



# Annual Report

2004.7.1—2005.6.30









# Legal Aid Foundation

## Philosophy:

1. **Equality**—To implement the constitutional right to access the court system. To eliminate poverty and pursue economic equality.
2. **Human Rights**—To protect the human rights of disadvantaged people.
3. **The Rule of Law**—To complement the system 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 reflect rigorously, to seek reform and to enhance the soundness of the legal aid system.
2. To make legal aid available throughout Taiwan.
3. To actively publicize legal aid news and information.
4. To allow people convenient access to legal aid.
5. To increase the quality of legal aid services.
6. To encourage the participation of lawyers in legal aid and social reform.
7. To strengthen the promotion of legal education for disadvantaged people.



# Annual Report

2004.7.1—2005.6.30

## Table of Contents

---

Preface : Retrospection of the past year .....	4
<b>Chapter 1 Foundation Organization .....</b>	<b>13</b>
Section 1 Board of Directors .....	15
Section 2 Board of Supervisors .....	17
Section 3 Secretary-General .....	18
Section 4 19 branch offices nationwide .....	18
Section 5 Secretariat .....	24
Section 6 Analysis of the Foundation's nationwide employees .....	24
Section 7 The Foundation's part-time personnel .....	27
<b>Chapter 2 Business Report .....</b>	<b>37</b>
Section 1 Business analysis .....	38
Section 2 Business features .....	71
Section 3 Types of common cases .....	76
<b>Chapter 3 Fulfillment of service philosophy .....</b>	<b>85</b>
Section 1 Amicability and convenience .....	86
Section 2 Specialty and quality .....	90
Section 3 Efficiency and promptness .....	103
Section 4 Flexibility—timely amendment of regulations .....	110
<b>Chapter 4 Major cases under legal aid of the Foundation .....</b>	<b>111</b>

---

Vietnamese under sexual assault by foreign employment agent .....	112
Hualien Branch Office helps in the major labor dispute in Lanyu .....	114
<b>Chapter 5 Public Promotion .....</b>	<b>117</b>
Section 1 Public Promotional Events and Symposia .....	118
Section 2 Media and Publicity Work .....	134
Section 3 Special Projects .....	136
<b>Chapter 6 Financial Reports .....</b>	<b>139</b>
Independent Auditor's Report .....	140
Explanations to the key points of the report .....	150
<b>Chapter 7 Future Prospectus of the Foundation .....</b>	<b>153</b>
Section 1 Provision of a wider range of services .....	154
Section 2 Review and Improvement of our internal systems .....	157
Section 3 Promotion of a sound legal system .....	159
Section 4 Strengthening global participation .....	160
<b>Annexures .....</b>	<b>161</b>
1.A Chronicle of the Foundation's Events .....	162
2.Address and Contact of each Branch Offices .....	165
3. List of the regulations of the Foundation .....	168
4. List of Operational Analysis Report .....	170

## ***Preface : Retrospection of the past year***

### **1.Campaigning for Legal Aid**

Legal aid refers to the practice of providing systematic assistance to those who require professional legal assistance but are without the means of paying the costs of litigation and legal fees. The provision of legal aid helps people in upholding their constitutionally protected rights to access the court system.

In 1998, the Private Judicial Reform Foundation, Taipei Bar Association and the Taiwan Association for Human Rights formed an alliance taskforce group lead by lawyers Lin Yung-Song and Cheng Wen-Lung. They summoned lawyers Cheng Bing-Huang, Zheng Wen-Ling, Chiu Huan-Shuei, Chu Ren-Yung, Lin Chong-Hong, Hsieh Zheng-Da, professor Wu Zhi-Kuang, national policy consultant Huang Wen-Hsiung and the current and former executive directors of Private Judicial Reform Foundation, Wong Shi-Si and Lin Jing-Ping. All members convened monthly to discuss the legal systems of various countries and better implement the litigation rights and equality rights of the constitutional law for their home nation

During the National Judicial Reform Convention in July 1997, the notion to push for a “legal aid system” was further confirmed and continued to progress. Through active and aggressive participation of the aforementioned members, within two years they were able to complete a draft of the “Legal Services Corporation Act” . This draft was then submitted by legislator Chiu Tai-Shan to the Legislative Yuan. In accordance to the National Judicial Reform Conference, the Ministry of Justice ex officio gathered a committee to draft an official version of the “Legal Services Corporation Act” . After 25 meetings, the committee completed their version of the “Legal Services Corporation Act” draft and further passed it on to the Judicial Yuan, on the basis that much of the Legal Aid matters are closely tied to this governmental

branch. The Judicial Yuan took the baton on July 1, 2000 and gathered a “Legal Services Corporation Act Committee” . After 10 meetings, the draft was finalized on August 2001 and further sent to the Legislative Yuan in October for review.

In order to ensure a smooth legislative progress, the Judicial Reform Foundation, Taipei Bar Association and Taipei Society, etc. formed an alliance which consisted of the convener professor Qu Hai-Yuan, lawyer Chen Fu-Yue, judge Su Su-Er, judge Tsai Jiong-Dun, executive director Chien Xi-Kai, lawyer Lin Yung-Song, lawyer Lin Jing-Ping, lawyer Ku Li-Hsiung, prosecutor Chen Rui-Ren, prosecutor Wu Wen-Zhong, lawyer Cheng Ju-Fang, lawyer Chay Ching-Feng, vice chairman Zhong Kong-Zhao, lawyer Huang Shui-Tien, lawyer Lin Chong-Hong, lawyer Cheng Wen-Lung, chairman Lu Tien-Lin, etc. They hoped to promote the three reform laws which included Legal Services Corporation Act, pursuit of equal litigation and judgement and judicial efficiency. The alliance members campaigned in the Congress and visited each political party and related legislators in the Legislative Yuan for support. All legislators were fully supportive of their advocacy. Since the Accounting and Statistics Office was raising financial questions, the alliance then paid a visit to President Chen and the then Premier Yu Shi-Kun to try and get funding for legal aid. President Chen and the Premier showed full support and promised an annual NT\$500 million towards general funds and NT\$500 million towards operational funds on top of the original budget that the Executive Yuan had allotted for the Judicial Yuan.

## 2.Preparation of the Foundation

With efforts from the private groups and strong support from Judicial Yuan, the “Legal Services Corporation Act” was finally passed with three readings at the Legislative Yuan on December 23, 2003. On January 7, 2004, President Chen promulgated the Legal Services Corporation Act which was



then immediately followed by the establishment of a Preparation Committee by the Judicial Yuan. Based on the regulations stipulated in the Legal Services Corporation Act , thirteen board members and five supervisors of the Foundation’ s first term were elected. The board chairman, Professor Tsai Dun-Ming and supervisory chairman, former Grand Justice Sun Sen-Yan were also elected. The board chairman nominated himself as the first term Secretary-general to handle all preparation matters and legal aid tasks assigned by the board of directors and supervisors.

The Legal Aid Foundation was first set up on April 1, 2004 and based at the Judicial Reform Foundation office. As of the first anniversary of the Foundation, voluntary participants reached an approximate 300-400 volunteers, the staff around 100, close to a thousand examining members were mobilized from lawyers, judges and prosecutors and about 2,000 lawyers were mobilized to participate in legal aid services. In addition, a law and regulation committee, research committee and development committee were all established to cooperate and assist with the Foundation’ s policy and law reviews. Review committees were also established. Initially the review committees for the first ten branches were stationed at each respective branch, but in order to follow an unified criteria, the review committees for the nine branches established afterwards were all stationed at the Foundation. All branches are scheduled to be stationed at the Foundation after the Foundation reaches its 3rd anniversary.

After a site was secured by the Foundation, they conducted an online open bid as stipulated by law and proceeded with renovation. Price comparison, negotiation and contract signing for more than 20 items of procurement for office facilities were processed. The Foundation officially launched on July 1, 2004, with branches in Taipei, Taichung, Tainan, Kaohsiung and Hualien established as well under the Foundation’ s guidance. On January 10, 2005, the branches of Hsinchu, Changhua, Yilan and Taitung were also added. On June 30, 2005, the six branches of Keelung, Miaoli, Nantou, Yunlin, Chiayi and Pingtung, and three offshore branches of

Kinmen, Matsu and Penghu were all established, coming to 19 branches in total - making the legal aid service available to each and every city/county.

The most onerous task the Foundation had to undergo was the proposal of close to 10 legal aid related regulations which had to be passed on its launching date, July 1, in order to operate. The regulations included the definition for the standards of financial eligibility, the calculation formula of lawyer's compensation and the establishment of personnel organization and payroll system. Social groups, central and regional governments, specialists, lawyers and academic scholars were invited to assist and discuss the regulations prior to submitting them to the board of directors and supervisors for approval.

In order to increase the public's awareness of the Foundation, on its opening day they shot a television commercial, issued the first publication of the bimonthly Foundation magazine, launched their website, distributed promotional materials such as posters and pamphlets, and conducted TV/radio/newspaper interviews.

### **3. Its first year of operation**

It has been one full year since the Foundation's official launch on July 1, 2004. All systems and operations started from scratch, and needless to say the tasks were endless. Fortunately, with joint efforts and support from its competent authority, Judicial Yuan, the directors of its branches, the members of its special committee, examining committee, review committee and Legal Services Corporation Actyars, the Foundation weathered its first year. The results of its operation are to be described in detail in the following chapters. Please find a brief report below:

#### ***(1) Assisted in more than 11,000 cases in a year***

A total of 17,889 applications were received by the Foundation during the first year of its establishment. More than 7,640 cases were granted for aid and assigned to lawyers. More than 60% of the application cases were assisted

upon and resolved. By combining with the 4,000-plus consultation cases, the Foundation has already helped with more than 11,000 cases in its first launching year.

*(2) 10-plus press conferences were held for its first launching year*

Since its establishment, the Foundation has held press conferences every month targeting different issues. The purpose is to promote the Foundation to underprivileged members of the society in hopes that they will be aware of the Foundation and utilize the services provided for by the Foundation.

*(3) Established 19 branches throughout the nation within one year - making its service convenient for the public's needs*

The Foundation had rapidly established 19 branches nationwide, with its main purpose to provide convenient access for the public.

*(4) Mobilized approximately 2,000 lawyers to participate in legal aid services and gained complete support from the nation's lawyer sector.*

More than 10 law seminars participation were held in the Foundation's first year. As a result, about 2,000 lawyers joined the Foundation as Legal Services Corporation Actyrs. It is estimated that about 40% of the lawyers nationwide participated in the seminars. Up till this date, they can confidently say that they have gained the support and participation from the lawyer sector.

*(5) Issued 161 affidavits with a security amount reaching as high as NT\$76-plus million. In addition to attorney and judgement fees, legal aid recipients' security bonds for provisional seizure were also free of charge. Such a move has effectively eliminated the three major obstacles of litigations suffered by many of the underprivileged in the society.*

- (6) *Based on outside recommendations, the Foundation continued to modify its examining standards and legal aid system, proving to be an organization with considerable flexibility.*
- (7) *The Foundation welcomes all with open arms and is ready to fully serve any person who needs the assistance.*
- (8) *The Foundation continues to hold meetings in regards to laws and regulations, research and development. They continue to invite social groups, academic scholars and experts to participate in discussions to then further have its board of directors and supervisors make the final decision. As can be seen, the Foundation emphasizes the importance of perspective integration during the decision making process.*

#### **4.Contents of anniversary report**

When the Foundation had reached their first half year operation mark, it held a press conference to notify, announce, and update to the public their half-year operation accomplishments. When it reached their one year mark, the Foundation also proactively its first year report. In addition to the overall summary described in the preface: Chapter 1 provides an introduction of the Foundation’ s organization and major staff members, Chapter 2 provides detailed statistics and analysis for the legal aid cases conducted in the Foundation’ s first year. It also describes the practice features as well as common cases brought forth to the Foundation. It is hoped that the results will be used as the basis for the Foundation during its further review and improvement in services. The data of statistic analysis can also be used for the analysis and research of sociology and other subjects, even the government agencies may use this as reference when planning their policies. Chapter 3 is the introduction of the Foundation’ s service philosophy of “cordiality, convenience, flexibility and efficiency” . Chapter 4 is an

introduction of on of the major legal aid cases conducted by the Foundation. Allowing the readers to better understand the Foundation' s system and procedures. Chapter 5 is to introduce the publicity measures taken by the Foundation in the past year. The Foundation has actively worked on holding press conferences and producing TV commercials, etc, simply hoping to convey their message to underprivileged members of society so they may be fully aware of the Foundation' s assistance. Chapter 6 is the financial report. The Foundation was eager to publish its financial status to the public in its first anniversary to better demonstrate its attributes to the society. In addition to the supervision from the competent authorities, it also hopes that the public will also participate in supervisory measures. Chapter 7 is the outlook of the Foundation. Based on the groundwork laid in its first year, the Foundation hopes it will provide more services, so as to establish a society with equality and justice. These services include countryside services, providing legal aid to behind bar defendants, providing legal aid for the first on-scene interrogation, the advocacy against the detention filed by prosecutors, establishment of in-house lawyer system, etc.

## **5. Review and improvement of the Foundation**

Although the Foundation aided more than 11,000 cases and established 19 branches across the county in its first year, they are fully aware that many improvements have yet to be accomplished. For instance, reinforcing international participation and internationalization of aid standards; strengthening research for the demands of the underprivileged; and expanding aid items to non-litigation territory, i.e. to assist underprivileged members in obtaining legitimate social welfare and improving their sub par living conditions; to the review the standards of the poverty line to avoid too strict or too lenient evaluation standards; to leverage the balance between rigid examination and convenience when providing services; to further upgrade the quality of legal aid; to effectively integrate the tasks of various departments by

using computer system in order to save manpower and enhance efficiency; to reinforce the Foundation's contact, communication, guidance and auditing with its branches, etc. At the same time, the Foundation also hopes that all walks of life in the society and competent authorities will give their comments and advices to the Foundation, so the Foundation can grow stronger and improve effectively. The Foundation held the first legal aid forum on September 10 and 11 in attempt to get advices from members of society and learn their faults in the past year, so further review and improvement can be made accordingly. In addition, the Foundation will hold a "2005 Legal Aid International Forum" on October 15 through 17. With 18 to 25 legal aid related group representatives being invited, the forum will focus on legal aid systems in various countries and its own future trend. Through the forum, the Foundation hopes the experience of legal aid practices in various countries will be exchanged and reciprocated.

In the past year, efforts, achievements and shortcomings all existed in the Foundation. However, its establishment and levelheaded operation has illustrated an aggressive paradigm for the establishment of Taiwan's equal society. "Everyone is equal under the law" - the major democratic legal principal and equal jurisdiction concept, seems to have held a new interpretation for the Foundation now.

Secretary-General  
Cheng Wen-Lung

A handwritten signature in black ink that reads "Jerry Cheng." The signature is written in a cursive, flowing style.



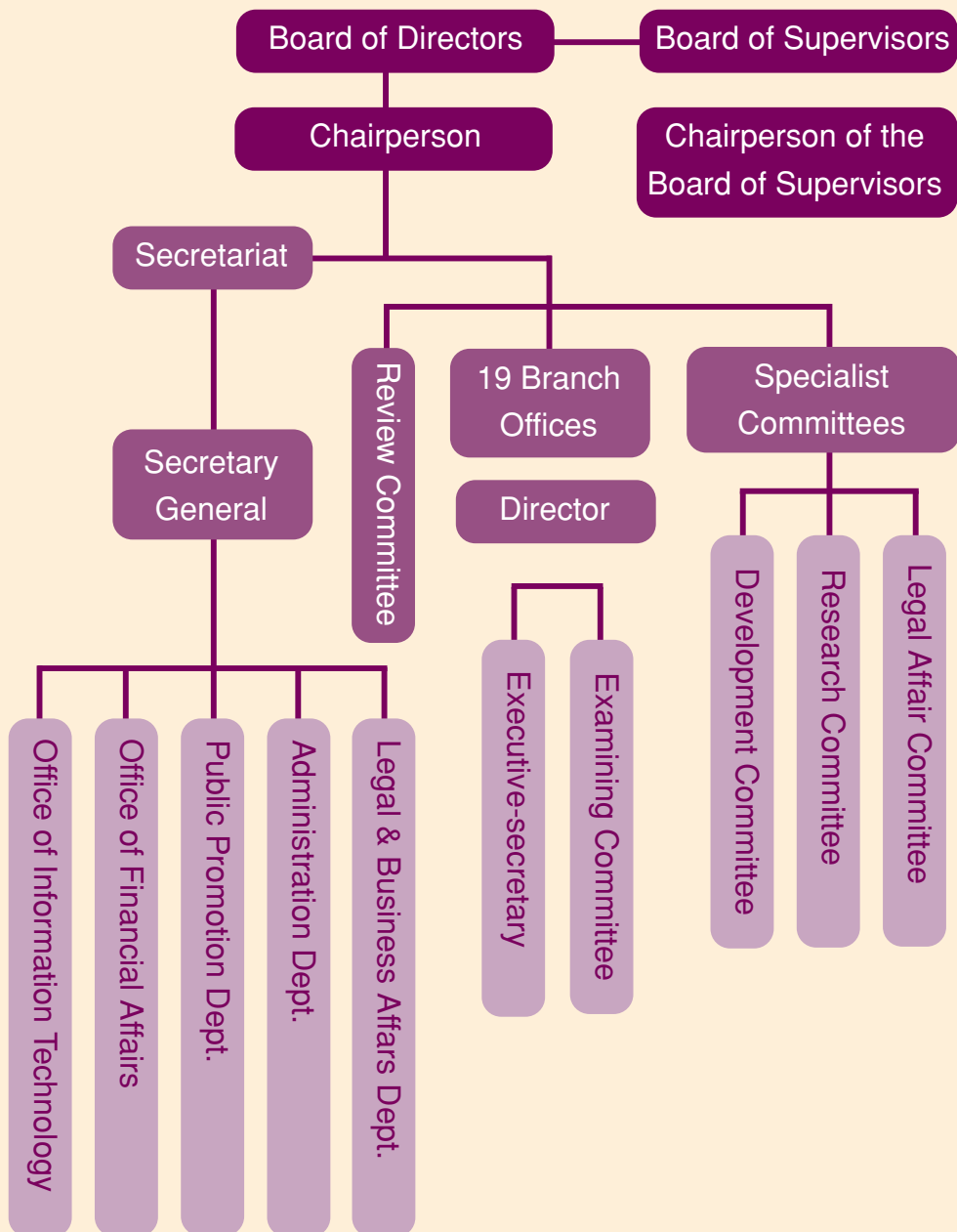


# Chapter 1

## Foundation Organization



## Organization Chart



## Section 1 Board of Directors

The board of directors is the Foundation's highest decision-making body. It is comprised of 13 directors with a term of three years of pro bono work. They are appointed by the President of Judicial Yuan. The directors include two representatives from Judicial Yuan, one representative from the Ministry of Justice, the Ministry of National Defense, and the Ministry of the Interior respectively, four lawyers recommended by national and regional bar associations who are actively to participate in legal aid services, two academic scholars or experts having specialist knowledge in law or related disciplines, one representative of underprivileged groups and one aboriginal representative. Official representatives comprise of less than half of the Board members

### ■ Chairperson:



Tsai Tun-Ming

*( Honorary Professor, College of Law, National Taiwan University,  
Doctor of Philosophy in Law, University of Freiburg, Germany)*

### ■ Board of Directors:

Chang Chin-Yung *(Section Chief, Department of Judicial Protection, Ministry of Justice)*

Chen John C. *(President, Judicial Reform Foundation)*

Chen Zong-Zhen *(Section Chief, Judicial Administration Section, Judicial Yuan)*

Ji Hui-Rong *(Executive-General, The Garden of Hope Foundation)*

Jiang Mei-Hui *(Chief Executive, Kaohsiung County Aboriginal Women's Perpetual  
Development Association)*

Ku Den-Mei *(Professor, Department of Political Science, National Taiwan University)*

Ku James C. *(Standing Director, Taiwan Bar Association)*

Kuo Lin-Yung *(Standing Director, Taiwan Bar Association)*

Liu Ling-Chi *(Section Chief, Criminal Affairs Section, Judicial Yuan)*

Liu Kuo-Dung *(Section Chief, Department of Legal Affairs, Ministry of National Defense)*

Liu Wen-Shih (*Counselor, Ministry of the Interior*)

Su Chi-Hsiung (*Managing Director, Taiwan Bar Association in 2004-2005*)

Lin Ling-Yu (*The former Director-General of Judicial Protection Department, was the board member of the Foundation in March 22, 2004 - March 16, 2005*)

Shu Ho-Ping (*Former Director-General, Department of Legal Affairs, Ministry of National Defence, was the Foundation's board member in March 22, 2004 — August 1, 2005*)



Chang Chin-Yung



Chen John C.



Chen Zong-Zhen



Ji Hui-Rong



Jiang Mei-Hui



Ku Den-Mei



Ku James C.



Kuo Lin-Yung



Liu Ling-Chi



Liu Kuo-Dung



Liu Wen-Shih



Su Chi-Hsiung



Lin Ling-Yu



Shu Ho-Ping

## Section 2 Board of Supervisors

The board has five supervisors with a term of 3 years under pro bono work. The first term of supervisors were appointed by the President of Judicial Yuan. They include one representative from Executive Yuan, one from Judicial Yuan, one recommended by national and regional bar associations, one with accounting or other related knowledge, and one as the social impartial representative. The number of official representatives is less than half of the number of total supervisors.



### ■ Chairperson of the Board of Supervisors :

Sun Sen-Yan

*(Professor of the Department of Law, Soochow University, former grand justice of Judicial Yuan)*

### ■ Supervisors

Cheng Zhi-Hong *(Section Chief, Accounting Section, Judicial Yuan )*

Kao Rui-Zheng *(Principal, Fu Tian Legal Practice)*

Li Ding-Wen *(Accountant, Directorate-General of Budget, Accounting and Statistics, Executive Yuan)*

Lin Chan-Jane *(Professor, Accounting Faculty of the National Taiwan University)*

Zheng Kuo-Ching *(Former Accounting Controller was the Foundation's supervisor in March 22, 2004-July 28, 2005.)*



Cheng Zhi-Hong



Kao Rui-Zheng



Li Ding-Wen



Lin Chan-Jane



Zheng Kuo-Ching

### **Section 3 Secretary-general**



Cheng Wen-Lung

*(Former chairman of Civil Legal Aid Committee, Taipei Bar Association, and the convener for the drafting of first draft of the “Legal Services Corporation Act”)*

### **Section 4 19 branches nationwide**

With its official launch on July 1, 2004, the Foundation simultaneously established its branches in five areas, namely Taipei, Taichung, Tainan, Kaohsiung and Hualien. On January 10, 2005, its Taoyuan, Hsinchu,

Changhua, Yilan, and Taitung branches were founded whereas Keelung, Miaoli, Nantou, Yunlin, Chiayi, Pingtung, Kinmen, Matsu, Penghu branches were added on June 30. Within one year, the Foundation had accomplished its goal of one branch per city/county. The director and executive secretary of each branch are all taken by the lawyers with compassion and dedication to taking care of underprivileged members.





*Photo taken when Tsai Dun-Ming, President of Legal Aid Foundation, led Foundation's members to visit President of Judicial Yuan, Wong Yue-Shen. From the left of the front row: Chen Zong-Zhen, Commissioner of Judicial Administration, Judicial Yuan, Tsai Dun-Ming, President of Legal Aid Foundation, Wong Yue-Shen, President of Judicial Yuan, Fan Kuang-Chung, Secretary-general of Judicial Yuan. From left of the rear row: Chen Wei-Hsiang, Director of Yilan branch, Liao Shuei-Zhong, Director of Hualien branch, Wu Hsin-Hsien, Director of Tainan branch, Chen Jun-Ching, Director of Kaohsiung branch, Cheng Wen-Lung, Secretary-general of Legal Aid Foundation, Luo Bing-Cheng, Director of Hsinchu branch, Hsieh Wen-Tien, Director of Taichung branch, Lai Mi-Ding, Director of Taoyuan branch, Lin Yung-Song, Director of Taipei branch.*

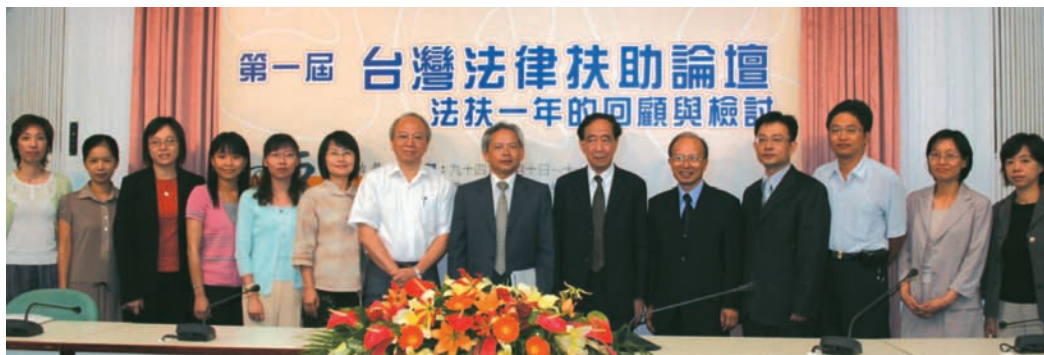


*Group picture taken at the first Taiwan Legal Aid Forum held by Legal Aid Foundation on September 10 and 11, 2005. From left: Chen Wei-Hsiang, Director of Yilan branch, Lin Yung-Song, Director of Taipei branch, Lu Shou-Mei, Director of Nantou branch, Wu Hsin-Hsien, Director of Tainan branch, Hsieh Wen-Tien, Director of Taichung branch, Kuo Ji-Jen, Chairman of Labor Insurance Supervisory Commission, Lawyer Liao Chien-Nan, former member of Control Yuan, Fan Kuan-Chung, Secretary-general, Judicial Yuan, Tsai Dun-Ming, Chairperson of Legal Aid Foundation, Chen Jun-Ching, Director of Kaohsiung branch, Chen Shi-Huang, Director of Changhua branch, Tang Ruei-Ke, Director of Pingtung branch, Cheng Zhi-Hong, Director of Miaoli branch, Lin Jin-Yung, Director of Yunlin branch.*



*Photo taken at the new branch director inauguration ceremony in the press conference of "Legal Aid's fully support-establishment of 5 new branch and announcement of National Hot Line." held on January 7, 2005. From left: Chen Wei-Hsiang, Director of Yilan branch, Lai Mi-Ding, Director of Taoyuan branch, Luo Bing-Cheng, Director of Hsinchu branch, Chen Shi-Huang, Director of Changhua branch, Lee Bai-Feng, Director of Taitung branch.*

*From left: Wu Hsin-Hsieng, Director of Tainan branch, Tang Rwei Ke, Director or Pingtung branch, Yu Ching-Song, Director of Keelung branch, Chen Jun-Ching, Director of Kaohsiung branch, Lu Shou-Mei, Director of Nantou branch, Lin Yung-Song, Director of Taipei branch, Lin Jin-Yung, Director of Yulin branch*



*Group picture taken at the first Taiwan Legal Aid Forum held by Legal Aid Foundation on September 10 and 11, 2005. From left: Wu Syue-Ru, Executive Secretary of Miaoli branch, Sie Min-Yub, Executive Secretary of Kaohsiung branch, Guo Yi-Cing, Executive Secretary of Taipei branch, Dai Ai-Fen, Executive Secretary of Hsinchu branch, Chen Ci-Miao, Executive Secretary of Tainan branch, Cai Yun-Cing, Executive Secretary of Hualien branch, Kuo Chi-Jen, Chairman of Labor Insurance Supervisory Commission, Fan Kuan-Chung, Secretary-General, Judicial Yuan, Tsai Dun-Ming, Chairperson of Legal Aid Foundation, Lawyer Liao Jiann-Nan, Syu Jhih-Jie, Executive Secretary of Taichung branch, Liao Song-Si, Executive Secretary of Taitung branch, Lin Fu-Mei, Executive Secretary of Pingtung branch, Sun Ze-Fang, Executive Secretary of Chiayi branch*



## Directors and Executive Secretaries of the Branch Offices Nationwide

### Keelung Branch Office

- Director  
Lawyer Yu Ching-Song  
May 1, 2005 1-

### Taipei Branch Office (currently same as Kinmen and Matsu branches)

- Director  
Lawyer Lin Yung-Song  
May 1, 2004
- Executive secretary Lawyer  
Chen Shuei-Ping  
Dec. 6, 2004-Mar. 22, 2005  
Lawyer Kuo Hi-Ching,  
Mar. 23 2005

