



Legal Aid Foundation of Taiwan

Annual Report 2009



Legal Aid Foundation of Taiwan

Philosophy

1. **Equality** - To Realize the Constitutional Right of Equal Access to the Court System, and to Facilitate Improvement of Economic Status
2. **Human Rights**—To Protect the Human Rights of the Disadvantaged
3. **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

1. To Keep Self-Reflection, 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 Information
4. To Allow People Convenient Access to the Legal Aid
5. To Advance 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

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Preface

LAF was celebrating our 5th anniversary in 2009. In 5 years the Foundation had expanded from an institution with only 5 branches to the present one with 21 branches. The staff of LAF headquarters and branch offices increased year by year, and more and more attorneys had participated in our legal aid service. The number of both the applications and cases granted with legal aid showed a steady growth in these 5 years. A new high was reached by the Foundation in 2009, with a total of 83,373 applications (including general cases, cases related to the Programs of Consumer Debt Clearance Act and First Criminal Interrogation Accompanied by Legal Aid Attorney), 27,071 approved cases and 35,852 legal consultation services.

Besides continuing with the legal aid service for different cases, the Foundation's major work focuses in 2009 also included the continuous services related to the First Criminal Interrogation Accompanied by Legal Aid Attorney Program, Consumer Debt Clearance Act Program, Program for Human Trafficking victims and other programs for issues concerning the disadvantaged people and human rights. Furthermore, in response to the increase of labor dispute cases resulted from the global economic depression and commissioned by the Council of Labor Affairs, "the Program of Immediate Aid to Labor Litigations" was launched by LAF to fight for the deserved rights of labor friends.

Based on the Foundation's philosophy of upholding people's right of equal access to the court system, an expanded legal consultation program was launched on April 1, 2009, to provide service in the most convenient and most immediate way so that the public could acquire assistance of legal consultation, which was a process in the early stage of litigation. When Typhoon Morakot caused grave damage to Taiwan in August 2009, the Foundation immediately took action to launch the "Typhoon Morakot Disaster Service Program" offering legal consultation by phone and assistance with adjudication of death and other legal matters. Regarding to the issues concerning the indigenous people and environmental protection derived from the disaster, a special team was assembled to visit

the damaged area for victims' opinions and needs in order to make a service plan close to the people. Meanwhile, LAF continued to cooperate with NGOs to research on issues concerning the underprivileged, e.g. the protection mechanism for occupational injury, amendment of the Civil Code's Maintenance Part and the abolishment of death penalty, etc. These programs not only helped more disadvantaged people but also enlarged the object and scope of LAF service.

Also, with the purpose to make the Foundation's development closer to the demand via more understanding about the disadvantaged people's heart and learning from international legal aid groups' experience, LAF organized the 2nd Taiwan Legal Aid Forum and the 2009 International Forum on Legal Aid, from which many precious opinions and advices were collected for the Foundation's future development plan.

