

LEGAL AID FOUNDATION

PROFESSIONAL EFFICIENT FLEXIBLE APPROACHABLE









財團法人法律扶助基金會 Legal Aid Foundation

Philosophy

- Equality to fulfill the constitutional right of equal access to the legal system, and to facilitate improvement of economic status
- Human Rights to protect the human rights of the disadvantaged
- The Rule of Law to complement the system of the rule of law

Principles of Service

- To be approachable
- To adopt efficient procedure
- To be flexible
- To provide professional services

Mission Statement

- To engage in self-reflection, seek reforms and enhance the soundness of the legal aid system
- To make legal aid available throughout Taiwan
- To actively publicize legal aid information
- To allow convenient access to legal aid
- To advance the quality of legal aid services
- To encourage the participation of lawyers in legal aid and social reform
- To strengthen the promotion of legal education for disadvantaged people

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To Friends of Legal Aid Foundation

A new foundation, a new beginning.

On July 6, 2015, the amended new Legal Aid Act came into effect. The scope of amendment involved "relaxing recipient eligibility requirements", "adding legal aid services", "strengthening quality of services provided by legal aid attorneys", "improving legal aid management performance", "transforming legal aid structure", "creating more funding sources for legal aid", and "making LAF more independent and enabling reasonable oversight". LAF also made plans for connecting with Household Registration and taxation agencies to facilitate the application of legal aid for the general public and for listing a percentage of the amounts payable for deferred prosecution or negotiations as a stable source of funds. Other matters, including the acquisition of LAF office space, the structure of the Legal Aid Board, the selection and signing of legal aid attorneys, the payment of legal fees and organizational operations will all be greatly reformed.

The largest ever public safety incident in Taiwan occurred soon after the new act passed the third reading at the Legislative Yuan. When the Formosa Fun Coast explosion happened, LAF followed the amended new Legal Aid Act and promptly assembled a task force to provide legal aid for the victims and their families. LAF effectively carried out its mission to protect victims' legal rights in this project.

On case services, LAF provided legal consultation services for more than 90,000 people. Close to 17,000 people applied to LAF for accompanying attorney for first interrogation or indigene's interrogation. In addition, LAF approved as many as 39,026 cases, or 76.18%, of the 55,679 general applications for legal aid that it received throughout the year.

With regard to cases of major social concern and case services, the RCA class action lawsuit, aided by LAF, finally received a favorable judgment from the court of first instance on April 17, 2015 after years of fighting. The court ruled that the defendant should pay NT\$564,450,000 in damages. It was the most complex lawsuit in Taiwan's judicial practice. The case involved an incident dating back a long time, numerous victims, and difficulty to retrieve materials. It required knowledge from the disciplines of occupational safety and health, environmental engineering, toxicology and epidemiology. The case also involved legal issues such as causation, piercing the corporate veil and the limitation period. LAF quickly organized a seminar, titled "Legal Issues in Occupational and Public Health Hazards Class Action - RCA: A Case Study",

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on November 7. Experts and scholars in various fields were invited to explore new possibilities for the RCA case and to build upon the case a basis for future cases. The objective was to push Taiwan's justice system forward.

With regard to the CPDC Anshun Plant Pollution case, another major case involving public health hazards and environmental pollution, it was ruled, on December 7, 2015 after more than seven years of litigation, that the defendant, CPDC or the Ministry of Economic Affairs, should pay the plaintiff NT\$100,006,817 in damages.

In order to offer more ways for the public to access legal consultation services, LAF launched the legal consultation phone service (at 02-4128518) in May 2015. A simplified legal consultation phone service was made available to labor, debt, and aboriginal related cases. The telephone lines are manned by attorneys who will answer callers' legal questions. To further enhance the quality of support, the Specialist Case Assignment Trial Program was launched on August 1, 2015 so that LAF would start assigning cases according to the specialized areas of each attorney. Three categories, which were labor cases, family cases, and CDCP cases, were chosen for the trial to enable disadvantaged people to receive higher quality legal support services.

LAF created the Indigenous Peoples Committee in 2015 for the purpose of enhancing legal services for Taiwan's aboriginal people. LAF also visited Australia between September 28 and October 1 to observe the local legal aid systems and to learn from legislations and experiences regarding aboriginal tribes in Queensland and Northern Territory. The objective of the visit was to help LAF create a model for further advancement in legal aid for aboriginal people.

LAF, ever since its establishment, has insisted on standing by the disadvantaged people. Thanks to the support from various communities throughout society, LAF managed to promote the business and gradually completed many important tasks. 2016 marks the dawn of a new era for legal aid. We hope to keep receiving guidance and assistance from you so we can devote to the defense of the disadvantaged people's rights together!

CEO Wei-Shyang Chen

Wei-Shyang Che

Organization and Overview of Expenditures

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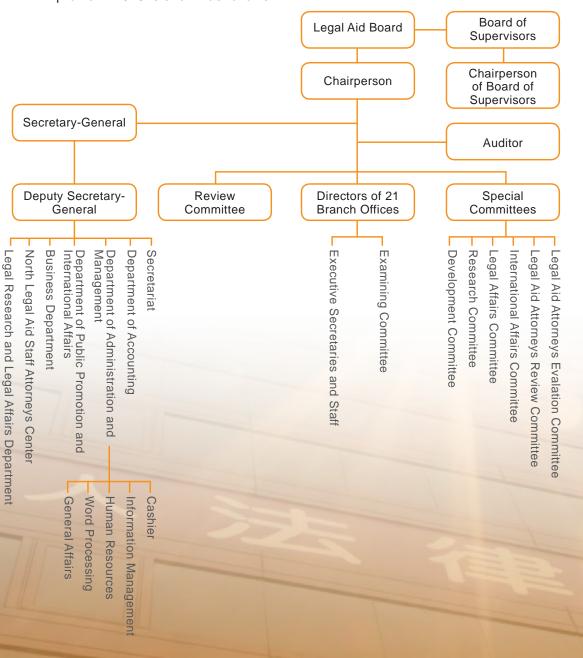


1 Organization and Overview of Expenditures

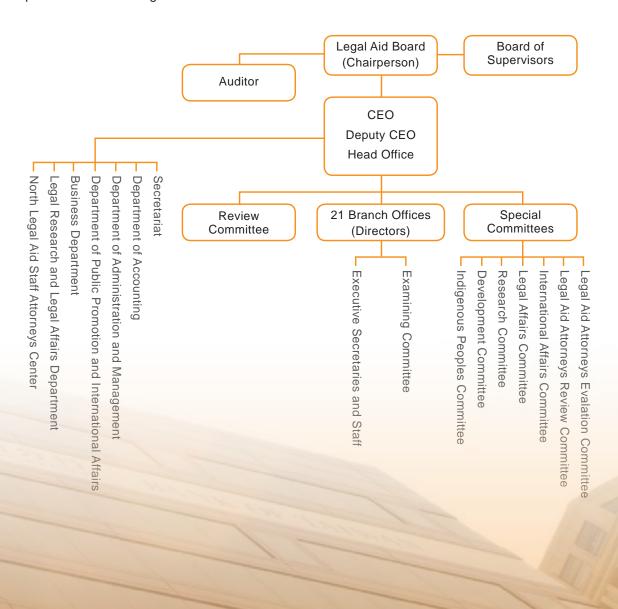
1-1 Organization

LAF has a staff of 247 (including 14 staff attorneys) and 349 volunteers (as of December 31, 2015). A detailed breakdown of human resources is shown in Appendix 6-1. In addition, LAF is commissioned by the Ministry of Labor and the Council of Indigenous Peoples to offer legal aid. The project has 17 members.

LAF profile in 2015 is shown as follows.



In accordance with the Legal Aid Act that came into effect on March 23, 2016, LAF shifted its organizational model to an executive officer system and adjusted its relationship with the branches accordingly. In addition, the Chinese title of supervisor is corrected. The profile of the new organization is shown as follows.



The Legal Aid Board is the highest decision-making body of the Legal Aid Foundation and consists of thirteen directors. There are five supervisors who supervise LAF operations. The terms of office of the fourth board of directors and supervisors commenced from March 23, 2013, and ended on March 22, 2016. The members are listed as follows.