### Taoyuan Branch Office

- Director  
Lawyer Lai Mi-Ding,  
Oct. 1, 2004

### Hsinchu Branch Office

- Director  
Lawyer Luo Bing-Cheng,  
Oct. 1, 2004
- Executive secretary  
Lawyer Dai Ai-Fen,  
Dec. 1, 2004

### Miaoli Branch Office

- Director  
Lawyer Cheng Zhi-Hong,  
May 1, 2005
- Executive secretary  
Lawyer Wu Shuei-Ru,  
June 13, 2005

### Taichung Branch Office

- Director  
Lawyer Hsieh Wen-Tien,  
May 1, 2004
- Executive secretary  
Lawyer Lieu Shu-Hua,  
Sep. 1 — Dec. 31, 2004  
Lawyer Shu Zhi-Jie,  
Jan. 1-Jul.31, 2005  
Lawyer Liao Ji-Feng,  
Aug. 1, 2005

### Nantou Branch Office

- Director  
Lawyer Lu Shou-Mei,  
May 1, 2005

### Changhua Branch Office

- Director  
Lawyer Chen Shi-Huang,  
Oct. 1, 2004

- Executive secretary  
Lawyer Chen Kuo-Wei,  
Nov. 15, 2004

### Yunlin Branch Office

- Director  
Lawyer Lin Jin-Yung, May 1, 2005

### Chiayi Branch Office

- Director  
Lawyer Tsai Bei-Zhong,  
May 1, 2005
- Executive secretary  
Lawyer Sun Ze-Fang,  
Jun.15, 2005

### Tainan Branch Office

- Director  
Lawyer Wu Hsin-Hsian,  
May 1, 2004
- Executive secretary  
Chen Chi-Miao, Jul. 1, 2004

### Kaohsiung Branch Office (currently same as Penghu branch)

- Director  
Lawyer Chen Jun-Ching,  
May 1, 2004
- Executive secretary  
Lawyer Hong Yu-Liang  
(substitute) Aug. 1, 2005

### Pingtung Branch Office

- Director  
Lawyer Tang Ruei-Ke, May 1, 2005
- Executive secretary  
Lawyer Lin Fu-Mei, Jul. 1, 2005

### Yilan Branch Office

- Director  
Lawyer Chen Wei-Hsiang,  
Oct. 1, 2004

### Hualien Branch Office

- Director  
Lawyer Liao Shuei-Zhong,  
May 1, 2004
- Executive secretary  
Lawyer Tsai Yun-Ching,  
Jun. 1, 2004

### Taitung Branch Office

- Director  
Lawyer Lee Bai-Feng,  
Nov. 1, 2004
- Executive secretary  
Lawyer Liao Song-Xi, Jul. 1, 2005

## ***Section 5 Secretariat***

Led by Secretary-general Zheng Wen-Long with an initial staff of one volunteer and one full-time staff member, the Foundation further expanded into an 18 staff department by June 30, 2005. Due to business expansion, revision of laws and regulations, supervision and performance evaluation of the 19 branches, diversified publicity and activity planning, administrative affairs (such as the addition of more than 100 full time professionals nationwide), various educational trainings, organizational planning, studies of domestic and overseas systems, legal training, legal review procedures, and the configuration of database management, etc, the initial structure exclusively led by Secretary-general Zheng has been adjusted into a hierarchical structure consisting of three departments and two sections. Under this structure, the whole organization can run more efficiently and fully empower its staff members. Each division is now more capable to execute the Foundation's tasks in an extensive and versatile manner and with more manpower for support. The Foundation's secretariat include the following divisions:

1. Legal & Business Affairs Department (led by Director Tsai Mei-Chi)
2. Public Promotion Department (led by Director Shu Yu-Lan)
3. Administrative Department (led by Director Lee Shu-Fen)
4. Office of Finance Affairs (led by Director Yung Jing-Ru)
5. Office of Information Technology (led by Director Shu Jun-Ming)

## ***Section 6 Analysis of the Foundation's nationwide employees***

Since its establishment on July 1, 2004, the Legal Aid Foundation has always followed a staffing policy of only choosing the best and streamlining its manpower. Under such strategies, the Foundation built its groundwork and fulfilled the crucial goal of legal aid with only 19 full-time staff members and five branches - in cities where high courts are located such as Taipei, Taichung, Tainan, Kaohsiung, and Hualien. In order to meet the public's anxious demand for legal aid services, the Foundation expanded its scope on

January 2005 and added five branches in Taoyuan, Hsinchu, Changhua, Yilan and Taitung. By then, its nationwide full-time staff increased to a number of 61. By July 1, 2005, nine branches in Keelung, Miaoli, Nantou, Yunlin, Chiayi, Pingtung, Penghu, Kinmen and Matsu were already added, raising the total number of its nationwide full-time staff to 88. With the compounding efforts from the Foundation's staff members, it only took one year for the Foundation to achieve its goal of widely establishing branches nationwide — a goal which was originally set for three years to accomplish. The staff members' efforts and perseverance have made the legal aid system rapidly prevail through out Taiwan, offering an easy access for the public to utilize the services provided by the Foundation. With a mission of “making equal litigation rights happen” on their shoulders and the diversified professionals support in the Foundation, the legal aid personnel will work hard to break through any barriers they may encounter and turn over a new leaf for the Foundation based on their avid service attitude and professional legal aid quality.

### 1. Sex ratios of personnel

	Male	Female	Total
Number	23	65	88
Ratio	26%	74%	100%

**Note:** The numbers are based on the number of personnel who received compensation up till June 30, 2005.

### 2. Age distribution of Personnel

Average age: 32

	Below 30	Btw 30-40	Over 40	Total
Number	42	34	12	88
Ratio	48%	38%	14%	100%

### 3. Analysis of personnel's educational level

	Below College	College	University	Graduate school	Total
Number	1	11	69	7	88
Ratio	1%	13%	78%	8%	100%

Average educational level: University

#### 4. Analysis of personnel's seniority prior to their entry into the Foundation

	Below 5 yrs	5-10 yrs	10-15 yrs	15-20 yrs	Over 20 yrs	Total
Number	47	18	18	2	3	88
Ratio	53%	21%	21%	2%	3%	100%

Average Seniority: 6 yrs.

#### 5. Analysis of personnel's previous job character

	Civil service	NGO	Law firms	Private enterprises	Others	Total
Number	7	13	28	25	15	88
Ratio	8%	15%	32%	28%	17%	100%

#### Description :

(1)Members from an NGO group care for many of the underprivileged in the Foundation. They help the applicants with procedural processes and solve their problems with effective professionalism.

(2)Those transferred from law firms make up the majority of the Foundation's personnel. This illustrates that more and more legal intellectuals no longer take personal interests as their primary goal in life; instead, they are devoted to society and serving the public.

(3)About 30% of the Foundation's employee came from the private business sector. The Foundation hopes to extract the innovative and aggressive aspects of the business sector and fully utilize it to strengthen its own basis.

(4)Many employees also come from the civil service realm. It is hoped that the well-organized system found in civil service will help better and more structurally protect the rights and interests of underprivileged groups.

#### 6.Types of employees

	Legal aid personnel	Non-legal aid personnel	Total
Number	54	34	88
Ratio	61%	39%	100%

## 7. Educational background of the legal aid personnel

	Law related educational background	Non-law related educational background	Total
Number	46	8	54
Ratio	85%	15%	100%

## 8. Employees with a lawyer's license

	With	Without	Total
Number	13	41	54
Ratio	24%	76%	100%

# Section 7 The Foundation's part-time personnel

## 1. Specialist Committees

The “Specialist Committees” was established under the board of directors, with many of the members working pro bono. Since the preparation for the Foundation in April, 2004, many enthusiastic lawyers and representatives of social welfare groups have voluntarily joined the Foundation.

In the beginning, meetings were summoned by Secretary-general, Cheng Wen-Lung and the Director of Taipei Branch, Lin Yeong-Song. They invited active lawyers and academics who were keen in legal aid system, such as lawyers Yu Bo-Hsian, Lin Chung-Hong, IKao Yung-Chen, Chen



Jun-Han, Kuo Yi-Ching, and Professor Wu Zhi-Kuang. Meetings were held at night once every other week. Gradually through teamwork and dedication, many legal aid related regulations were drafted.

In addition, representatives from many other groups came forward to support the Foundation, including Tien Ting-Fang (Awakening Foundation), Hu Yi-Ting (The League of Taipei Social Welfare), Sun Yi-Hsin and Chen Cheng-Liang (Parents' Association for persons with intellectual Disability), Sun Yu-Lien (Taiwan Labor Front), Wong Rong-Zhang, Huang Ming-Ron, Shiao Jing-Huei (Disabled Alliance), Huang Hsiao-Ling, Ku Yu-Ling, Yung Kuo-Zhen (Industrial Injury Association), Su Yi-Shi (Shinshi Social Service Center), Zhong Kong-Zhao (the Taiwan Confederation of Trade Unions), Hong Ya-Li, Yeh Mei-Ling, Yen Ya-Yung (the Garden of Hope Foundation), Lin Sheng-Chong (Taiwan Greenpeace), Chen Shu-Juan (Taipei Women's Center), Jian Huei-Lan (Single Parent Family Aid Center), Lai Yue-Mi (Child Welfare League Foundation), Kuo Shi-Hau (Eden Social Welfare Foundation), Lai Wei-Jie, Tsui Su-Hsin (Green Citizens' Action Alliance), Chen Yi-Chian (Judicial Reform Foundation), and Wei Jing-Huei (Red Heart Association). They attended the nightly meetings once every other week and showed their support by joining in on discussions held about the Foundation's preparatory work, further necessary developments, cooperation plans with NGOs, and related publicity guidelines.

The above two consultation groups are still extending their support for the Foundation up till this day, and have brought forth more representatives in the hopes that the Foundation will operate smoothly. Based on the Legal Services Corporation Act, the Foundation has invited these active professionals to be members of the "Specialist Committees". The Foundation divided members into three special groups in accordance to their expertise: 1) Legal Affairs Committee, 2) Research Committee, and 3) Development Committee.

### *(1) Legal Affairs Committee :*

Mainly assists in the revision and drafting of laws and regulations, and interpretation of the disputable laws.

The members of this committee include: (Listed in order of Chinese

character strokes):

- Yu Bo-Hsiang (*Lawyer, Yuanzhen Law Offices*)
- Chu Ruei-Yung (*Lawyer, Puhua Commercial Law Firm*)
- Wu Zhi-Kuang (*Lawyer, Associate Professor of Faculty of Law, Fujen Catholic University*)
- Lin Chong-Hong (*Lawyer, Shuangbang Law Firm*)
- Ji Guan-Ling (*Lawyer, Shanho Law Firm*)
- Kao Yong-Cheng (*Lawyer, Executive director of Private Judicial Reform Foundation*)
- Cheng Bing-Huang (*Lawyer, Preston Gates Ellils Taiwan Commercial Law Offices*)
- Chen Wen-Jing (*Lawyer, Formosan Brothers Attorneys-at-Law*)
- Chen Jun-Han (*Lawyer, Zhiho Law Firm*)
- Chen Shuei-Ping (*Lawyer*)
- Yu Kai-Hsiung (*Lawyer, Lucheng Law Offices*)
- Yung Fang-Wan (*Lawyer, Haikuo Law Firm*)
- Liao Huei-Fang (*Lawyer, Chiancheng Law Firm*)
- Liew Shi-Ting (*Lawyer, Shuting Law Firm*)

As of April 2004, the Legal Affairs Committee have held 27 meetings. Members attended the meetings during after work hours and assisted in interpreting, drafting, and revising many disputable laws. They have already completed 27 laws and regulations for the Foundation. (Please refer to Appendix 3 for the complete list.)

“Criteria of financial eligibility for granting the legal aid” , “Regulations for the calculation of legal aid remuneration” , “Rules of organization structure” , “Examining regulations of Examining Committee” , “Examining regulation of Review Committee” , “Accounting system” , “Regulations of fund management and utilization” , “Regulations for legal aid recipients to pay statutory charges” , “Capital management regulations between the Foundation with its branches” , ” Regulations for applicants to share remuneration and expenses” , “Guidelines for appointing the members of Examining Committee” , “Guidelines for appointing the members of Review Committee” , “Examining guidelines for branches to issue affidavits” , “Operation process for branches to assign lawyers” , ” Points of attention for the examination made by the examining members” , “Points of attention for



Legal Services Corporation Actyers to handle legal aid cases” , “Points of attention to examine if mandatory pleading cases have no convincing reason” , “Points of attention for the cases transferred between branches” , “Management guidelines to commission Judicial Yuan to enquire tax data” , “Points of attention for the Legal Services Corporation Actyers to plead the court for civil litigation” , “Provisional rules for 2005 payroll adjustment” , “Performance Evaluation for the staff of the Foundation” .

## *(2)Research Committee :*

The Research Committee offers suggestions and advices on matters regarding the Foundation’ s policy, direction and future development..

The members of Research Special Committee include:

- Wong Shi-Si (*Director-general of the Department of Information , Kaohsiung City Government*)
- Wu Zhi-Kuang (*Associate professor of Fujen Catholic University*)
- Wu Hau-Ren (*Assistant professor of Fujen Catholic University*)
- Shing Tai-Zhao (*Chief of the Civil Service Ethics Office, National Police Agency in the Ministry of the Interior*)
- Jiang Shi-Ming (*Assistant professor of Chengchi University*)
- Sun Yi-Hsin (*Deputy Secretary-general, Parent’ s Association for Persons with Intellectual Disability*)
- Cheng Wen-Yu (*Associate professor of Fujen Catholic University*)
- Chen Yi-Chian (*Professor of Shih Hsin University*)
- Cheng Ming-Chiu (*Assistant professor of Soochow University*)
- Huang Kuo-Chang (*Assistant professor of Kaohsiung University*)
- Lieu Zhi-Peng (*Formosan Brothers Attorneys-at-Law*)

The Research Committee consists of 11 academic research experts who meet once a month to provide the following fields of advice:.

- 1.To decide on the Foundation’ s policy and direction
- 2.To strengthen the Foundation as a service organization
- 3.To cooperate with the Special Taskforce Committees of each branch and conjoin talents and efforts

- 4.To hold domestic seminars and international forums in 2005
- 5.To conduct personnel training
- 6.To add another five branches by January, 2005.
- 7.Based on the 5th paragraph of Article 2 in the Legal Services Corporation Act , the Foundation is responsible for the “necessary expenses accrued by legal affairs” for the legal aid recipients. Currently, the Foundation uses payment system and exception repayment system. In principle, it shall set a ceiling for the payment of litigation expenses, exception will be separately considered. And each branch will responsible to provide details regarding each case in their respective jurisdictions.
- 8.Due to limited human resources, the Research Committee currently is not available for consultation via telephone.

### *(3)Development Committee :*

The purpose for the establishment of the Foundation is to help underprivileged gain the rights and respect they deserve. Since its initial development in 2004, the Foundation has aggressively contacted and periodically met with social welfare groups representing women, labor, children, the elderly, the disabled, aborigines, environmental protection and migrating labor. They hope to conjoin efforts with these social welfare groups, so that the Foundation may be infused with NGO’ s spirit and vitality to inspire those that wish to establish a legal aid system for the underprivileged members of society.

Members of the Foundation’ s “Development Committee” consist of representatives from social welfare groups and relevant experts. The major objectives of this Committee are to 1) integrate all aspects of knowledge, 2) build a legal support channel, and 3) reinforce publicity coverage through mutual integration of all channels. Currently, there are 20 members in the Committee:

- Yu Mei-Neu (*Former chairwoman of National Union of Taiwan Women’ s Association*)
- Wong Chiu-Lan (*Supervisor of social workers, Modern Women’ s Foundation*)
- Wong Zhen-Kuang (*Chief of Taipei Family Aid Center*)
- Wu Yu-Chin (*Secretary-general of R.O.C. Old People Welfare Promotion Alliance*)

- Wu Pei-Ling (*Chief of Women's Rescue Foundation*)
- Wu Dong-Mu (*Reporter of Public TV Station*)
- Father Ruan Wen-Hsiung (*Vietnamese Labor Office, Mu-Ling Center of Catholic Hsinchu Parish*)
- Lin Bi-Tsui (*General Manager of Compass Public Relations Ltd.*)
- Hong Ya-Li (*Chief of Women's Division, the Garden of Hope Foundation*)
- Hu Yi-Ting (*Secretary-general of the League of Taipei Social Welfare*)
- Sun Yi-Hsin (*Deputy Secretary-general, Parent's Association for persons with Intellectual Disability*)
- Sun Yu-Lien (*Deputy Secretary-general of Taiwan Labor Front*)
- Cheng Ya-Shu (*Chief of Eden Social Welfare Foundation*)
- Cheng Yin-Zhen (*Supervisor of social workers, the Pearl S. Buck Foundation*)
- Chen Yi-Zhen (*Deputy Secretary-general, Taiwan Association of Social Workers*)
- Huang Hsiao-Ling (*Secretary-general, Taiwan Association for Victims of Occupational Injuries*)
- Huang Shian-Kai (*Lawyer*)
- Hsieh Dong-Ru (*Secretary-general, R.O.C. Disabled Alliance*)
- Su Yi-Shi (*Social worker of Hsinshi Social Service Center*)
- Representative of Millet Foundation.

The major issues discussed by this Committee include the standards and rules of financial eligibility in the Foundation, the Foundation's examining standards and process, the integration of the legal aid resources from the Foundation and Government agencies, referral mechanisms between the Foundation and welfare groups, measures to upgrade the quality of the Foundation's lawyers and their care for underprivileged members, the specific legal aid demand of various underprivileged groups, measures to cultivate lawyers, measures to effectively convey the Foundation's message to the underprivileged, and how to establish a system to share publicity resources and exchange educational training between the Foundation and social welfare groups.

## 2. Review Committee

The "Review Committee" established by the Foundation has several members with a term of three years without compensation. They are in

charge of reviewing cases which are resolved by the examining committee of branches but can not be accepted by the applicants. Currently, the review committee has 128 members consisting of senior judges, prosecutors, military judges, lawyers or other experts and academics with legal expertise background.

### 3. Examining Committee

The Examining Committees established in branches have their own members with a term of three years without compensation. They are responsible of the following affairs :

- Prepayment, payment, reduction, or cancellation of lawyer' s compensation and necessary expenses.
- The compensation and other expenses applicants bear
- Mediation for the disputes occurred between legal aid recipients and legal aid providers, and plotting of mediation clauses
- Others

Currently, there are 996 examining members across the branches nationwide. They include judges, prosecutors, military judges, lawyers or the academics/experts with legal expertise background. They are appointed by the director of each branch for the Foundation.

### 4. Legal Aid Attorneys

Up till June 30, 2005, there were 1,919 legal aid attorneys in the Foundation to provide legal aid services.

### 5. Trainee Attorneys

Currently, the Foundation has about 199 trainee attorneys undertaking recording tasks for members in the Examining Committee. They record relevant data of the applications interviewed by the examining members before the Examining Committee teffectively reviews each case. With their growing experience participating in this department, they will be able to work as the Foundation' s legal aid lawyers and examining members after

receiving their lawyer' s license. In addition, they also act as a seed-member for the Foundation, helping promote its philosophy.

## **6. Volunteers**

Currently, there are approximately 387 volunteers who assist the branches of the Foundation to promote various legal aid services.

## **7. Volunteer University Students**

Besides volunteers, the Foundation also has university students studying in the fields of social work, social psychology and public administration. At the end of their term, the Foundation awards them with an accomplishment certificate.

## Legal Aid Foundation The number of personnel in various tasks

As of Aug. 26, 2005

Branch	Number of legal aid lawyers	Number of examining members	Number of review members	Number of volunteers	Number of intern lawyers
Taipei branch	870	471	28	252	180
Taoyuan branch	163	99	14	71	2
Hsinchu branch	73	47	10	20	0
Miaoli branch	35	32	0	5	0
Taichung branch	274	44	24	10	0
Nantou branch	115	97	0	3	0
Changhua branch	160	93	14	14	0
Yunlin branch	29	28	0	1	0
Chiayi branch	45	53	0	3	0
Tainan branch	121	78	13	4	0
Kaohsiung branch	212	105	20	0	0
Pingtung branch	77	42	0	1	2
Keelung branch	48	43	0	1	1
Yilan branch	29	32	6	20	0
Hualien branch	28	27	5	28	0
Taitung branch	12	22	0	0	0
Kinmen branch	0	0	0	0	0
Matsu branch	0	0	0	0	0
Penghu branch	25	0	0	0	0
Total	2316	1313	134	433	185

## Notes :

- (1) At the time this annual report was published, the Foundation's above personnel has continued to increase per the following: 2,316 legal aid attorneys, 1,313 examining members, 134 review members, 433 volunteers and 185 trainee attorneys.
- (2) For the branches that do not have a Review Committee, because the deadline to draft this annual report was June 30, 2005, their review cases have been handled by the Foundation.





## Chapter 2

# Business Report



## Section 1 Business analysis

### Preface

Legal Aid Foundation officially launched on July 1, 2004 and has begun to offer legal aid services to the public. The services cover legal consultation, mediation, settlement, drafting of legal documents, litigation representation or advocacy. It mainly serves the underprivileged members who are not properly protected by the laws due to their financially challenged circumstances or other reasons (such as mandatory advocacy cases, applicants' incapability to intellectually express their opinions in the court, etc.). Based on the spirit for the protection of people's rights and interests, the Foundation has proceeded to promote the aforementioned matters and fully serve its targeted members with conviction and efficiency. We present here our business progress and results to the public in an honest manner and would greatly appreciate your comments and advices.

The following are the relative statistics of the Foundation

(Note: Data for Taipei, Taichung, Tainan, Kaohsiung and Hualien branche offices reflect the period of July 1, 2004 — June 30, 2005 whereas for Taoyuan, Hsinchu, Changhua, Yilan and Taitung branche offices, the period was for January 1, 2005 — June 30, 2005) :

### **1. More than ten thousand cases were aided in the past year illustrating a great demand for legal aid :**

During the period of July 1, 2005 through June 30, 2005, the Foundation undertook 17,889 application cases. After examination, about 7,640 cases (fully aided plus partially aided) were reviewed by the legal aid lawyers and 4,272 cases were for consultation aid services. As of the first year, more than 11,000 cases benefited from aid provided for by the Foundation. The results can be divided into the following:

**32 cases a day were aided by Legal Aid Foundation!**

**A case was aided by Legal Aid Foundation in every 45 minutes!**

Table 1: Statistics of total cases

Code	Category	Statistics
A	Total number of received cases	17889
B	Total number of cases approved with full aid	7521
C	Total number of cases approved with partial aid	119
D	Total number of cases refused	4773
E	Total number of document re-submission cases	140
F	Total number of legal consultation cases	4272
G	Total number of cases withdrawn	749
H	Total number of cases in the process of review.	22
I	Total number of cases terminated	207
J	Total number of cases revoked	30
K	Total number of cases not being examined	56
L	Approval ratio of legal aid	61.5%

Branch	A	B	C	D	E	F	G	H	I	J	K	L
Taipei	7487	4021	77	2386	64	765	290	17	112	14	15	63.2%
Kaohsiung	2864	1241	5	439	46	1095	83	4	10	5	4	73.9%
Tainan	1862	610	6	671	21	227	32	1	9	1	0	47.9%
Taichung	1767	561	8	593	0	588	32	0	51	3	10	49.0%
Hualien	1302	244	7	177	1	791	44	0	6	2	14	58.6%
Taoyuan	689	310	10	171	2	45	172	0	6	3	2	65.2%
Hsinchu	627	133	2	99	3	357	38	0	6	0	0	57.7%
Yilan	512	194	1	79	0	191	29	0	0	0	6	71.2%
Changhua	503	154	2	129	3	199	29	0	5	2	0	54.7%
Taitung	276	53	1	29	0	14	0	0	2	0	5	65.1%
Total	17889	7521	119	4773	140	4272	749	22	207	30	56	61.5%

**Note:**The “approval ratio” refers to the number of cases approved for legal aid (both full aid and partial aid) to the sum total number of cases both approved (both full aid and partial aid) and refused for legal aid. The data does not include the number of cases of legal consultation, refusal, document re-submission, withdrawal, review, termination and revocation.

## 2. An approval rate of 61.5% demonstrates the ease at which one can be aided :

There were 7,640 cases approved for aid by the Foundation whereas 4,773 cases were refused. Without including the legal consultation cases, more than 60% of the applicants were aided by the Foundation. This illustrates that it is not difficult to be aided by the Foundation. (Please refer to the attached Table 7 of this section for further details)

Table 2 Ratio of cases approved for aid

Category	Total number of the cases approved for aid	Total number of the cases refused for aid	Approval ratio
Total number of the cases received by the Foundation	7640	4773	61.5%

## 3. In its first year, the Foundation issued 161 guarantee certificates in lieu of more than NT 70 million dollars of security :

To date, the Foundation has issued 161 guarantee certificates under Article 65 of the Legal Aid Act, saving eligible applicants from paying a total of NT 76,529,498 dollars in security in proceedings for injunction, the average security guaranteed per certificate being NT 475,338 dollars. The total amount secured by the guarantee certificates was as high as NT 298,615,786 dollars (please refer to the attached Table 3 for further details), representing an average of NT 1,854,756 dollars per certificate. These are very significant figures.

Through acquiring a guarantee certificate from the Foundation, an eligible applicant in financial difficulty will have the ability to file an injunction prior to initiating court actions against debtors. Due to the establishment of a system of issuing guarantee certificates, financially disadvantaged applicants are protected from not being compensated when they win their lawsuits. Applicants also may use the system to encourage defendants to settle.

However, according to Table 3, some of the Foundation's branch offices had not issued any certificates; and except for the Taipei and Hualien branch offices, other branch offices had a very low utilization rate. In the coming year, each branch office should issue guarantee certificates without hesitation for claims having favorable prospects of recovering damages. In this way, the purpose of designing the system will be better fulfilled.