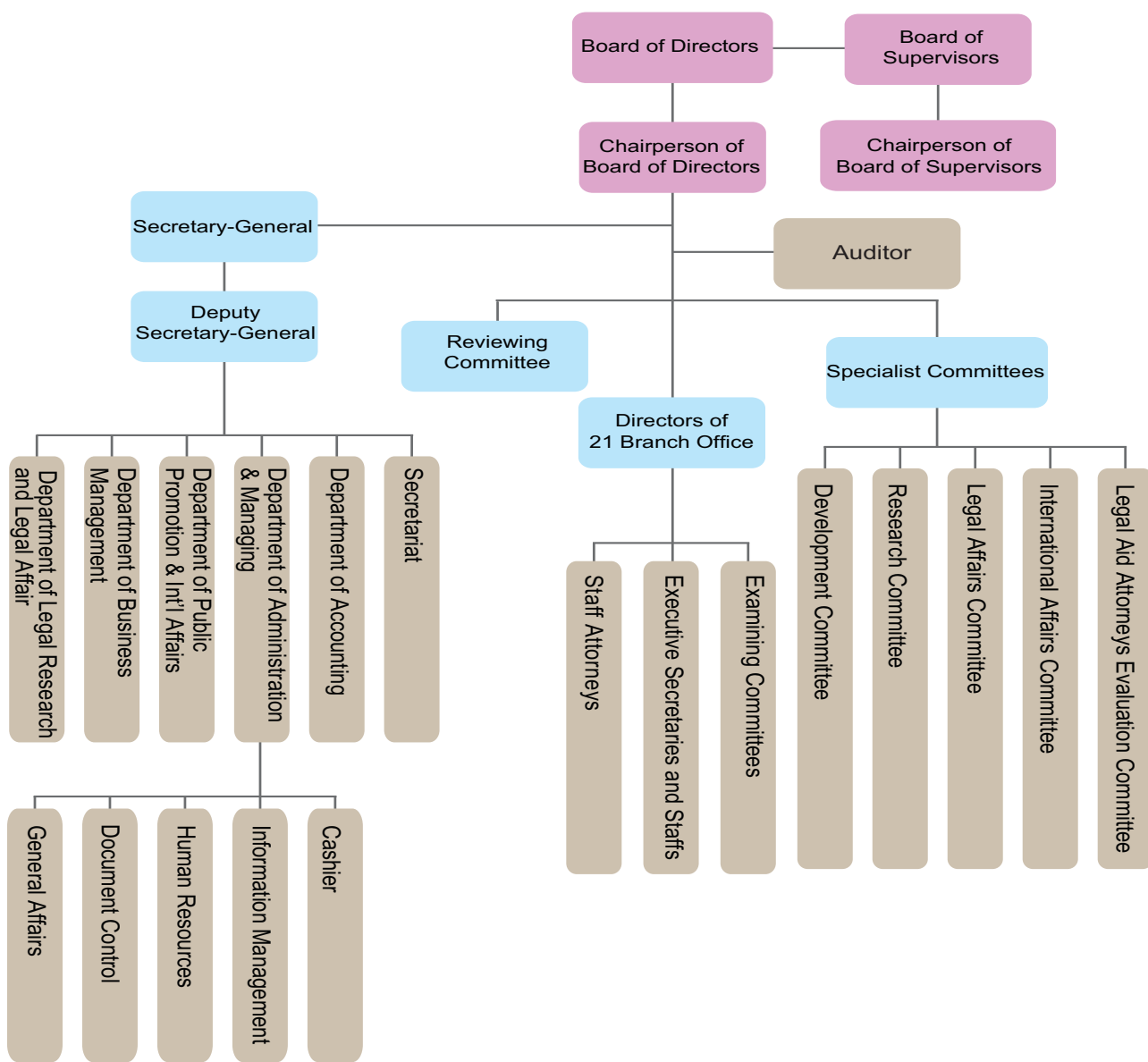
In 2009, LAF proceeded with the evaluation of legal aid attorneys while modifying the evaluation methods and advancing the service quality of legal aid attorneys. In the future, the endeavors and challenges of the Foundation will still focus on meeting the public demand, offering immediate and quality legal service, and helping the disadvantaged people to satisfy their actual needs.

Chapter 1

Organizational Structure

Section 1 · Organizational Structure

Organization Chart



Section 2 • Board of Directors

The Board of Directors is the highest decision-making body of the Foundation. The Board comprises 13 directors hired by the President of Judicial Yuan, with a 3-year-long term of office and positions without remuneration. The directors include 2 representatives from Judicial Yuan, 1 from Ministry of Justice, 1 from Ministry of National Defense, 1 from Ministry of the Interior, 4 attorneys recommended by the bar associations both regional and nationwide for their ardent participation in legal aid service, 2 academic specialists in law or other scholastic fields, 1 representative from the disadvantaged groups and 1 indigenous representative.

The term of the 2nd Board of Directors started on March 23, 2007 and ended on March 22, 2010. The Board meets every month, and in 2009 a total of 12 Board meetings and 1 extraordinary meeting were held.

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



Chairperson

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

Ms. Den-mei Ku

Directors (In Alphabetical Order)

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

- ◆ Mr. Wen-tian Sie (Attorney; Former Director General of Taiwan Bar Association; Former Director of LAF Taichung Branch)
- ◆ Mr. Chi-hsiung Su (Attorney; Consultant and Former Director General, Taiwan Bar Association)
- ◆ Mr. Da-liang Wei (Director-General, Department of Clerks for the Justices of the Constitutional Court, Judicial Yuan)
- ◆ Ms. Jing-fang Wu (Professor, Department of Law, National Taipei University)
- ◆ Mr. Tai-ran Wu (Director, Department of Military Justice, Ministry of National Defense)
- ◆ Mr. Lin-yung Kuo (the 6th-Term Legislator) was LAF Director between March 22, 2007 and March 28, 2008.