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Class	Name	Title				
Chairperson	Lin Chun-Jung	Attorney-at-Law, Lin Chun-Jung Law Firm				
Director	Bang-Chao He	Attorney-at-Law, Bang-Chao He Law Firm				
	Chih-kuang Wu	Professor, Department of Law, Fu Jen Catholic University				
	Huei-Zong Li	Professor, Department of Law, National Chung Hsing University				
	Jhih-Ren Jhou	Director, Department of Legal Affairs, Ministry of National Defense				
	Su-Huei Hung	Counselor, Executive-Secretary of Petition and Appeals Committee, Ministry of the Interior				
	He-Guei Chen	Chief Legal Advisor, Legal Department, Taiwan International Patent and Law Office				
	Kuo-Cheng Chen	Director-General, Department of Administrative Litigation and Discipline, Judicial Yuan				
Rui-Xiang Qiu		Director-General, Civil Department, Judicial Yuan (Formerly Director-General Jyun-Bi Chen until September 2015)				
	Ming-Jen Yu	Director, Department of Prevention, Rehabilitation and Protection, Ministry of Justice				
	Ta-Hua Yeh	Secretary-General, Taiwan Alliance for Advancement of Youth Rights and Welfare				
	Chih-Wei Tsai	Associate Professor, Department of Educational Management, National Taipei University of Education				
	Ping-Cheng Lo	Partner and Attorney, Wen & Lo Law Firm				
Chairperson of Board of Supervisors	Chun-Mei Ma	Professor, Department of Accounting, Soochow University				
Supervisor	Rong-Ruey Duh	Professor, College of Management, National Taiwan University				
	Pi-Hsiu Chou	Senior Counselor, Office of Secretary General, Executive Yuan				
	Ruei-Cheng Lin	Attorney-at-Law, Ruei-Cheng Lin Law Firm				
	Mr. Chin-Hung Chang	Accountant-General, Department of Accounting, Judicial Yuan				

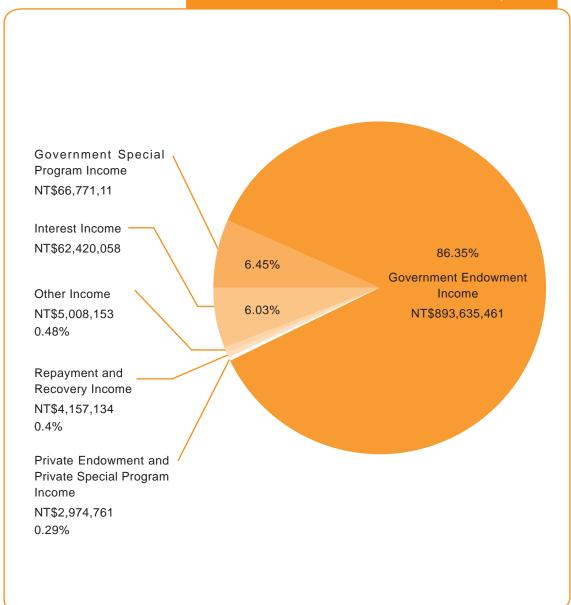
1 Organization and Overview of Expenditures

1-2 Annual Income and Expenditures

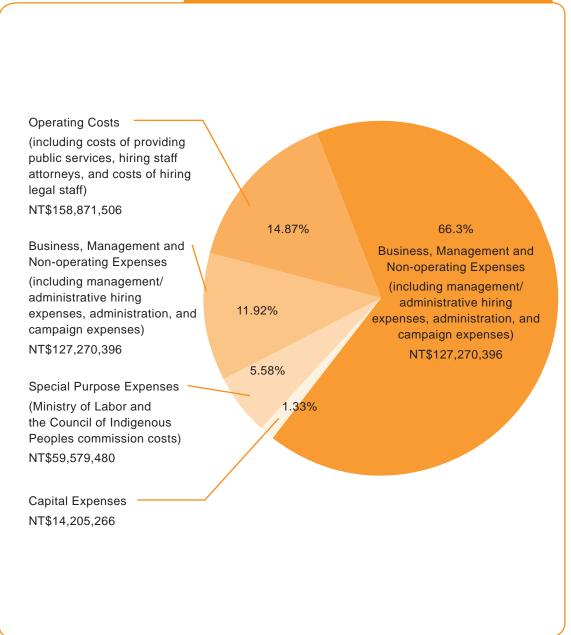
The accounting system of LAF observes the fiscal calendar year system. The 2015 financial report was audited by an independent local CPA firm with unreserved opinion reported.

The total expenditure of LAF for 2015 was NT\$1,068,122,583 (including capital expenses). The total income was NT\$1,034,966,682.

Breakdown of LAF Total Income, 2015







Service Outcomes 2

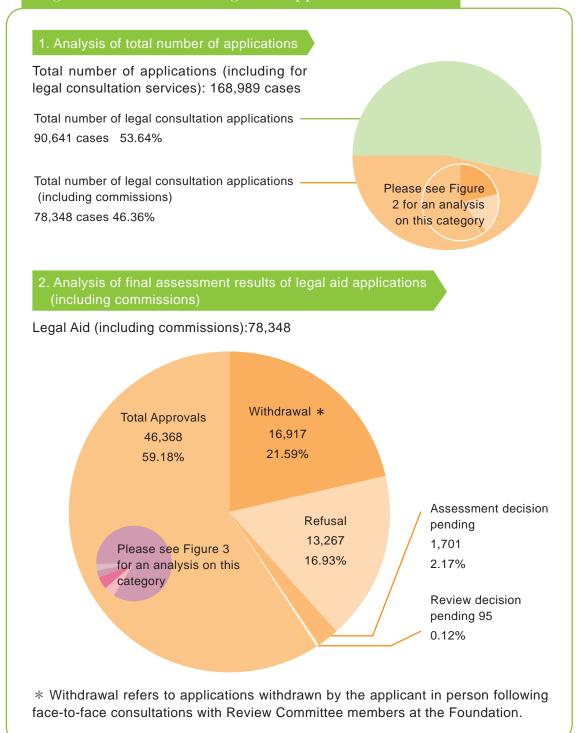
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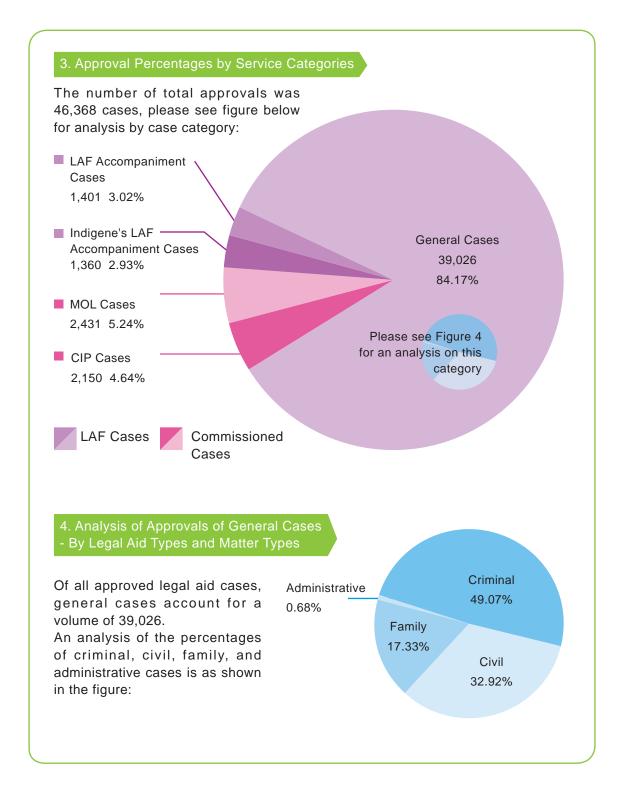


2 Service Outcomes

2-1 Overall Business Service Statistics

Legal consultation and legal aid applications in 2015





Analysis of Approvals of General Cases - By Legal Aid Types and Matter Types

Types of Legal Aid Matter Type	Court Representation	Legal Document Drafting	Mediation or Settlement Negotiation	Legal Consultation	Total	Percentage
Criminal	17,872	1 , 265	11	1	19,149	49.07%
Civil	11,486	1,221	139	2	12 , 848	32 . 92%
Family	6,162	569	30	1	6 , 762	17.33%
Administrative	153	110	1	3	267	0 . 68%
Total	35 , 673	3 , 165	181	7	39 , 026	100.00%

Analysis of General Cases by Top Five Matter Types

Criminal		Civil		Family		Administrative	
Drug Offenses	3,843	Consumer Debt Clearance Act	4,433	Maintenance	2,430	Public Assistance Act	56
Offenses of Causing Bodily Harm	3,348	Tort	4,299	Divorce	1,574	Labor Insurance Act	36
Offenses against Sexual Autonomy	1,734	Consumption Loans	755	Child Custody	835	Road Traffic Management and Penalty Act	28
Offenses of Larceny	1,368	Ownership	488	Parental Rights	350	Nationality Act	10
Offenses of Fraudulent, Breach of Trust, Taking, and Usury	1,303	Contract	296	Protection Order	292	Act for Protecting Worker of Occupational Accidents	8

2 Service Outcomes

2-2 Service Outcomes of Special Programs

More friendly consultation services! LAF started offering a legal consultation phone service in May 2015.

(I) Legal Consultation Service Outcomes

Service Introduction

The importance of legal consultation services is to provide people with early access to professional information so that they can evaluate litigation risks beforehand, which should serve to minimize disputes. To provide more friendly consultation services,

LAF launched the legal consultation phone service on May 1, 2015, and reinforced the existing video consultation service. LAF offers consultation services across different channels in order to make the services more accessible to the public.

Service Outcomes

Mode	Subtotal	Percentage	Notes
Face-to-face	71,667	79.07%	102 customer service centers
Telephone	16,598	18.31%	Launched on May 1, 2015
Video conference	2,376	2.62%	374 customer service centers
Total Legal Consultation Cases	90,641	100%	

- The LAF Banqiao Branch launches video legal consultation services for new immigrants and succeeds in connecting resources from the central and municipal governments and from NGOs.
- Press conference for LAF telephone consultation services (below)







Always open to protect human rights! LAF provides a 24/7 service of legal aid attorneys' company during interrogations. A total of 2,701 applications for accompaniment were received in 2015.