**Table 3 Statistics for the guarantee amounts of the guarantee certificates issued by the Foundation and the provisional seizure amounts**

Code	Category	Statistics
A	Total number of cases	161
B	Total amount guaranteed by guarantee certificates	76,529,498
C	Provisional seizure amount decided correspondently with guarantee certificates.	298,615,786
D	Average guarantee amount for each guarantee certificates	475,338
E	Average corresponding provisional seizure amount against each guarantee certificates	1,854,756

(Unit: NT\$)

Branch	A	B	C	D	E
Taipei	102	67,928,192	244,095,386	665,962	2,393,092
Taoyuan	1	150,000	450,000	150,000	450,000
Hsinchu	3	480,000	4,801,304	160,000	1,600,434
Taichung	4	1,048,907	7,841,719	262,226	1,960,429
Changhua	1	700,000	6,755,815	700,000	6,755,815
Tainan	7	2,789,999	11,380,000	398,571	1,625,714
Kaohsiung	11	2,192,000	17,177,079	199,273	1,561,553
Taitung	0	0	0	0	0
Hualien	32	1,240,400	6,114,482.5	38,762.5	191,077.6
Yilan	0	0	0	0	0
Total	161	76,529,498	298,615,786	475,338	1,854,756

Unit: NT\$

#### 4. The majority of applicants were unemployed and/or labor workers, at about 70% :

As per the list of the ratios of applicants' occupations, about 70% were applicants who were unemployed (47.93%) and/or labor workers (21.45%) (Please refer to attached Table 4 for further details). For the approved cases, 50.18% of them were unemployed, followed by labor workers at 23.31%. This illustrates that a majority of the legal aid cases approved by the Foundation are applied by the unemployed or labor workers. (Please refer to the attached Table 5 for further details)

The ratios of the approved aid cases in different occupations are between 51% (for civil servants + teaching faculties) to 66.93% (for labor). The approval rate for labor occupation (66.93%) is about 5% higher than the average approval rate at 61.5%. According to the data analysis, the aid cases applied by labor workers seem to pass the examination with more ease (please refer to attached Table 6 for further details)

Table 4 : Ratios of applicants' occupations

Code	Category	Total	Ratio
A	Unemployment	8574	47.93%
B	Physical Labor workers	3837	21.45%
C	Freelancers	1479	8.27%
D	Housekeeping	729	4.08%
E	Business	687	3.84%
F	Non-physical Labor workers	682	3.81%
G	Students	662	3.70%
H	Farmers	283	1.58%
I	Teaching faculties	231	1.29%
J	Civil servants	192	1.07%
K	Military personnel	91	0.51%
L	Others	442	2.47%

Branch	A	B	C	D	E	F	G	H	I	J	K	L
Taipei	4305	1569	597	215	280	273	294	33	107	58	30	36
Kaohsiung	708	310	197	66	62	54	44	45	14	12	4	210
Tainan	851	528	166	131	68	139	69	39	24	16	9	11
Taichung	1113	411	200	60	64	51	82	31	23	35	11	160
Hualien	385	323	84	143	127	58	64	63	21	32	21	10
Taoyuan	317	244	21	17	14	38	55	7	7	1	6	2
Hsinchu	285	138	93	36	26	26	15	16	18	5	4	1
Yilan	232	126	58	36	30	6	13	14	1	5	3	5
Changhua	257	117	40	18	8	34	20	14	5	12	0	7
Taitung	121	71	23	7	8	3	6	21	11	16	3	0
Total	8574	3837	1479	729	687	682	662	283	231	192	91	442
Ratio	47.93%	21.45%	8.27%	4.08%	3.84%	3.81%	3.70%	1.58%	1.29%	1.07%	0.51%	2.47%

Table 5 : Ratios of the occupations of the legal aid recipients

Category	Total	Ratio
Unemployment	3834	50.18%
Physical labor workers	1781	23.31%
Freelancers	571	7.47%
Housekeeping	389	5.09%
Business	245	3.21%
Non-physical labor workers	244	3.19%
Students	217	2.84%
Farmers	80	1.05%
Teaching faculties	68	0.89%
Civil servants	44	0.58%
Military personnel	31	0.41%
Others	136	1.78%

Table 6: Approval rate of the cases applied according to applicant's occupation

Category	Number of approved cases	Number of refused cases	Approval rate
Physical labor workers	1781	880	66.93%
Freelancers	571	386	59.67%
Unemployment	3834	2605	59.54%
Non-physical labor workers	244	188	56.48%
Business	217	190	53.32%
Military personnel	31	23	57.41%
Civil servants and teaching faculties	85	81	51.20%

## 5. Criteria for the cases examined by each branch office :

### *(1) The case approval rate varies from branch to branch*

A total of 17,889 cases were received by all branches during the period of July 1, 2004 through June 30, 2005. The average case approval rate was 61.5%; Kaohsiung branch had a 73.9% of approval rate (12% higher than the average rate) and Tainan branch got a 47.9% (lower than average rate). It requires further investigation to find out if the difference is caused by the difference of regional conditions or the inconsistent examining criteria used by each branch. (Please refer to attached Table 7 for further details)

### *(2) Reasons for refusal of cases: "Insufficient reason" took the majority followed by "financial ineligibility"*

In terms of the reasons for the refusal of cases, "insufficient reason" according to the facts submitted by the applicants took the majority at 35.16%, followed by the reason of "failure to meet financial eligibility" at 23.72% (Please refer to attached Table 9). By investigating the ratio of the refused cases on the ground of financial ineligibility from the total cases refused by branches, Yilan branch had the highest ratio on "financial ineligibility" whereas Taitung branch had lowest ratio at 10.34%. In regards to other branches, they generally maintained a level of 20%. There appears to be no

distinction between each of the branches in regards to the definition of an applicant's financial ineligibility,. (Please refer to attached Table 9 for further details)

Cases that were refused by the Foundation with “insufficient reason” took 35.16% of total cases (Please refer to attached Table 10 for detail). However, after perusing the branches' data, it appeared that Changhua branch had only 27.13% of total cases being refused due to “insufficient reason” whereas Taitung branch had a high ratio of 55.17% taking more than half of its total cases. The Foundation needs to compile more cases under the category of “insufficient reasons” to concretely define this category, for it is doubtful that all cases should be refused under these grounds of “insufficient reason” . It is crucial for the Foundation to unify the examining standards of each branch.

Table 7 The number of approved cases and the approval rate

Branch	Full aid	Partial aid	Refusal	Approval rate
Kaohsiung	1241	5	439	73.9%
Yilan	194	1	79	71.2%
Taoyuan	310	10	171	65.2%
Taitung	53	1	29	65.1%
Taipei	4021	77	2386	63.2%
Hualien	244	7	177	58.6%
Hsinchu	133	2	99	57.7%
Changhua	154	2	129	54.7%
Taichung	561	8	593	49.0%
Tainan	610	6	671	47.9%
Total	7521	119	4773	61.5%



Table 8 Ratios for the reasons of refusal

Category	Total cases	Ratio
Insufficient reason	1678	37.95%
Financial ineligibility	1132	25.60%
Revisions not being done by deadline	380	8.59%
Beyond the scope or category for aid	341	7.71%
The benefit gained by the applicants from winning the case is smaller than the expenses spent on litigation and lawyer compensation.	93	2.10%
The items do not apply correctly to the fields of legal aid	72	1.63%
Illegitimate residents	13	0.29%
The litigations are processed outside the Taiwan area	4	0.09%
Litigations against the Foundation	2	0.05%
Others	70	15.99%

**Note:** Since more than one reason can be selected by the examining members for refusal of a case, the sum total number of cases is greater than the total number of refused cases.

Table 9 The ratios of “financial ineligibility” in total refused cases

Category	Category The number of cases refused due to “financial ineligibility”	Total number of refused cases	Ratio of “financial ineligibility” in total refused cases
Total	1132	4773	23.72%

Branch	Financial ineligibility	Total number of refused cases	Ratio of "financial ineligibility in total refused cases"
Yilan	30	79	37.97%
Hualien	62	177	35.03%
Hsinchu	27	99	27.27%
Taoyuan	43	171	25.15%
Taichung	145	593	24.45%
Tainan	162	671	24.14%
Taipei	548	2386	22.97%
Changhua	29	129	22.48%
Kaohsiung	83	439	18.91%
Taitung	3	29	10.34%
Total	1132	4773	23.72%

Table 10 Ratio of "insufficient reason" in total refused cases

Branch	Number of the cases refused with "no convincing reason"	Total number of refused cases	Ratio of the cases refused with "no convincing reason"
Taitung	16	29	55.17%
Kaohsiung	173	439	39.41%
Taipei	928	2386	38.89%
Hsinchu	36	99	36.36%
Yilan	26	79	32.91%
Taichung	178	593	30.02%
Hualien	52	177	29.38%
Taoyuan	48	171	28.07%
Tainan	186	671	27.72%
Changhua	35	129	27.13%
Total	1678	4773	35.16%

## 6. The aid methods for aid cases and the aid status in each branch :

*(1) The majority of manners of legal aid took the form of litigation representation or advocacy (79% of total aid cases) while mediation or settlement only took 2%. :*

For the approved cases, 50% of them were assigned with lawyers by the Foundation as the litigation or advocacy representative. The cases requested for mediation or settlement only took 1.47%. The remainder cases were legal consultation and the drafting of legal documents (Please refer to attached Table 11 for detail). Without including legal consultation, the cases assigned by the Foundation with lawyers as the litigation or advocacy representatives took 78.55%. This shows that litigation representation is still the mainstream in the cases taken by the Foundation (Please refer to attached Table 12).

Mediation or settlement cases (175 cases) only represented 1.47% out of the total aid cases. By deducting legal consultation cases, it was still merely 2.29%, a very low ratio. By referring to the attached Table 35 for “the ratios of the results of closed civil cases’ , it can be seen that the success of mediation/settlement took 22.15% of total civil closed cases. It shows that the assignment of legal aid lawyers still has its effect to facilitate the mediation/settlement..

*(2) The ratio of legal consultation cases varies considerably from branch to branch:*

In order to maximize usage of limited legal resources for people who need them the most, the Foundation usually refers most of the legal consultation cases to other institutes where free legal services are offered (such as bar associations, litigation guidance section in courthouses, etc). At the same time, the Foundation will also inform the applicants if there is a need for them to have a lawyer represent them or draft a litigation in the future, they may reapply to the Foundation for legal aid. However, if the applicants do not clearly express their requests for legal consultation in the first place, based on the Foundation’ s conviction for offering convenience to the public, it will still

provide brief legal consultation service to the applicants for their questions. Taking into consideration the gap between cities and counties for the availability of judicial resources, legal consultation services will still be provided in Hualien and Taitung branches as well as Penghu, Kinmen and Matsu branches established on July 1, 2005.

A total of 4,272 legal consultation cases have been accepted by the Foundation in its first year of operation, taking up 35.86% of total cases since opening day (please refer to attached Table 11 for further details). As per the list (attached Table 13) for the ratios of legal aid categories, Hualien branch had the highest ratio for legal consultation service at 75.91% whereas Taoyuan had merely 12.33%, the lowest ratio among the branches. Amongst the 357 legal consultation cases taken by Hsinchu branch, 50 of them were the study-type legal consultation cases which included lawyers' involvement (When the cases can not be settled by simply oral consultation, the foundation will assign a lawyer to help applicants study the legal problems). (Please refer to attached Table 13 for further details).

### *(3) The way to handle litigation representation or draft legal documents also varies from branch to branch :*

As per attached Table 12 for the ratio of aid categories (excluding legal consultation), 78.55% of the cases were the ones for the service of litigation representation or advocacy whereas the service for legal document drafting only took 19.16%. However, by referring to the statistics in above Tables, the data still vary considerably from branch to branch. For instance, 88.89% of cases taken by Taitung branch were for litigation representation or advocacy service, whereas Taichung branch had 56.59%. Taichung branch had a very high ratio at 43.41% in their service for legal document drafting. This illustrates that the focus made by the examining members for the extent of the services in each branch is different (Please refer to attached Table 14 for detail). Some may think of assisting applicants with litigation representation while others may feel it would be sufficient to help applicants with legal document drafting.

Table 11 Ratios of the categories of approved cases  
(including legal consultation)

Category	Total	Ratio
Litigation representation or advocacy	6001	50.38%
Legal consultation	4272	35.86%
Drafting of legal documents	1464	12.29%
Mediation or settlement	175	1.47%
Total	11912	100%

Table 12 Ratios of the categories of approved cases  
(excluding legal consultation)

Category	Total	Ratio
Litigation representation or advocacy	6001	78.55%
Drafting of legal documents	1464	19.16%
Mediation or settlement	175	2.29%
Total approved cases	7640	100%

Table 13 Ratios of the categories of the legal aid cases at each branch  
(including legal consultation)

Branch	Litigation representation or advocacy		Consultation		Drafting of legal documents		Mediation or settlement	
	Cases	Ratio	Cases	Ratio	Cases	Ratio	Cases	Ratio
Taipei	3352	68.91%	765	15.73%	643	13.22%	104	2.14%
Taichung	322	27.83%	588	50.82%	247	21.35%	0	0.00%
Tainan	427	50.71%	227	26.96%	163	19.36%	25	2.97%
Kaohsiung	1034	44.17%	1095	46.77%	203	8.67%	9	0.38%
Hualien	220	21.11%	791	75.91%	24	2.30%	7	0.67%
Taoyuan	235	64.38%	45	12.33%	58	15.89%	27	7.4%
Hsinchu	117	23.78%	357	72.56%	17	3.46%	1	0.20%
Changhua	96	27.04%	199	56.06%	58	16.34%	2	0.56%
Yilan	150	38.86%	191	49.48%	45	11.66%	0	0.00%
Taitung	48	70.59%	14	20.59%	6	8.82%	0	0.00%
Total	6001	50.38%	4272	35.86%	1464	12.29%	175	1.47%

Table 14 Ratio of the categories of the legal aid cases at each branch  
(excluding legal consultation)

Branch	Litigation representation or advocacy		Drafting of legal documents		Mediation or settlement	
	Cases	Ratio	Cases	Ratio	Cases	Ratio
Taipei	3352	81.78%	643	15.69%	104	2.54%
Taichung	322	56.59%	247	43.41%	0	0.00%
Tainan	427	69.43%	163	26.50%	25	4.07%
Kaohsiung	1034	82.99%	203	16.29%	9	0.72%
Hualien	220	87.65%	24	9.56%	7	2.79%
Taoyuan	235	73.44%	58	18.13%	27	8.44%
Hsinchu	117	86.67%	17	12.59%	1	0.74%
Changhua	96	61.54%	58	37.18%	2	1.28%
Yilan	150	76.92%	45	23.08%	0	0.00%
Taitung	48	88.89%	6	11.11%	0	0.00%
Total	6001	78.55%	1464	19.16%	175	2.29%

**Table 15 Ratios of study-type legal consultation cases in total legal consultation cases**

Category	Total number of legal consultation cases	Total number of study-type legal consultation cases	Ratio for the cases assigned with lawyers
Total	4272	69	1.62%

Category	Total number of legal consultation cases	Total number of study-type legal consultation cases	Ratio for the cases assigned with lawyers
Hsinchu	357	50	14.01%
Taipei	765	6	0.78%
Kaohsiung	1095	6	0.55%
Yilan	191	1	0.52%
Taichung	588	3	0.51%
Tainan	227	1	0.44%
Hualien	791	2	0.25%
Taoyuan	45	0	0.00%
Changhua	199	0	0.00%
Taitung	14	0	0.00%
Total	4272	69	1.62%

**Note:** the study-type legal consultation cases” refers to cases which are complicated and require lawyer’ s assistance..

## **7. Divorce, traffic accidents and injury cases took the majority in the cases applied for aid :**

As per the list for applicants’ s identities (attached Table 16), the majority of applicants are women and laborers. According to the categories of the applied cases (attached Table 17), divorce (3023 cases) traffic accidents (1407 cases), and injury cases (813 cases) . This illustrates that family, and traffic matters are the majority of people seeking legal aid.

Also, by referring to the ratios for the categories of the cases taken by legal aid lawyers (attached Table 18), although 17.08% of attorneys have the intention to aid family cases, divorce cases already took a lot more percentage than the 17.08% of lawyers who initially intneded to aid family cases. In addition, aborigines, disabled, foreigners, and the elderly are mostly the

underprivileged groups in the society, but respectively only 2.91%, 2.35%, 1.31% and 0.31% of lawyers showed intent to take their cases. This illustrates that the Foundation shall appeal to more lawyers to care for the underprivileged groups, or conduct educational training to the lawyers who are interested in the related issues but not familiar with the relative laws.

**Table 16** Number of the identities of applicants

Category of identity	Number of applied cases
Women	8431
Labor	3837
Children and Juveniles	3164
The elderly	3029
Foreigners	676
The disabled	447
Aborigines	341
The general public	1733

**Table 17** Statistics of the categories of applied cases

Application subjects	Number of applied cases
Cases relating to divorce	3023
Traffic accidents	1407
Injuries	813
Frauds	482
Cases relating to the termination of labor contracts	464
Cases relating to sexual assaults	453
Manslaughter	251
Occupational injuries	235
Drugs	225
Robbery	165
State Compensation	151

**Note:** Subjects listed above are only subjects used in more than 150 applied cases.



Table 18 Ratios of the categories for cases that meet legal aid lawyer' s intent to accept

Subject	Total	Ratio
General criminal cases	1368	26.74%
General civil cases	1134	22.17%
Women's cases (note 2)	874	17.08%
Labor cases (note 3)	715	13.98%
Child and juvenile cases	396	7.74%
Other administrative cases	167	3.26%
Aborigine cases	149	2.91%
The disabled cases	120	2.35%
Cases of environmental protection for public pollution	110	2.15%
Foreigner cases	67	1.31%
The elderly cases	16	0.31%

**Note 1:** the Table was made according to the list filled out by the legal aid lawyers for their service intent. The legal aid lawtyers may have selected more than one choice for their service intent.

**Note 2:** Women' s cases include: domestic violence, sexual assault, divorce, and child custody.

**Note 3:** Labor cases include: labor disputes and identification of occupational injuries

## 8. Cases of mandatory advocacy, occupation disasters and divorce are the ones which are more likely to be accepted for aid.

*(1) In terms of case approval rate, robbery took the first place for approval whereas state compensation cases got the lowest approval rate*

In terms of the approval rate for various categories of cases, the categories that had an approval rate which are 10% higher than the average approval rate at 61.5% included: occupational disasters (79.79%), divorce cases(74.46%), sexual assaults (74.78%), robbery (82.58%), manslaughter (77.83), whereas the approval rate 10% lower than the average approval rate

covered state compensation cases (41.67%). As to the cases of occupation injuries and sexual assaults, because most applicants were underprivileged members or the victims of the cases, the approval rate was also higher. For state compensation cases, the cases were few and the applicants' financial eligibility as well as the responsibility for the state compensation was hard to defined, so the approval rate was comparatively low. (Please refer to attached Table 19 for detail)

**Table 19 Approval rate of the applied cases in different causes**

Cause	The number of approved cases	The number of refused cases	Total	Approval rate
Robbery	128	27	155	82.58%
Occupational disasters	154	39	193	79.79%
Manslaughter	172	49	221	77.83%
Sexual assaults	258	87	345	74.78%
Divorce	1624	557	2181	74.46%
Drug	128	60	188	68.09%
Traffic accidents	692	327	1019	67.91%
Injury	390	211	601	64.89%
Termination of labor contracts	205	124	329	62.31%
Frauds	189	152	341	55.43%
State compensation	50	70	120	41.67%

**Note 1:** The mandatory advocacy case refers to the implication from the lightest sentence to more than three years, or no defender is selected for the first instance under the jurisdiction of the High Court.

**Note 2:** "Mandatory advocacy cases" refer to other types of mandatory advocacy cases not included in the robbery, manslaughter and drug listed in the above Table.

**Note 3:** The conviction varies with each drug case. Some are mandatory advocacy cases, but some do not reach the standards for mandatory advocacy.

*(2) Manslaughter cases took the majority in the mandatory advocacy cases*

Manslaughter cases (49.4%) took the most majority in the mandatory advocacy cases taken by the Foundation, followed by robbery at 32.5% (Please refer to attached Table 20 for detail)

Table 20 Ratios of the applications for the four top categories of mandatory advocacy cases

Category	Number of compulsive advocacy cases	Manslaughter	Robbery	Drug	Others
Total	508	251	165	60	32
Ratio	100%	49.4%	32.5%	11.8%	6.3%

**9. Males took the majority in applicants, but female applicants got higher approval rate at 65.13% for the legal aid than their male counterparts.**

Based on the statistics released by the Statistic Department of the Ministry of the Interior in 2004, the ratio between male and female population was 50.8% (males) against 49.2% (females). In the Foundation, male applicants took a 53% of total applicants which was 2.8% higher than the average ratio. This illustrates that male applicants take higher ratio in the cases applied to the Foundation. (Please refer to attached Table 21 for detail). However, in terms of case approval rate, the approval rate for the cases applied by the male applicants was 58.42%, lower than the average 61.5% whereas the approval rate for the cases applied by female applicants were 65.13%, higher than the average rate. In conclusion, although the number of male applicants is more than that of their female counterparts for the application of legal aid, female applicants got higher approval rate on the cases they apply. (Please refer to attached Table 32 for detail)

Table 21 Gender ratio of the legal aid application

Category	Male	Female	Total
Number	9458	8431	17889
Ratio	53%	47%	100%

Table 22 Case approval rate of male and female applicants

Category	Male	Female
Number of approved cases	3874	3766
Number of refused cases	2757	2016
Total cases	6631	5782
Approval rate	58.42%	65.13%

### **10.The applicants with an educational background under senior high School took 84.36% of the total applicants and they also got a higher rate to pass the examination and more likely to receive legal aid**

As per the attached Table for the ratio of applicant' s educational levels, the applicants who have no education (6.84%), elementary education (16.91%), senior high school education (23.46%) and senior high school education, made up 81.22% of the total applicants. Compared to the statistics released by the Ministry of Education that illiterates (2.84%), self-study persons (0.50%), eliminatory school graduates (17.18%), junior high school graduates (15.42%), senior high school graduates (9.6%), senior vocational high school graduates (23.94%) all together taking up 64.48% of the population beyond 15 years old., 81.22% of those applied to the Foundation for legal aid were with a education level below senior high school. It represents that the applicants are mostly the groups with a lower educational background in the society, and due to their lower level of educational backgrounds, they require the legal aid provided by the Foundation. Moreover, the Foundation' s aid applicants with a educational level of no education, elementary school, junior high school and senior high school took up 84.36% of its total aid applicants. (Please refer to attached Table 24 for detail) In terms of the approval rate, the aid applicants with no education, elementary school education, junior high school education and senior high school education took about 60% approval rate whereas college graduates at 56.51%, university graduates at 51.84% and masters/PhDs at 42.70%. This illustrates that the applicants with lower educational backgrounds are more likely to pass the Foundation' s examination and acquire legal aid. (Please refer to attached Table 25 for detail).

Table 23 Analysis of applicant' s educational backgrounds

Education	Total	Ratio
Senior high school	5932	34.01%
Junior high school	4093	23.46%
Elementary school	2949	16.91%
College	1981	11.36%
No education	1193	6.84%
University	1126	6.45%
Masters and PhDs	170	0.97%

Note: there is an “other” item in the educational background statistics, and 445 cases are included in the “other” item which is not listed in the above Table.

Branch	Senior high school	Junior high school	Elementary school	College	Nil	College	Masters and PhDs
Taipei	2542	1674	1294	949	529	729	83
Taichung	368	356	196	156	159	58	9
Tainan	767	553	315	223	102	74	20
Kaohsiung	877	539	345	229	163	96	23
Hualien	425	321	310	154	73	27	6
Taoyuan	269	182	123	63	35	28	8
Hsinchu	232	130	93	81	41	58	18
Changhua	151	143	106	56	47	20	1
Yilan	196	134	101	43	29	17	1
Taitung	105	61	66	27	15	19	1
Total	5932	4093	2949	1981	1193	1126	170

Table 24 Analysis of the educational backgrounds of the legal aid recipients

Education	Number of approval cases	Ratio
Senior high school	2681	35.51%
Junior high school	1903	25.21%
Elementary school	1251	16.57%
College	734	9.72%
No education	534	7.07%
University	408	5.40%
Masters and PhDs	38	0.50%

**Note:** There is an “other” category in the format for applicants to fill out, and 91 approved cases are included in the “other” category which is not listed in the above Table.

Branch	Senior high school	Junior high school	Elementary school	College	No education	University	Masters and PhDs
Taipei	1498	984	687	476	289	333	27
Taichung	121	116	57	44	56	16	1
Tainan	285	209	106	54	29	9	2
Kaohsiung	372	278	152	80	78	28	8
Hualien	68	76	77	13	28	3	0
Taoyuan	130	90	60	29	16	5	0
Hsinchu	60	27	28	10	12	5	0
Changhua	46	48	30	14	16	2	0
Yilan	76	58	36	13	9	6	0
Taitung	25	17	18	1	1	1	0
Total	2681	1903	1251	734	534	408	38

Table 25 Approval rate of the applicants in different educational backgrounds

Education	Number of approved cases	Number of refused cases	Approval rate
Senior high school	2681	1464	64.68%
Junior high school	1903	1048	64.49%
No education	534	352	60.27%
Elementary school	1251	840	59.83%
College	734	565	56.51%
University	408	379	51.84%
Masters/PhDs.	38	51	42.70%

## 11. Termination and revocation of legal aid cases

*(1) The terminated and revoked cases took 3.09% of the approved legal aid cases (covering full aid and partial aid).*

For the cases approved by the Foundation, revoked (30 cases) and terminated (207 cases) cases took merely 1.4% of total cases applied (Please refer to attached Table 26 for detail). However if it is based on full aid and partial aid cases (7,640 cases in total, excluding legal consultation cases), the revoked cases took about 0.39% of the total legal aid cases whereas terminated cases was 2.7%, making a 3.09% in total. (Please refer to attached Table 27 and 28 for detail)

*(2) The main reason for the aid termination was “other reasons resulting in an unnecessary continuation of aid”*

Amongst the 207 terminated cases in the Foundation, 140 of them (about 67%) were caused by applicants who made the Foundation presume there were “other reasons resulting in an unnecessary continuation of aid” , 28 of them were caused by applicants who failed to cooperate with what was required in the legal aid implementation, and 17 of them were caused by the applicants who did not timely contribute their share of compensation and

necessary expenses resulting in the failure to proceed with the legal aid. This represents that most applicants have cooperated with the lawyers assigned by the Foundation to process the aid cases. Paragraph 5 in article 24 of Legal Aid Act for applicable cases is, in principle, a prescription of a counter measure for the legal termination reason. It is to make up for the insufficiency of the preceding four paragraphs. The Table shows that the applicability of paragraph 5 has become the majority of the reasons for case termination. Under such circumstances, the Foundation shall compile its experience in other termination reasons in the coming year so as to modify the preceding four paragraphs and make the prescriptions for case termination be more practically in conjunction with the Foundation' s current practices. (Please refer to attached Table 29 for detail)

Table 26 Statistics of the cases applied

Category	Number of cases	Ratio
Full grant	7521	42.0%
Refusal	4773	26.7%
Legal consultation	4272	23.9%
Revocation	749	4.2%
Termination	207	1.2%
Document re- submission	140	0.8%
Partial grant	119	0.7%
In the process of examination	56	0.3%
Revocation	30	0.2%
Review	22	0.1%
Total number of cases applied	17889	100%



Table 27 Ratio of the revoked cases from the approved cases

Category	Number of revoked cases	Number of approved cases	Ratio
Total	30	7640	0.39%

Table 28 Ratio for the terminated cases from the approved cases

Category	Number of terminated cases	Number of approved cases	Ratio
Total	207	7640	2.64%

Table 29 Reasons for case termination and the terminated case number

Reasons	Number of cases
Failure to cooperate with what was required in the aid implementation without due reason.	28
Did not provide timely compensation and necessary expenses resulting in the failure to proceed with the legal aid	17
The recipients pass away after the cases are approved	16
Due to statutory changes, different circumstances or the ruin destruction and reduction of the subject matter, it becomes unnecessary to continue the aid.	3
Due to inheritance, bestowal or other reasons which make the recipients no longer financial eligible for the aid.	2
The behavior conducted by the aid recipients is perceived as a grave insult to the providers of legal aid.	1
Other reasons resulting in an unnecessary continuance of aid	140

## 12. Analysis of how applicants learned about the Legal Aid Foundation

*(1) Most applicants learned about the Legal Aid Foundation through mass media, and other sources of publicity; 40% of the applicants were referred and advised by other organizations or groups.*

As shown in attached Table 30, 58.14% of applicants learned about the Legal Aid Foundation through mass media, publicity, relatives and friends; 41.85% of total applicants were through referrals from other organizations or groups (13.36%), advice from lawyers (10.74%), or the referral and advice from social welfare groups (9.87%), and government agencies (7.88%). This illustrates that the Foundation has made significant achievement through mass media and public publicity. Also, through open communication and cooperation with Government agencies and social groups, the majority of the applicants who require legal aid have learned about the Foundation through the referrals from relevant organizations and groups.

Table 30 Ratio of the message channels

Message channel	Ratio
Mass media	24.63%
Publicity	19.07%
Relatives and friends	14.44%
Court referral or advice	13.36%
Advise from lawyers	10.74%
Referral or advice from social welfare groups	9.87%
Referral or advice from the Government agencies	7.88%

*(2) Cases referred or advised by welfare groups were more likely to pass the examination.*

Due to the close interactions between the Foundation and various welfare groups, the welfare groups generally have better understanding about the Foundation’s rules and regulations. Under such circumstances, their case referrals become more effective, so the legal aid approval rate for the cases referred is also significantly higher compared to cases from general referrals.

On the other hand, applicants who learned about the Foundation through publicity or mass media might have received fragmented messages or been in a rush to apply before precisely reading the message promoted. As a result, the applicants might not fully understand the elements required for applying for legal aid. If this is the case, then the Foundation will reinforce and improve its promotional measures to correctly convey to applicants regarding financial eligibility. (Please refer to attached Table 31 for further details)

Table 31 Approval rate of cases from various message channels

Message channel	Number of the approved cases	Number of the refused cases	Approval rate
Referral or advice from social welfare groups	943	341	73.44%
Advice from relatives and friends	894	429	67.57%
Advice from lawyers	994	537	64.92%
Referral or advice from the Government agencies	509	300	62.92%
Court referral or advice	896	602	59.81%
Publicity	1439	1110	56.45%
Mass media	1547	1200	56.32%

### 13. Analysis of review data

#### (1) 16.72% of the cases refused were submitted for review :

According to the ration of “number of refused cases submitted for review” against the “total number of cases refused” (please refer to attached Table 32 for further details) for each branch, 16.72% of refused cases were reviewed. However, by comparing each branch’ s reviewed cases, it showed considerable gaps amongst different branches. For instance, Hsinchu Branch had 7.07% reviewed applications rate, the lowest among branches, whereas Taichung branch reached 26.48%. This requires further analysis to seek reasons for this difference and reasons for a low application review rate. Is it because applicants did not completely understand the review system or they conceded to the Foundation’ s final decision regarding their case? Further research will need to be conducted for the Foundation to standardize their examination and review procedures to better handle all cases.