James C. Ku



Jing-fang Wu



Jing-yuan Wu



Jheng-shang Gao



Cing-clang Syue



Man-li Chen



John C. Chen



Ling-ling Fei



Wen-shih Liou



Wen-tian Sie



Se-Jiao Jian



Chi-hsiung Su

■ Retired 2nd Term Board Directors

- ◆ Lin-yong Guo (Attorney at Law; Former Counselor of Taiwan Bar Association) was the 2nd term LAF Board Director between March 22, 2007 and March 28, 2008
- ◆ Wen-dong Guo (Director, Department of Prevention, Rehabilitation and Protection, Ministry of Justice) was the 2nd term LAF Board Director between August 8, 2007 and June 8, 2009.
- ◆ Cing-yun Jhang (Director, Department of Prevention, Rehabilitation and Protection, Ministry of Justice) was the 2nd term LAF Board Director between March 23, 2007 and August 7, 2007.
- ◆ Ya-fong Lin (Director of Juvenile and Family Department, Judicial Yuan) was the 2nd term LAF Board Director between March 23, 2007 and July 4, 2007.
- ◆ Guo-dong Liou (Director, Department of Military Justice, Ministry of National Defense) was the 2nd term LAF Board Director between March 23, 2007 and August 1st, 2007.
- ◆ Da-liang Wei (Director-General, Department of Clerks for the Justices of the Constitutional Court, Judicial Yuan) was the 2nd term LAF Board Director between March 23, 2007 and February 5, 2009.
- ◆ Tai-ran Wu (Director, Department of Military Justice, Ministry of National Defense) was the 2nd term LAF Board Director between August 29, 2007 and March 1st, 2009.

Section 3 • Board of Supervisors

The Board of Supervisors constitutes 5 supervisors with the term of office to be 3 years, all without remuneration and hired by the President of Judicial Yuan. The supervisors include 1 representative from the Executive Yuan, 1 from the Judicial Yuan, 1 attorney recommended by the national and regional bar associations, 1 individual specialized in accounting or relevant professional field, and 1 disinterested community member.

The term of the 2nd Board of Supervisors started on March 23, 2007 and ended on March 22, 2010. The Board meets every 1 to 3 months, and in 2009 a total of 5 Board meetings and 1 extraordinary meeting were held. The Supervisors of this term are listed as follows (in alphabetical order):



Ji-nan Chen

Chairperson

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

Chairperson of Board of Supervisors

- ◆ Yang-zong Cai (Professor of Accounting Department, National Taiwan University; Ph.D. in Accounting, University of Maryland, USA)
- ◆ Jhi-hong Jhang (Chief Accountant, Accounting Section, Judicial Yuan)
- ◆ Jian-nan Liao (Attorney at Law; Former Standing Director of Taipei Bar Association; Former Member of the 3rd term of the Control Yuan)
- ◆ Mei-sing Lin (Special Commissioner, First Bureau of Directorate-General of Budget, Accounting and Statistics, Executive Yuan)



Mei-sing Lin



Jhi-hong Jhang



Jian-nan Liao



Yang-zong Cai

Section 4 • Secretary-General/Deputy Secretary-General

One full-time Secretary-General and one Deputy Secretary-General are appointed to take charge of operations of the Foundation upon the instruction of Chairperson of Board of Directors and direct the task execution of LAF staff of all levels as well as the branch offices. In addition, for the purpose of the Foundation's operational development, six departments are established to execute relevant operations, which are Department of Business Management, Department of Legal Research and Legal Affairs, Department of Public Promotion and International Affairs, Department of Administration and Managing, Department of Accounting and Secretariat. The functions of the above positions and departments are described as follows:



Chi-jen Kuo

Secretary-General

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



Wei-siang Chen

Deputy Secretary-General

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

Department	Duty	Director
Department of Business Management	Reviewing petition cases; communicating with and supervising branch offices	Chien-Chan Tseng
Department of Legal Research and Legal Affairs	Deliberating on the enactment and amendment of regulations and rules; examining contracts; formulating the educational training for attorneys, special programs and other legal matters	Sing-ling Sie
Department of Public Promotion and International Affairs	Publicity, publication and activities; translating and compiling foreign legal publications and other international matters	Yu-lan Hsu
Department of Administration and Managing	General affairs (procurement and other business matters); human resources (personnel and educational trainings); information management (information control and maintenance); document control (processing business mails and file management); cashier	Dwanfan Ho (Acting Director)
Department of Accounting	Annual budget, accounting and statistics	Siou-wen Guo
Secretariat	Organizing meetings for Board of Directors and Board of Supervisors; arranging courtesy visits; handling instructions from Chairperson and Secretary-General	Bao-lin Li

Starting from 2006, LAF recruited staff attorneys to ensure the smooth progress of legal aid, respond to the actual demand and other special circumstances of certain remote areas, and to handle cases of specific categories or major issues. By the end of 2009, there were 8 staff attorneys (excluding 1 position retained without pay), among which 5 were assigned to Taipei Branch, 1 to Banciao Branch, 1 to Taoyuan Branch and 1 to Tainan Branch, as described as follows:

Branch	Staff Attorney	Length of Practice prior LAF	Length of Service at LAF
Taipei Branch	Sing-ling Sie	8 Years and 7 Months	3 Years and 10 Months
	Han-wei Jhou	2 Years and 8 Months	2 Years and 5 Months
	Ze-fang Sun	13 Years and 7 Months	2 Years and 9 Months
	Yi-sing Song	3 Years and 3 Months	1 Year and 10 Months
	San-jia Lin	11 Years and 6 Months	1 Year and 8 Months
Banciao Branch	Rong-jhih Gao	4 Years and 7 Months	2 Years and 2 Months
	Sin-hong Jhou (position retained without pay)	13 Years and 6 Months	1 Year
Taoyuan Branch	Mei-wen Dai	7 Years and 2 Months	2 Months
Tainan Branch	Syuan-ci Lin	4 Years and 4 Months	2 Years and 4 Months

The statistic data were established on December 31, 2009.