(II) General/Indigene First Interrogation Accompanied by Legal Aid Attorney Program

Service Introduction

To balance the disparity in legal knowledge between the public and crime investigation authorities and to protect people's rights to defend their cases, on September 17, 2007, LAF launched the "First Criminal Interrogation Accompanied by Legal Aid Attorney Program". Suspects of felony punishable by a minimum sentence of not less than three years' imprisonment who are apprehended or arrested or are requested to be interrogated for the first time without a summon or notice may apply for the service. LAF provides 24/7 year-round service for legal aid attorneys'

company during interrogations.

Unlike the aforesaid accompaniment service, which is contingent on a felony, existing Article 31 of the Code of Criminal Procedure states that a defendant or accused who is with indigenous identity and has not appointed a defense attorney for interrogation, regardless of being involved in a felony or not, the police unit and the prosecutor shall comply with the legal procedures and notify LAF to appoint an accompanying attorney for the interrogation.

Service Outcomes

Type (to be confirmed)	General public	Indigenous
Eligible and applied for an accompanying attorney (A)	1,401	1,360
Accompanying attorney actually appointed (B)	1,361	1,235
Success rate of appointment (B/A)	97.14%	90.81%

Case

Indigene wrongfully accused of drug trafficking; charge dropped with LAF aid

Ron is an aboriginal person living in Keelung and makes a living by working odd jobs. The police arrested him one day, citing a report by Huang, a friend of Ron's, claiming that Ron was selling amphetamine. The police searched Ron's residence and failed to find any drug or drug related device. However, as Huang claimed that Ron supplied amphetamine for free to friends at his place, the

police charged Ron with suspected drug trafficking and sent the case to the District Prosecutors Office. The Keelung Branch assigned an attorney to accompany the accused during interrogation. Later, a legal aid attorney acted as the defense attorney and presented defense in favor of Ron on the basis of a lack of evidence and issues with a single witness. The prosecutor also followed the principle of presumption of innocence and dropped the charge. Ron was saved from imprisonment.

Helping one debtor means helping a family. Helping the children live with dignity as members of society. — Ms. Lin, single mother (successful debt consolidation aided by LAF)

(III) Legal Aid for Consumer Debt Clearance Program

Service Introduction

The Consumer Debt Clearance Act, which came into effect on April 11, 2008, was aimed to solve credit card and cash card debt related issues arising from consumer finance. Since, those in debt are already facing severe financial difficulty, LAF, in response to the act, not only amended the scope of legal aid and eliminated the rule of not granting aid in bankruptcy cases, but also tried to accept as many consultation applications as possible and provide aid to help people follow the legal procedure to resolve their retail personal loans.

Service Outcomes

In 2015, LAF accepted a total of 5,350 CDCP cases (excluding legal consultation cases). The Examining Committees of the branches approved 4,563 cases for aid.

In addition, according to the amendment of the Legal Aid Act, effective as of July 6, 2015, financial eligibility would not be mandatory for eligible debtors under the Consumer Debt Clearance Act, thereby lowering the barrier to legal aid and helping more people resolve their debt problems.

In 2015, LAF CDCP campaigns focused on meeting with mayors of the municipalities to discuss promotional partnerships and new locations for debt counseling office. In addition, LAF hosted five seminars for debtors in the year and the seminars received a total of 668 debtors. The branches also organized a total of 18 legal training sessions for CDCP volunteers in order to help social workers become more aware of debt problems and be able to effectively refer cases to LAF.

Case

Liang (alias) and his spouse Fang (alias) have three children. The eldest son was hit in the head by a falling rock during the 331 earthquake in 2002. His lower body was paralyzed with nerve damage affecting his body, language and movement. Such damage also led to paralysis of his lower body, and problems with bladder control and mental development. As a result, the eldest son holds a Very Severe Disability Card. He is not able to care for himself and attends a Special Education School for the Mentally Retarded. To care for her severely disabled and young children, Fang has to do crafts work at home for the extra money. For Liang and his family of five, child care expenses after disability allowances and child allowances had snowballed to a credit card debt of more than NT\$3,000,000 for Liang. The LAF Bangiao Branch approved an application for CDCP aid. With the help of an attorney, Liang was granted restructuring by a court. The overall payoff ratio was 10.72%. Liang and his

family were able to be free from the debt and start a new life.





The largest percentage of LLP cases consists of disputes over severance pay. With LAF aid, as many as 80% of the cases were awarded a favorable decision and compensation.

(IV) Legal Aid for Labor Litigation Program (Commissioned Program)

Service Introduction

If a laborer encounters layoff, occupational hazard, illegal layoff and other disputes, he not only loses his livelihood, but also has difficulties finding another job at similar wage levels. It would be nearly impossible for him to hire an attorney at his own expense and to file a lawsuit against his employer under such circumstances. Also, if the litigation lasts for a few years, the attorney fees will be even higher, this would be a tremendous burden on a laborer who does not have a stable income or are subject to occupational hazards.

LAF started working with the Ministry of Labor to offer the Labor Litigation Program ("LLP") on March 2, 2009. The two parties hope to provide strong legal aid to the disadvantaged laborers through the combination of resources, so that laborers can gain a sense of security while fighting for his rights.

Service Outcomes

In 2015, LAF accepted a total of 2,865 LLP applications. LAF approved 2,387 cases for aid and rejected 478 cases. In particular, 102 applicants appealed for review. After deliberation, decisions were reversed on 44 cases, or 84.85%, and approved for aid.

Regarding the LLP categories, civil cases accounted for 98.18%. LAF also approved most of the applications for aid for representation in court and defense. The top three categories in terms of approved cases for aid are severance pay, tort, and insurance enrollment disputes between employees and employers.

Case

Wu (alias) was hired to be a proofing worker in the maintenance and proofing department. During his employment, Wu was regularly asked to work overtime to accommodate the demand of the company. As a result, Wu was subject to excessive working hours over an extended period of time. In addition, the company failed to give full overtime pay according to the Labor Standard Act, and continued to show a lack of improvement after Wu repeatedly raised the issue to the management. The company also filed a lower insured pay for Wu with the Labor Insurance. Wu submitted an LLP application to the LAF Taichung Branch. With an attorney's aid, Wu filed suits for severance pay and other compensations. The court of first instance ruled that the company should pay Wu NT\$146,894 and make a contribution of NT\$6,678 into Wu's Labor Pension Account.



"2015 Judicial Practice of Labor Issues and Labor Litigation" Attorney Training Session

2015 Job Fair photo gallery





- 2015.08.15 LAF Kaohsiung Branch set up a booth at the Kaohsiung Career and Employment Expo to promote LAF information and services.
- 2015-04-18 LAF Yunlin Branch hosted a recruitment event at the Douliu Employee Service Center, and set up a booth to promote LAF information and services



 2015-07-25 LAF Changhua Branch organized an LAF Day at the Career and Employment Expo, and offered onsite legal consultation.



In 2015 a total of 2,503 CIP cases were received, of which 2,129 were approved with an approval rate of 85.9%

(V) Legal Aid for Indigenous Peoples Program (Commissioned Program)

Service Introduction

Taiwan is a diverse country in its culture and society. When there exists a conflict between the uniqueness of aboriginal people's traditions and the legal system under diverse cultural values, a state's obligations to provide assistance also include the Legal Aid Program organized jointly by LAF and the Council of Indigenous Peoples.

To further protect the rights of indigenous peoples, LAF started working with the Council of Indigenous Peoples ("CIP") to offer the Legal Aid for Indigenous Peoples Program ("CIP Program") on April 1, 2013 in order to provide a more comprehensive legal aid service to aboriginal people.

Service Outcomes

In 2015, LAF accepted a total of 2,503 CIP Program applications. LAF approved 2,129 cases for aid and rejected 374 cases. In particular, 52 applicants appealed for review. After deliberation, decisions were reversed on 21 cases, or 85.9%, and approved for aid.

Regarding the CIP Program categories, the largest category was civil cases at 49.30%, followed by criminal cases at 29.80%. LAF also approved most of the applications for aid for representation in court and defense. The top three categories in terms of approved cases for aid are tort, ownership disputes, and offenses causing bodily harm.

Case

Four members of the Bunun tribe went hunting in the mountains in search of sacrifices to be used in the Millet Harvest Festival. They failed to obtain the approval of the competent authority before driving into the mountains and shooting Formosan Muntjac. The men, on their way back, were caught red handed by the police at a checkpoint. The police charged the four with illegally hunting or killing of a protected wildlife species and violating Article 41, Paragraph 1, Subparagraph 1 of the Wildlife Conservation Act and sent the case to the District Prosecutors Office. The LAF Hualien Branch assessed and approved the case for legal aid. The attorney fought for acquittal of the men by citing that the four legal aid recipients

were engaged in traditional cultural or ritual hunting, which would be actions deemed not a criminal offense under Article 21-1 of the Wildlife Conservation Act. Taiwan High Court Hualien Branch Court acknowledged the above clause and agreed that the legislation had established a relative boundary and scope after careful consideration of a balance between maintaining biodiversity and protecting indigenous peoples' cultures and protecting indigenous peoples' cultures should have priority. Therefore, the four men were acquitted. The prosecutor appealed to the court of the third instance, but the Supreme Court upheld the above legal interpretations and dismissed the prosecutor appeal.