Table 32 the ratio of “the number of the cases refused submitted for review” against “total number of cases refused” in each branch

Branch	Number of cases refused	Number of the cases refused applied for review	Ratio of cases refused in refused cases
Taipei	2386	350	14.67%
Taoyuan	171	31	18.13%
Hsinchu	99	7	7.07%
Taichung	593	157	26.48%
Changhua	129	31	24.03%
Tainan	671	96	14.31%
Kaohsiung	439	94	21.41%
Yilan	79	10	12.66%
Hualien	177	16	9.04%
Taitung	29	6	20.69%
Total	4773	798	16.72%

*(2) Amongst the review of applied cases, 13.9% of the cases resulted in a different resolution than the original*

As per the attached Table 33, the respective ratios of “review outcome of the refused cases” against “the total number of the refused cases submitted for review” each branch showed that most of the decisions made by review members still ended up with refusal, which took 84.46% of total review cases applied. This illustrates that the majority of original examinations are well respected by the review members.

Table 33 Respective ratios for “the review outcome of the refused cases” against “the total number of the refused cases submitted for review” in each branch

Category	Total	Ratio
The number of refused cases applied for review	798	100%
The number of cases that had a different resolution after being reviewed and was changed to receiving full aid	107	13.41%
The number of cases that had a different resolution after being reviewed and was changed to receiving partial aid	4	0.50%
The number of refused cases that remained the same after review	674	84.46%

Note: There is an “other” item which is not listed in above Table.

**14. The ratio of the civil, criminal and administrative cases taken by the Foundation is different from that taken by courts :**

As per the overview released by the agencies subordinate to Judicial Yuan for cases they took in 2004, there were 1,307,374 civil cases, 329,616 criminal cases and 13,670 administrative cases - making a total of 1,650,660 cases. In terms of their case numbers, civil cases took 79.2% of total cases, whereas criminal cases were 20% and 0.8% for administrative litigation cases. In comparison, the Foundation’s civil cases took 48.98% of its total cases

whereas its criminal cases were 46.23% (the number of criminal cases in the Foundation's statistics include court representation and investigation) and administrative cases were 4.78% (including the pleading preparation procedure and pleading) (Please refer to attached Table 34 for further details)

Table 34 Ratio of civil/criminal/administrative cases applied

Category	Application to Legal Aid Foundation		Agencies subordinate to Judicial Yuan	
	Number of cases	Ratio	Number of cases	Ratio
Civil cases	8,684	48.98%	1,307,374	79.2%
Criminal cases	8,197	46.23%	329,616	20%
Administrative cases	848	4.78%	13,670	0.8%
Total	17,729	100%	1,650,660	100%

**Note:** Part of the cases could not be defined as neither civil, criminal nor administrative cases in their application, so they were not included in this calculation. As a result, the total number of cases listed above is less than that listed in Table 1

## 15. Analysis of cases closed

*(1) Amongst the closed civil cases, 74.95% of applicants acquired substantive assistance from the Foundation. Based on the closed litigation cases, 75.5% of applicants received satisfactory results.*

Amongst the civil cases closed, the Foundation provided assistance in the drafting of legal documents in 400 cases, which is 30.37% of the total number of cases closed. Adding cases in which damages were fully recovered (22.43%) or partially recovered (6.69%) and cases closed by successful mediation or settlement (30.37%), 74.95% of the applicants received good results (please refer to attached Table 35 for further details). In terms of the outcome of court proceedings, 558 cases were closed by court judgments, and among them 58.2% (325/558) won the court action, 17.3% (97/558) were partially successful, and only 24.5% of them were lost. In other words, about 70% of the applicants received good results with the help of the Foundation.

*(2) Amongst the closed criminal cases, more than half of the applicants benefited from the assistance provided for by the Foundation*

Amongst the closed criminal cases, the aid cases of legal document drafting that the Foundation provided took 25.98% of total closed cases, and 2.78% of the cases closed came up with successful mediation or settlement. There were 704 litigation closed cases (386 favorable plus 318 unfavorable cases to the legal aid recipients) and the ratio of favorable conviction results to the legal aid recipients took more than 50% (386/704). In other words, amongst those who received help from the Foundation on the drafting of legal documents, and the mediation and settlement by the lawyers provided by the Foundation, more than half of the applicants got favorable conviction results.

*(3) Amongst the closed administrative cases, the service provided by the Foundation was mostly drafting of legal documents.*

Out of all the closed administrative cases, 72.09% of the closed cases were in regards to drafting of legal documents. There were 2.33% of closed administrative cases assisted by lawyers with successful mediation. Although there were only 9 closed litigation cases, 4 were fully or partially awarded with the remedies (representing 44% success rate). It is in the nature of administrative cases that their refusal rate in the administrative court is always higher than that in the civil and criminal courts. This illustrates that a majority of cases applied by the applicants have got good results with the help of the Foundation.

Table 35 Ratio of the results of closed civil cases

Case results	Total	Ratio
Drafting of legal documents	440	30.37%
Totally recovering	325	22.43%
Success of mediation or settlement	321	22.15%
Totally defeated	136	9.39%
Failure of mediation or settlement	29	2.00%
Partially recovering and partially defeated	97	6.69%
Others	101	6.97%
Total	1449	100%

Table 36 Ratio of the results of the closed criminal cases

Case results	Total	Ratio
Benefiting aid recipients	386	37.01%
No help to aid recipients	318	30.49%
Drafting of legal documents	271	25.98%
Failure of mediation or settlement	4	0.38%
Success of mediation or settlement	29	2.78%
Others	35	3.36%
Total	1043	100%

**Note:** If the aid recipient is the party that filed suit, the so-called “beneficial for aid recipients” refers to the benefit that the aid recipient acquires as the result of the defendant being prosecuted or sentenced. However, if the aid recipient is the defendant or criminal suspect, the benefit he or she acquires means receiving no prosecution result or a mere lighter verdict than the original conviction (prosecution). As to the “non-beneficial for aid recipients”, it means the other way around.



Table 37 Ratio of the results of the closed administrative cases

Case results	Total	Ratio
Drafting of legal documents	31	72.09%
Totally defeated	5	11.63%
Totally recovering	2	4.65%
Partially recovering and partially defeated	2	4.65%
Failure of mediation or settlement	0	0.00%
Success of mediation or settlement	1	2.33%
Others	2	4.65%
Total	43	100%

## Preliminary summary

As a whole, within its first year of operation, the Foundation has been on the right track. Its goal to reach a certain application volume or number of aid cases have been all achieved. The underprivileged members of society have also benefited from the Foundation's service. Currently, litigation representation is the mainstream task of the legal aid services provided and has also rendered substantive help for the applicants. This outstandingly illustrates that the Foundation has made its headway in compliance with the spirit of the Legal Aid Act. However, there is still much room for improvement in the coming year on the issuance of guarantee certificates, and the enhancement of total number of applications and approvals. In view of the ratios of reviewed cases and the cases terminated or revoked, the Foundation shall further improve its quality of examination. In regards to publicity, on one hand, the Foundation shall reinforce its promotion to the underprivileged, such as aborigines, labor workers, and foreigners, so more people may become fully aware of the Foundation; on the other, the Foundation shall encourage more compassionate lawyers to join legal aid services to enhance and improve the legal aid quality. Regarding the internal management of the Foundation, we need to point out that due to different administrative and legal

opinions between branches, statistics shown have been inconsistent. Therefore in the future, based on the data currently available, the Foundation shall further identify all inconsistencies, and further resolve and understand the essential problems existing in the Foundation. Only then will consistent business executions be carried out in the Foundation's branches nationwide in a more efficient manner.

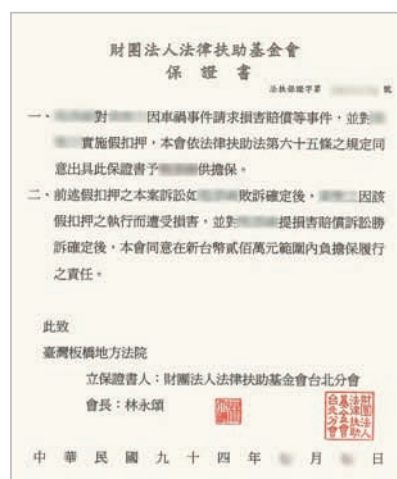
The Foundation started from scratch and, within one year, it has established 19 branches and substantively helped many Taiwan citizens. However, the Foundation can not and will not be content with such progress. On the contrary, it hopes that through its open messages, the public will come forward and bring their comments and advices to the Foundation for further improvements. In so doing, the Foundation will keep improving and reflecting, and become an integrated legal aid foundation to serve Taiwan citizens.

## Section 2 Business features

### 1. Unique system

#### *(1) The unique system of issuing guarantee certificates*

When the economically disadvantaged people resort to the courts, they often do not have the means to sequester the defendant's properties. Article 65 of the Legal Aid Act thoroughly covers this problem. The provision stipulates that if a legal aid claim has a highly favorable prospect of success and it is necessary to issue an injunction to prevent the defendant from dissipating his or her properties, then the Foundation's branch office may issue a guarantee certificate which a recipient of legal aid can file in court instead of paying the security for the order. The Foundation has



*The guarantee certificate issued by Foundation.*

issued 161 guarantee certificates during the year, totaling NT 76,529,498 dollars in security.

### *(2) Assistance in adjudication fees and the courts' procedural relief system*

In the past, adjudication fees used to be a barrier for the underprivileged to access the courts, and the system of procedural relief provided by the courts was very rigid. The provisions of Article 62 of the Legal Aid Act resolve the problem. Under the Article, courts must grant procedural relief in legal aid cases. At the same time, the adjudication fees are also covered by the Foundation, so applicants need not fret over adjudication fees.

## **2. Comprehensive and diversified legal aid**

The legal aid scope and categories that Taiwan's Legal Aid Foundation presents are all very extensive and diversified. For instance, the legal aid scope covers civil cases, criminal cases and administrative litigation cases. Moreover, besides offering the aid of consultation, drafting and litigation representation, representation for mediation and settlement is also included in the categories — making the range of their services far and wide. In addition to local citizens, the Foundation has also extended its aid target to foreigners. As such, Taiwan's Legal Aid Foundation is equipped with comprehensive and diversified features.

According to article 1 of the Legal Aid Act, the purpose of legal aid is to protect people's rights and interests, and offer necessary legal aid to those who are not appropriately protected by the law due to financial incapability or other reasons. As to the "necessary legal aid", it refers to the stipulation in article 2 of the Legal Aid Act that legal aid provided by the Foundation shall cover: the necessary services and expense sharing on legal consultation, mediation, settlement, legal document drafting, representation or defense of litigation or arbitration, and other legal affairs. Although the implementation coverage and regulations of legal aid in article 3-4 and 4-1 of the Legal Aid Act stipulates that part of criminal, civil and administrative cases shall not be aided by the Foundation, if there is necessity for the applicant to be aided (following

the agreement from the branch's director) the examining committee shall give approval for aid. In addition to civil, criminal and administrative litigations, the Foundation has traversed its coverage in litigations and non-litigation cases. Compared to the legal aid conducted in other countries, the aid scope provided by Taiwan's Legal Aid Foundation is more comprehensive and diversified, and there are no limitations set for the category of cases.

### **3. Most legal aid lawyers work on project-base.**

Currently, the Foundation has not yet established an in-house lawyer system, so the case examination and the aid needed after cases have passed examination are all conducted by project-based lawyers (project-based lawyers refers to the enthusiastic lawyers who are solicited by the Foundation to join the Foundation, so there is no employment relationship between the lawyers and the Foundation. Those who participate in the Foundation's examination and the legal aid lawyers may work on their own schedule to decide on their turns in the Foundation and the number of cases they will take every month. Their relationship with the Foundation is similar to a commissioned-contract). As to the assignment of lawyers, basically if applicants specifically designate certain lawyers or request the specific qualifications of the lawyers (i.e., some applicants may prefer female lawyers), the Foundation will generally respect the requests made by applicants. If the applicants do not specify any lawyers, the Foundation will help the applicant choose appropriate lawyers according to the attributes of the cases and the lists filled out by lawyers for the categories they intend to aid.

### **4. As commissioned by the Government, the Foundation can effectively integrate legal aid resources.**

*The implementation status for the business commissioned by the Council of Labor Affairs*

According to paragraph 5 in article 10 of the Legal Aid Act, the

Foundation may accept the legal aid business commissioned by the Government agencies. In order to protect laborer's rights and interests, during the preliminary stage to carry out the labor pension act, the laborers whose labor contracts were illegally terminated by their employers and the ones who filed litigations to the court due to the disputes resulting from the termination of labor contracts can apply to the Council of Labor Affairs for litigation aid. As from the end of June, 2005, the Foundation has been officially commissioned by the Council of Labor Affairs to help laborers who are inappropriately dismissed by their employers with litigation aid, and assist the Government with administration. In doing so, in addition to alleviating the workload of the Government's administrative personnel, legal aid resources will also be effectively integrated.

The major case category commissioned by the Council of Labor Affairs is cases of violation made by employers to terminate labor contracts. In principle, it only has less of a restriction on the criteria of financial eligibility. The cases themselves shall also comply with "convincing reasons" and be limited to illegal termination of labor contracts instead of the cases being initiated by laborers themselves. At present, there are six categories qualify: illegal dismissal, illegal layoff, illegal mandatory retirement, severance fee, pension and mass labor dismissal.

For the approved cases commissioned by the Council of Labor Affairs, if the legal aid recipients are not financially capable, they may apply to the Foundation for issuing the guarantee certificates to replace the security bond required by security procedure. At the beginning of the prosecution, based on the Legal Aid Act, legal aid lawyers shall plead to the court for litigation aid. However, for those who are financially capable, they are not applicable for the use of guarantee certificates and litigation aid.

#### *(1) Elements of legal aid :*

(A) Labor dismissal cases make for the majority of cases commissioned by the Council of Labor Affairs. There is no restriction of financial eligibility for this category. As long as it is maliciously initiated by employers to terminate labor contracts, the laborers are eligible for the aid.

(B)The standards set by the Council of Labor Affairs are flexible regarding financial eligibility, but the cases still require a convincing reason. The cases for termination of labor contracts are generally not initiated by laborers themselves, so this they are eligible for legal aid. Currently, categories of cases qualify: illegal dismissal, illegal layoff, illegal mandatory retirement, severance fee, pension, and mass labor dismissal.

*(2)Examining mechanism :*

(A)The cases applied to the Foundation are to be examined according to the Foundation’ s examining procedure and committee.

(B)Guarantee certificatess: If it is necessary for provisional seizure, the Foundation will issue guarantee certificatess according to its criteria. This means the guarantee certificatess are only available for those applicants who meet the criteria of statutory financial eligibility.

(C)Litigation aid: If it is necessary for litigation aid, the Foundation’ s procedure shall be complied and the applicants shall be limited to those who are financially eligible. Therefore, “financial eligibility” is still the premise for applicants to be approved for the litigation aid.

After officially commissioned by the Council of Labor Affairs on July 1, 2005, the Foundation will continue to communicate and negotiate with the Council of Labor Affairs on the issues encountered in its practical implementation.

## ***Section 3 Types of common cases***

In the Foundation's first year of launch, women and family cases took the majority in various categories. In addition, the disputes risen from traffic accidents also occurred nationwide and problems ensued from laborer's occupational disasters were also listed as the 3rd major category. Many legal aid recipients helped by Legal Aid Foundation suffered traumatic distress, but with the help from Legal Aid Foundation, some of them bravely stepped forward to share their experience in an attempt to voice justice for the society.

### **Type of women's cases**

#### ***Crying from Southern Taiwan — Wangshi's story***

“Dear Grandpa and Grandma: I still call you grandpa and grandma with respect. I originally lived at xxx. The personal belongings of mom and I were moved away a few days ago (please tell your son Ahsiung about it). For the past decade, he has never changed his viciousness. He harmed to mom and I horribly (you may find it from the records filed in the court). You have kept conniving to his behavior and taking sides with him (my sister committed suicide because she could not bare his sexual assaults anymore), resulting in our family being totally ruined. This time, he harmed mom and I again and has been wanted by the court. Several months ago, I sent evidenced to you requesting cost of living for mom and I as well as my educational fee, etc., but you have ignored it. Now, I will no longer give in, and will take a legal stance to get what I am entitled and deserve to have”. This is an evidenced letter written by Achi, the son of the inflictor, Ahsiung, and a victim of domestic violence.

Achi was only 19 years old then, but he had already experienced the bitterness in life. A few lines in the letter candidly revealed the hellish life he suffered as the victim of domestic violence. To him, the word “father” did not mean the warm family kin bond, and father's strong arms were not used to protect his family from being harmed. Father meant something short of a devil to him.

Ahsiung and Wangshi married in 1979 and had one son and one daughter. Since they married, Ahsiung kept indulging in wine and hitting Wangshi and their son and daughter who were respectively born in later years. Besides continuing to do violence to Wangshi, Ahsiung also demonized himself to sexually assaulting his daughter, resulting grave damage on her body and mind, so she poisoned herself and committed suicide at a tender age of 18 to leave her world of injuries, pain and desperation.



*Assisted by Legal Aid Foundation, the women friends stricken by domestic violence bravely stepped forward to voice their rights.*

Although Wangshi signed a separation agreement with Ahsiung in November, 1997, it still could not protect her and her only son from the violence. Under such circumstances, Wangshi had no choice but to apply for a restraining order and file a lawsuit of domestic violence. The protection order was issued by the court, and Ahsiung was sentenced to five months with three years of probation. During the probation period, Ahsiung was in custody and restrained. However, he never changed his viciousness and, against the protection order, he committed a crime again. He was then sentenced by the court to one year as a recidivist. Combined with the previous sentence, he was incarcerated for one year and five months.

During the period that Ahsiung was in jail, Wangshi went to visit Ahsiung in prison to get divorce agreements signed where Ahsiung agreed to pay NT\$10,000 every month as Wangshi and their son's cost of living every month. Wangshi and her son were happy that they had fled from Ahsiung's control, but the jail term had never changed Ahsiung's violent behavior. After Ahsiung was discharged from prison, he became fiercer and more aggressive. Every time when Wangshi requested for the cost of living, Ahsiung always traded it for "sexual service" and sexually abused her in a horribly inhumane manner. He tried every way possible to abuse Wangshi. The words "living death" is even not enough to describe the pain inflicted on Wangshi.



Wangshi was not capable to make a living at that time, and her son was still schooling, the monthly low-income household subsidy of NT\$4,000 was not enough for them to survive. To make matters worse, since Ahsiung once hit Wangshi's father and harassed her sisters, Wangshi dared not seek any help to her parents or sisters. Wangshi's in laws and her husband's eldest brother who was a high-rank government officer did not lend a helping hand, and instead ignored Ahsiung's violent behavior and warned Wangshi not to resort to legal step, for it would be no use at all. Under such circumstances, for a long time, Wangshi's esteem was trampled and she lived in isolation. She even lost her hope for life until she ran into Legal Aid Foundation which was in its initial period after establishment. . Wangshi saw her hope in the Foundation and she experienced the first dawn in her bitter life. In order to survive and not to live under the shadow of Ahsiung's abuse, she chose to bravely step forward. She already lost a dearly daughter; she had to protect her only son one way or another from any infliction and fought for their living rights.

When Wangshi learned the establishment of Legal Aid Foundation, she went to ask for legal aid, and the Foundation started to file the litigations against Ahsiung for the payment of monthly cost of living after Wangshi's case was examined and approved. Also provisional seizure on Ahsiung's properties was also pleaded to the court. At that time, Wangshi heard an amount of compensation was going to be remitted to Ahsiung's bank's account, and Ahsiung planned to withdraw all of it and then migrate to foreign country. The situation was very urgent.

The security bond that the court ruled for the provisional seizure was NT\$56,000 which was beyond Wangshi's ability to pay. There is always hope in life - based on Legal Aid Act, Legal Aid Foundation issued an guarantee certificates for Wangshi, so the provisional seizure could be processed at any time. Later on, the litigation for the cost of living was settled in the court and Ahsiung signed the written record to agree to pay Wangshi NT\$578,905. In addition, Wangshi also filed a domestic violence injury lawsuit against Ahsiung to Kaohsiung District Prosecutors Office for his 3rd violation of the protection order by violently hitting her and her son resulting in the trauma

of her head along with brain concussion, swollen retina and injuries on left ear, neck and right arm. After investigation, the prosecutor files public prosecution. When the case was transferred to the criminal division of the district court for trial, Wangshi again applied for the litigation aid to plead for criminal concurrently with civil injury compensation. In the end, Ahsiung signed the written record to agree to respectively pay Wangshi and Achi NT\$700,000 and NT\$300,000 as the settlement.

At that time, Wangshi happened to learn that an amount of money was going to be remitted to Ahsiung's bank account, without any hesitation, the lawyer immediately processed a series of mandatory execution. On the execution day, prior to the opening of the bank, the lawyer waited at the bank's door with the court's execution personnel, they were ready to conduct provisional seizure upon bank's opening. Wangshi finally felt relieved when the bank's personnel wrote down on the certificate sent by the court was 9:04AM, because it meant that all the hard work they did for the litigation procedure would not turn out to be invalid for compensation. .

The mother and son were given great confidence by experiencing the legal aid procedure. They no longer are afraid of dark nights, have fears and submit to any violence. Instead of previous cringe, they now show their bravery and persistence in their eyes. We sincerely hope that their story will encourage more women who are still living under violence to bravely stand up and fight for themselves!

## Type of traffic accidents

### *Reflection from the death under the wheels — life is poor, but it is not cheap*

Besides women and family cases, in the first year since the establishment of Legal Aid Foundation, disputes of traffic accidents were one of the top three types for the legal aid in the Foundation. A state compensation incurred from a car accident was also one of the cases that struck a chord in the hearts of the legal lawyers and Foundation's personnel involving in the case.

It occurred on a heavily raining evening a little more than one year ago. It



*Traffic accidents always result in temporary difficulty in making a living. Underprivileged groups are always not capable to handle the aftermath lawsuits.*

was the right time to go home for rest and Taipei streets were so unusually quiet. Abin was on his way riding his motorcycle after working overtime from his part-time job. While he was going to pass an intersection, he unconsciously rushed the accelerator when he saw the traffic light turn green. All of a sudden, a garbage car at his left hand scurried out from the red light direction. It was a raining day and the road was slippery, and it came all of a sudden, so Abin fell down from his motorcycle and was announced death after being sent to the hospital. A young life was gone ever since. No one ever thought that a young man who worked so hard to support his family and raise his tuition fee would be killed by a garbage car driver who ran the red light after drinking.

Abin was born to a very poor family. His father died when he was five years old, his mother was handicapped, but had to independently raised Abin and his two brothers. His father had a house, but it was later realized to offset all the debts owed by his father's family. As a result, a four-member family lived with the low-income household subsidy along with monthly NT\$15,000 his mother earned by doing cleaning work at the City House. By deducting house rental fee and cost of living with the three schooling children, the family could not have any surplus money for saving.

Due to the accident, Abin's mother was so psychologically traumatized that it made her almost not able to walk, so it was impossible for the family to spend money and time for court litigation, not to mention hiring a lawyer. Even the results came from the accident appraisal committee showed no faults at all on Abin, the accident maker and the Bureau of Environmental Protection could also dictatorially and passively reject the compensation. This kind of attitude would be like rubbing salt onto the wounds of Abin's family again and again. How much is a youth life worth? Can it be measured by money? In the face

of merciless judicial procedure, a person who knows absolutely nothing about his or her legal advocacy may get nothing!

Fortunately, Legal Aid Foundation established on July 1, 2004 and Abin's grandma (his mother's mother) learned the news from the newspaper. She quickly rushed to the Foundation to submit her application. Legal Aid Foundation assigned a lawyer to help process state compensation litigation. Due to the Government's negligence in its examination, a case with convincing reason was delayed for one month without any response. The legal aid lawyer therefore filed a lawsuit to the court based on state compensation law. As the result, both parties reached a settlement, and Abin's family gained several million dollars of compensation. The justice seems to come from God.

To recall the whole litigation procedure, each court session came to no conclusion. It was a long litigation process, which you could hardly see the light at the end of the tunnel. It forced Abin's family again and again returned to the painful memory. To them, it is the best result to get back the justice, then lock the painful memory in a corner in their heart using time to cure their pain, and restart their peaceful life.

Abin's grandma said slowly and emotionally that "there was nothing we could do before we learned about Legal Aid Foundation. Fortunately, there is Legal Aid Foundation, so the voice of the poor people like us can be heard. The society has plenty of injustice. Rich and powerful people will not encounter things like this. Our grievances would never be seen if there not for Legal Aid Foundation""

## **Type of occupational disaster laborers**

### *Everlasting pain in labor's hearts — Occupational disasters*

He would never have expected that moving to Taipei from Hualien for a job would make his journey home seem endless. Feng Zhen-Hsiung is an Amis aborigine. He had come to Taipei to do grueling work for many years. In his common life, he and his brother as well as sister-in-law who also lived in Taipei took care of each other. In mid September, 2004, Feng Zhen-Hsiung

inadvertently fell down from a 2nd floor when he drilled the floor at the construction site. The employer did not take any safety protection measures at the construction site. The workers were not even provided with safety helmets. On that day, Feng Zhen-Hsiung unfortunately had a hard hit on his head resulting in serious brain injury. He was sent to the intensive care unit at the hospital for first aid and observation, but after three months, he was announced brain dead.

After Feng Zhen-Hsiung's injury, the load of his medical nursing fell on his sister-in-law. She said "Feng Zhen Hsiung's employer is a small contractor. When the accident occurred, he paid the medical bills from intensive care ward, but after Feng Zhen-Hsiung was announced to be in a vegetative state and sent to the nursing center, he stopped paying any medical expenses. He and another upholstering contractor tried to shift their responsibility onto each other". Feng Zhen-Hsiung's monthly nursing fee at the nursing center is NT\$15,000, but his employer keeps evading his



*Once labor friends encounter the predicament resulting from occupation disasters, their immediate family financial crises are usually ensued. In this case, they are desperately in the need for legal aid assistance.*

responsibility which made Feng Zhen-Hsiung's brother and sister-in-law suffered grave psychological and economic pressures. Feng Zhen-Hsiung's big brother is also engaged in hard labor, and does not have a high enough income. He has four children to raise, so they can only scratch out a living with the house rental subsidy provided to aborigines and take more part-time works.

The social workers at Hsinshi Service Center helped Fen Zhen-Hsiung's sister-in-law apply for some social subsidies, such as serious injury and disease card and handicapped handbook, and assisted her to negotiate with the employer. Mediation meetings were held respectively at Department of Labor of Taipei City and

Township House, but the employer did not show up at all, so the mediation ended up to no avail. In order to seek for legal aid, through the referral from the social workers at Hsinshi Service Center, Feng Zhen-Hsiung's sister-in-law came to Legal Aid Foundation from Taipei County to apply for legal aid. Now, the application has been approved and the legal aid lawyer will assist to plead for the announcement of interdiction and criminal compensation. Feng Zhen-Hsiung's sister-in-law only hoped that through legal approach, the employer will take his responsibility for his negligence to take safety protection measures at the construction site and the jurisdiction will give justice to Feng Zhen-Hsiung. She hoped even more that many aborigines and labor friends who have encountered similar unfavorable conditions will notice their safety, rights and interests, and won't not let the same tragedy occur again.

Feng Zhen-Hsiung who is quietly lying in the nursing center is in his peak adulthood, but due to the accident, he has become a vegetated person. For him, the hometown is already out of reach. To see his slim and frail torso and refer to the picture on his IDs, it is hard to image he used to be so strong and tall. His sister-in-law said, "At the beginning it was also hard for us to accept. I am a Christian, but for him, I went to temple to pray just hoping that he would recover". At that time, she was out of line and could not believe this sort of thing would happen to her family. However, with the care rendered from the priest and friends in the church, she was getting out of her helpless low ebb and coming to face reality. The apparent scar and sunken injury caused by his fall at the construction site still can be seen on Feng Zhen-Hsiung's head.