Section 5 • Branches

Currently 21 LAF branches have been established nationwide to provide face-to-face service for public applications. The Foundation was found on July 1, 2004, with 5 branches established in Taipei, Taichung, Tainan, Kaohsiung and Hualien in the same year, followed by the establishment of 5 branches in Taoyuan, Hsinchu, Changhua, Yilan and Taitung on January 10, 2005, and 9 more branches in Keelung, Miaoli, Nantou, Yunlin, Chiayi, Pingtung, Kinmen, Matsu and Penghu on June 30, 2005, and thus achieving the goal of making legal aid available in every county and city within 1 year. Then in response to the increasing legal demand in metropolitan Taipei following the change of social economy and population structure, LAF Banciao Branch was founded on December 27, 2006 and Shihlin Branch on August 24, 2009, so that the entire legal resources in the Great Taipei Area could be integrated to offer assistance to more disadvantaged people in



Staff of LAF headquarters and branches participating in 2009 Policy Meeting



Chairperson Den-mei Ku, Secretary-General Chi-jen Kuo, Directors and Executives of LAF branches participating in 2010 Policy Meeting

need of legal service.

Each LAF branch is appointed to 1 director to take charge of the operation of the branch office for a 3-year-long term position without remuneration. At each branch office, 1 full-time executive secretary and 1 chief are appointed to take instructions from the director and supervise the branch staff. By the end of 2009, the total number of staff working at LAF branch offices is 185.

The names of director, executive secretary and chief of each LAF branch office are listed as

Keelung Branch

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

Taoyuan Branch

- Director
Song-he Jiang, Attorney
- Executive Secretary
Wen-jie Jheng, Attorney

Taipei, Kinmen and Matsu Branches

- Director
Yung-song Lin, Attorney
- Executive Secretary
Yu-fan Chen, Attorney
- Deputy Executive Secretary
Fang-jyun Jhu, Attorney

Hsinchu Branch

- Director
Bing-chen Luo, Attorney
- Chief
Mei-ci Cai

Shihlin Branch

- Director
Ju-fang Jhang, Attorney
- Executive Secretary
Fen-fen Chen, Attorney

Miaoli Branch

- Director
Jhih-hong Jhang, Attorney
- Executive Secretary
Li-ren Wang, Attorney

Banciao Branch

- Director
Cin-fong Syue, Attorney
- Executive Secretary
Cong-sian Lin, Attorney

Taichung Branch

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

Nantou Branch

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

Changhua Branch

- Director
Shih-Huang Chen, Attorney
- Executive Secretary
Wei-jhan Chen, Attorney

Yunlin Branch

- Director
Jin-yang Lin, Attorney
- Executive Secretary
Shu-siang Chen, Attorney

Chiayi Branch

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

Tainan Branch

- Director
Guo-ming Lin, Attorney
- Executive Secretary
Ping-jhong Jhuo, Attorney

Kaohsiung and Penghu Branches

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

Pingtung Branch

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

Yilan Branch

- Director
Jhen-dong Wu, Attorney
- Chief
Bi-hua Chen

Hualien Branch

- Director
Jheng-da Sie, Attorney
- Executive Secretary
Yun-cin Cai, Attorney

Taitung Branch

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



LAF staff gestured “5” at the tea party for the 5th anniversary of LAF to emphasize the service philosophy of “LAF’s Everywhere to Care for the Disadvantaged”.

1. Staff Gender Proportion

Year	Male		Female		Total			
	Number	Percentage	Number	Percentage	Employee	Contracted Employee	Total	Percentage
2009	71	30%	163	70%	194	40	234	100%

2. Staff Age Distribution

Year	Under Age 30		30~40		Over 40		Total		Average Age
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	
2009	114	49%	87	37%	33	14%	234	100%	34

3. Staff Educational Background

Year	Below Junior College		Junior College		University		Graduate School		Total		Average
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	
2009	3	1%	13	6%	185	79%	33	14%	234	100%	University

4. Staff's Length of Service at LAF

Year	Less than 1 Year		1~3 Years		3~5 Years		Over 5 Years		Total		Average
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage	
2009	61	26%	81	35%	65	28%	27	11%	234	100%	2

5. Percentage of Staff Job Content Distinction

Year	Legal Service Staff		Non-Legal Service Staff		Total	
	Number	Percentage	Number	Percentage	Number	Percentage
2009	159	68%	75	32%	234	100%

6. Percentage of Legal Service Staff's Legal Educational Background

Year	Law School		Others		Total	
	Number	Percentage	Number	Percentage	Number	Percentage
2009	137	86%	22	14%	159	100%

7. Number of Legal Service Staff with Attorney Licenses

Year	With Attorney Licenses				Without Attorney Licenses		Total	
	Executive Secretary Number	Administrative Attorney	Staff Attorney	Percentage	Number	Percentage	Number	Percentage
2009	16	5	8	18%	130	82%	159	100%

*The statistic data were established on December 31, 2009.