LAF has provided the recipients with the equivalent of over NT\$1.6 billion in guarantee certificates, ensuring the recipients would be able to exercise their rights!

(VI) Other Service Outcomes - LAF permitted to issue to recipients guarantee certificates for early protection of rights

To fulfill the concept that legal aid also needs to protect the future exercise of rights of the recipient, so as to not lose access to compensation due to debtor's conveyance, based on Article 67 of the Legal Aids Act, when LAF deems a legal aid case to have an apparent possibility of victory, LAF is entitled to submit a guarantee certificate to serve as guarantee money on the recipient's behalf. As of December 31, 2015,

LAF had provided legal aid recipients with 2,622 certificates or the equivalent of over NT\$1,600,000,000 in guarantee certificates. Other than the 443 certificates in ongoing cases which have not reached the stage of retrieval, 1,944 certificates have been retrieved as of the end of 2015, and the percentage of the number of retrieved certificates out of the total number (i.e. retrieval percentage) was 89.22%.

2015 Indigenous Legal Aid Service event gallery



- 1. 2015-09-25 LAF Pingtung Branch attended the aboriginal harvest festival in Taiwu to promote legal aid services.
- 2. 2015-05-28 LAF Banqiao Branch held nine seminars on laws in everyday life at the Indigenous Community College in New Taipei City.



LAF launched a program for Formosa Fun Coast explosion on the first day of the new act coming into effect in order to provide aid without the financial eligibility requirement and respond quickly to the victims' legal needs.

(VII) Cases of Major Social Concern

Currently ongoing cases of major social concern at LAF are listed as follows.

(1) Legal aid program for victims of Formosa Fun Coast explosion

Background

On June 27, 2015, dust explosion took place at the "Color Play Asia" party at Formosa Fun Coast water park in Bali, New Taipei. The total number of patients



according to the Department of Health of New Taipei City Government was 499. As of January 20, 2016, 15 victims had died from their injuries.

- LAF quickly published a consultation hotline and a designated email address on June 29. LAF also waived the financial eligibility requirement for victims applying for legal consultation, legal document drafting, and representation in mediation proceedings and settlement negotiations prior to court proceedings in nonlitigation cases.
- On July 6, 2015, the first day of the new Legal Aids Act coming into effect, LAF followed Article 5, Paragraph 4, Subparagraph 6 of the new act and created the legal aid program for victims of Formosa Fun Coast explosion. The program provided victims with special aid for investigation, litigation, and
- injunction representation without the financial eligibility requirement. In addition, LAF held a press conference to announce the launch of the program and called on hundreds of attorneys to form an attorney group to provide aid for victims of Formosa Fun Coast explosion.
- LAF met with the attorney group based on case progress and adjusted the litigation strategy accordingly.
- The service provided so far include representation in criminal investigation, representation in trials, supplementary civil action, and provisional attachment.



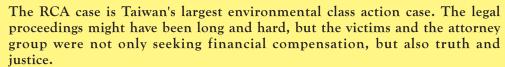






- 2015-07-06 Press conference for legal aid services for victims of Formosa Fun Coast explosion
- 2015-10-28 Information session for families of victims of Formosa Fun Coast explosion
- 2015-08-24 New Taipei City Government's press conference for Formosa Fun Coast explosion
- Worked with hospitals to provide legal consultation services for the victims' families.
- 5. 2015-06-30 LAF Tainan Branch visited families of victims of Formosa Fun Coast explosion and the social work units of the hospitals to ensure that they were aware of the free legal aid services that LAF would be offering for victims of Formosa Fun Coast explosion.





-- Lin Yung-Sung, chair of RCA attorney group

(2) RCA Taiwan class action against public health hazards

Background

During the operating periods of its plants, RCA used a number of organic solvents and solders for a period of 22 years until the plants closed in 1992. During this period, RCA did not fulfill any obligations in environmental protection and control and caused soil and groundwater contaminations in the area. Moreover, because RCA had failed to provide protection measures inside the plants as required by the law and did not provide any protection related instructions or quidance to its employees, it exposed the plaintiffs and their family members to high concentrations of hazardous organic solvents and gases through the skin and the respiratory system. Throughout the period between the closing of the plants and the filing of the tort action, over 1,300 former RCA employees developed cancer. Among these, 221 people had already died and the number of deaths continued to increase. The victimized staff established the Plaintiff Care Association in 1998 to request RCA to provide damage compensation for tort.



- The case was brought to LAF by the RCA Care Association in late 2006. Led by LAF staff attorneys, a pro bono attorney group was formed with public interest attorneys to proceed with class action. The attorney group represented 529 former RCA employees in suing the defendant, RCA Taiwan, for more than NT\$2,400,000,000. After requesting the court for verification by correspondence on materials relevant to the case, the attorney group added GE and Thomson to the list of defendants and raised the claim to NT\$2,700,000,000.
- After more than a decade of legal proceedings, Taipei District Court ruled in first instance in favor of the support group on April 17, 2015. RCA and Thomson were ordered to pay NT\$564,450,000 in damages.
- Both the plaintiff and the defendants, including RCA, had submitted appeals.
 The case is currently under review by the Civil Court Room of Taiwan High Court.
- LAF and the Ministry of Labor published a hotline at a press conference on May 26, 2015 after the first instance decision was delivered so to file further lawsuits on behalf of workers willing to seek more compensation. The hotline offers consultation for those who wish to become members and be part of second instance litigation. More than 1,000 have signed up to second instance.

First instance judgment and significance

- This is Taiwan's largest work injury and major environmental disaster litigation.
- In terms of "casual relationship," the court has adopted the "reasonable probability" standard. The court therefore shifted the burden of proof of causation and ordered RCA to provide proof of non-causality, thereby reducing the plaintiff's obstacles in proving "causal relationships."
- In terms of the damage period calculation, the known starting timeframe was determined after the experts have successively testified regarding to causal relationship.
- When faced with the transnational capital investment complexity, the court exposed the corporate veil to identify the controlling companies that are liable for compensation.



- 1. 2015-05-26 Press conference for legal aid for victims of RCA pollution case
- 2015-04-17 Press conference for the first instance ruling on the RCA case
- 2015-04-17 Press conference for the first instance ruling on the RCA case, victims and their families



The second instance ruling in the national remedy case for residents of Nansalu Village after Typhoon Morakot decided that the Kaohsiung City Government was negligent and should pay a total of NT\$6,000,000 in damages for survivors of the dead. The case is currently under appeal at the Supreme Court.

(3) National remedy for Typhoon Morakot

Background

On August 8, 2009, Typhoon Morakot caused devastation all over Taiwan. In particular, Siaolin Village in Kaohsiung was completely destroyed overnight. Hundreds died in the incident.



Residents used models in the Xiaolin Memorial Park to explain to LAF staff attorneys and experts the destruction of Siaolin Village during Typhoon Morakot.

Providing aid

- LAF took the national remedy case for residents of Siaolin Village, Nansalu Village, Haocha Village, and Jialan Village after Typhoon Morakot. The case was handled by staff attorneys and executive secretaries and legal aid attorneys at the Taitung Branch.
- The courts of first instance, including Taiwan Kaohsiung District Court, Taiwan Pingtung District Court, and Taiwan Taitung District Court, all ruled against the legal aid recipients in the four cases. LAF continued to provide aid for second instance appeals.
- In particular, the decision on the national remedy case involving Nansalu Village was delivered by Taiwan High Court Kaohsiung Branch on November

25, 2015. The court deemed that the defendant, the Kaohsiung City Government, failed to issue mudslide warnings to alert local residents of the impending disaster and failed to advise the locals to leave or remove them by force. Such failure led to the death of the appellants' families. There was a casual relationship between inaction of civil servants and death of the appellants' families. Hence, the court ruled that the Kaohsiung City Government should pay NT\$6,000,000 in damages. Since the facts involving death of local residents in this case were similar to those in the Siaolin Village, a favorable ruling in this case would be beneficial to the attorney group's claims in the Siaolin Village case.



After more than seven years of litigation, the Taiwan Tainan District Court ruled that the defendant, CPDC or the Ministry of Economic Affairs, should pay NT\$168,170,000 in damages.

(4) CPDC dioxin pollution case

Background

The Tainan Anshun Plant of China Petrochemical Development Corporation ("CPDC") manufactured alkali-chlorine, pentachlorophenate. The processes generated side products such as dioxin and mercury and other hazardous industrial waste, causing serious pollution of the soil, rivers, and underground water bodies and bottom sediment at the factory and its surroundings. As a result, local residents had an apparently higher concentration of dioxin in their blood, causing severe damage to their health.

Providing aid

- LAF, working through the Tainan Branch, started having staff attorneys representing the victims to claim damages in 2007. Restrictions imposed by the prevailing Legal Aid Act at the time meant that cases involving victims who did not meet LAF's financial hardship threshold had to be handled by civic-minded attorneys gathered by Tainan Bar Association.
- After more than seven years of litigation, the Taiwan Tainan District Court ruled, on December 7, 2015, that the defendant, CPDC or the Ministry of Economic Affairs, should pay the plaintiff NT\$168,170,000. The decision in this case deemed that the CPDC



2015-04-21 The trial opened. The attorney group, including (from left to right) the attorneys Hsuan-Chi Lin and Ho-Fa Lee, Professor Huan-Jang Huang, and Executive Secretary Ping-Jhong Jhuo, and the plaintiff launched a protest outside the Taiwan Tainan District Court to demand swift justice from the judge.