Since he is a trachea-cut patient, he suffers more pain than general vegetated patients and requires more professional care. His sister-in-law only hopes he will recover and be free from so much pain. What she can do is to pray to calm down the relatives and friends around and ask God to take care of Feng Zhen Hsiung's pain. We may see aborigine's open-minded nature from the bright smile and passionate greetings exuded from his sister-in-law. Life is full of pain, but we still need to bravely make headway.





## Chapter 3

### Fulfillment of service philosophy



The mission of the Foundation is to help the underprivileged members of the public advocate their rights, to establish a fair society, and to realize the spirit of "justice for the people" so that people's constitutional rights to litigation and equality may be truly realized. As a publicly founded but privately operated organization, the Foundation has been established with government resources but is managed with the boundless vitality of the civic sector. With our limited resources, we hope to offer the best services to indigent persons. We are guided by a service philosophy to be "approachable, convenient, flexible and efficient", as shown in the following services.

## ***Section 1 Amicability and convenience***

In order to establish an amicable and convenient culture, the Foundation uses the service systems covering instant examination, tea treatment, filling out application forms for applicants, evening and holiday services. Since the bodies and minds of those financially incapable people usually suffer harm and perplexing problems when they run into legal problems, the Foundation anticipates using amicable attitude to care for the applicants and help them accomplish the application procedure.

### **1. Serving a cup of tea to each applicant**

When the public apply for legal aid at the Foundation's branch offices, staff will always offer a cup of tea or water to help the applicants feel at ease and respected.



### **2. Foundation staff may fill out legal aid applications for clients**

According to the Legal Aid Act, staff may fill out application forms for illiterate applicants. With the computerization of the Foundation's operations,

all applications are now input by staff and printed out for applicants to sign, so applicants no longer need to fill out any forms.

### **3. Appointment system at branch offices**

Most applications at the Foundation's branch offices are arranged by appointments, so applicants and examining commissioners meet as per the scheduled time. In this way, applicants' time spent on waiting in line is effectively reduced and the examination schedule can be effectively arranged to ensure that applicants have half an hour to one full hour for examination queries and consultation during their application.

### **4. To make applications convenient**

For the client, cases can be approved at any branch office and then transferred to the relevant branch office where the jurisdictional court is located and assigned a local attorney.

In order to offer convenient services, the Foundation does not limit applications to those situated in the same jurisdictional area as the branch office, nor must the applicant apply in the area where his/her household is registered. In other words, applicants may file their applications at any convenient branch office. After an application is accepted at a branch office, it is transferred to the appropriate branch office where the jurisdictional court is. This makes the application process more convenient for clients and helps reduce their travel time.

### **5. Documentation is not absolutely required**

According to Foundation rules, applicants who come to the Foundation to apply for legal aid need to bring relevant documentation with them, such as registration data for the entire household, income and asset schedules of all household members, and documents relevant to the case. However, based on our conviction that we should offer convenient services to the public, the Foundation hopes that under the condition that the Foundation can assess an applicant's financial eligibility and case merit, preparation of documentation can be reduced to a minimum. Nevertheless, the Foundation is funded by the

Government, and the relevant government agencies make specific demands for documentation. As is the case, currently the Foundation still asks applicants to fully prepare their documents for application. Sometimes this causes inconvenience to the applicant, but the Foundation will try to improve this in the future.

## 6.Video-conferencing system for offshore branch offices

At present, the Foundation has already established video-conferencing systems in our Kinmen, Matsu and Penghu branch offices. Now, the people in Kinmen, Matsu and Penghu areas may apply for legal aid at their domestic branch offices and have interviews or consultation with examining members on routine days in the week. The results of this mode of operation will serve as important reference when we evaluate the possibility of establishing other long-distance services in other areas in the future.

The video-conferencing system can also be used to communicate between the Foundation's headquarters and branch offices, or between branch offices. For cases that require face-to-face coordination, the video-conferencing system can be used to accomplish the task without spending time on transportation for the sake of convening all concerned persons from around the country. This could considerably improve the Foundation's efficiency and reduce operational costs. Currently, the Foundation is in our initial stage of experimenting with the video-conference system to conduct working meetings between the Taipei branch and offshore branch offices. In one instance, the Secretary-General gave a speech through the video-conferencing system to community elders at the opening ceremony of an offshore branch.

Establishment of the Foundation's video-conferencing system is still in its



*The utilization of video system makes Foundation able to offer off-shore people legal aid service.*

infant stage. Subsequent development will continue in the coming years. By then, the Foundation will be able to offer the public more convenient and rapid services.

## 7. Services in evenings and during weekdays

Due to limited staff and examining commissioners at each branch office, the service hours of each branch office are generally limited to normal offices hours on weekdays. However, since the Foundation asks applicants to come to the Foundation in person to file their applications, some branch offices have extended their service hours in order to serve those who could not come in during regular office hours. For instance, since the Taipei branch office covers a larger area and has a relatively sufficient number of examining commissioners, it has extended service hours until 9:00 pm on each Tuesday and Friday, and offers service on Saturday mornings. Hsinchu branch also offers evening service on Wednesday nights. The purpose is to offer the public convenient access to the Foundation so that more people in need can be served.

## 8. Establishment of a national legal aid phone number

In January 2005, the Foundation established a VOIP (voice-over-internet-protocol) telephone system for the headquarters and all branch offices so that the public can reach all offices through a single phone number. This system also helps distribute amongst all branch offices the workload of responding to telephone inquires. Along with this system, we also created a "national legal aid telephone line" (02-6632-8282, which sounds like "measuring good and evil, [we] help you help you").



"02-6632-8282" is Foundation's national hotline.

## ***Section 2 Specialty and quality***

### **1.Educational training**

When people seek legal aid, Commissions of the Examining Committee members, legal aid lawyers, Foundation staff and voluntary workers are the ones who have the most direct contact with those in need of aid and facts of cases. In addition to kind and sincere attitudes, it is also important to provide professional and necessary assistance in time. Therefore, the Foundation emphasizes a lot on educational training of such personnel.

#### ***(1)Lawyer Conferences***

Lawyers participate in the Examining Committee work as legal aid lawyers at their will. The Examining Committee and legal aid lawyers understand the rules, examination regulations, acceptance procedures and software operation, etc of the Foundation from conferences. Thus, they can have an idea on operation procedures and work of legal aid in order to improve the quality of the lawyers of the Foundation to provide the best services to all applicants. The Foundation and its Branches have held many conferences such as

- Legal aid lawyers
- Intern lawyers
- Examining Committee reviewing meeting
- Legal aid operation
- Establishment of new Branches
- Amendment of regulations
- Software function
- Cases commissioned by Council of Labor Affairs

#### ***(2) Educational training for voluntary workers***

##### **A. Voluntary worker conference**

Due to limited manpower and increased workload, we need voluntary workers to help with the legal aid operation. To help them understand the

Foundation and the work, we held many sessions of training for them in which we shared comments and experiences with voluntary workers. In the meantime, they now can see the concerns of people as a whole are slowly becoming the new seeds of legal aid service. We have held the following conferences in the past year:

- Conference on Work of Voluntary Workers
- Symposium for Voluntary Workers
- Conference on Software for Voluntary Workers

### B. Voluntary worker camp

■ Close to 80% of our voluntary workers are students from law related departments. They serve at the Foundation for people during their free time. In addition to dedicating themselves to the Foundation, they can also increase their knowledge by helping others.



To help them expand their visions and become the seeds of legal aid service, we held voluntary worker camps to thoroughly have talks and communicate with them in hopes that, with learning at the camps, these voluntary workers will not just be people of law but also care for people as a soul.

### C. Educational training on workforce

To enable each Branch to understand the purpose of establishment of the Foundation, become familiar with regulations, operation of software and handling of logistics, we prepared special courses for new and



senior personnel to enhance their knowledge and skills, improve their quality, promote experience exchange and increase service and legal aid cases. We have held the following training courses for personnel in the past year:

- Regulations of legal aid
- Legal aid system
- Application and review of legal aid
- Operation management system
- Communication and emotion management
- Promotion, publicity and PR skills
- Labor insurance system
- Recognition standards and practice of low-income households
- Advanced management courses

#### **D. Reading club**

We have held the following reading clubs on professional knowledge of legal aid systems and laws of foreign countries to help personnel absorb new knowledge and improve the know-how as well as interpersonal relationship skills in the past year:

- Legal practice system: legal practice (procedural relief system, completed defense and voluntary defense, provisional attachment, provisional execution and litigation procedures), referral of voluntary workers and communication skills, etc
- Foreign legal aid systems: studies on legal aid systems in Japan, Korea, Australia, New Zealand, Hong Kong and the U.S.. The systems were compared to that of Taiwan. Articles were written from the reports and published in bimonthly magazines of our Legal Aid to be shared with the public.

## **2. Investigation on service quality**

In order to understand the applicants' appraisal of the Foundation and to improve the quality of our services, from January 2005, the Foundation began to survey applicants for feedbacks on the quality of the services they received. Branch offices' staff have been handing out two surveys to applicants: the

"Applicants' Opinion of the Foundation" questionnaire and the "Legal Aid Recipients' Opinion of their Attorneys and the Foundation" questionnaire. The two surveys cover a number of issues including the service attitudes of all personnel, examining personnel and legal aid attorneys.

After an application is made, we request the applicants to anonymously complete the "Applicants' Opinion of the Foundation" form and to place them in the questionnaire box before leaving. Between January and June 2005, a total of 4,573 questionnaires have been distributed and 3,150 collected. The validity ratios of male, female and cross-gender are 43.9%, 55.5% and 0.6% respectively, and the missing value is 2.8%.

The "Legal Aid Recipients' Opinion of their Attorneys and the Foundation" forms are enclosed in the Notices of examination results sent to applicants by post. Upon completion, applicants return them to the Foundation in the postage-prepaid envelopes. Between January and June 2005, a total of 4,279 questionnaires have been distributed and 566 collected.

### *(1)"Applicants' Opinion of the Foundation" questionnaire*

#### **A.The applicants' satisfaction with the administrative personnel of the Foundation: 97.7%**

From the collected questionnaires, we find that 68.29% of applicants are very satisfied; 29.45% satisfied; 1.47% feel acceptable, 0.54% dissatisfied and 0.3% very dissatisfied (missing value at 0.25%). Applicants generally approve attitudes of our administrative personnel. (Missing values refer to blank columns or columns with incorrect reply.)

Selection	Number of Times	Effective percentage
Very satisfied	2143	68.29%
Satisfied	924	29.45%
Moderate	46	1.47%
Dissatisfied	17	0.54%
Very dissatisfied	8	0.25%
Total	3138	100%



### **B. Satisfaction of applicants on efficiency of administrative personnel: 97.06%**

From the collected questionnaires, we find that 63.07% of applicants are very satisfied; 33.99% satisfied; 2.2% feel acceptable, 0.51% dissatisfied and 0.2% very dissatisfied (missing value at 0.19%). Applicants generally approve efficiency of our administrative personnel.

Selection	Number of Times	Effective percentage
Very satisfied	1967	63.07%
Satisfied	1060	33.99%
Moderate	70	2.24%
Dissatisfied	16	0.51%
Very dissatisfied	6	0.19%
Total	3119	100%

### **C. Satisfaction of applicants on waiting time: 93.18%**

From the collected questionnaires, we find that 53.48% of applicants are very satisfied; 39.70% satisfied; 5.86% feel acceptable, 0.77% dissatisfied and 0.19% very dissatisfied. Applicants do not think they spend a lot of time waiting.

Selection	Number of Times	Effective percentage
Very satisfied	1669	53.48%
Satisfied	1239	39.70%
Moderate	183	5.86%
Dissatisfied	24	0.77%
Very dissatisfied	6	0.19%
Total	3121	100%

#### D. Satisfaction of applicants on examining personnel service attitude: 96.14%

From the collected questionnaires, we find that 64.63% of applicants are very satisfied; 31.51% satisfied; 2.61% feel acceptable, 0.77% dissatisfied and 0.48% very dissatisfied. Basically, applicants are positive on the service attitude of our examining personnel, although we will keep asking them to make every applicant satisfied.

Selection	Number of Times	Effective percentage
Very satisfied	2006	63.63%
Satisfied	978	31.51%
Moderate	81	2.61%
Dissatisfied	24	0.77%
Very dissatisfied	15	0.48%
Total	3104	100%

#### E. Help of the Foundation on applicants: 91.64%

91.64% of respondents believe the Foundation is helpful; 1.29% think not helpful and 7.07% are not sure. Those who have financial difficulties seeking legal aid think the Foundation is of help and we can see the necessity of establishment of the Foundation.

Selection	Number of Times	Effective percentage
Helpful	2838	91.64%
Not sure	219	7.07%
Unhelpful	40	1.29%
Total	3097	100%

*(2)Questionnaires of "recipients of legal aid on the Foundation and legal aid lawyers"*

**A. Notification within 7 days of application: 85.1%**

From the survey, 43% of applicants can have results within 1-2 days after the application; 42.1% in 3-7 days; 9.7% in 8-15 days; 2.5% in 16-30 days and 2.7% after over one month. It is the goal of the Foundation to enable applicants to receive the results in 1-2 days after application. We still need to improve.

Selection	Number of Times	Effective percentage
1-2 days	239	43.0%
3-7 days	234	42.1%
8-15 days	54	9.7%
16-30 days	14	2.5%
Over one month	15	2.7%
Total	556	100.0%

**B.Cases that do not need re-submitting documents: 66%**

From the survey, 66% of applicants do not need to re-submit documents, 27.2% have to re-submit one time; 5.3% for two times and 1.5% for three times and above. The Foundation is doing its best to facilitate applicants so that they can feel the goodwill of the Foundation. We still need to improve our examination mechanism to minimize times of re-submitting documents.

Selection	Number of Times	Effective percentage
Not needed	350	66.0%
Once	144	27.2%
Twice	28	5.3%
Over three times	8	1.5%
Total	530	100.0%

**C. Knowing review is available if the case is refused: 37%**

37.1% of applicants are aware that they can request for review if their cases are refused and 37.3% do not and 25.6% are not sure. Review at the Foundation is available so that applicants can ask for review by the review committee members when they have favorable evidence. However, from the survey, most of the applicants are not aware of this system. The Foundation needs to enhance publicity on review system.

Selection	Number of Times	Effective percentage
Yes	200	37.1%
Not sure	201	37.3%
No	138	25.6%
Total	539	100.0%

**D. Satisfaction with the legal aid lawyers of the Foundation: 88.6%**

63.3% of recipients are very satisfied; 25.3% are satisfied; 5.8% think acceptable and 1.6% think very dissatisfied. Legal aid lawyers at the Foundation, with the heart to service and return to the society, try their best to help the recipients and solve their problems.

Selection	Number of Times	Effective percentage
Very satisfied	283	63.3%
Satisfied	113	25.3%
Acceptable	26	5.8%
Dissatisfied	18	4.0%
Very dissatisfied	7	1.6%
Total	447	100.0%

**E. Ratio of legal aid lawyers failing to be present at courts without justifiable reasons: 8.6%**

8.6% of recipients replied yes and 91.4% said no. Most of the lawyers appear at courts with few exceptions. We will further find out the reasons why the legal aid lawyers failed their job.

Selection	Number of Times	Effective percentage
No	287	91.4%
Yes	27	8.6%
Total	314	100%

**F. Seriousness of the legal aid lawyers: 89.6%**

59% of applicants think the lawyers very are serious; 30.6% serious; 6% moderate; 3.1% not serious; and 1.3% very insincere. Most of the applicants approve the attitudes of legal aid lawyers.

Selection	Number of Times	Effective percentage
Very serious	266	59.0
Serious	138	30.6
Moderate	27	6.0
Not serious	14	3.1
Very insincere	6	1.3
Total	451	100.0

**G. Satisfaction with professional performance of legal aid lawyers: 89.1%**

52.9% of applicants think the lawyers are very professional; 36.2% professional; 4.7% moderate; 1.8% unprofessional; 0.7% very unprofessional and 3.8% not sure. The professional performance is approved by the applicants.

Selection	Number of Times	Effective percentage
Very professional	238	52.9%
Professional	163	36.2%
Moderate	21	4.7%
Unprofessional	8	1.8%
Very unprofessional	3	0.7%
Not sure	17	3.8%
Total	450	100.0%

### 3. Case study

#### (1) Preparation of 2005 Legal Aid International Forum

To aggressively learn from the experiences of legal aid in advanced countries and start expanding our relationship with legal aid groups in other countries, beginning from November 2004, under the guidance of nine special committee members including director Chen Chuan-yue, we have started preparing for the Legal Aid International Forum. In the conference held between 15 and 17 October 2005, representatives of legal aid or human rights from countries around the world will be invited, including the Chief Executive Helaine Barnett of Legal Services Corporation at federal level in the U.S., Chairman Judge Dunstan Mlambo of Legal Aid Board in South Africa, Ms Persida Rueda- Acosta, Chief Public Lawyer in the Philippines and Mr. Lee Zhe-pei, Chairman of Legal Aid Board in Hong Kong with 25 group representatives from 18 countries.

The forum will consist of in-depth discussions based on the theme—Legal Aid Basis and Future Development. First, we will compare the execution experiences of legal aid basis elements in each country, including design of system organizations, evaluation of people’ needs, improvement of service quality assessment, participation of lawyers and NGO cooperation and connection. New challenges and opportunities of globalization over legal aid will also be discussed. Moving of people across borders, diversity of societies, universal values of human right standards and advancement of information technology will definitely bring deep influence over legal aid.

International exchange has become increasingly important to people of law as well as legal aid groups. While NGO and NPO have been finding strategic partners, international exchange and cooperation has become more significant to legal aid groups.



Poster of "2005 Legal Aid International Forum"

In addition to providing disadvantaged groups with legal service and fulfill litigation equality, legal aid groups can still help promote human rights, legal rule and social justice. On such a foundation, legal aid institutions are forward-looking and international or even have international alliances with foreign groups with the same concepts. The Foundation is looking forward to this forum, which can help develop a legal aid platform in Asia while pushing regular talks among legal aid groups around the world.

### *(2) Preparation of the First Taiwan Legal Aid Forum*

The concept of legal aid originated from the western human rights. As early as 1495 in U.K., the poor were entitled to free litigation fees. After the World War II, protection of human rights became universal and each country could accept that legal aid system is the responsibility of the country.

Legal aid is a brand new system in Taiwan and the Foundation was just born. We urgently need comments and suggestions to make operation of the Foundation sound. Also, legal aid is not merely judicial practice. To stay close to people, legal aid has to be connected with the society and groups of all kinds. The Foundation is therefore flexible and transparent. At the end of January 2005, we held a press conference for the performance of the first half-year to let everyone understand what the Foundation had done. The 1st Legal Aid Forum to be held between 10 and 11 September 2005 is also to make the public have a better idea of the Foundation. As 1 July is the first anniversary of the Foundation, in addition to making a report on the performances of the Foundation in the first year, we intend to have communication and dialogues with disadvantaged groups, academic institutions and practice. Other than reports and discussions, we hope to hear the voices of criticism. We need to understand and review current legal aid system and practice to further promote our legal education and judicial system reform.



Poster of "The first Taiwan Legal Aid Forum"



### *(3) Foreign visits*

It is the hope of the Foundation to promote experience exchange of legal aid in Taiwan and other countries, learn development experience of legal aid in advanced countries, establish the practice exchange and dialogue mechanism, create future cooperation opportunities and enhance the image of Taiwan as a nation of human rights by visiting advanced legal aid institutes with long history in foreign countries. In 2005, the Foundation visited Hong Kong and the U.S. in March and May respectively.

#### **A. Visiting Hong Kong**

With the help of Legal Aid Bureau between March 10 and 12, 2005, in addition to having talks with two representatives of the official legal aid institute to understand its operation, we also visited bar association, duty lawyer service, resource center for litigants without



*The 5th person from the right is Mr. Lee Ze-Pei, Chairman of Honk Kong Legal Aid Bureau, Cheng Wen-Lung, Secretary-General of Legal Aid Foundation.*

lawyers, social welfare, labor and human right groups. We understood the system, experience and evaluation to serve the poor in Hong Kong from all angles. Also, the accompanying legal lawyer, Chen Zhi-yong, also arranged a talk with several local lawyers. It was indeed a fruitful visit.

#### **B. Visiting the U.S.**

The trip between May 27 and June 3, 2005 in the U.S. focused on federal civil legal aid. With assistance of Legal Services Corporation, we visited the unit receiving subsidy on the east coast—Legal Aid Bureau. Representatives could then compare the differences between recipients in the east and west. Also, we paid a visit to non-federal legal service groups and bar associations, understood the criminal law service system and voluntary lawyers and how



*The 3rd from the left is Mr. Bruce Iwasaki, Executive Director of LA Legal Aid Foundation and the 4th is Cheng Wen-Lung, Secretary-General of Legal Aid Foundation*

they cover the insufficiency of federal units due to limit of regulations. From the meetings with representatives, we understood the hard work of each institute and group, and faced a great number of people in need of legal aid and limited resources, and their efforts to improve service and quality for those who are in need. This is something for the Foundation to learn.

## ***Section 3 Efficiency and promptness***

### **1. Establishment of 19 branch offices nationwide within one year**

Under the Judicial Yuan's instructions, the Foundation should, within three years, establish branch offices in all cities and counties in which there are district courts. However, after commencing operations, we discovered the urgent needs of the people and decided to establish branch offices as soon as possible to facilitate people's access to legal aid. With hard work, the Foundation established 19 branch offices within one year. The 19 branch offices were founded on the following dates:

- (1) July 1 2004: Taipei, Taichung, Tainan, Kaohsiung and Hualien*
- (2) January 10 2005: Ilan, Taoyuan, Hsinchu, Changhwa, and Taitung*
- (3) June 30 2005: Miaoli, Nantou, Yunlin, Chiayi, Pintung, Keelung, Kinmen, Matzu and Penghu.*

### **2. Immediate examination and prompt notification**

To minimize the mental stress on applicants worrying about their legal

disputes, the Foundation from the very beginning adopted an immediate examination system and require staff to notify applicants as soon as possible after examining commissioners make their decisions on cases.

Other than the Taichung and Hualien branch offices which employ an indirect examination method, the Foundation has adopted a direct examination system in all other 17 branch offices. That is, at least one of the three examination commissioners interviews the applicant face-to-face and provides legal advice. In other words, we conduct simultaneous consultation and examination, in effect resulting in immediate examination. In the Taipei and Kaohsiung branch offices, where direct examination is adopted, immediately after one examining commissioner interviews applicants, he/she and two other commissioners will discuss the cases. Except for those cases requiring supplementary documents, the commissioners can usually make the decision to grant or deny aid on the same day of application. Under this immediate examination system, applicants find out within two days whether or not aid has been granted.

Due to the limited number of examination commissioners and legal aid attorneys, not all branch offices conduct daily examination sessions. However, each branch office tries to complete examinations within one week (which is still considered direct examination)

### 3.Operation management system

#### (1)Introduction to e-operation of the Foundation

We were well aware of the current trend and daily importance of e-operations while the Foundation was at its building stages, so we cooperated with Fuhbic Corporation (Taiwan) for the development of the first version of operation



software. Knowing the Foundation was set to launch shortly, we rushed for the software's completion and it only took two months before the software was launched on July 1, 2004 when the Foundation was officially open.

As legal aid was a brand new system in Taiwan, there was no prior experience to creating a similar software for these purposes as reference. Therefore, the first version of the software could barely support the basic operation, such as printing application records and other forms. With the establishment of each branch and increase of the Foundation operations, the software was facing server challenges — slow data accessing and unavailability of branches outside of Taipei City. Under diverse development of operation, the software that took two months to design underwent revision and basic logic structural change. As a result, the Foundation prepared to develop the second version of the software.

The Foundation had many intensive meetings for complete evaluation from January 2005 and conducted public surveys after completing requirement analysis. At the end of May 2005, Acer Inc., who was also in charge of development ERP sentence system for the Judicial Yuan, won the bid. The development was conducted in two stages. Stage I (to be completed by April 2006): establishment of complete procedures of case application, including resource investigation, examination and review, etc, integration planning and system development of administrative logistics and financial system. The Foundation expects to start Stage II by June 2006: pleading system, personnel assessment system, case referral system to other units and planning and system development of organizations and regulations. The total amount is NT\$8.32 million.



To build a set of information system that really meets the requirements of users, the Foundation established an operation management development team with administrative personnel with sufficient experience to manage and handle this project. As for software development, the SOP of all operations is created first. Based on different procedures, analysis is made based on possible needs in actual operation. Once needs are determined, Acer Inc. will conduct programming and system establishment. Thus, the operation management system satisfies the real needs of the frontline people, helps ensure case quality, and integrates Branch information.

### *(2) Characteristics of our operation management system*

The operation management system has the following characteristics:

#### **A. Web-based system—examinations can be made where Internet is available:**

This system can be treated as a simple website. Users can access the system anywhere without installing any software. Our staff can obtain support from the system anytime for legal aid operation whether they are in prisons or remote areas.

#### **B. Real-time database island wide:**

The system adopts the same level database system that banks use, building a database that can be checked anytime and anywhere. Branches can handle case referral with information from other Branches. In the meantime, the Foundation can also control quality of Branches examining cases online. The quick response time in five seconds matches with the growth of operation load substantially saves staff' s time and overall improves the handling efficiency of cases.

#### **C. Alert, internal inquiries, control and statistics:**

To improve quality handling of cases, alert is made on the operators at each step from reservation of applicants to the cases reported by lawyers to remind them to pay attention to relevant details and deadline. For example, during examination, the system will tell the examiners that applicants may exceed the maximum or minimum property. Provided cases are soon due or have time limits, the system alerts the undertakers that the case is urgent.

The system also alerts the controllers of the Branches when the Branches have cases that are not handled.

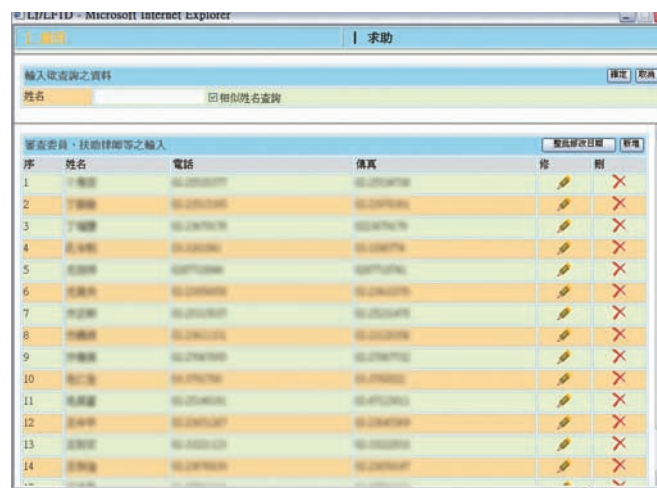
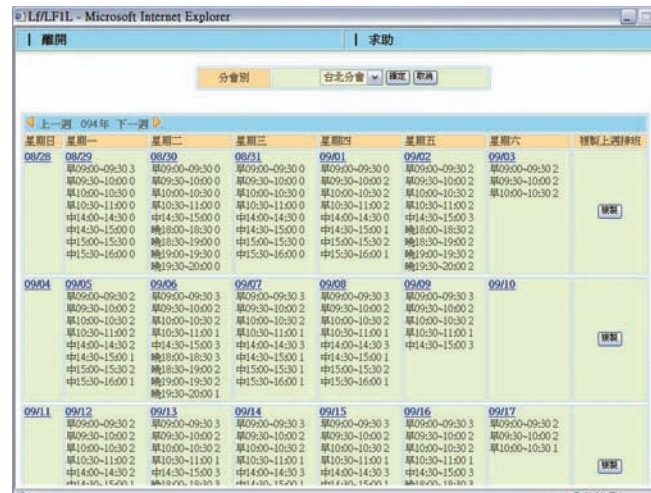
The complete internal inquiries can be made from four categories: people, cases, money and time. Undertakers can enter mixed parameters to select the data they need—

certain period, cases of certain reasons, applicants of certain types of cases and certain kinds of examination decisions. The system will automatically list the cases that meet the conditions. Undertakers can easily locate the cases they need and have various kinds of reports.

The system also automatically calculates, makes statistics and controls. Operators only need to select the buttons of each procedure on the screen and enter required information and data in sequence. The system will automatically calculate and make statistics of all figures to be under control. For example, in systems that require check of operation and accounting, the system will automatically check the items on the checklist before allowing the accounting to grant payments in order to ensure the correctness of the handling.