Note: The "Legal Service Staff" mentioned in Tables 5, 6 and 7 are those who deal with the LAF operations directly related to legal aid matters.

Section 6 • Part-Time Personnel

With the purpose to meet the operational needs, Specialist Committees under the Board of Directors, Examining Committee and Reviewing Committee under each branch office are established. The duty of each committee is described as follows:

1. Specialist Committees

The Foundation's Specialist Committees consist of Legal Affairs Committee, Legal Research Committee, Development Committee, International Affairs Committee, Legal Aid Attorneys Evaluation Committee and Investigators, and other Specialist Committees. By the end of 2009, there were 88 members of the Specialist Committee and all are positions without remuneration. Committee members (among them 6 belong to 2 to 3 committees) offer professional advices to LAF and make policy decisions according to their specialties. The duties of each Specialist Committee are described as follows:

(1) Legal Affairs Committee

Legal Affairs Committee primarily assists with the drafting, amending the Foundation's internal and external rules and regulations as well as interpreting relevant questions. In 2009, the Committee held 3 meetings in total. Members of Legal Affairs Committee are: (listed in alphabetical order)

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

(2) Legal Research Committee

The Legal Research Committee offers advices for the policies, guidelines and future directions of LAF. The members of the Legal Research Committee are (listed in alphabetical order):

- Yi-cian Chen, Assistant Professor (Graduate Institute for Gender Studies, Shi Hsin University)
- Ming-siou Cheng, Associate Professor (Department of Law, Soochow University)
- Guo-chang Huang, Assistant Researcher (Preparatory Office, Institutum Iurisprudentiae, Academia Sinica)
- Wen-yu Jhang, Associate Professor (Department of Law, National Taipei University)
- Wen-long Jheng, Attorney at Law (Fa-Jia Law Firm)
- Shih-ming Jiang, Professor and Deputy Dean of Law School (National Cheng Chi University)
- Shih-sih Wang, CEO (Ketagalan Foundation)
- Hao-ren Wu, Associate Professor (Department of Law, Fu Jen Catholic University)
- Jhih-guang Wu, Associate Professor (Department of Law, Fu Jen Catholic University)

(3) Development Committee

Composed of representatives from social welfare groups and related specialists, the Development Committee aims at gathering constructive thoughts to establish a channel for exchange and cooperation, a legal support platform and referral mechanism, and hopefully to enhance the Foundation's publicity through mutual resources. Members of the Development Committee are (listed in alphabetical order):

- Ying-ciou Du, Researcher (Department of Research and Development, the Garden of Hope Foundation)
- Su-ciou He, Deputy CEO (Taiwan Fund for Children and Families)
- Min-ping Hong, Social Worker (Pearl S. Buck Foundation)
- Yi-ting Hu, Director-General (Parents' Association for Persons with Intellectual Disability, Taipei City)
- Siao-ling Huang, Secretary-General (Taiwan Association for Victims of Occupational Injuries)
- Ya-shu Jhang, Special Commissioner (Planning Division, Eden Social Welfare Foundation)
- Bi-cuei Lin, General Manager (Compass Public Relations Ltd.)
- Fong-jheng Lin, CEO (Judicial Reform Foundation)
- Wan-ping Lu, CEO (Begonia Foundation)
- Bing-yi Lyu, CEO (Tsuei Ma Ma Foundation)
- Dong-ru Sie, Deputy Secretary-General (League of Welfare Organizations for the Disabled)
- Yu-ci Su, Social Worker (Taiwan Association of Social Workers)
- Yi-sin Sun, Deputy Secretary-General (Parents' Association for Persons with Intellectual Disability, ROC)
- You-lian Sun, Secretary-General (Taiwan Labor Front)
- Peter Van Hung Nguyen, Father (Vietnamese Migrant Workers and Brides Office, Diocese Hsinchuensis)
- Ciou-lan Wang, Supervisor of Social Workers (Modern Women's Foundation)
- Hong-ying Wang, Director (Taipei Women's Rescue Foundation)
- Jin-fa Wang, Assistant Professor (National Chiayi University)
- Dong-mu Wu, Producer (News Department, Public Television Service)
- Yu-cing Wu, Secretary-General (Old People Welfare Alliance, ROC)
- Mei-nyu You, Attorney at Law (Mei-nyu You Law Firm)