- Anshun Plant did pollute the environment and cause harm to the plaintiff. Also, the plaintiff did have a high concentration of dioxin in their blood, which could be construed as violation of their right to health.
- After the first instance ruling, some members
 of the plaintiff and the Ministry of Economic
 Affairs and CPDC all filed appeals. The
 Legal Aid Board had decided that, in
 accordance with Article 5, Paragraph 4,
 Subparagraph 6 of the Legal Aid Act, special
 legal aid would be available without the
 financial eligibility requirement in the second
 instance and onward.



The right to life is one of the constitutional rights. Since the Act to Implement the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights has been promulgated in the Republic of China, the prudence principle should also apply in major cases so to uphold procedural justice and protect human rights.

(5) Defending death penalty cases

Background

- The Supreme Court refers death penalty cases without representation to LAF so that attorneys would be appointed and handle the oral arguments.
- Regarding criminal defense cases that can end in a death penalty and are too large and complex for one attorney to handle, a group of up to three legal

aid attorneys or staff attorneys may be appointed with the Secretariat's approval. LAF hopes to refine the criminal defense procedure in Taiwan by applying relevant legal interpretations and international standards for human rights and introducing expert opinions from various fields.

- Staff attorneys and legal aid attorneys form attorney groups to provide aid in defending cases of major social concern, such as the Yi-Han Hsieh case. Such attorney groups would request the court to consider the sentences and use the sentencing argument to draw the court's attention to evaluate individual factors in sentencing. It will be demonstrated during a trial that how a living and breathing person, given a sentence in compliance with the principle of proportionality, should not be given the death penalty.
- In addition to investing time and energy in the cases, death penalty defense attorneys become more experienced after each success. Together, they have completed and published the title, "Struggling against Death -Death Penalty Representation and Recommendations", which shares experiences of defending death penalty cases and important matters in the process. The book is aimed to offer more attorneys a better understanding of death penalty representation and encourage involvement.



(6) Application for constitutional interpretation of Wildlife Conservation Act

Background

Indigenous peoples' hunting activities, if not in compliance with the existing regulations, could be subject to administrative or criminal sanction under the current Wildlife Conservation Act and the Controlling Guns, Ammunition and Knives Act. For example, Zhi-Qiang Pan (Puyuma tribe) caught two Formosan Muntjacs in the Zhenle Mountains in Wenguan Village of Beinan Township of Taitung County around 1:25 in the morning on February 22, 2014. The man was sentenced to six months in prison according to the Wildlife Conservation Act. Guang-Lu Wang (Bunun tribe) caught a Formosan Muntjac in the third forest compartment in Longquan of Haiduan Township of Taitung County around 10:30 at night on August 24, 2013, and then caught a Taiwan serow around 12:00 midnight on August 25, 2013. The man was also sentenced and sent to prison for seven months according to the Wildlife Conservation Act.

- From the perspective of the purpose of the Wildlife Conservation Act, which is to protect wildlife, maintain biodiversity, and keep the balance in the ecosystem, indigenous peoples would be guilty of destroying the ecosystem. Nevertheless, tarnishing the name of the indigenous hunting culture should not be the response. Hence, it is necessary for the sustainable development and heritage of the indigenous hunting culture to decriminalize it.
- The decisions on the two cases above were final. LAF is in the process of helping with an application for constitutional interpretation in the hope that the rights of indigenous peoples can be protected through discussions on a constitutional level.



Hunting is an essential part of most of indigenous cultures in Taiwan. Hunters would seek guidance and pray for safety by completing certain ceremonies before departing. Furthermore, indigenous hunters follow traditional wisdom when deciding which animals to hunt. They never hunt or kill more than they need.

(7) Rifles at Mangayaw

Background

On December 30, 2014, the end of a year brought on the Mangayaw (big hunting festival) for the Papulu branch of the Puyuma tribe. Five Puyuma tribesmen were arrested by the Investigation Brigade of Cheng Kung Branch of Taitung Police Precinct. The men were charged and brought to the Taitung District Prosecutors Office with violation of the "Controlling Guns, Ammunition and Knives Act" and the "Wildlife Conservation Act".

- LAF promptly appointed attorneys to accompany the men throughout the interrogation process. Then an attorney group was assembled to help the tribesmen and the tribe with the subsequent proceedings.
- To uphold the purpose of the Controlling Guns, Ammunition and Knives Act to decriminalize indigenous peoples' homemade rifles and to protect the basic rights of indigenous peoples, LAF helped the tribesmen submit a petition to the Control Yuan on February 4, 2015. The petition requested that the Control Yuan issue a warning for illegal arrests to the police officers at the Cheng Kung Branch of Taitung Police Precinct and require the National Police Agency of the Ministry of the Interior design training courses on cultural diversity and review the existing policy officer performance evaluation system as well as gather different views in order to amend the Rules Governing Permits and Administration for Guns, Ammunition, Knives and Weapons in areas regarding homemade rifles. The Control Yuan called a case inquiry in response to the petition. The Cheng Kung Branch of Taitung Police Precinct also submitted a review, promising
- improvements in the legal system, training, and law enforcement.
- · After investigation, Taitung District Prosecutors Office decided not to prosecute the tribesmen in July 2015. The decision not to prosecute cited the Supreme Court Judgment 2013 Tai-Shang-Zi No. 5093. It was recognized again that indigenous peoples' homemade rifles fall within the scope of "simple homemade guns that are not standard issue or manufactured at specific arsenals". Possession without a license should be subject only to an administrative fine. This case at last reflected a legal system that meant to decriminalize indigenous peoples' homemade rifles and protect the traditional indigenous hunting culture.



2015-12-14

Press conference for extraordinary appeal for imprisonment of tribesman Guang-Lu Wang





2 Service Outcomes

2-3 Improvement of Legal Aid Quality

In order to better utilize limited resources to provide better quality legal service, LAF implemented the following measures this year.

(I) Improving approach to service

Including

- making "service quality" one of the key benchmarks of performance evaluation and focusing on the spirit of service to prevent a overly rigid system;
- hiring third parties to conduct quarterly satisfaction surveys and report the results regularly in order to ensure that the branches make timely adjustment or improvement; and
- combining branch visits and performance evaluation and continuing to improve service quality by implementing benchmark learning.

(II) Improving the case management process

- Applications were accepted only at the corresponding counters under the previous system. By creating an administrative staff and a platform, LAF cut down problems with overlapping in cases, errors and different approaches of different departments. Problems can be resolved more quickly under the new system.
- A control point was added to the business software system to help the branches monitor cases not reported back after two months.
- The procedure for authorizing case closure continued to be updated. The case closure procedure was reiterated again to the staff.

(III) Managing the quality of legal aid attorneys

- The legal document review requirement for applying attorneys with less than two years of practice was kept. In addition, LAF continued to relax the representation requirements as needed, given the Legal Aid Board's approval and the attorneys possessing related education and training, in areas (e.g. CDCP and accompaniment) where there is a lack of attorneys.
- Trial program for assigning specialized attorneys to cases: Labor cases, family cases, and CDCP cases were selected as the three categories for the trial on August 1, 2015. Only those who pass a certain review process and meet the specialization requirement would be allowed take cases in certain areas. The trial started with the aim to improve the quality of legal aid services. As of the end of 2015, more than 80% of the cases were assigned to specialized attorneys. LAF will review the results as appropriate and make adjustments accordingly.



2 Service Outcomes

2-4 Promoting legal aid information and public legal education for minority groups

LAF accepted close to 170,000 applications for legal consultation or legal aid in 2015. The case load increased by 17% compared to 2014. It showed an urgent need for legal education among the population. To help more people

become familiar with legal aid and related information, LAF continued to organized promotional events and campaigned for public legal education for minority groups in 2015.

Key results of campaigns and public legal education in 2015:

- Hosting or participating events organized by other organizations, including campaigns and more than 1,100 sessions of legal education on campus.
- 147 public legal education and campaign sessions at Motor Vehicles Offices
- 103 offsite legal consultation sessions as part of other events
- Both Chinese and English versions of the official LAF website were revamped.

Different sections were created for different users. A mobile version and a feedback feature were added to the website to make it more friendly. The website was visited close to 600,000 times in 2015.

- LAF also created a fan page on Facebook with real time updates on its services. The page has more than 30,000 likes.
- Press conferences were held and press release made quickly after major events. LAF appeared 409 times in national news, getting two times the exposure compared to last year.



There were some themed campaigned in 2015, described as follows.

1. Human Rights and Life Laws Seminar

LAF teamed up with Shinehouse Theatre and a Chinese opera company in a modern play, "At Ten", and a Kunqu opera, "Midnight Escape of Lin Chung". The shows combined the East and the West, and reflected the hardship and challenges of living in a modern society. An in-depth discussion on legal issues was held afterwards to encourage teenagers to rediscover their lives and think about the boundary between self and others. It was hoped that the dramatic tension would contribute to

self healing and encourage self respect and care for others, all of which were essential conditions for the rule of law and human rights. The campaign was an innovative approach and showed positive results.