### D.Enquiries for the general public and lawyers:

In the future, the system will grant relevant enquiry authorities to legal aid lawyers, examination members, recipients of legal aid or general public via links with the



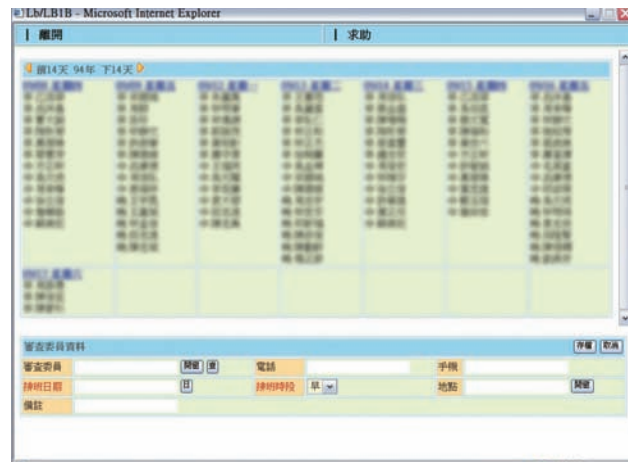
Foundation's website. For example, applicants can enquire the progress of their cases, recipients can obtain information of undertakers and lawyers and legal aid lawyers can acquire the case information.

### **E.Analysis:**

With the analysis function, the Foundation can instruct and supervise Branches while scholars and specialists can obtain information for researches. The Foundation can further use the analyzed information as the reference point for decision-making or even international exchange.

### **F.Case appointment to legal aid lawyers and scheduling of examining members:**

There is currently no transparent mechanism for appointment of legal aid lawyers. To avoid suspicion, Branches can select the legal aid lawyers that are truly suitable for the cases from the will, specialty investigation and quantity of accepted cases in the operation management system. Also, the system also enables examining members to participate in the examinations of the Foundation to reach the goal of fair appointment of legal aid lawyers and efficient scheduling of examining members.



### **G.Help to establish standard operation procedures:**

The operation management system is not only for management of information and legal aid lawyers, etc. The Foundation intends to include the operation, finance, regulations, administration, personnel, supervision, pleading and assessment, etc into the system to provide users with consistent operation interface and maintain the completeness of the database while avoiding the compatibility and integration difficulty problem. Of course, with expansion of the system, the Foundation will establish and unify the internal standard operation procedures.



### H. Assessment of support to legal aid lawyers:

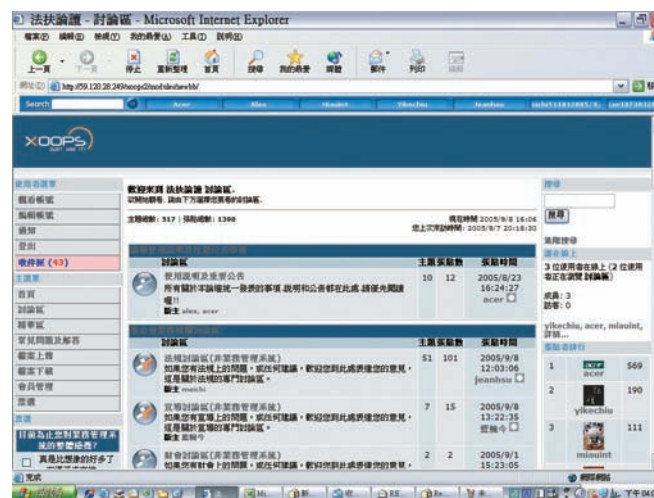
The system keeps records of handling of legal aid lawyers and case settlements. All details of legal aid lawyers can be publicly assessed via data statistics and analysis to prevent subjective judgment.

### I. Pleading system and procedures improvement:

The system makes statistics and management on the pleading of the public or lawyers. Pleading is no longer merely compliant but becomes a positive return to the Foundation to make progress. In addition to categorizing each pleading case, the system also strictly controls and checks the handling procedures and results. Analysis reports are made periodically for discussion to find out the reasons to improve the procedures. Each pleading case to the Foundation will be the drive to making the Foundation grow.

### (3) Future prospects

The Foundation is expediting operation efficiency, enhancing procedures precision, and reducing mistakes to reach top notch quality with this continuously improving operation management system. In the future, we will refer to information from other countries and absorb the advantages of various platforms to make legal aid system in Taiwan connected with the world.





## ***Section 4 Flexibility —timely amendment of regulations***

Since the Legal Aid Act has been implemented for only one year, a sound system is not quite complete. Systems for operations, finance, accounting, personnel and general administration all need to be established. The establishment of these systems cannot be accomplished by groundless imagination. Therefore, the Foundation requires all staff to actively report any impractical, defective or unregulated aspects of the system so that we can correct and apply our rules in a flexible manner. Only then can we remain efficient in our operations and attentive to the needs of the public.



## Chapter 4

Major cases under legal  
aid of the Foundation

## *Vietnamese under sexual assault by foreign employment agent*

At beginning of May 2005, the foreign Catholic Father Ruan Wen-xiong, who often referred cases to the Foundation, phoned us that there was a very serious sexual assault case in Tainan. The victims might be as many as 40 to 50 and the case required our assistance. We emphasize a lot on such cases, especially reported from social groups. We made an appointment with Father Ruan to further discuss the case.



We discovered that the assaulter was the person in charge of an employment company. He not only illegally introduced Vietnamese in-house maids but also, when they were not “appointed” to work, sexually assaulted each maid in threat or force, allegedly telling each victim they were supposedly going to take a Chinese language test. After that, they were forced to sign the agreement that they are “willing to do anything for the person in charge” in Chinese that they did not understand. None of the victims dared to report. Mainly they were afraid that they would be deported if the news broke out. In addition, they came to Taiwan with debts and their salaries were at the employment company. They could not bear to be deported home without having the money. One of the maids being deported who did not want to surrender shouted for help at the customs clearance. Father Ruan was asked to translate and found out the case.

We accepted this case after listening to Father’s story. On one hand, we sympathized with the victims weeping in the dark corners. On the other hand, we felt ashamed that such horrible crimes were committed in Taiwan, which claimed to be a nation emphasizing human rights. It was indeed an insult to our nation. Therefore, we decided to help the maids seek their dignity

and file litigation to the assaulter.

Father Ruan, the victims under shelter of Father Ruan and Lawyer Lai Fang-yu discussed how to proceed with this case. They decided to visit Prosecutor General of Tainan Prosecutors Office on May 13 to inform him of the details. The Prosecutor General was sympathetic to the victims and acted immediately. The next day we visited the employment agency - the father and son of the employment company were both searched and detained.

After we learned how much help was received from the Prosecutors Office, we held a temporary press conference on May 18 to make further explanation of the case to the public and expressed our regards on behalf of the victims to Tainan Prosecutors Office. According to Lawyer Lai, the regulations on foreign labor employment was not reasonable, making victims scared or unwilling to show up, further effecting the litigation procedures. We, along with Father Ruan, Lawyer Lai and Taiwan International Labor Association, visited Deputy Minister Lai Jin-lin, Council of Labor Affairs to request the help of the Council. Deputy Minister Lai Jin-Ling agreed to take care of this case with special concern. We held a press conference to explain the meeting.

What was beyond expectation was, after exposure on the media, personnel in Taipei branch received pressure from administrative authorities and councilors and were required to provide Vietnamese Representative Office with the list of victims so that they could “take care of” the victims. Because of our confidentiality agreement and the case was in the final stage of “un-disclosure of investigation,” the Foundation solemnly refused the request. On May 31, accompanied by Legislator Lei Qian, we held a press conference to strongly protest the improper conduct of Vietnamese Representative Office.

After many meetings held by the Foundation, the number of victims have risen from four to 26 (as of September 5, 2005). The Foundation provided these victims with legal aid of criminal filing lawsuit as well as civil request for compensation of damage and payment of salaries. In the criminal proceeding, even though prosecutors have filed a lawsuit, currently the system in Taiwan unfairly treats foreign laborers in this aspect (e.g., fleeing foreign laborers will

be deported, even if the employer' s or the employment agents may be at fault), therefore victims might not be willing to file suit. It is our hope that, with this case, our people can understand the unreasonable conditions Taiwan has inflicted on foreign laborers and push competent authorities to improve so that foreign laborers may have their basic human rights.

## *Hualien Branch Office helps in the major labor dispute in Lanyu*

### **Seeing the dawn of capitalist society--legal aid in Lanyu**

At beginning of August 2004, we received a phone call from a villager, Wang Huo-en, in Lanyu saying that around 30 Lanyu villagers' salaries have not been paid and they were in need of legal aid. We confirmed this with Lanyu Town Chief. However, how could we provide legal aid? Lanyu is an offshore island and transportation fees were costly. This was a burden for Tau people for it was a long journey from Taitung to Hualien. If the road to justice is so hard and long, people will be forced to give up justice. Therefore, we decided to go out on our own.

On the first night we arrived in Lanyu, we explained the legal aid system through an interpreter to the overflowing crowds of Tau people and they were overjoyed. Some of them were seniors who could not speak Mandarin; some were women who spoke little Mandarin and some were victims who had been waiting for a long time. We tried our best to understand their legal issues and helped them



complete the forms. Most of the victims failed to have written proof on the facts but evidence sometimes would be discovered during litigation processes. Therefore, we were not discouraged but sincerely hoped to return justice these people deserved.

The next day, we borrowed Evangelist Wang Rong-ji's house in Langdao Village in order for other victims to complete the forms for legal aid application. To ensure that all victims applied, we held a conference at Langdao Church and Dongqin Village Activity Center and helped people apply. As we saw Tao people diligently listening and trying to understand the concept legal aid, anxiously completing the forms and trying to discuss their issues with us in their minimal knowledge of Mandarin, we suddenly understood the value of our existence and the Foundation. We were able to further understand the culture of aboriginal people.

In the two-day journey, we have been to four villages, six tribes and accepted forty-five applications in regards to thirty-four labor disputes and seven land issues. At the moment, all of these cases are in litigation procedures through legal aid and the lawyers have successfully detained the property of the employers. Moreover, according to Wang Rong-ji, member of Mediation Committee in Lanyu Town, the number of legal disputes have increased rapidly in the past years. Most of them were caused from the conflict of customs of Tao with modern regulations. These cases are beyond the Mediation Committee. Perhaps Lanyu needs a court that understands the customs of Tau or Lanyu can consider returning autonomy to tribes to have seniors maintain the order among each tribe.





## Chapter 5

### Public Promotion



The Foundation was founded on July 1, 2004. Our goal of publicity in the past years is to improve and enhance the trust of people in the Foundation and allow the underprivileged to understand the service of the Foundation so that they can make good use of our legal aid. The Foundation has been working on the following publicity:

■ Holding and participating in activities: holding various kinds of publicity activities (e.g. press conferences and symposiums) and participating in other activities;

■ Public relationship courtesy calls: intensively paying courtesy calls to central and local government institutes and officers, legislators/councilors, district courts, prosecutors offices, detention centers, police, basic level administration institutes, schools, medical institutions and associations (bar associations and social welfare groups) to explain services of the Foundation and make publicity in order to build the referral mechanism;

■ Publicity in media: aggressively pushing for publicity of the Foundation's concepts and service via various kinds of media such as clips on TV. Arranging our officers, legal aid lawyers and recipients of legal aid service to be interviewed in print media, and electronic media (radio and TV stations).

■ Publication: our bimonthly Legal Aid magazines are distributed along with various kinds of publicity articles (e.g. introduction in Chinese/English, posters, direct mails, compilation of regulations, etc)

■ Website: the Foundation has a website at which people can enquire and understand our service and messages.

## ***Section 1 Public Promotional Events and Symposia***

### **1. Press conference**

During the past year in different themes, the Foundation and branches have held 14 conferences (see below). On the inauguration day of each branch, a grand press conference was also held 19 times. All of these conferences received positive feedback from local press and society.

### *(1) Inauguration Press Conference of the Foundation (July 1, 2004)*

On July 1, 2004, the Foundation, Taipei, Taichung, Tainan, Kaohsiung and Hualien Branch held inauguration ceremonies. President Chen Shui-Bian, Minister Wong Yueh-Sheng of the Judicial Yuan, Secretary-general Su Jhen-Chang to the President, Secretary-General Fan Guang-Cyan of the Judicial Yuan, Director-General Chen Chuan-Yue and Chairman Guo I-ren of National Bar Association were present to congratulate and initiate inauguration along with Chairperson Tai Tun-Ming and Secretary-General Cheng Wen-Lung of the Foundation.



*President Chen Shui-Bian (2nd from the left), Wong Yueh-Shen, Ministry of Judicial Yuan (3rd from the right) were present to kick off the inauguration of Legal Aid Foundation on July 1, 2004.*

During his address, President Chen expressed his delight at completion of the legal aid policy. Minister Wong of the Judicial Yuan said legal aid is one of the major part of judiciary reform and a significant measure of new litigation



*An address made by Tsai Tun-Ming, Chairperson of Foundation at the inauguration press conference.*

systems. Both of them approved the establishment of the Foundation. After the ceremony, we immediately started our service and there were 78 people seeking aid on the first day and 34 applicants were granted. A large group of media people interviewed on that day and coverage was seen on all major newspapers, showing their emphasis on the Foundation..

### *(2) Press conference of “breaking 1,000 legal aid cases” (August 30, 2004)*

On August 30, 2004, we held a conference celebrating a total of over

1000 legal aid cases within two months. To help the public be more aware of our existence, in addition to show that people have increased needs of legal aid, we urged more lawyers in practice and voluntary workers to join the Foundation and protect the litigation and equality of the public. The press gave positive reports on the Foundation.



*More than 1,000 legal aid cases had been taken by Foundation in less than two months.*

### *(3) Press conference on Awards Ceremony of Hualien Branch Selecting Public Welfare Advertisement (September 15, 2004)*

Our Hualien Branch held a press conference of Selecting Public Welfare Advertisement on September 15, 2004. In addition to the awards ceremony, we also gave a report on our work in the past two months. Secretary-general Cheng Wen-Lung of the Foundation, President Liao Xue-zhong of Hualien Branch, and Secretary-general Zhong Nian-zhan delivered speeches and awarded prizes. There are more disadvantaged groups in Hualien and Taitung and people there often give up litigation, as they are poor. We are seeing desperate need of legal aid there.

### *(4) Head Honey Affair of the Chief of Tsou Tribe Press Conference (September 17, 2004, held by the Foundation, Millet Foundation and Taiwan Association for Human Rights)*

On September 17, 2004, the Foundation held a press conference with Millet Foundation, the Judicial Reform Foundation, and Taiwan Association for Human Rights on Wang Chuan-fa, person involved in Head Honey Affair of Tsou Tribe in Alishan. Taipei Branch of the



Foundation accepted referral from Millet Foundation, as there were conflicts of the definition of “steal” and conflicts between laws in Taiwan and customs of the aboriginal people. This case has significant social meaning. Legal aid was granted after the Examining Committee had reviewed the case. The legal aid lawyers filed appeal, drawing attention from the press and society.

*(5)Elegy of Human Rights—Legal Aid for Foreigners (December 2, 2004, held by the Foundation and Catholic Center for Foreigners)*

On December 2, 2004, the Foundation and Catholic Center for Foreigners held a conference, Elegy of Human Rights—Legal Aid for Foreigners, at the conference room of the Foundation. Three foreigners receiving legal aid were invited - a Chinese spouse, a Vietnamese in-house maid (under sexual assault) and a Vietnamese laborer (who suffered from occupational injuries). They expressed their unfortunate experiences and hoped to be treated fairly in Taiwan and have their dignity returned. The Foundation not only helps foreigners in legal aid but also urges the public to pay attention to the issue of foreigners in Taiwan.



*(6)3,000 Families , 3,000 Christmas Gifts—We No Longer Feel Fear and Helpless Under Justice (December 21, 2004, held by the Foundation and thirteen social groups)*



On December 21, 2004, along with thirteen social groups—the Garden of Hope Foundation, Modern Women’s Foundation, Parents’ Association for Persons with Intellectual Disability, R.O.C., Shin Shi Social Service

Center, Taiwan Labor Front, Taiwan Association for Victims of Occupational Injuries, Single Parent Family Service Center, Taipei City, Millet Foundation, Red Heart Association, Taoyuan Branch, Association of Protection for Victims, Taipei the Judiciary Reform Foundation, and Taiwan Association for Human Rights - held a year-end joint press conference of “3,000 Families · 3,000 Christmas Gifts — We No Longer Feel Fear and Helpless Under Justice” . At that time, the Foundation had been in operation for close to six months and helped over 3,000 people, i.e. 3,000 families. The press conference was to review the operation in the past six months and look into the future. The social groups gave us their observation and hopes while the Foundation also expressed gratitude.

### *(7) Legal Aid’ s Full Support —Establishment of 5 New Branch Offices and Announcement of the National Hot Line (January 7, 2005)*

On the afternoon of January 7, 2005, we held a conference “Legal Aid ’ s Full Support—Establishment of Hsinchu Branch and Announcement of the National Hot Line” . From January 10, 2005, the Foundation had another five new Branches in Ilan, Taoyuan, sinchu, Changhwa and Taitung. With the then five Branches, the Foundation had ten Branches to serve the public. We also announced our exclusive phone line +886-6632-8282. We invited the guests, Minister Yueh-sheng Weng of the Judicial Yuan and President Su Ji-xiong of Taiwan Bar Association with attendees including Chairperson Tsai Tun-Ming of the Foundation, Director of Taipei Branch, Lin Yeong-song, Chen Wei-xiang, Director of Ilan Branch, Lawyer Lai Mi-ding, Director of Taoyuan Branch, Lawyer Luo Bing-chen, Lawyer Chen Shi-huang, Director of Changhwa Branch, Lawyer Lee Bai-feng, Director of Taitung Branch, legal aid recipient Mr. Lan and his mother.



*Wong Yueh-Shen, Miniser of Judicial Yuan (1st from left) passed along the light of legal aid to Lai Mi-Ding, Director of Taoyuan Branch Office.*

*(8) Six-Month Work Report of the Legal Aid Foundation (January 31, 2005)*

On the morning of January 31, 2005, we held the Six-Month Work Report of the Legal Aid Foundation press conference. Attendees included Deputy Chief Huang Guo-zhong, Administration Hall of the Judicial Yuan, Secretary-general Cheng Wen-Lung of the Foundation and recipient Ms Chen Mei-hwa (an alias, from a closed case that the Foundation had won) with Director Lin Yeong-song of Taipei Branch as the host. We presented the statistics charts in the past six months, including application for legal aid, ratio of legal aid grant, granted cases ratio in civil, criminal and administration fields, ratio of types of letter of guarantee, ratio of special identities of applicants and the top five application cases.



*Cheng Wen-Lung, Secretary-General of Foundation, released the statistics of Foundation's execution results at the bi-yearly task report press conference.*

*(9) Three-Month Work Report of Hsinchu Branch, the Legal Aid Foundation (April 8, 2005)*

Hsinchu Branch held the Three-Month Work Report on April 8, 2005. Attendees included Director Luo Bing-chen of the Branch, Executive Secretary Dai Ai-fen, Secretary-general Zhu Zhao-xun of Hsinchu Bar Association and two recipients of legal aid. Director Luo gave a report on the work in the first three months and the branch also appointed an examining member to visit detention centers and provide defendants with serious crimes with legal aid. The two recipients also gave explanations. One of them is a Chinese spouse who was once charged with bigamy. Under the help of Hsinchu Branch, she was found not guilty. She said that the legal aid system in Taiwan made her feel the warmth of human sympathy in justice.

*(10)Mothers! Let Legal Aid Foundation Take the Burden from You!  
(May 6, 2005)*

Two days prior to this Mother' s Day, the Foundation held the press conference Mothers! Let the Legal Aid Foundation Takes the Burden for You! on the morning of 6 May 2005. The Foundation litigated for disadvantaged people by providing litigation service. Many of them were oppressed mothers with tears. "Helping mothers win their deserved rights and sharing the burden of mothers" is the most considerate gift from the Foundation to all mothers. Attendees included Secretary-general Cheng Wen-Lung and director Ji Huei-rong (Chief Executive of the Garden of Hope Foundation) and two recipients from traffic accidents and domestic violence. At the conference, Secretary-general Cheng Wen-Lung reported that there were cases in which women under domestic violence fighting for right of rearing with divorce litigation. The Foundation helped these women maintain their protection in the Constitution regardless of their social or economic conditions.

*(11)Crying Sisters in the Dark! Let the Legal Aid Foundation Takes  
the Burden for You! (May 18, 2005)*

On May 18, 2005, Catholic Center for Foreigners in Hsinchu and Taiwan International Labor Association held a press conference at the Taipei branch, urging foreign in-house maid victims of the father and son in charge of the foreign employment company in Tainan County to stand out and request Council of Labor Affairs to focus on this case to provide the victims the right to work. In addition, the Foundation would like the public to pay attention to the unreasonable systems of introducing foreign laborers in Taiwan. Attendees at this conference included Director Lin Yeong-Song of Taipei Branch, one of the legal aid lawyers—Ms Lai Fang-yu, Father Ruan Wen-Xiong of Catholic Center for Foreigners, Director-general Chen Su-Xiang of Taiwan International Labor Association



with four victims.

*(12) Asking Help for the Vietnamese In-house Maids under Sexual Assault—Three Groups Visiting Deputy Minister Lai of Council of Labor Affairs (May 23, 2005)*

After the press conference on May 18, Secretary-general Cheng Wen-Lung of the Foundation, Director Lin Yeong-Song, legal aid lawyer Lai Feng-yu of the case, and Secretariat Gu Yu-ling of Taiwan International Labor Association asked the rights for tens of Vietnamese in-house maid victims under sexual assault by the father and son in charge of the foreign employment company. On the afternoon of 23 May, they paid a formal visit to Deputy Minister Lai Jin-lin of Council of Labor Affairs. During the meeting, they requested the Deputy Minister to provide urgent help on the issues including working rights of the victims and the investigation of Zhong You Foreign Employment Company and systems on foreign labors (for example the canceling of agency systems, establishing household service act and setting labor standards as part of employment procedures once foreign laborers have entered Taiwan, etc) and duly prepare to carry out the policies on foreign laborers. At 15:30 on the same day after meeting with Council of Labor Affairs, the three groups held a press conference at the gate of Council of Labor Affairs. (Please refer to p. 72 for details of the Vietnamese in-house maid victims under sexual assault.)

*(13) When a Passionate Director Met Justice Through Legal Aid—TV Commercial and Announcement of Logo” (May 26, 2005)*

We announced the first TV commercial directed by the famous Director Wu Nian-zhen and the new logo selected by works of the public at the press



*A group picture of Wu Nian-Zhen, film director (in the middle of the picture) and Foundation's personnel.*



conference on May 26, 2005. Director Wu Nian-zhen appeared in person to promote the justice line and talked about how he was touched to be with the disadvantaged groups. Also, to help those who are unable to claim their rights, on the day of the press conference, we also invited two legal aid recipients of occupational injuries and their family to tell their stories.

#### *(14) Victims of Sexual Assault by the Person in Charge of Foreign Employment Company & Being Oppressed by the Vietnamese Representative Office at Legislative Yuan (May 31, 2005)*

After the press conference on May 18, 2005, as many as 12 Vietnamese victims had contacted the Catholic Center for Foreigners and the prosecutors. It was said that the Vietnamese Economic and Culture Representative Office in Taipei (hereafter “Vietnamese Representative Office”) oppressed relevant groups and requested the victims to revoke litigation. In response to intervention of the Representative Office and protection of basic human rights, Office of Legislator Lei Qian, representatives, legal aid lawyer Lai Yu-feng of the Foundation, Chief Executive Ji Huei-rong of the Garden of Hope Foundation, Executive Secretary Lin Mei-dai of Modern Women’s Foundation and Secretary-general Wu Jia-zhen of Taiwan Association for Human Rights held a press conference at the Legislative Yuan, strongly condemning Vietnamese Representative Office’s oppression. At the press conference, one victim charged the Vietnamese Representative Office. Also, another victim under threat by Vietnamese Representative Office explained the oppression details on the phone.

## **2.Conferences and symposiums:**

In the past year, the Foundation has held conferences and symposiums together with relevant social welfare groups for disadvantaged members on legal aid issues as well as preparation and correction of relevant policies and systems. Before preparation and after establishment of each Branch, we also held symposiums with local welfare groups, in addition to introducing the services of the Foundation and application procedures, build a good referral mechanism and provide disadvantaged groups with efficient and convenient service.

*(1)Conflicts? Settlements?  
“Traditional Customs and  
Cultures of Aboriginal  
Peoples vs. Current Legal  
System” (October 23,  
2004)*



We won positive comments after holding the press conference “Head Honey Affair with the Chief of Tsou Tribe” Press Conference with Millet Foundation and this symposium followed as a result. We invited specialists to make further discussions on conflicts and tension between Han and aboriginal peoples in values and legal system.

The symposium was held between 0900 and 1200 on the morning of 23 October, inviting the Foundation, Taipei and Hualien Branches and Millet Foundation. Attendees included Lawyer Lin Chang-zhen (Paiwan), Lawyer Yang Zhi-hang (Tayal), Director-general Yang Zhi-wei (Tsou, Aboriginal People Policy Association), Professor Wu Hao-ren (Department of Law, Fu Jen Catholic University, President of Taiwan Association for Human Rights), Lawyer Chen Wei-xiang (Chairman of Millet Foundation) and Lawyer Cai Yun-qin (Executive Secretary of Hualien Branch). The symposium was held in two sessions, presided over by Secretary-general Cheng Wen-Lung and Director Lin Yeong-Song.

Attendees gave written comments and discussions at the symposium on two issues: “Conflicts and Difficulties between Aboriginal People: Traditional Customs, Cultures and Current Laws” and “Ways to Settle Traditional Customs, Cultures, and Current Laws with Aboriginal People.” They also exchanged comments and feedback with other participants.

*(2)Hualien Branch- “Legal Aid and Women Human Rights—  
Situations and Strategies” (December 9, 2004)*

On December 9, 2004, Hualien Branch of the Foundation and Social Affairs Bureau, Hualien County Government held a symposium— “Legal Aid

and Women Human Rights” in hopes to promote women’s interests and reduce domestic violence with social welfare groups which have been involved in women interest issues for a long time. We had thorough discussion on situations and difficulties of



women in Hualien, policies and resources on women of Social Affairs Bureau, Hualien County Government, the possibility to cooperate with social groups and sharing of resources, execution and problems encountered, etc.

Attendees included President Liao Xue-zhong of Hualien Branch, Director-general Li Guo-zhen, Social Affairs Bureau, Hualien County Government, Chief Chen Wen-qi and Clerk Deng Nai-pin, Section of Women and Children, Social Affairs Bureau, Hualien County Government, Chief Secretary Gu Yue-mei, Guang Fu Social Education Station, Taitung Social Education Center (also Director-general Association of Retired Civil Servants and Teachers, Central Hualien and a member of Hualien Women Rights Association), Director-general Ma Xi-mei of YWCA, Hualien, Assistant Professor You Mei-guei, Department of Social Work, Tzu Chi University (also a member of Hualien Women Rights Association), Principal Lin Bi-xia, Fu Yuan Primary School, (also a member of Hualien Women Rights Association), Principal Xu Yue-yan of Hualien Kuo Kuang High School (also a member of Hualien Women Rights Association), Associate Professor Zhang Xu-ying, Department of Social Work, Tzu Chi University (also a member of Hualien Women Rights Association), social worker Lin Li-mei, Center for Aboriginal Women, Fuli Town, social worker Hu Mei-zhu, and administration person Hu Xin-wen Center for Aboriginal Women, Xiulin Town, social worker Yang Shu-lin, Center for Aboriginal Women in Hualien and Lee Huei-lan, Center for Aboriginal Women, Fuli Town, etc.

### *(3) Human Rights without Limits --Legal Aid for Foreigners (December 23, 2004)*

Purpose of this symposium is to discuss the possible problems that foreigners may encounter after they come to Taiwan, especially on the legal issues or system execution. We do not think that human dignity shall differ due to economic ability, social status or nationalities and hope to engender more attention and feedback.

The symposium was held at 0930 a.m. on December 23, 2004 at the Conference Room of the Foundation in two sessions and presided over by Secretary-general Cheng Wen-Lung and Director Lin Yeong-Song. Participants gave written information and discussed seven issues at the symposium, which included high agency fees, second contract, deportation, household service (not regulated), law executers, interpreters, laws and regulations in Taiwan, publicity and education of relevant resources.