(4) International Affairs Committee

Established mainly to assist with the Foundation's international affairs development, the International Affairs Committee held 7 meetings in 2009, and the major concerns and content of discussion included (1) the main theme, countries to be invited and preparatory methods for the 2009 International Forum on Legal Aid; (2) the program and selection of LAF staff studying abroad in 2009; (3) experience-sharing by members who had attended international legal aid meetings. The members of the International Affairs Committee are (listed in alphabetical order):

- Yi-cian Chen, Assistant Professor (Graduate Institute for Gender Studies, Shi Hsin University)
- Huang-cyuan Ciou, Attorney at Law (Kew & Lord Law Office)
- Ruei-ming Huang, Attorney at Law (Baker & McKenzie Taipei Office)
- Wen-long Jheng, Attorney at Law (Fa-Jia Law Firm)
- Jhih-gang Lin, Attorney at Law (Taiwan International Patent Attorney-at-Law)
- Peter Nguyen Van Hung, Father (Vietnamese Migrant Workers and Brides Office, Diocese Hsinchuensis)
- Bo Tedards, Director (Taiwan Foundation for Democracy)
- Wei Wei, Chief (Rerum Novarum Center)
- Robin Winkler, Founding Director (Wild at Heart Legal Defenses Association)
- Jhih-guang Wu, Associate Professor (Department of Law, Fu Jen Catholic University)
- Hao-ren Wu, Associate Professor (Department of Law, Fu Jen Catholic University)

(5) Legal Aid Attorneys Evaluation Committee

Established according to the Guidelines Governing the Evaluation of Lawyers' Performance, the Legal Aid Attorneys Evaluation Committee consists of 9 members. While LAF Secretary-General is the ex-officio member, the others include 1 judge recommended by the Judicial Yuan, 1 prosecutor by the Ministry of Justice, 2 attorneys by the bar association both regional and national, and 2 academic or social group representatives by LAF. In 2009 the Committee held 3 meetings in total. The members other than LAF Secretary-General are listed as follows (in alphabetical order):

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

(6) Investigators of Legal Aid Attorneys Evaluation

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

- Siou-cing Chen, Attorney at Law (Siang-He Law Firm)
- Yan-si Chen, Attorney at Law (Tsar & Tsai Law Firm)

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

(7) Other Special Operational Commissioners

There are other specialist commissioners who would provide advices on the operation of each department and section of the Foundation. these commissioners are (listed in alphabetical order):

- ◎ Human Resources
 - Su-ciou He, Deputy CEO (Taiwan Fund for Children and Families)
 - Su-huei Pan, Consultant (Sony Ericsson Mobile Communications Taiwan Limited)
- ◎ Finance and Accounting
 - Cing-si Yang, Associate Professor (Department of Accountancy, National Taipei University)
- ◎ General Affairs (Procurement and Property Management)/Information
 - Yun-huei Shen, Designer (Department of Information Management, Judicial Yuan)
 - Ci-sian Pan, Officer (Procurement Section, Coast Guard Administration, Executive Yuan)

2. Examining Committee

Each LAF branch office establishes an Examining Committee where Commissioners serve a term of 3 years without remuneration. By the end of 2009, chosen from among judges, public prosecutors, judge advocates, attorneys, or academic and experts having special knowledge in law, a total of 1,772 commissioners were nominated by Directors of Branches and appointed by the Foundation.

The Examining Committee is responsible for the following matters:

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

(5) Other miscellaneous matters

3. Reviewing Committee

The Reviewing Committee of the Foundation is responsible for petitions for reviewing the decisions made by the Examining Committees of the branch offices. Chosen from among senior judges, public prosecutors, judge advocates, attorneys, experts and academics who specialize in law, members of the Reviewing Committee serve a term of 3 years without remuneration. By the end of 2009, there were 198 commissioners in total.

4. Legal Aid Attorneys

The Foundation provides legal aid service through legal aid attorneys who practice in different cities and counties. By the end of 2009, a total of 2,296 attorneys had been registered as LAF legal aid attorneys.

(1) Age Analysis of LAF Legal Aid Attorneys

The number of legal aid attorneys listed below is the total registered in 2009 regardless to their acceptance of cases or not.

Age Analysis of Legal Aid Attorneys			
Age Group	Male	Female	Total
Under 25	67	73	140
25~30	598	296	894
31~40	475	194	669
41~50	224	35	259
51~60	153	1	154
61~70	69	1	70
Over 70	33	3	36
Birth Date Unregistered	56	18	74
Total	1675	621	2296

(2) Years of Practice of LAF Legal Aid Attorneys

The number of legal aid attorneys listed below is the total registered in 2009 regardless to their acceptance of cases or not.