2. Law and Life Learning Camp for Special Class Students of Pingxi Junior High School, New Taipei City

LAF worked with the Education Department of New Taipei City Government and Pingxi Junior High School to organize a law and life learning camp for special class students. The activities included lessons on everyday laws (including topics on gender equality legislation, anti-bullying, fighting drugs, and online crimes), court role play (to introduce trial systems in different countries, existing court practices in Taiwan, and group court role

play), life education (with lessons titled love opens doors or follow the light and experience of using a wheelchair), and field trips (to Taiwan New Taipei District Court, and Drug Control Museum, Exhibition Room, and Forensic Science Department at Investigation Bureau of Ministry of Justice). The event involved an understanding of life and experiences of public issues. The objective was to give disadvantaged students a better understanding of relevant issues.



2015-02-03~05 LAF Banqiao Branch held the first Pingxi Law Camp. Both instructors and students learned much in the process.

3. "Introduction to the Law" Summer Law Camp

The event brought both indigenous children and their parents to the camp site. For the children, activities included a magic court theater with script writing, rehearsals, and competition and role play to experience different characters such as a judge, prosecutor, attorney and client. The children were taught in a playful environment about the legal system and the concept of obeying the law. Meanwhile, lessons were made

available to the indigenous parents. Topics included gender equality, legal aid, traffic accidents, victim protection, consumer protection, and the National Pension Program. The objective was to enable the parents to respond correctly to potential threats in the everyday life. Running the courses side by side benefited both children and parents. The campaign was an innovative approach and showed excellent results.





4. Sessions I, II, and III of the 2015 Nantou Law Camp and Summer Crime Prevention Campaign

Nantou County Hope Center and the AVS Taiwan Nantou Chapter were also invited to be part of the event. Participants were able to learn about anti-bullying, sexual harassment and related legal issues through short plays and films. Participants would be able to quickly absorb knowledge of the law, which was reinforced with a detective game and field trips to courts and prosecutors offices. In particular, law students from National Chung Hsing University were invited to serve as team leaders to give them an opportunity to give back to the community and

experience firsthand the importance of teaching the young about the law. The campaign was an innovative approach and showed positive results.



5. Chengjheng High School Camp

Chengiheng High School in Hsinchu is a correctional school for teenagers under 18 and children sentenced to corrective education under the Juvenile Delinquency Act. The activities included role play, challenges, quizzes with prizes, and forums where attorneys shared basic knowledge of the law. Hundreds of students had the chance to experience the rule of law and understand the law through the activities. LAF hoped to start working closely with correctional schools with this campaign in order to create a path to a brighter future for juvenile delinquents. The campaign was an innovative approach and showed positive results.





2015-10-16 LAF Hsinchu Branch held a human rights and life laws seminar at Chengjheng High School. Participants watched a play before the attorneys explained the cases involved and the actors shared their life stories.

6. Taitung Legal Aid Caravan

The caravan paid weekly visits to family service centers in Chengkung, Guanshan, and Dawu in Taitung between May and October 2015. The caravan provided legal consultation,

applications and assessments and held a total of 18 sessions, six times under each category. The caravan gave LAF a better reach to local residents in a county in an elongated shape.



7. Yilan Legal Aid - Public Legal Education Drawing Competition for High School and Elementary School Students

LAF teamed up with the Yilan County Government, the Yilan Bar Association, and the Art Creation Society of Yilan in a drawing competition for high school and elementary school students. A total of 195 students from public/private elementary and high schools and vocational schools participated in the competition. The judges awarded prizes to 33 students. In addition to a public award ceremony, the

winning entries would also be displayed to the public.





8. Debtors Support Group - 2015 LAF Volunteer Empowerment Courses

Since debtors tend to hide themselves and their problems, it was hoped that the reach of social workers would extend to individual cases. Therefore, LAF designed and offered empowerment courses for social workers in 2015 to raise awareness of financial conditions and debt problems in individual cases. LAF also wanted social workers to realize that they could refer cases to LAF for aid. A total of 745 facilitators attended the activities.



2015-07-06 Press conference for the partnership of LAF and Taipei City Government in the Consumer Debt Clearance Project

2 Service Outcomes

2-5 International Communication

(I) Participation in international conferences

(1) Participation in 2015 International Legal Aid Group Conference (June 10, 2015 ~ June 12, 2015)

The International Legal Aid Group Conference is a biannual conference hosted by the International Legal Aid Group. LAF started attending at invitation in 2007. 2015 was LAF's fifth time at the event. This conference took place in Edinburgh, United Kingdom between June 10 and June 12, 2015. LAF sent Secretary-General Wei-Shyang Chen to represent the organization. This conference focused on studies and works in various fields, such as technology, innovation, self help, partnership and quality, by legal aid organizations around the world. Topics of discussion included: legal aid and digital strategy, studies on online self service systems, legal aid innovations in digital transmission, and changes in forms of legal aid around the world.

(2) Participation in the sixth East-Asian Consumer Financial Debtor Support Association Exchange and the Taiwan-Japan-Korea Consumer Debt Clearance Seminar

The sixth East-Asian Consumer Financial Debtor Support Association Exchange and the Taiwan-Japan-Korea Consumer Debt Clearance Seminar took place in Seoul, Korea on November 28 and 29, 2015. LAF was represented by Director You-Lin Syu of the Business Department and Director Wan-Chin Lan of the Department of Administration and Management. In addition to debtor aid status reports from different countries, other topics discussed at the conference included excessive interest rates and inappropriate collection approaches, the role of the government, Rolling Jubilee that had begun in the West, and young debtors. As the benefits of helping debtors return to society far outweighs those of pushing them into the underground world and the way back to a normal life would demand a large amount of manpower and resources, LAF should continue to focus on removing the legal proceedings barrier for CDCP cases, supporting legislations against inappropriate collection, and achieving the goal of helping debtors rebuild their finances.



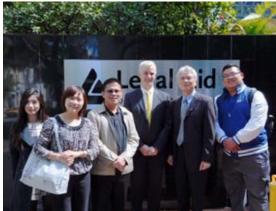
LAF attended the 6th East Asia Financial Victims Conference in Seoul, South Korea. LAF spoke on topics such as Consumer Debt Reform in Taiwan, Role of Taiwanese Government from LAF's perspective, and Social Benefits of Consumer Debt Clearance Project in Taiwan.

(II) Observation of Legal Aid for Indigenous Australians

As the culture, lifestyle, and language of each indigenous people is unique and different from others, the indigenous people tend to be the minority in legal proceedings. LAF has always paid more attention to the issue of conflicts between traditional customs of indigenous people and the legal system. The Indigenous Peoples Committee was created in 2015, and there are plans for an Indigenous Law Center in 2016. As part of the preparation for the new center, LAF visited Australia in 2015 to observe its legal aid system for indigenous peoples. LAF wished to learn about the spirit, structure and actual practice of the system and apply them as reference for LAF practices.

The delegation consisted of Director Chih-Wei Tsai, Secretary-General Wei-Shyang Chen, Executive Secretary Cai-Yi Chen of Taitung Branch, Deputy Director De-Yan Zhou of the Legal Research and Legal Affairs Department, and Deputy Director Si-Wei Huang of the Business Department. The delegation of five visited institutions in Queensland and Northern Territory of Australia between September 28 and October 2. Including: Legal Aid Queensland, Brisbane Office, Murri Court, Aboriginal and Torres Strait Islander Legal Service (ATSILS) and National Aboriginal and Torres Strait Islander Legal Services (NATSILS), Northern Territory Legal Aid Commission, Darwin Community Legal Service, Northern Territory Aboriginal Legal Service, and Darwin Correctional Centre. Please visit the LAF website for detailed reports. http://www.laf.org.tw/upload/files/201603101128317319.pdf







(III) International Visitors

LAF is the host of three international forums and attends many international meetings, proving itself to have started building relationships with international legal aid organizations. Through such relationships, LAF facilitates growing international exchange. Representatives of foreign institutions and individuals in related fields have started visiting Taiwan to observe its legal aid system and practice. In 2015, LAF received many visitors, including a delegation of five scholars from Hokkaido University in Japan, Judge Craig S. Iscoe of the Superior Court of the District of Columbia, a delegation of 18 people from the Ministry of Social Development and Human Security of Thailand, Qinghai Provincial People's Congress, Jiangxi Procuratorate, and members of Beijing Youth League Committee.



- ≥ 2015-07-28 Thailand's antihuman trafficking delegation visited LAF.
 - 2015-03-25 Osaka University of Japan visited LAF.





Recipients and Providers LEGAL AID FOUNDATION



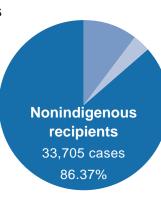
3 Recipients and Providers

3-1 Analysis of Recipients

2015 Recipient Analysis Table

(I) Analysis of Identity of Recipients

In 2015, LAF handled 39,026 general cases, with 1,326 cases or 3.40% involving foreign nationals and the other 37,700 cases involving citizens of the Republic of China. In particular, 3,995 cases or 10.24% involved indigenous recipients, and 33,705 cases or 86.37% involved nonindigenous recipients who were also citizens of the Republic of China



Indigenous recipients
3,995 cases,
10.24%

Foreign nationals 1,326 cases, 3,40%

(II) Analysis of Gender of Citizen Recipients

The above 37,700 cases involving R.O.C. citizens could be divided into 15,659 female recipients and 22,041 male recipients.