Attendees included Chief Wang Jun-lin of R&D Department, Awakening Foundation, Director-general Chen Su-xiang of Taiwan International Workers' Association, Secretary-general Huang Xiao-lin, Taiwan Association for Victims of Occupational Injuries, social worker Zhao Jun-min, Section of Foreign Labor, Shin Shi Social Service Center, Father Ruan Wen-xiong of Catholic Center for Foreigners, social worker Guo Jin-fu, Catholic Hope Voluntary Worker Center, Zhongli City, Chief Yang Ya-hwa, Yong Le Women Service Center, Mr. Wang Ying-da from Chinese Federation of Labor, and Mr. Gi Estrada from Asia Pacific Mission for Migrants (APMM).

Discussions were aggressive and many problems were brought up. We believe that this only the beginning and hope to see concrete improvement in the future. Later, we held a post meeting to check the feasibility and execution of the issues discussed in the symposium.



*Human rights are boundless. The issues driven from foreigners encountering legal problems in our country shall be paid with attention, and relevant legal assistance shall be wel-planned.*

#### *(4) Legal Aid and Litigation Aid Symposium (31 December 2004)*

Courts are supposedly conservative on application for litigation aid. However, in accordance with Article 62 of Legal Services Corporation Act, litigation aid shall be granted when clients of civil cases approved by the Foundation applied for litigation aid. This regulation is not the same as that of the recognition of the court. Therefore, disputes have arisen. As a result, the Legal Aid and Litigation Aid Symposium was held on December 31, 2004 to discuss this legal problem.

The symposium was hosted by Director Lin Yeong-Song. In addition to inviting Secretary-general Cheng Wen-Lung to introduce the operation of the Foundation, Judge Chen Xiu-zhen of Civil Hall, the Judicial Yuan, Professor Jiang Shi-ming, Department of Law, National Cheng Kung University, Associate Professor Zhang Wen-yu, Department of Law, Fu Jen Catholic University and Associate Professor Huang Guo-chang, Department of Law, National University of Kaohsiung.

#### *(5) Hualien Branch- In Search of Aboriginal People' s Culture and Justice (January 14, 2005)*

Hualien Branch held the symposium, In Search of Aboriginal People' s Culture and Justice on January 14, 2005 at Conference Hall, Mennonite Christian Hospital. The purpose was to have dialogues regarding rights of work and property, family issues of aboriginal people in search of their gradually lost culture and dignity, ignite the emphasis of judicial personnel on the customary law of the aboriginal peoples and protect the human rights of aboriginal peoples in the court through people of law, officials, and scholars who have spent their life focusing on aboriginal people and their culture. The symposium was divided into four sessions—  
Speeches of Guests and



*Huang Wen=Hsiung, Superintendent of Hualien Mennonite Hospital, address at the symposium.*

Operation Report, Work Right of Aboriginal Peoples, Property Right of Aboriginal Peoples and Aboriginal Families.

Guests and scholars who attended: Supervisor Chairman Sun Sen-yang of the Foundation, Magistrate Xie Shen-shan of Hualien County, President Lin Da-yang, Hualien High Prosecutor's Office, Superintendent Huang Wen-xiong of Mennonite Christian Hospital, Secretary-general Cheng Wen-Lung of the Foundation, President Liao Xue-zhong and Executive Secretary Cai Yun-qin of Hualien Branch, Director-general Zhong Nian-zhan of Bar Association, Hualien, Dean Tong Chun-fa, College of Aboriginal Studies, National Dong Hwa University, Lawyer Xie Zheng-da, Izak Afu of Aboriginal People Association, Chief Huang Qiu-guei, Department of Labor Relations, Council of Labor Affairs, Associate Professor Dr. Chen Yi-feng, Department of Language and Communication of Aboriginal Peoples, National Dong Hwa University, Associate Professor Dr. Yang Tong-xuan, Department of Finance, National Dong Hwa University, Lawyer Yang Zhi-hang, Professor Dr. Ji Jun-jie, College of Aboriginal Peoples, National Dong Hwa University, Principal Gao Wan-jin, Yu Shan Theological College & Seminary, Judge Chen Shu-yuan, Hualien High Prosecutor's Office, Associate Professor Dr. Gao Jin-yi, Tzu Chi University, Associate Professor Dr. Lin Jin-ru, Department of Genders, Kaohsiung Medical University, Clergyman Lin Yue-dao, Yu Shan Theological College & Seminary, and Associate Professor Dr. Hong Yi-zhang, etc, Tzu Chi University.

#### *(6)Hualien Branch—Theory and Practice of Legal Aid (May 9, 2005)*

In addition to legal aid lawyers, we also invited Minister Yao Chia-wen of the Examination Yuan to give a speech—Nature and Controversies of Legal Aid. Minister Yao Chia-wen is the first lawyer to study free legal service for the poor in the U.S. from Taiwan and established “Legal Service Center for the Common People” in 1973 with several young lawyers in Taipei to provide the poor with legal service. Later, he established two legal service centers in Taichung City and Tainan City to really practice the spirit of legal aid and became the pioneer in Taiwan to serve the common people.

In his speech, Minister Yao particularly emphasized that legal aid should not

be defined to only having litigation for the poor but needs to expand integrate into public education. Only then will we truly solve the difficulties of the disadvantaged people. Legal aid institutions have to be aware that solving legal issues on through representation in courtrooms for the poor is not cost nor resource efficient. There are many social problems hid behind the poor' s legal aid problems. The Foundation shall spare a part of manpower and budget to conduct such researches.



*Yao Chia-Wen, Minister of Examination Yuan gave a speech on "the substance and controversy of legal aid" on the symposium.*

### *(7)The First Ethnological Science of Law Symposium (May 28-29, 2005)*

The First Ethnological Science of Law Symposium cosponsored by the Foundation and National Dong Hwa University was held at the Conference Room of Mennonite Christian Hospital on May 28 and 29, 2005. The symposium was divided into four sessions: Foundation of Ethnological Science of Law, on the Constitution and Customary Law of the Aboriginal Peoples, Establishment of Law of Traditional Aboriginal Peoples' Culture, on Municipality and Right of Environment, Practice of Law (I) and (II). Issues discussed included: aboriginal people national law and customary law, rights of aboriginal people during the transformation of the country, communication



between aboriginal people municipality and traditional culture, environment right and establishment of law of aboriginal peoples, protection of litigation status and work rights of aboriginal peoples, functions and prospects of

legal aid system for aboriginal peoples.

Director Abuwu, President Chen Wei-xian and members of the Branch worked as the hosts and lecturers. President Liao Xue-zhong gave a speech at the inauguration; Executive Secretary Cai Yun-qin was the communicator; Chief Xu Yu-lan and specialist Hong Yu-liang introduced the establishment history and services of the Foundation. The entire personnel of Hualien Branch assisted in administration.

### *(8) Women's Interests and Legal Aid (June 4, 2005)*

Over half of the Foundation's applicants are women. The top three types of legal aid cases are marriages, parent/children and traffic accidents. Women become very helpless when dealing with legal problems and need more care and aid. The Foundation aims to bring forth equal litigation procedures and provide legal aid to the needy in the hopes that women do not lose their protection from the Constitution due to their economic or social status. To further explore and understand various legal problems of women's interest, the Foundation held a Women's Interests and Legal Aid symposium on the morning of June 4, 2005 at the conference room of the Foundation.

The purpose of this symposium is to discuss the legal problems to be solved for women (who are victims of domestic violence, sexual assault, and gender employment equality, etc) in litigation and examination systems with cases submitted for further discussion. Also, representatives of women groups also compared the differences of legal aid provided by the Foundation to those by the government authorities and provided concrete suggestions in hopes that the Foundation would adjust and improve their relevant policies. Representatives included: Chief Secretary Xu Wen-qin, Warmlife Association, Taipei, Social Worker Supervisor Wang Qin-wan, Daan Women Service Center, Taipei Women's Rescue Foundation, Social Worker Supervisor Wang Qiu-lan, Modern Women's Foundation, Chief Wang Yu-hao, Dandelion Treatment Center, the Garden of Hope Foundation, Chief Tian Ting-fang, Bill Department, the Awakening Foundation, and Secretary-general Aboriginal Women Sustainable Development Association, Kaohsiung County, etc.



## Section 2 Media and Publicity Work

### 1. Publicity Clips of the Foundation

The Foundation has produced two clips— “Caring for the disadvantaged” and “Nian Zhen,” which was directed by famous Taiwanese director, Wu Nian-zhen. The two clips received assistance of the Judicial Yuan and Government Information Office and were broadcasted by the five major wireless TV networks. The Foundation also contacted the local TV stations to play the clips.



*The publicity short-film directed by Wu Nian-Zhen for Foundation had impress the public, and it had achieved the best promotion result.*

### 2. Cooperation with Media and Interviews

The Foundation and its Branches are working hard to print various ranges of national and domestic media and to arrange numerous interviews and reports. The “Let Life Shine” team of Taiwan Public Television Service also made a thirty-minute program for the Foundation which was completed in June 2005.

### 3. Printing and Distribution of Promotional Articles

■ Legal Aid Bimonthly: the Foundation first published this bimonthly magazine in January and have so far published six issues. The current volume is 12,000 copies distributed to central and local institutions, judges, prosecutors, lawyers, legislators/councilors, libraries, hospitals, and police, etc.

■ Compilation of Regulations: This has already been reprinted and distributed to people and organizations in related legal fields.

■ Introduction of the Foundation in Chinese and English

■ Crossing the Barriers of Life: Essays for the Anniversary of the Legal Aid Foundation—distributed to guests and media reporters and the nineteen

Branches at the banquet of the first anniversary of the Foundation. The essays are thirty true stories of legal aid recipients into sections of labors, aboriginal peoples, foreigners, women, the young and other cases. Articles were composed by our staff, legal aid lawyers and many voluntary workers in their free time.

■ Publicity Posters and Direct Mails: the Foundation printed four publicity posters and direct mails for establishment of new Branches.

■ Other Publicity Articles: Greeting cards, gratitude cards and red banners, etc



#### 4. Building the website

The Foundation had its own website, [www.laf.org.tw](http://www.laf.org.tw), for people to enquire about services and messages of the Foundation.



*New version of the Foundation's website.*

## **Section 3 Special Projects**

### **1.Establishing referral mechanism with groups, district courts and government institutions**

Since the Foundation's opening and after all the establishment of all branches, we have been working hard to establish referral channels with social welfare groups, district courts, prosecutor's offices, and government institutions. Upon discovering the possible benefits from legal aid, social welfare groups completed Referral Forms and helped the people to apply for legal aid. We will help them in application and return results to the referrers for sharing of resources and promotion of legal aid.

In addition to legal aid, applicants also require other consultation (economic assistance, mental consultation and shelter, etc) therefore the Foundation will refer then to other social welfare institutions.

### **2.Liaison with legislators and councilors**

In addition to visiting central/local legislators and councilors to explain our service and application procedures, the Foundation and its branches have also distributed articles and publications to their offices for better publicity and establishment of referral channels.

Since the sixth session of the Legislature began in February 2005, we have mailed introductions of the Foundation and compilation of legal aid regulations for legislator's reference so that they can inform their voters in need of legal aid. We also told them that we are a privately run organization of the Judicial Yuan and were founded on July 1, 2004. We aim to provide free legal consultation, litigation representation, mediation and settlement for civilians, especially the disadvantaged, low-income people and disabled. Types of cases are not limited and we serve with kindness, efficiency, flexibility and professionalism. We have nineteen branches all over Taiwan and our services are even also available in Kinmen, Matzu and Penghu.

### **3.Special Project: Selection of Legal Aid Logo**

The Foundation started selection for a new logo at the end of 2004 and announced the new logo at the press conference on May 26, 2005. By the deadline of December 10, 2004, we had collected a total of 209 works. After review, we came up with the first prize, second prize and third prize with two outstanding works. Our Board of Directors took the third prize as the formal logo of the Foundation. The new logo is based on a smiling face, which represents the warm smile of each of our staff to everyone in need. On the bottom of the logo is a hand that symbolizes justice and warmth, protecting the poor, the weak and anyone in need of help. Everyone can be protected equally under the law. The symbol of a balance as a whole in the logo is to represent the justice of the law, emphasizing the importance of litigation equality.



#### **4.Special Project: Completion of CIS Basic Design and Application of the Foundation**

The Directors and Supervisors were determined to have dark purple as the main color and to complete a series of basic and application design. All branches were informed of all design's range of use to ensure unity through the nation.

#### **5.Special Project: Taiwan Railway Broadcasting Advertisement**

To make more people aware of the Foundation and help those in need of legal aid, we had commercials broadcasted on twenty three Taiwan Railway stations from December 8, 2004 thru January 6, 2005. Two thirty-second commercials were played every hour or 26 times per day for a total of 780 times.





## Chapter 6

# Financial Reports

This chapter includes “the Independent Auditor’s Report” and explanations on key points of the financial reports.

## Independent Auditor's Report



### INDEPENDENT AUDITOR'S REPORT

NO.1407942EA

The Board of Directors  
Legal Aid Foundation

We have audited the balance sheets of the Legal Aid Foundation as of June 30, 2005, and the related statements of income, changes in equity and cash flows for the year then ended. These financial statements are the responsibility of the Fund'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 June 30, 2005, and the results of its operations and its cash flows for the year then ended, in conformity with note No.2 and generally accepted accounting principles in the Republic of China (ROC).



Clock & Co., CPAs  
September 8, 2005

**LEGAL AID FOUNDATION**  
**BALANCE SHEET**  
**JUNE 30, 2005**  
**(Expressed in New Taiwan Dollars)**

Assets	Notes	June 30, 2005		Liabilities and Equity	Notes	June 30, 2005	
		Amount	%			Amount	%
<u>Current Assets</u>		\$ 1,140,522,452	97.39	<u>Current Liabilities</u>		\$ 68,585,428	5.86
Cash and bank deposit	3	137,793,061	11.77	Accrued payables	6	65,255,954	5.58
Short-term investment	4	898,000,000	76.68	Other current liabilities		3,329,474	0.28
Account receivables		95,950,775	8.19	<u>Other Liabilities</u>		2,442,162	0.21
Advanced payments		8,778,616	0.75	Deposits received		765,250	0.07
<u>Fixed Assets</u>	2,5	26,161,032	2.23	Pension payables	7	1,676,912	0.14
Machinery and equipment		9,142,671	0.78	Total liabilities		71,027,590	6.07
Traffic and transportation equipment		1,265,443	0.10	<u>Equity</u>		1,100,066,540	93.93
Miscellaneous equipment		9,258,275	0.79	Initial funds		1,000,000,000	85.39
Leasehold improvement		9,081,905	0.78	Accumulated surplus		100,066,540	8.54
Less: accumulated depreciation		(2,587,262)	(0.22)				
<u>Other Assets</u>		4,410,646	0.38				
Differed debits		1,923,996	0.16				
Other assets		2,486,650	0.22				
<b>Total Assets</b>		<b>\$ 1,171,094,130</b>	<b>100.00</b>	<b>Total Liabilities and Equity</b>		<b>\$ 1,171,094,130</b>	<b>100.00</b>

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



**LEGAL AID FOUNDATION**  
**STATEMENT OF INCOME**  
**FOR THE YEAR ENDED JUNE 30, 2005**  
**(Expressed in New Taiwan Dollars)**

Description	Notes	Between July 1, 2004 and June 30, 2005	
		Amount	%
<u>Revenues</u>		\$ 321,169,431	100.00
Donation from government	2	315,624,330	98.27
Donation from private sector	2	547,640	0.17
Interest earned		4,952,461	1.54
Non-operating revenue		45,000	0.02
<u>Expenses</u>		221,102,891	68.84
Remuneration for legal aid lawyers		139,984,941	43.59
Transportation fee for examining and review lawyers		10,859,500	3.38
Litigation expenses	2	740,060	0.23
Operation and administrative expenses (Table I)		68,587,406	21.35
Other non-operating loss		930,984	0.29
Net Income		\$ 100,066,540	31.16

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

**LEGAL AID FOUNDATION**  
**STATEMENT OF CHANGES IN EQUITY**  
**FOR THE YEAR ENDED JUNE 30, 2005**  
 (Expressed in New Taiwan Dollars)

DESCRIPTION	INITIAL FUNDS	ACCUMULATED SURPLUS	TOTAL
Balance, July 1, 2004	\$ 500,000,000	-	\$ 500,000,000
Added funds in May 2005	500,000,000	-	500,000,000
Net income for year ended June 30, 2005	-	100,066,540	100,066,540
Balance, June 30, 2005	\$ 1,000,000,000	\$ 100,066,540	\$ 1,100,066,540

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

**LEGAL AID FOUNDATION**  
**STATEMENT OF CASH FLOWS**  
**FOR THE YEAR ENDED JUNE 30, 2005**  
**(Expressed in New Taiwan Dollars)**

Description	Between July 1, 2004 and June 30, 2005
Cash flows from operating activities:	
Net income	\$ 100,066,540
Adjustments:	
Loss on disposal of fix assets	888,584
Depreciation expenses	2,719,445
Amortization expenses	404,797
Changes in assets and liabilities	
Account receivables	(95,077,487)
Advance payment	(6,378,616)
Accrued payables	60,532,746
Other current liabilities	(21,720,145)
Pension payable	1,676,912
Net cash provided by operating activities	43,112,776
Cash flows from investing activities	
Increase of short-term investment	(398,000,000)
Increase of fixed asset	(25,285,804)
Increased of deferred expense	(2,203,733)
Increase of refundable deposits	(1,701,650)
Net cash used in investing activities	(427,191,187)
Cash flows from financing activities	
Increase of initial fund	500,000,000
Increase of accounts collected for other parties	1,912,681
Increase of deposit received	765,250
Net cash provided by financing activities	502,677,931
Net increase in cash and bank deposits	118,599,520
Cash and bank deposits at beginning of year	19,193,541
Cash and bank deposits at end of year	\$ 137,793,061

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

**LEGAL AID FOUNDATION****NOTES TO THE FINANCIAL STATEMENTS**

JUNE 30, 2005

(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 Category 2, Article 5 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) Receiving legal aid from 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 load of lawyer remuneration
- (8) Mediation between legal aid recipients and legal aid providers
- (9) Other legal aid matters

**2. SIGNIFICANT ACCOUNTING POLICIES****(1) Accounting Basis**

Accrual basis, except donation revenue and litigation fees recognition.

**(2) Short-term Investment**

This refers to term deposits in banks and negotiable securities bought from the market for immediate cashing and not to control the investors or the operational relationship. Short-term investments are recorded at cost and the valuations are based on cost or the market price.

**(3) 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.

**(4) Pension Payable**

Leaving of the staff at the Foundation is in accordance with Labor Standards Act. The foundation appropriates 6% of the monthly wage of each employee for pension (not deposit in the individual account of the Bureau of Labor Insurance to be established in accordance with personnel management act yet) and recognizes the pension as expenses for the year. If appropriated funds are not sufficient to pay pensions, the foundation will charge and pay the difference.

**(5) Subscription or Donation Revenue**

This includes subscription from the government and private donation and listed in the revenue upon receipt of payment. However, the government subscription revenue will not be confirmed until the year-end review on the payment to be returned to the Judicial Yuan.

**(6) 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.

**(7) 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.

**3. CASH AND BANK DEPOSIT**

	June 30, 2005
Cash on hand	\$ 72,820
Petty cash	398,440
Bank deposit	137,321,801
Total	<u>\$ 137,793,061</u>

**4. SHORT-TERM INVESTMENT**

	June 30, 2005	
	Amount	Annual interest rate
Time deposit— Chinatrust Commercial Bank	\$ 298,000,000	1.70%
Time deposit— Taishin Bank	300,000,000	1.45%
Term deposit— E. Sun Commercial Bank	300,000,000	1.35%-1.70%
Total	<u>\$ 898,000,000</u>	

**5. FIXED ASSETS**

	June 30, 2005		
	Cost	Accumulated depreciation	Ending balance
Machinery and equipment	\$ 9,142,671	\$ 1,013,750	\$ 8,128,921
Traffic and transportation equipment	1,265,443	111,131	1,154,312
Miscellaneous equipment	9,258,275	804,229	8,454,046
Leasehold improvement	9,081,905	658,152	8,423,753
Total	<u>\$ 28,748,294</u>	<u>\$ 2,587,262</u>	<u>\$ 26,161,032</u>

The total fire insurance amount is NT\$1,000,000 at June 30, 2005.

**6. ACCRUED PAYABLES**

	June 30, 2005
Notes payable	\$ 6,010,435
Lawyer remuneration payable	50,748,536
Wage payable	3,507,028
Expense payable	1,311,746
Other payables	3,678,209
Total	<u>\$ 65,255,954</u>

**7.PENSION PAYABLES**

	Between July 1, 2004 and June 30, 2005
Balance at the beginning of this term	\$ -
Allocation of this term	1,676,912
Payment of this term	-
Balance at the end of this term	<u>\$ 1,676,912</u>

**8.FUNDS**

(1) Details:

	June 30, 2005
Time deposit— Chinatrust Commercial Bank	\$ 298,000,000
Time deposit— Taishin Bank	300,000,000
Term deposit— E. Sun Commercial Bank	300,000,000
Consolidated time deposit— Chinatrust Commercial Bank	102,000,000
Total	<u>\$1,000,000,000</u>

(2) The interest revenue of the fund between July 1, 2004 and June 30 2005 is NT\$4,334,353.

(3) The registered total asset in Taipei District Court by June 30, 2005 is NT\$500,000,000.

**9.COMMITMENTS AND CONTINGENT**

By June 30, 2005, the amount of litigation expenses unpaid due to grants of procedural relief is NT\$22,956,217. The amount of guarantee balance from issuing injunction to preserve the status quo is NT\$76,529,498 by June 30, 2005.

Table I

**OPERATION AND ADMINISTRATIVE EXPENSES**

In: NT\$

Category	Amount
Wages	\$ 26,770,931
Traffic expenses for part-time personnel	1,573,080
Overtime work	5,557,043
Dining	116,013
Year-end bonus	5,765,891
Sharing insurance premium of employees	2,616,612
Entertainment activities	397,770
Educational training	135,636
Pension	1,676,912
Water and electricity	701,145
Postage and phone bills	2,180,203
Travel expenses	1,223,412
Freight	35,770
Printing and binding	1,769,792
Advertisement	1,074,001
Operation and publicity	424,853
Repair	173,240
Insurance	8,289
Certified public accountants and actuaries remuneration	113,000
Other professional service charges	91,532
Public relationship fees	399,050
Office supplies	1,277,687
Miscellaneous items	1,052,680
Books, newspapers and magazines	205,342
Rental	6,582,885
Depreciation	2,719,445
Various kinds of amortization	404,797
Special projects	412,573
Conferences	433,833
Management	931,507
Others	1,762,482
Total	\$ 68,587,406



## ***Explanations to the key points of the report***

The accounting system of the Foundation is fiscal calendar year system (January 1 to December 31). The 2004 financial report (April 22, 2004 to December 31, 2004) had been audited by an independent local CPA firm with no retained comments reported. The major financial source of the Foundation is mainly supported from the Judicial Yuan. Therefore in order for the Foundation's financial situation to be mentored by the public, we invited an independent CPA firm to audit the financial status of the Foundation up till June 30, 2005 and provided formal financial reports, audit opinions, and related disclosure on June 30, 2005. The audited financial report of 2004 (April 22, 2004 to December 31, 2004) and 2005 (July 1, 2004 to June 30, 2005) are also disclosed in this report so that the public can monitor the financial status of the Foundation. Please find the summary and explanations of the financial reports below.

**1. The current expenditure of the Foundation from July 1st , 2004 to June 30, 2005 is NT\$217,978,649. With capital expenditure of NT\$28,748,294, the total current expense is NT\$246,726,943. (This is cash account, excluding depreciation and amortization of NT\$3,124,242).**

■ The cost of legal aid is NT\$151,584,501 (including NT\$139,984,941 for lawyer compensation, NT\$10,859,500 for transportation of examining commissioners, and NT\$740,060 for law suit and other related expenses), which is 69.54% of current expenditure. The lawyer compensation is lower than market. To control quality and progress of legal aid cases, we pay 80% of the compensation in advance and the remaining 20% would be paid when cases are closed.

■ Personnel cost: NT\$44,609,888 or 20.46% of the current expenditure. Personnel salary, overtime paid, raise, year-end bonus, insurance premium, pension, transportation allowance are included of all Directors, Supervisors,

and Commissioners of the Foundation.

■ Administrative cost: NT\$21,784,260 or 10.00% of the current expenditure. This includes promotion, utilities, postage, traveling supplies, printing and others.

■ The Foundation was formally founded on July 1, 2004 and software and hardware related was installed from July 2004 to June 2005. During the period, the asset purchased is NT\$28,748,294. The duration of fixed assets is from 3 and 15 years. The depreciation is deducted year by year and it won't be the expense of the current year. It is a deduction of fixed assets.

## **2. Each citizen paid NT\$10.8 average could support the operations of the Foundation**

The average NT\$10.8 paid by each citizen in Taiwan could support the operation of the Foundation which is the actual spending of the Foundation in the first year, NT\$246,726,943 divided by the population of Taiwan of 2,273,819 people.

## **3. Cost of application for every legal aid is NT\$4,319.**

The total cost of examining and reviewing commoners (NT\$10,859,500), personnel expenses (NT\$44,609,888) and other administrative expenses (NT\$21,784,260) is NT\$77,253,648. Divided by the number of cases at 17,889, the average cost for examination and administration is NT\$4,319.

## **4. Average lawyer compensation for each legal aid case is NT\$18,323.**

There are 7,640 cases and lawyer compensation of NT\$139,984,941 occurred in the first year of the Foundation. Thus the average lawyer compensation of each case is NT\$18,323. The total cost of one case is NT\$22,642. (average lawyer compensation as of 18323 plus average cost of application as of NT\$4,319.)

## **5. The current endowment of NT\$ 1 billion is saved in Time Deposit accounts**

■ Details of Time Deposit:

Legal Aid Foundation  
Time Deposit of Fund

30 June 2005

Category	Amount	Annual interest rate (%)
Time deposit-Chinatrust Commercial Bank	298,000,000	1.70
Time deposit-Taishin Bank	300,000,000	1.45
Time deposit-E. Sun Commercial Bank	300,000,000	1.35-1.70
Total	898,000,000	

■ In accordance with Article 6 of the Legal Aid Act, the Foundation's endowment is NT\$ 10 billion dollars, and the Competent Authority will budget annual contributions. By June 30, 2005, the accumulated endowment of the Foundation is NT\$ 1 billion. After meeting with the Board of Directors, the money was saved in the time deposit with NT\$300 million at Taishin Bank, NT\$300 million at E. Sun Commercial Bank, and NT\$400 million at Chinatrust Commercial Bank. (Because Chinatrust Commercial Bank sets up a limitation of daily deposit maximum, the Foundation will deposit total NT\$400 million into the time deposit account of Chinatrust gradually. The current amount of time deposit transferred to Chinatrust is NT\$ 298 million by June 30, 2005). At the same time, the Foundation will transfer the entire NT\$400 million to the time deposit account of Chinatrust Commercial Bank.

■ The Foundation keeps the entire accumulated fund of NT\$1 billion at time deposit, which is scriptless certificate of deposit (amount to be shown on the bank book directly) for the concern of security and stability. The bank does not issue periodical statements to prevent the leakage of confidential bank information of the Foundation. In addition, bank chops and bank book of the time deposit are kept separately by cashier, accounting officer, Secretary-General and the Chairperson of the Foundation.



## Chapter 7

### Future Prospectus of the Foundation



*A group picture of the attendees taken at Foundation's 2005 planning conference.*

In the first year of the Foundation's operations, the emphasis was on increasing our publicity and caseload so that people in need are aware of our services and will utilize them. However, we are also aware that improvement of quality and expansion of our services are important goals for the future.

Hence, on March 5 and March 6, 2005, we held a 2005 Planning Conference to discuss this year's goals with members of our specialist committees and the Directors and Executive Secretaries of all 10 branch offices already established by then. Prior to the conference, we also held an internal pre-meeting to discuss our goals for the year 2005. Before submitting the 2006 budget to the Judicial Yuan, the Foundation also held three internal meetings since April on the goals and budget for next year. Suggestions were also made in our Research or Development Committees.

The goals and future prospects of the Foundation are:

## **Section 1 Provision of a wider range of services**

### **1. Outreach to rural areas**

Since various kinds of legal consultation resources are available in most places, the Foundation does not provide pure legal consultation (the exceptions are the Hualien, Taitung, Penghu, Kinmen and Mazu branch offices). However, legal resources are insufficient in remote areas and offshore islands, where it is difficult to find attorneys. People there do not know who to turn to when they have legal problems. Because of this, the Foundation will continue its outreach services in which the branch offices, working on their own or together with local organizations or college legal services centers,

invite attorneys to provide legal service in remote areas and offshore islands, thereby shortening the gap in access to legal sources between urban and rural areas.