Years of Practice of Legal Aid Attorneys			
Years of Practice	Male	Female	Total
Less Than 1 Year	5	4	9
1~3 Years	202	99	301
3~5 Years	156	68	224
5~10Years	395	156	551
10~20 Years	642	265	907
Over 20 Years	246	19	265
Information Unknown	29	10	39
Total	1675	621	2296

5. Trainee Attorneys

Trainee attorneys are recruited by LAF to help documenting with computer the case interview proceeding at the applicant's examining stage so that their input content may facilitate a reference for the Examining Committee to decide whether to approve or reject a legal aid case. The trainee attorneys may become the Foundation's future legal aid attorneys or examining commissioners when they become qualified attorneys, or they can be the seeds to propagate the ideals of LAF. There were 237 trainee attorneys in total by the end of 2009.

6. Volunteers

Volunteers are recruited by the Foundation on a non-scheduled basis to assist each branch office with legal aid operations. Internship opportunities are also offered to college students majoring in social work, social psychology, public administration and other relevant fields and certification will be issued by LAF. By the end of 2009, there were 649 volunteers working for the Foundation.

7. Statistics of Part-Time Staff

Year	Special Commissioners	Evaluation Commissioners	Examining Commissioners	Reviewing Commissioners	Legal Aid Attorneys	Trainee Attorneys	Volunteers
2009	88	21	1772	198	2296	237	649

(Date of Data Established: December 31, 2009)



To cultivate seeds for legal aid and enhance the public concern with the disadvantaged people and related issues, LAF Taipei Branch organizes a volunteer camp every year, where experiences and discussions about services for immigrants, indigenes, labor, environmental protection, homeless people and human rights are exchanged among partner volunteers.

Chapter 2

Legal Aid Business

LAF provides legal aid to the people to protect their basic litigation rights. The legal aid recipients are those who lack financial means and cannot be protected properly by law and are unable to claim their legal rights, or those who may not lack financial means but are involved in compulsory defense cases (e.g. being involved in a felony with a minimum base penalty no less than 3 years' imprisonment or unable to make statements in court due to intellectual disability). The services of LAF include legal consultation, mediation, settlement, drafting of legal documents, and litigation representation or defense, etc.

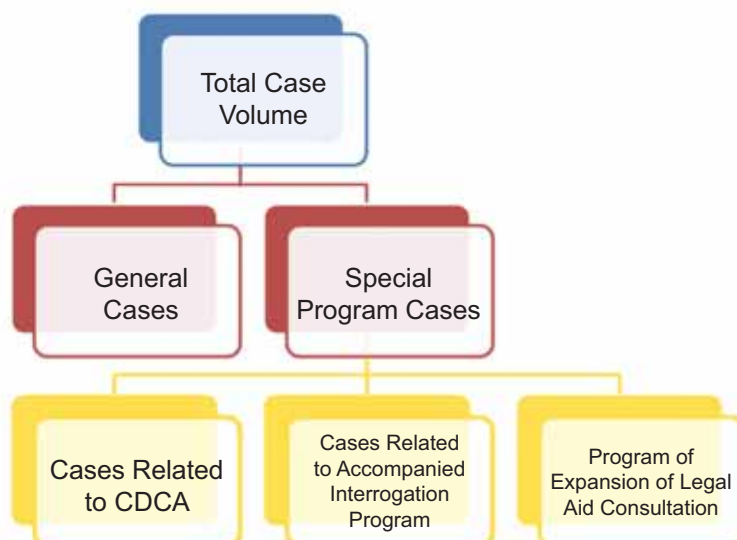
Section 1 • Case Analyses

The statistics shown in the following tables are the total applications and approved legal aid cases between January 1 and December 31, 2009, and are grouped into general cases and special program cases. General cases are those applying for “litigation representation and defense”, “mediation or settlement” or “drafting of legal documents” by legal aid attorneys; special program cases are those related to the “Consumer Debt Clearance Act Service Program”, “Pilot Program of First Criminal Interrogation Accompanied by Legal Aid Attorney” and “Program of Expansion of Legal Consultation”.

The cases related to the Consumer Debt Clearance Act Service Program are those applying for legal aid to negotiation, restructuring or clearance according to the Consumer Debt Clearance Act; the cases related to the Pilot Program of First Criminal Interrogation Accompanied by Legal Aid Attorney are those concerning people involved in a felony with a minimum base penalty no less than 3 years' imprisonment, or people with mental or intellectual disability being under suspicion of a crime (not necessarily a felony with a minimum base penalty no less than 3 years' imprisonment) and are therefore apprehended, arrested by the police, investigators and other judicial officials or are requested to be interrogated for the first time about the said case without receiving a subpoena or written notification.

The cases related to the Program of Expansion of Legal Consultation are those applying for legal consultation (the applicants must be qualified for LAF criteria of financial eligibility), legal education (the applicants' financial eligibility must surpass LAF criteria), or those general cases applying for legal aid but are closed via legal consultation on the spot. LAF's legal consultation service is offered by ways of face to face on-site legal consultation, legal consultation by phone and video telecommunication for applicants in a remote area, etc.