Ranking by nature of cases involving female recipients: civil CDCP cases, civil tort cases, family maintenance cases, criminal injury cases, and family divorce cases. Ranking by nature of cases involving male recipients: criminal drugs cases, civil tort cases, civil CDCP

cases, criminal injury cases, and family maintenance cases.

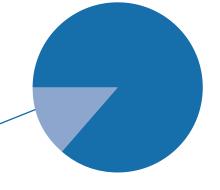
Female recipients 15,659, 41.54%

Male recipients 22,041, 58.46%

(III) Analysis of Recipients with Physical/Mental Disabilities

In 2015, LAF handled 39,026 general cases, 5,407 or 13.85% of which involved recipients with physical/mental disabilities.

Physical/Mental Disabilities 5,407 13.85%

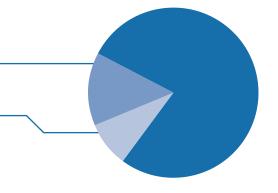


(IV) Analysis of Recipients from Low or Low to Middle Income Households

In 2015, LAF handled 39,026 general cases, 5,468 or 14.01% of which involved recipients from low income

households and 3,371 or 8.64% involved recipients from low to middle income households.

low income households
5,468 cases, 14.01%
middle income households
3,371 cases, 8.64%



(V) Analysis of Foreign Recipients

In 2015, LAF received 1,650 legal aid applications from foreign nationals, 1,326 of which were granted aid and appointed attorneys after assessment. Of the approved cases, the top three categories were civil tort cases, family divorce cases, and criminal injuries cases. The top three categories by nationality would be Vietnam, China, and Indonesia, together accounting for 75% of the cases involving foreign nationals.

Furthermore, LAF also provided legal consultation to 454 foreign nationals. The top three categories by nature of case were: family divorce

cases, civil tort cases, and child custody cases, unlike the above categories of approved cases.

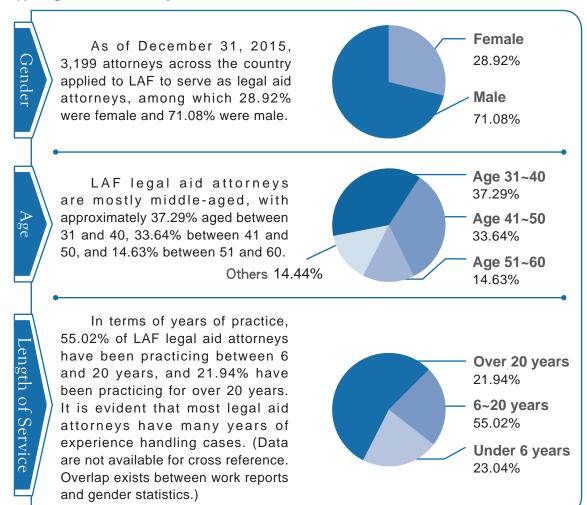
Also, foreign nationals may also have need for accompaniment during interrogation. LAF received eight applications for accompaniment from foreign nationals in 2015.

Foreign nationals may also encounter labor disputes, occupational injuries and other legal issues. In 2015, LAF provided aid in related proceedings to 19 foreign nationals through LLP applications.

3 Recipients and Providers

3-2 Analysis of Providers

(I) Legal Aid Attorneys



(II) Staff Attorney

LAF employs staff attorneys to handle cases that involve special expertise, public interest, and major significance, to which the average attorney might not have been so frequently exposed, such as environmental litigation, death penalty defense, and class action. LAF currently employs 14 staff attorneys. In addition to the seven attorneys at the North Legal Aid Staff Attorneys Center, there are three at the Taipei Branch and two each at the Banqiao Branch and the Tainan Branch. Staff attorneys handle

cases that involve special expertise, public interest, and major significance. Examples include: major criminal defense cases (e.g. the Yi-Han Hsieh case), cases of major social concern (e.g. the national remedy case for Typhoon Morakot, the Formosa Fun Coast explosion program), complex cases (e.g. the RCA case, the CPDC case), and indigenous cultural issue related cases (e.g. the Mangayaw rifle case, the application for constitutional interpretation of Wildlife Conservation Act).

Modification of system and legislation

LEGAL AID FOUNDATION



4 Modification of system and legislation

LAF has been operating its services for more than 10 years. As the current legal aid services have changed much since when the laws and regulations were established long ago, it is necessary to modify the LAF regulations to better reflect the current practice. The Legal Aids Act, having been promulgated by the President, was announced by Judicial

Yuan for implementation on July 6, 2015 and March 23, 2016. Hence, LAF had to amend its internal regulations accordingly. Details relating to "the amendment of the Legal Aids Act", "the amendment of legal aid legislations", and "the amendment of employment and administration laws" are provided as follows.

(I) Amendment of the Legal Aids Act

This amendment was based on legal aid systems in developed countries and contributions from various parts of the community. It adopted a visionary approach and continued with the commitment to protecting the litigation rights of the disadvantaged groups, ensuring effective utilization of legal aid resources and more efficient LAF operations, and defending the constitutional right of equal access to the legal system. Key points in the amended Legal Aids Act are summarized as follows:

- 1 The scope of recipients of legal aid and that of services are expended to quickly respond to the needs of emerging minority groups.
- (1) Low to middle income households and families under special circumstances are made two of the financial eligibility criteria under the Legal Aids Act, and named as "people who are unable to receive proper legal protections for other reasons".
- (2) The scope of LAF services is expanded to include: For the "First Criminal Interrogation Accompanied by Legal Aid Attorney Program", applicants must be "indigenous persons", "those

- with damage or impairment of the structures of the nervous system or of the psychological or mental functions", "juvenile delinquency investigations", "those in the process of clearing debts under the Consumer Debt Clearance Act".
- (3) Regarding minority groups such as unskilled foreign workers and financially disadvantaged foreign spouses, LAF is authorized to simplify the legal aid application procedures as needed.
- (4) The Act states that a case of important public interest, high social profile, high complexity or similar instances as determined by the Foundation may be provided aid to quickly respond to the needs of disadvantaged groups.
 - 2 Deferred prosecution fines and negotiated judgment charges are made one of the funding sources for the Foundation as an attempt to resolve the problem of LAF having limited funding from virtually one single source.

The Judicial Yuan started allocating an annual budget for LAF in 2004. The size of the budget was kept generally at NT\$1.0 billion. However, the final balance had exceeded the budget by NT\$50 million since 2013. It was clear that the budget was insufficient to actually sustain the LAF operations. The amendment made deferred prosecution fines and negotiated judgment charges part of the funding for the Foundation. It also requires that the competent authority add 15% of the average total amount from the past three years to the budget, effectively creating more and larger funding sources for LAF.

3 The scope of oversight is clearly established to facilitate a balance between the regulatory mechanisms and the autonomy and independence of the Foundation.

LAF's internal regulations established in accordance with the Legal Aids Act had formerly been subject to the competent authority's approval. To enable LAF to operate with efficiency and be granted a certain degree of autonomy and independence, the amendment of the Legal Aids Act includes provisions that require that the establishment, amendment and revocation of rules related to organizational structure, fund and budget utilization, and significant actions be subject to the competent authority's approval, and all other

matters will only have to be filed with the competent authority before implementation. Also following the principle of clarity of authorization, the Legal Aids Act also states that the competent authority may formulate supervisory management regulations concerning the use of funds and budget, the quality of provided legal aid, annual critical measures and others.

4 Rules regarding selecting, entering into contract with, and evaluating legal aid attorneys are added to improve the quality of legal aid services.

The amendment includes a provision that the Foundation may select lawyers and sign retaining contracts with lawyers (law offices) to provide legal aid according to the Legal Aids Act, thereby enhancing the sense of honor and responsibility in legal aid attorneys and the quality of their services. There is also a provision that attorneys whose actions meet certain criteria may be forwarded for evaluation in order to ensure the quality of their services. Furthermore, to allow the Foundation to have more flexibility in setting remuneration according to category, complexity, level, and progress of proceedings of each legal aid case so that legal aid attorneys will receive a reasonable wage for their services.

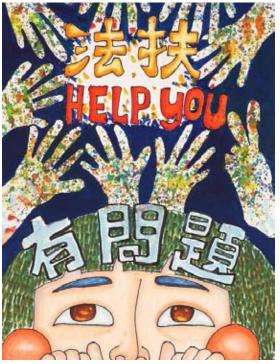
5 The number of directors from the public sector and that from the private sector are adjusted to the implementation of an executive officer system in order to enable the Foundation's decision making and other business processes to better reflect the needs of minority groups in the society.

The Legal Aid Board is the highest decision making authority of the Foundation. The amendment, in response to court martial being taken away from military courts and into the judicial system, cancels the seat reserved for a representative of the Ministry of National Defense and reassigns the seat reserved for the Ministry of the Interior to the Ministry of Health and Welfare. The number of attorney representatives is reduced from four to three, and the number of minority group representatives is raised from one to two. One seat is created for the representative of labor groups. Also, the governance of LAF switched to a chairperson system to an executive officer system, and appointed a paid CEO to oversee the operations to be more aligned with the actual demand.



