deanna Kim from AIT, and shared his experience in assisting human trafficking victims at the symposium.
July 11	President Ying-jeou Ma, President In-jaw Lai of Judicial Yuan, Minister Ching-feng Wang of Ministry of Justice and other VIPs were invited to LAF's 4th anniversary tea party and symposium on "The Disadvantaged, Human Rights and Legal Aid" .
July 19	LAF Secretary-General Chi-jen Kuo was invited to lecture on countering human trafficking at the Binneial Meeting of Soroptimist International held at Taipei International Convention Center.
July 21	Deputy President Xu-dong Fang of the Intermediate People's Court of Jinhua City, Zhejiang Province visited LAF and exchanged opinions about the legal aid systems across Taiwan Strait.
August 4	At the press conference of "Revival of a Credit Card Debtor – the 1st Successful Restructuring Case in Taiwan" , LAF announced the first successful restructuring case.
August 15	The Hansen's Disease Patients Human Rights Protection and Compensation Act was officially enforced.
September 17	The Program of Interrogation Accompanied by Legal Aid Attorneys celebrated the first anniversary of pilot implementation.

September 22	In response to the demand on reinforcing legal aid service to victims of criminal acts, Minister Ching-feng Wang and staff of MOJ, together with President Da-he Yan of Association for Protection of Victims of Criminal Acts paid a visit to LAF.
October 25	With the purpose of establishing a reliable and just judicial procedure for the indigenous people, LAF held the "1st Legal Practice Workshop for Indigenous People" .
October 31	LAF held the "International Symposium on Countering Human Trafficking and Practical Experience in Protection of the Victims" .
November 1	At the "International Workshop for Human Trafficking Victims and Legal Aid" held by LAF and cosponsored by Women's Rescue Foundation, the international interaction would promote a more comprehensive operation in countering human trafficking and victims' protection.
November 26	LAF Deputy Secretary-General Wei-siang Chen was invited to the "International Workshop on Legal Aid in Asia-Pacific and Cooperation in Providing Legal Aid to Migrant Workers" held by the National Legal aid Agency of Vietnam, and shared Taiwan's experience in legal aid system development with other legal aid organizations and NGOs in the Asia-Pacific region.
December 25	LAF held a press conference with Legislator Jhong-syong Syu on "Sharing and Striving through the Hardship" , appealing to major banks for a break for the debtors' families who suffered from unemployment and payless vacation and allowing them to have a happy new year.
December 29	At the press conference for "Expansion of Interrogation Accompanied by Legal Aid Attorneys Program" , LAF and NPA announced that 50 police districts would work together with LAF to protect human rights starting from January 1, 2009.

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## 3. Overview of Foundation Regulations Created and Amended in 2008

### (1) Institution or Amendment Completed (Needed Ratification by the Judicial Yuan)

Name of Regulation	Accordance	Description
LAF Regulations for the Calculation of Legal Aid Remunerations	Section 2, Article 31 of Legal Aid Act	Amended and approved by the 21st meeting of the 2nd-term Board of Directors on November 28, 2008; Ratified by the Judicial Yuan by the letter No. 0980003699 of Tai Ting J Four on February 19, 2009.
LAF Regulations for the Calculation of Legal Aid & Necessary Fees	Section 2, Article 31 of Legal Aid Act	Amended and approved by the 21st meeting of the 2nd-term Board of Directors on November 28, 2008; Ratified by the Judicial Yuan by the letter No. 0980003732 of Tai Ting J Four on February 19, 2009.
LAF Examination Regulations Governing Applicants sharing Remuneration and Expenses	Section 2, Article 32 of Legal Aid Act	Amended and approved by the 21st meeting of the 2nd-term Board of Directors on November 28, 2008; Ratified by the Judicial Yuan by the letter No. 0980003713 of Tai Ting J Four on February 19, 2009.
LAF Regulation Governing the Scope of Legal Aid Implementation	Article 17 of Legal Aid Act	Amended and approved by the 4th meeting of the 2nd-term Board of Directors on June 29, 2007; Ratified by the Judicial Yuan by the letter No. 0970008162 of Tai Ting J Four on June 2, 2008.
LAF Regulation Governing the Foundation & Organizational Structure	Article 24 of Donations and Organization Charter of LAF	Article 4 was amended and approved by the 15th meeting of the 2nd-term Board of Directors on May 30, 2008; Ratified by the Judicial Yuan by the letter No. 0970012987 of Tai Ting J Four on July 17, 2008.
LAF Personnel Management Regulations	Article 24 of Donations and Organization Charter of LAF	Amended and approved by the 17th meeting of the 2nd-term Board of Directors on July 25, 2008; Ratified by the Judicial Yuan by the letter No. 0970016620 of Tai Ting J Four on September 25, 2008.
LAF Standards Governing Employment and Dismissal of the Legal Aid Foundation & Important Staff	Article 8 of Rule for Monitoring and Administration of LAF	Amended and approved by the 17th meeting of the 2nd-term Board of Directors on July 25, 2008; Ratified by the Judicial Yuan by the letter No. 0970016620 of Tai Ting J Four on September 25, 2008.

### (2) Institution or Amendment Completed (No Ratification by the Judicial Yuan Was Needed)

Name of Regulation	Description
LAF Guidelines Governing Complaints Handling	The name and all 31 guidelines were amended and approved by the 15th meeting of the 2nd Board of Directors on May 30, 2008, and Guideline 24 was amended and approved by the 22nd meeting of the 2nd Board of Directors on December 25, 2008.

LAF Guidelines Governing the Evaluation of Legal Aid Attorney	Guideline 8 was amended with addition of Guideline 8-1 and approved by the 15th meeting of the 2nd Board of Directors on May 30, 2008.
LAF Guidelines Governing the caseloads of staff attorneys	Formulated and approved by the 12th meeting of the 2nd Board of Directors on February 29, 2008, and amended and approved by the 19th meeting of the 2nd Board of Directors on September 26, 2008.
LAF Operation Guidelines for the Aid Recipients to Return Remuneration and Expense after Confirmation of Aid Withdrawl	Formulated and approved by the 21st meeting of the 2nd Board of Directors on November 28, 2008.
LAF Guidelines Governing Personnel Assessment	Amended and approved by the 17th meeting of the 2nd Board of Directors on July 25, 2008.
LAF Guidelines Governing Management Staff and Transfer Supervision	Amended and approved by the 17th meeting of the 2nd Board of Directors on July 25, 2008.
LAF Guidelines Governing Overseas Internship Programs for staff	Amended and approved by the 12th meeting of the 2nd Board of Directors on February 29, 2008, and amended and approved by the 21st meeting of the 2nd Board of Directors on November 28, 2008.
LAF Criteria Governing Cashier Operation	Approved by the 11th meeting of the 2nd Board of Directors on January 25, 2008.

### (3) Approved by LAF Board to Be Ratified by the Judicial Yuan

Name of Regulation	Accordance	Description
LAF Regulations Governing Exemption Attorney Providing Legal Aid	Article 25 of Legal Aid Act	Approved by the 10th meeting of the 2nd Board of Directors on December 21, 2007, and reported to Bar Association for comment.

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# Annual Report 2008

## Legal Aid Foundation Annual Report 2008

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