## **2. Initiate legal aid to inmates in prisons and defendants in custody**

The Foundation requests applicants or their representatives to be interviewed by examining commissions. However, there are many inmates in prisons and defendants in custody who cannot appoint representatives to make applications on their behalf. Also, many branch offices have expressed the need to provide legal aid to defendants in custody. At the very beginning of establishment, the Foundation had studied the necessity of providing legal aid to prison inmates and defendants in custody, and had discussed the possibility of providing legal aid through video-conferencing systems with the Ministry of Justice. We will continue to work with the Ministry of Justice to ensure the right to counsel for prison inmates and defendants in custody.

## **3. Study and expand non-litigious services to disadvantaged groups**

The work of the Foundation - such as litigation representation, the drafting of legal documents, settlement and mediation - is designed to help people who have legal disputes and face imminent court proceedings or are already in court. However, these are not the only services that attorneys can provide. For example, attorneys can also help people who have trouble with the legal or administrative procedures in their applications for government subsidies or welfare. However, since people with such needs are often poor, they are reluctant to seek the assistance of attorneys. In order to service these needs, the Foundation intends to start services in non-contentious matters, such as applications for government welfare benefits, as described above

#### **4. Initiate the practice of attorney representation at the first police investigation**

Each year, there are around 80,000 to 90,000 arrests made by the police in Taiwan, where there are only around 4,000 attorneys. To represent applicants at police stations, attorneys have to be on call 24 hours a day. At the beginning of our operation, we did not provide this service as other operations were not yet complete and such a service would be a heavy workload for both our staff and attorneys. However, as our regular operations become more mature, we should initiate services to build a comprehensive legal aid environment for the public. We expect to establish the relevant systems as soon as possible.

#### **5. Provide defense counsel when public prosecutors apply to take defendants into custody**

When public prosecutors apply to take defendants into custody, attorneys need to be available for the defendants. When this happens, we can then say that public prosecutors and defendants are on equal footings in terms of their weapons. This is the same as the practice of attorney representation at the first police investigation. Both are legal aid of an emergent nature. In the future, the Foundation will determine whether it is necessary to offer such a service depending on the number of participating attorneys, the workload of our staff and the demand for this service.

#### **6. Expand services to include Alternative Dispute Resolution (ADR)**

The main service of the Foundation is to represent people in litigation. Yet, this is only one of the measures to resolve disputes. As it takes time and money to litigate, people consider it a last recourse in resolving disputes. Therefore, there are few disputes that result in court actions. In recent years, many countries have been dedicated to developing Alternative Dispute Resolution mechanisms such as settlement, mediation and arbitration etc. However, the systems of settlement and mediation in Taiwan are unsound and fail to produce their expected effect. We believe disputes are more likely to be

resolved if an attorney is involved at the beginning of the dispute. It is necessary to expand our services to include ADR in order to reduce the litigation caseload, and we will continue to strive for this.

## ***Section 2 Review and Improvement of our internal systems***

### **1. Improving the quality of examination and legal aid services**

When the Foundation was founded, our goal was to attain a certain number of cases in order to widely publicize our services. In the coming year, while maintaining a standard caseload, the Foundation will pay more attention to the quality of both our examination procedures and legal aid services, and even the quality of our staff's services. With quality controls in mind, we will hold a series of professional training workshops for our staff, examining commissioners and legal aid attorneys. We will monitor performance in all aspects to ensure that we provide the best service to the public.

### **2. Employing staff attorneys**

The Foundation currently assigns cases to private practicing attorneys in law firms. Although some of our staff are attorneys, they are charged with administrative and management duties. The problem with this is that the Foundation must rely on reporting from the legal aid attorneys or legal aid recipients to monitor the progress of each case we assign. In accordance with Section 3, Paragraph 24 of the Legal Aid Act, the Foundation may employ staff attorneys who accept cases with the help of other staff. This would help our staff better understand the practice of law and the problems that arise in cases. Furthermore, the sustained contact with applicants in real need will help raise staff morale.

### **3. Establishing video-conferencing system**

At the Penghu, Kinmen and Mazu branch offices where there are few examining commissioners and few or no local attorneys, examination is



conducted via video-conferencing with the Kaohsiung and Taipei branch offices, as previously explained. In addition, the Foundation plans on applying video-conferencing in other ways. For example, in addition to our offshore branch offices, the video-conference system can be used to aid prison inmates or defendants in custody. The Foundation is now coordinating with the Ministry of Justice to expand video-conferencing to prisons so that inmates also have the opportunity to apply for legal aid. Also, the Foundation intends to start video-conferencing meetings with branch offices in central and southern parts of Taiwan to save time and cost of travel. This can also increase the number of meetings to improve better communication and exchange between the Foundation headquarters and branch offices.

#### **4. Establishing an appeal system**

People who utilize our services can express their complaints or concerns regarding the outcome of an examination, our staff, examining commissioners or legal aid attorneys through our appeals system. Once an applicant files an appeal, Foundation staff will contact him or her directly. However, our appeal system is not complete. We are now working hard on developing the standard operating procedures for our appeals system so that all feedback will help us reform our system and assess our performance. The appeals system will enable us to provide satisfactory service and will motivate us to continue to reform.

#### **5. Strengthening the review of the financial eligibility criteria**

The "Financial Eligibility Criteria for Legal Aid Recipients" is the key to granting legal aid. However, whether or not an applicant meets this criteria is closely related to a precise definition of the poverty line in Taiwan. The Foundation intends to invite representatives from social welfare groups, scholars and experts to form a task force to conduct a comprehensive review of our financial eligibility criteria so that the criteria will more closely reflect reality.

## **6. Striking a balance between careful examination and convenience for applicants**

We have made significant breakthroughs and progress in our examination of cases. We started with a blank A4 paper to be filled in by examining commissioners and now use a Financial Eligibility Enquiry Form of 3 to 4 pages and the 1-page Case Summary Form which examining commissioners have to fill out in detail. This shows that Foundation has become increasingly careful and thorough in the examination of cases. However, we also understand that a careful examination does not necessarily mean that an applicant must have complete documentation when filing an application. Hence, we will continue to strive toward a reasonable balance between thoroughness in procedure and convenience to the people.

## ***Section 3 Promotion of a sound legal system***

### **1. Implementing legal education**

Due to the huge differences in the availability of legal resources in urban and rural areas, there is also a great difference in the degree of people's awareness and understanding of their rights and duties. In addition, we are unable to determine whether people have the correct understanding of their rights and duties. Thus, promoting legal education is a part of legal aid in a broad sense and we take it to be our responsibility. In addition to the aforementioned services in remote locations as a method of delivering our services, we also intend to expand co-operation with related associations or governmental institutes, to give legal education to social workers, and to publicize legal concepts as an intermediate and long-term plan for legal education.

### **2. Promoting systemic reform**

In the process of providing legal aid, we have discovered that oftentimes a client's case cannot be resolved because of unreasonable or incomplete aspects in society's systems, or even an absence of relevant systemic

provisions. The Foundation believes that, in addition to legal aid, our work should include establishing or reforming existing systems. Therefore, upon discovery of unreasonable aspects in the system, we immediately inform related social welfare groups and provide them with attorneys to work together for reform. Also, when social welfare groups inform us of unsound systems or make a request for legal expertise, the Foundation is delighted to provide them with attorneys who have undertaken similar cases or are interested in co-operating on the issues at hand. In other words, in addition to providing legal aid, the Foundation aims to be a platform for exchange between social welfare groups and legal professionals for the betterment and reform of our society.

## ***Section 4 Strengthening global participation***

This year (2005), the Foundation will hold the first International Forum on Legal Aid in Taiwan from October 15 through 17, inviting 25 groups from 18 countries to share their legal aid experiences. Currently, many countries have legal aid systems, each with different experiences and results. In addition to holding regular international conferences, the Foundation will also send staff abroad to learn about the development of legal aid in other countries so that we may learn from their experiences and improve our own legal aid system.



## Annexures

## 1. A Chronicle of the Foundation's Events

10 September 1998	Three private groups, Judicial Reform Foundation, Taipei Bar Association and Taiwan Association for Human Rights established Federation for Promotion of Legal Aid Act and drafted the first version of Legal Aid Act
July 1999	National Judicial Reform Conference reached the resolution of "promotion of legal aid system.
August 2001	Legal Aid Act Review Team of the Judicial Yuan completed the draft of Legal Aid Act and submitted to the Legislative Yuan in October.
23 December 2003	Third reading of the Legal Aid Act was passed at the Legislative Yuan.
7 January 2004	The Legal Aid Act was promulgated by President Chen Shui-Bian.
5 February 2004	Legal Aid Foundation Preparatory Office was established.
28 April 2004	Legal Aid Foundation registration is completed.
24 June 2004	Lawyer Lee Chun-Rong and Director Chen Bin-Xun of Legal Aid Foundation, Korea visited the Foundation.
1 July 2004	<ul style="list-style-type: none"><li>■ The Foundation starts operation and holds the inauguration ceremony. President Chen and Minister Weng Yueh-Sheng of Judicial Yuan delivered speeches.</li><li>■ Inauguration ceremonies in Taipei, Taichung, Tainan and Kaohsiung are also held.</li><li>■ Initial issue of Legal Aid Bimonthly of the Foundation is published.</li><li>■ Broadcasting of our first publicity clip, Caring for the Disadvantaged</li></ul>
25 August 2004	Mr. Stephen Lin, Chief Lawyer of Queensland Community Legal Aid Center, Australia visited the Foundation.
30 August 2004	Press conference of "breaking 1,000 legal aid cases"
17 September 2004	Joint Press Conference of "Head Honey Affair of the Chief of Tsuo Tribe " by the Foundation, Millet Foundation, the Judicial Reform Foundation, and Taiwan Association for Human Rights

20 September 2004	Publication of 2nd issue of Legal Aid Bimonthly
23 October 2004	Press conference of "Conflicts? Settlements? Traditional Customs and Cultures of Aboriginal Peoples vs. Current Legal System"
10 November 2004	Public selection of Legal Aid logo
29 November 2004	Publication of 3rd issue of Legal Aid Bimonthly
2 December 2004	Press conference of "Elegy of Human Rights-Legal Aid for Foreigners."
21 December 2004	Press conference of "3,000 Families · 3,000 Christmas Gifts-We No Longer Feel Fear and Helpless Under Justice"
23 December 2004	Symposium of "Human Rights without Limits --Legal Aid for Foreigners"
31 December 2004	Symposium of "Legal Aid and Litigation Aid"
5 January 2005	Coordination meeting with representatives of National Tax Administration and the Judicial Yuan on e-gate
7 January 2005	Press Conference of "Legal Aid Supporting You-Establishment of 5 new Branch offices and Announcement of National Hotline
10 January 2005	Inauguration of five new branch offices in Taoyuan, Hsinchu, Changhwa, Ilan, and Taitung
18 January 2005	Visited International Cooperation and Development Fund, R.O.C. for cooperation
20 January 2005	Publication of 4th issue of Legal Aid Bimonthly
21 January 2005	Visited former Minister of Justice, Mr. Chen Ding-nan
26 January 2005	Chairman Suren Tserendorj of Mongolia National Human Rights Committee visited the Foundation
31 January 2005	Six-Month Work Report of the Legal Aid Foundation
26 February 2005	First Voluntary Worker Camp of Legal Aid Foundation (2 days)
5 March 2005	Work Plan Meeting, 2005 of the Foundation (2 days)
9 March 2005	Visited nine institutes or social welfare groups including Legal Aid Bureau and Legal Aid Administration, etc in Hong Kong (5 days)
23 March 2005	Publicity on the Foundation in Social Welfare Alliance Group Conference, Taipei City
25 March 2005	Awarding ceremony on Legal Aid logo

4 April 2005	■ Visited Secretary-general Fan Guang-Qun, the Judicial Yuan ■ Publication of 5th issue of Legal Aid Bimonthly
13 April 2005	Broadcasting of the publicity clip, "Nian Zhen"
18 April 2005	Visited Minister Shi Mao-Lin of Justice to discuss cooperation between the two and requested help of Ministry
6 May 2005	Press conference of "Mothers! Let the Legal Aid Foundation Takes the Burden from You!"
18 May 2005	Emergent press conference of "Tens of Vietnamese In-house Maids under Sexual Assault of Father/Son of the Foreign Labor Agency"
23 May 2005	Press conference of "Asking Help for the Vietnamese In-house Maids under Sexual Assault-Three Groups Visiting Council of Labor Affairs"
26 May 2005	■ "When a Passionate Director Met Justice Through Legal Aid-TV Commercial and Announcement of Logo" ■ Visited legal aid institutes in the U.S. (26 May-5 June)
28 May 2005	The First Ethnological Science of Law Symposium held by the Foundation and College of Aboriginal Studies, National Dong Hwa University (2 days)
31 May 2005	Press Conference of "Victims of Sexual Assault by Foreign Employment Company owner & Being Oppressed by the Vietnamese Representative Office " at Legislative Yuan
4 June 2005	■ Symposium of "Women Interests and Legal Aid" ■ Publication of 6th issue of Legal Aid Bimonthly
29 June 2005	Inauguration and operation of Matzu branch office
30 June 2005	Inauguration and operation of new branch offices in Miaoli, Nantou, Yunlin, Chiayi, Pingtung, Penghu and Kinmen
1 July 2005	Tea Party for the 1st Anniversary of Legal Aid Foundation and Establishment of Its Nineteen Branch Offices

## 2. Address and Contact of each Branch Office

### Keelung Branch Office:

Add: 10F., No.14, Jhong 1st Rd., Ren-ai District, Keelung City 200, Taiwan  
 Tel: +886-2-2423-1631  
 Fax: +886-2-2423-1632  
 Email: keelung@laf.org.tw  
 Interview Hours: Tuesday & Friday  
 PM2:00~5:00

### Taipei Branch Office:

Add: 6F., No.200, Sec. 2, Jinshan S. Rd., Da-an District, Taipei City 106, Taiwan  
 Tel: +886-2-2322-5151  
 Fax: +886-2-2322-2051  
 E-mail: taipei@laf.org.tw  
 Interview Hours: Monday ~ Friday  
 AM9:00~12:00 PM2:00~5:00  
 Tuesday PM 6:00~9:00  
 Saturday AM9:00~12:00

### Taoyuan Branch Office:

Add: 12F., No.332, Sianfu Rd., Taoyuan City, Taoyuan County 330, Taiwan  
 Tel: +886-3-334-6500  
 Fax:: +886-3-334-4451  
 E-mail: taoyuan@laf.org.tw  
 Interview Hours: Monday~ Friday  
 PM2:00~5:00

### Hsinchu Branch Office:

Add: Room A, 3F., No.180, Beida Rd., Hsinchu City 300, Taiwan  
 Tel: +886-3-525-9882  
 Fax:: +886-3-525-9897  
 E-mail: hsinchu@laf.org.tw  
 Interview Hours: Monday / Wednesday / Friday  
 PM2:00~5:00  
 Wednesday PM6:00~9:00

### Miaoli Branch Office:

Add: 1F., No.1158, Jhongheng Rd., Miaoli City, Miaoli County 360, Taiwan  
 Tel: +886-37-368001  
 Fax:: +886-37-368007  
 E-mail: miaoli@laf.org.tw  
 Interview Hours: Monday & Friday  
 PM2:00~5:00

### Taichung Branch Office:

Add: 4F., No.159, Sec. 1, Sanmin Rd., West District, Taichung City 403, Taiwan  
 Tel: +886-4-2372-0091  
 Fax:: +886-4-2372-0582  
 E-mail: taichung@laf.org.tw  
 Service Hours: Monday ~ Friday  
 AM9:00~12:00 PM2:00~5:00



#### Nantou Branch Office:

Add: No.76, Fusing Rd., Nantou City, Nantou County 540, Taiwan  
Tel: +886-49-224-8110  
Fax:: +886-49-224-6226  
Email: nantou@laf.org.tw  
Interview Hours: Tuesday/ Thursday  
PM1:30~4:30

#### Changhua Branch Office:

Add: Add:1F., No.236, Sec. 3, Wannian Rd., Yuanlin Township, Changhua County 510, Taiwan  
Tel: +886-4-837-5882  
Fax:: +886-4-837-5883  
E-mail: changhua@laf.org.tw  
Interview Hours: Monday / Wednesday/ Friday  
PM2:00~5:00

#### Yunlin Branch Office:

Add: 6F., No.116, Sinsing Rd., Huwei Township, Yunlin County 632, Taiwan  
Tel: +886-5-636-4400  
Fax:: +886-5-636-3850  
Email: yunlin@laf.org.tw  
Interview Hours: Tuesday / Thursday  
PM2:00~5:00

#### Chiayi Branch Office:

Add: 2F., No.107, Jhongshan Rd., Chiayi City 600, Taiwan  
Tel: +886-5-276-3488

Fax:: +886-5-276-3400

Email: chiayi@laf.org.tw

Interview Hours: Tuesday AM9:00~12:00

Friday PM2:00~5:00

#### Tainan Branch Office:

Add: 3F., No.147, Jhongshan Rd., West Central District, Tainan City 700, Taiwan  
Tel: +886-6-228-5550  
Fax:: +886-6-228-2540  
E-mail: tainan@laf.org.tw  
Interview Hours: Monday to Friday  
PM2:00~5:00

#### Kaohsiung Branch Office:

Add: 9F.-2, No.29, Haibian Rd., Lingya District, Kaohsiung City 802, Taiwan  
Tel: +886-7-269-3301  
Fax:: +886-7-269-3310  
E-mail: kaohsiung@laf.org.tw  
Interview Hours: Monday ~ Friday  
AM9:00~12:00 PM2:00~5:00

#### Pingtung Branch Office:

Add: No.57-1, Bangciou Rd., Pingtung City, Pingtung County 900, Taiwan  
Tel: +886-8-751-6798  
Fax:: +886-8-751-6587  
Email: pingtung@laf.org.tw  
Interview Hours: Monday / Wednesday/Friday  
AM9:00~12:00

**Yilan Branch Office:**

Add: No.130-1, Jioujie Rd., Wujie Township,  
Yilan County 268, Taiwan

Tel: +886-3-965-3531

Fax:: +886-3-965-3541

E-mail: yilan@laf.org.tw

Interview Hours: Monday / Wednesday /  
Friday PM2:00~5:00

**Hualien Branch Office:**

Add: 3F.-3, No.150, Zihyou St., Hualien City,  
Hualien County 970, Taiwan

Tel: +886-3-836-2884

Fax:: +886-3-836-2843

E-mail: hualien@laf.org.tw

Service Hours: Monday / Wednesday~Friday  
AM9:00~12:00 PM2:00~5:00

**Yuli Service Center**

Tel: +886-3-898-0562 Service Hours: Friday  
AM10:00~12:00 PM1:30~4:00

**Taitung Branch Office:**

Add: No. 71, Jhejiang Road, Taitung City,  
Taitung County 950, Taiwan

Tel: +886-89-361-363

Fax:: +886-89-361-153

Email: taitung@laf.org.tw

Service Hours: Monday / Wednesday  
PM2:00~5:00

Interview Hours: Friday PM2:00~5:00

**Penghu Branch Office:**

Add: No.100, Jhonghua Rd., Magong City,  
Penghu County 880, Taiwan

Tel: +886-6-927-9952

Fax:: +886-6-927-8495

Email: penghu@laf.org.tw

Interview Hours: Tuesday / Friday  
PM2:00~5:00

**Kinmen Branch Office:**

Add: 4F.-4, No.25, Minsheng Rd., Jincheng  
Township, Kinmen County 893, Taiwan

Tel: +886-82-375-220

Fax:: +886-82-375-210

Email: kinmen@laf.org.tw

Service Hours: Monday / Wednesday /  
Thursday AM9:00~12:00 PM2:00~5:00

Interview Hours: Monday / Thursday  
PM2:00~5:00

**Matsu Branch Office**

Add: No.14-2, Jieshou Village, Nangan  
Township, Lienchiang County 209, Taiwan

Tel: +886-836-26881

Fax:: +886-836-26601

E-mail: matsu@laf.org.tw

Service Hours: Monday / Wednesday  
AM9:00~12:00 PM2:00~5:00

Interview Hours: Wednesday PM2:00~5:00

## 3 List of the regulations of the Foundation

### (1) Regulations already passed by the Judicial Yuan

Name	In accordance with
1 Examination Regulation Governing Examining Committees	Category 2, Article 48 of the Legal Services Corporation Act
2 Regulation Governing the Scope of Legal Aid Implemented	Article 17 of the Legal Services Corporation Act
3 The Accounting System	Article 12 of the Supervision Management Regulation
4 Regulation Management and Application of the Governing the Endowment	Article 38 of Foundation Subscription and Organization Charter
5 Regulation Governing Repayments by Recipients of Legal Aid	Article 33 of the Legal Services Corporation Act
6 Regulation Governing Fund Management between the Legal Aid Foundation and Its Branch Offices	Article 61 of the Legal Services Corporation Act
7 Examination Regulation Governing Review Committees	Category 2, Article 50 of the Legal Services Corporation Act
8 Regulation Governing Applicants Sharing Remuneration and Expenses	Category 3, Article 32 of the Legal Services Corporation Act
9 Regulation Governing the Foundation's Organizational Structure	Category 1, Article 24 of Foundation Subscription and Organization Chart

### (2) Partially approved by the Judicial Yuan

Name	In accordance with
1 Financial Eligibility Criteria for Granting Legal Aid	Category 2, Article 3 of the Legal Aid Act
2 Standard for Calculation and Payment of Legal Fees	Category 2, Article 31 of the Legal Aid Act

### (3) To be approved by the Judicial Yuan

Name	In accordance with
1 Personnel Management Regulation	Category 3, Article 24 of Foundation Subscription and Organization Chart

*(4) Amended after approval by the Judicial Yuan*

Name	In accordance with
1 Governing the Scope of Legal Aid Implemented	Article 17 of the Legal Aid Act

*(5) To be established*

Name	In accordance with
1 Supervision Management and Internal Audit System	Article 12 of Supervision Management Regulations
2 Employment and Pay Standard for Contracted Full-Time Attorneys	Category 3, Article 24 of the Legal Aid Act
3 Regulation Governing Exemption Attorney providing Legal Aid	Category 2, Article 25 of the Legal Aid Act
4 Governing Document Management	Article 7 of Supervision Management Regulations
5 Standard Governing the Employment and Dismissal the Legal Aid Foundation's Important Staff	Article 8 of Supervision Management Regulations

*(6) Internal regulations that do not need the Judicial Yuan's approval:*

Name
1 Criteria Governing Employment of Examining Committee Commissioners
2 Criteria Governing Employment of Review Committee Commissioners
3 Guarantee Certificates issued by Branch Offices
4 Guideline Governing the Payment of Transportation and Travel Expenses to Unremunerated Personnel
5 Procedure for Appointing Attorneys
6 Guideline Governing the Cooperation between Associations of Colleges/Universities and the Foundation on Consultation Services in Remote Areas
7 Guideline Governing Advanced Remuneration and Necessary Required to Attorneys
8 Guideline for Reviewing Committee Members
9 Guideline for Legal Aid Attorneys
10 Guideline Governing Personnel Assessment and Award/Punishment
11 Guideline for Examining the Reasonableness of Compulsory Defense Applications

Name	
12	Guidelines Governing the Control of Legal Aid Cases by the Foundation
13	Guidelines Governing Contribution, Statutory Charges and Paid Remuneration by Branch Offices
14	Guidelines Governing Referrals between Branch Offices
15	Guidelines Governing the Management of Voluntary Workers
16	Guidelines Governing the Scope of Aid in Litigation Fees
17	Guidelines for Recipients of Legal Aid
18	Guidelines for Civil Legal Aid Attorneys Requesting Procedural Relief
19	Guidelines for Applicants
20	Guidelines Governing the Organization of Specialist Committees and Resolution Procedures
21	Guidelines Governing Announcement Procedures of the Foundation's Regulations
22	Guidelines Governing the Management of Tax Information commissioned from the Judicial Yuan

## 4. List of Operational Analysis Report

Table 1	Statistics of total cases ,p.39
Table 2	Ratio of cases approved for aid ,p.40
Table 3	Statistics for the guarantee amounts of the guarantee certificates issued by the Foundation and the provisional seizure amounts ,p.41
Table 4	Ratios of applicants' occupations ,p.42
Table 5	Ratios of the occupations of the legal aid recipients ,p.43
Table 6	Approval rate of the cases applied according to applicant' s occupation ,p.44
Table 7	The number of approved cases and the approval rate ,p.45
Table 8	Ratios for the reasons of refusal ,p.46
Table 9	The ratios of "financial ineligibility" in total refused cases ,p.46
Table 10	Ratio of "insufficient reason" in total refused cases ,p.47
Table 11	Ratios of the categories of approved cases(including legal consultation) ,p.50
Table 12	Ratios of the categories of approved cases (excluding legal consultation) ,p.50
Table 13	Ratios of the categories of the legal aid cases at each branch (including legal

- consultation) ,p.50
- Table 14 Ratio of the categories of the legal aid cases at each branch (excluding legal consultation) ,p.50
- Table 15 Ratios of study-type legal consultation cases in total legal consultation cases ,p.52
- Table 16 Number of the identities of applicants ,p.53
- Table 17 Statistics of the categories of applied cases ,p.53
- Table 18 Ratios of the categories for cases that meet legal aid lawyer’ s intent to accept ,p.54
- Table 19 Approval rate of the applied cases in different causes ,p.55
- Table 20 Ratios of the applications for the four top categories of mandatory advocacy cases ,p.56
- Table 21 Gender ratio of the legal aid application ,p.56
- Table 22 Case approval rate of male and female applicants ,p.57
- Table 23 Analysis of applicant’ s educational backgrounds ,p.58
- Table 24 Analysis of the educational backgrounds of the legal aid recipients ,p.59
- Table 25 Approval rate of the applicants in different educational backgrounds ,p.60
- Table 26 Statistics of the cases applied ,p.61
- Table 27 Ratio of the revoked cases from the approved cases ,p.62
- Table 28 Ratio for the terminated cases from the approved cases ,p.62
- Table 29 Reasons for case termination and the terminated case number ,p.62
- Table 30 Ratio of the message channels ,p.63
- Table 31 Approval rate of cases from various message channels ,p.64
- Table 32 the ratio of “the number of the cases refused submitted for review” against “total number of cases refused” in each branch ,p.65
- Table 33 Respective ratios for “the review outcom of the refused sases” against “the total number of the refused cases submitted for review” in each branch ,p.66
- Table 34 Ratio of civil/criminal/administrative cases applied ,p.67
- Table 35 Ratio of the results of closed civil cases ,p.69
- Table 36 Ratio of the results of the closed criminal cases ,p.69
- Table 37 Ratio of the results of the closed administrative cases ,p.70

## Legal Aid Foundation Annual Report (2004.7.1-2005.6.30)

---

**Publisher :** Tsai Tun-Ming

**Chief Editor :** Cheng Wen-Lung

**Chief Planner :** Lin Yeong-Song

**Writers Team :** Li Heng-Huei 、 Li Shu-Fen 、 Li Bao-Lin 、 Jhou Han-Wei 、 Tu You-Wun 、 Jhang Shu-Mei 、 Syu Jyun-Ming 、 Syu Yu-Lan 、 Guo Yi-Cing 、 Guo Yi-Ping 、 Ceng Sing-Fu 、 Yang Jing-Ru 、 Cai Meng-Syun 、 Cai Mei-Ci 、 Cai Yun-Cing 、 Jheng Wun-Long 、 Dai Mei-Wun 、 Sie Jia-En 、 Sie Jin-Lian 、 Sie Siang-Huei 、 Lan Wan-Jin 、 Yan Shu-Wun

**Editors Team :** Syu Yu-Lan 、 Hua Jin-Ding 、 Lan Wan-Jin

**Publishing Organization :** Legal Aid Foundation

**Address :** 5F, No 200, Sec.2, South JinShan Rd., Taipei, Taiwan, R.O.C

**Telephone :** +886-2-2322-5255

**Facsimile :** +886-2-2322-4088

**Website :** [www.laf.org.tw](http://www.laf.org.tw)

**Printer :** Taishin Printing Co. Ltd.

First Print in October 2005

All Rights Reserved

---