6 > Protection of aid recipients is developed further

Changes in the rights of recipients include the following: Recipients should be given opportunities for stating opinions when legal aid is terminated, revoked, changed in category or scope. The Act also states that an indigent person who has been approved for legal aid may also apply in forma pauperis in a nonlitigation proceeding. According to the Act in matters regarding foreign recipients, Article 108 of the Taiwan Code of Civil Procedure is deemed not applicable. The criteria (preliminary injunction, temporary disposition, or withdrawal of collateral for compulsory enforcement) under which a branch may issue a guarantee certificate in lieu of a collateral are also expanded.



(II) Amendment of legal aid legislations

Financial Eligibility Criteria on Granting Legal Aid

The criteria are amended toward a more relaxed approach. A person living a household, except for any existing litigation proceedings or the absence of a dependency relationship, will not be counted as a member of the household. Common dependents to be eliminated are also stated explicitly according to actual review practices. Examples include: domestic violence victims who return to stay temporarily with their birth families, reasons (sexual assault, sexual orientation, or stigmatized disease) hidden from families, restricted personal freedom, and substantial facts of difficulties in maintaining cordial relationships with families. Article 13 of the Legal Aids Act establishes the criteria for unskilled foreign workers and financially disadvantaged foreign spouses.

2. Regulations Governing the Scope of Legal Aid Implementation

Institutions and organizations did not used to qualify for LAF legal aid. However, in response to an increasing number of class actions involving the environment, public interests and other issues, which have included some cases in urgent need of support of the community as a whole, the amendment makes institutions and organizations also eligible for aid in cases of important public interest, high social profile, high complexity or similar instances as determined by the Foundation. To provide a comprehensive

range of protection, provisions are added to exempt "applicants who are unable to make full statements due to damage or impairment of the structures of the nervous system or of the psychological or mental functions" from the rule that LAF does not provide aid for accusation and allegation in the proceedings. Provisions are added for two circumstances, "the applicant's claim being essential for maintaining the applicant's home life" and "the application involving disputes of major legal or social significance". Provisions regarding "LAF not providing aid for small claims and associated compulsory enforcement" are removed. Furthermore, investing activities are a common occurrence of the modern society and should be recognized as general financial planning activities. Hence, provisions regarding LAF not providing aid for cases arising from investing activities are removed.

 Review Principles of Contribution of Legal Fees and Expenses by the Applicant, Guidelines Governing the Handling of Contribution of Fees

Since the amended Legal Aid Act came into effect, some recipients are also indigent persons. In the interest of complying with the objectives while balancing "the rights of the recipients" and "administrative efficiency of the branch offices", the Act regulates a branch office's decision and effect of first payment advancement and the amount of legal fees and expenses to be paid by recipients before the end of the corresponding legal aid case.

4 Guidelines for Guarantee Certificates Issued by Branch Offices

In response to the Legal Aids Act extending the list of acceptable reasons for issuing guarantee certificates, applications for issuance of guarantee certificates in lieu of collaterals may be submitted to a branch in cases involving application for provisional attachment, provisional injunction, preliminary injunction or temporary disposition (the "provisional remedies proceedings") or termination of compulsory enforcement. Provisions regarding issuance of guarantee certificates are also added to Article 5, Paragraph 4, Subparagraph 6 of the Act and the Regulations Governing the Scope of Legal Aid Implementation.

The application procedure for a guarantee certificate from a branch, details to be specified in a guarantee certificate, and the procedure of retrieving a guarantee certificate are amended accordingly.

(III) Amendment of employment and administration laws

In response to the amendment of the Legal Aids Act, LAF has changed its governance model to an executive officer system, renaming the Secretariat, the Deputy Secretariat, the Chairperson of Board of Supervisors, and the Supervisors to the CEO, the Deputy CEO, the Managing Supervisors, and the Supervisors. The level of authority and responsibilities in the LAF administrative regulations are adjusted accordingly.



Gratitude for donors and information

LEGAL AID FOUNDATION



5 Gratitude for donors

Your support and contributions make it possible to encourage our disadvantaged friends to pursue equal rights. We invite persons in all walks of life to get involved. Your donations contribute directly to LAF's success and help us reach more people in need of legal aid. LAF will issue receipts for the donations so you can claim tax credits in the future. (Ministry of Health and Welfare approved contribution No. MHW-Rescue No. 1041025638)

(I) Online donation

You will be able to make an online donation to LAF by credit card simply by scanning the QR code below to connect to

the donation page on the official LAF website or visit us at http://www.laf.org.tw/index.php?action=donate





(II) In-person donation

For donations by cash or check, the check should be made out to the Legal Aid Foundation and be marked non-transferable. Please visit us at 5F, No. 189, Sec. 2, Jinshan S. Rd., Da'an Dist., Taipei City, Taiwan during the business hours (9:00-12:30 and 13:30-18:00, Monday to Friday). Our customer representatives will be happy to assist you.



(III) Donation by postal saving account transfer

Postal Saving Account No.: 19858275

Postal Saving Account Name: Legal

Aid Foundation, Taiwan



(IV) Donation by mail

For donations by cash voucher or check, the cash voucher or check should be made out to the Legal Aid Foundation and be marked non-transferable. Please send by registered mail the cash voucher

or check to the Legal Aid Foundation at 5F, No. 189, Sec. 2, Jinshan S. Rd., Da'an Dist., Taipei City, Taiwan. Please write the name, address, and telephone of sender on the envelope.

林0漳						李〇和	徐〇琴				
	林0漳			潘〇君	楊〇鈴	無名氏					
楊〇恬		王の仁	林0祺					李〇峻			
		王〇匀	林0逸			楊〇鈴		林0逸			
	潘〇君	張〇程			楊〇恬		劉〇廷		蘇o翔		
			李 0 章	林0漳		黎〇蘭	林o煌		張0棋		
				林〇禎					林〇鈴		
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					楊〇鈴		張〇程	楊0恬			
林〇泰	林〇逸				李 0 慶	楊〇鈴	林O淵				
		王の仁					林0輝				
		黎〇閔		李 0 菁		林0娸			林0逸		
		梅〇新	吳O新					林0輝			
		鍾 O 穎	林 O 逸				劉〇廷	林O淵			
財團法人龍巖社會福利慈善事 巴福實業股份有限公司											
			蓮律師公會		乃力橡膠工業股份有限公司			華揚國際展覽有限公司			
宜蘭律師公會			記預拌混凝土	有限公司	彰化律師公會			至益起重工程有限公司			
和光工業股份有限公司					新竹律師	新竹律師公會			陽昇法律事務所		
巨叡光學科技有限公司			義律師公會		祥智法律	祥智法律事務所			常在國際法律事務所		

Appendices 6

LEGAL AID FOUNDATION



6 Appendices

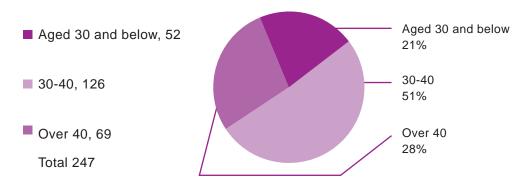
6-1 Summary breakdown of human resources

- 1. "Employees": refer to full time staff and full time attorneys employed for LAF.
- 2. "Legal Service Staff": refer to person/persons directly involved in processing legal aid, including administrators and direct users.
- 3. The calculation date was December 31, 2015.

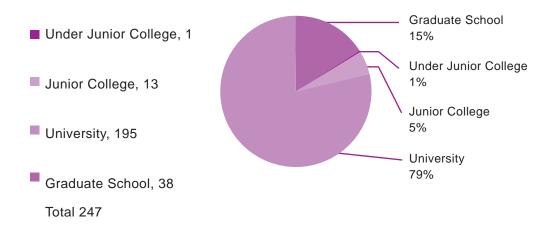
Staff Gender Proportion



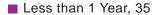
Staff Age Proportion



Staff Educational Background

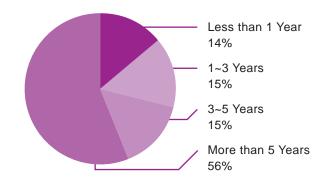


Staff Length of Service



- 1~3 Years, 38
- 3~5 Years, 36
- More than 5 Years, 138

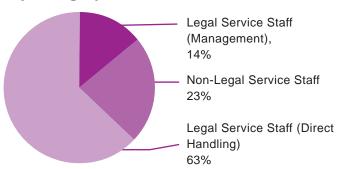
Total 247



Percentage of Staff in Each Duty Category

- Legal Service Staff (Management), 34
- Legal Service Staff (Direct Handling), 157
- Non-Legal Service Staff, 56

Total 247



Percentage of Legal Service Staff with a legal background in law school

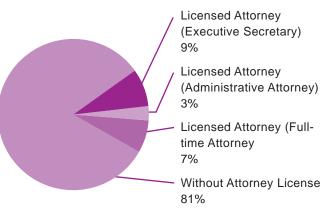


Number of Legal Service Staff Holding License



- Licensed Attorney (Administrative Attorney), 6
- Licensed Attorney (Fulltime Attorney), 14
- Without Attorney License, 155

Total 191



6 Appendices

6-2 Our Branch Offices

Shilin Branch

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E-mail: penghu@laf.org.tw



財團法人法律扶助基金會 Legal Aid Foundation

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ANNUAL
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LEGAL AID FOUNDATION