Case Analysis



Total Case Volume Analyses

Table 1 Total Applications of General Cases and Special Program Cases

While the general applications to LAF in 2009 totaled 37,117 cases, 9,750 of the special program cases were related to the Consumer Debt Clearance Act, 654 related to the Pilot Program of First Criminal Interrogation Accompanied by Legal Aid Attorney, and 35,852 cases belonged to the Program of Expansion of Legal Consultation. In April 2009, the category of legal consultation service that originally belonged to general cases was expanded and its application process was also simplified, and as a result most cases of this category were transferred to the Program of Expansion of Legal Consultation.

Statistics of Total Applications					
Year	Total Applications	General Cases	Special Program Cases		
			Cases Related to CDCA	Cases Related to Accompanied Interrogation Program	Legal Aid Consultation
2009	83373	37117	9750	654	35852

Figure of Total Applications

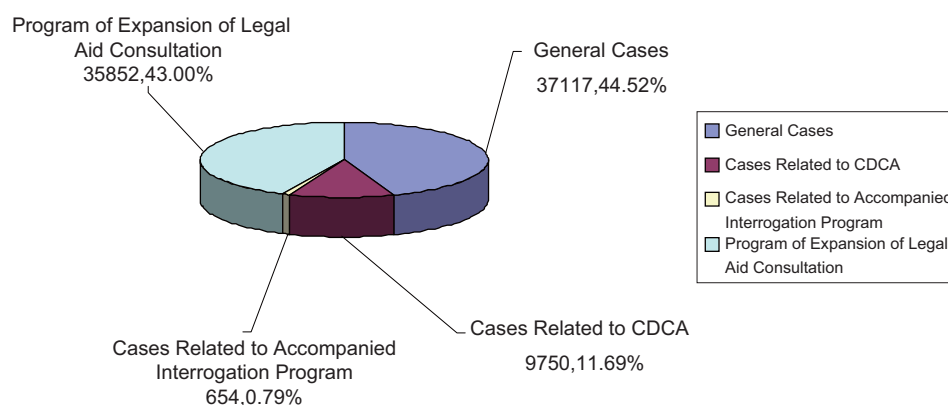
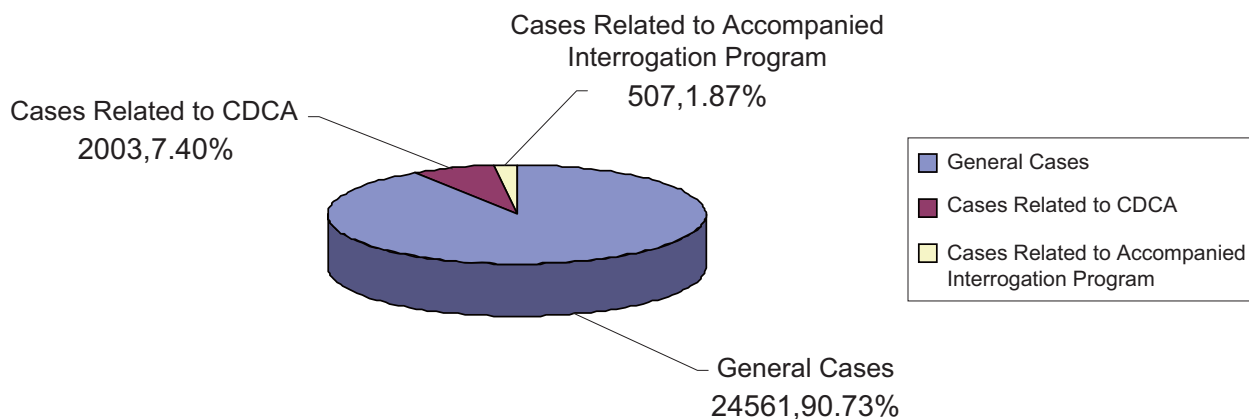


Table 2 Total of General Cases and Special Program Cases Granted with Legal Aid

In 2009, the number of approved general cases was 24,561, while among the approved special program cases 2,003 were related to the Program of Consumer Debt Clearance Act and 507 were Accompanied Interrogation Program cases. In this table, the part “Accompanied Interrogation Program Cases” means that the applicants met the qualifications of this Program and should be accompanied by attorneys appointed by LAF during the interrogation. However, those cases related to the Program of Expansion of Legal Consultation were not included in the statistics because no attorneys were appointed for further service.

Statistics of Approved Cases				
Year	Total Approved Cases	General Cases	Special Program Cases	
			CDCA Cases	Accompanied Interrogation Program Cases
2009	27071	24561	2003	507

Total of General Cases and Special Program Cases Granted with Legal Aid



Analysis of General Cases

[Analysis of Applications and Examination Results]

Table 3 Statistics of Examination Results

Of the total 37,117 applied general cases in 2009, 24,561 were granted with legal aid (full aid + partial aid) and 11,618 were revoked. In this table, the 144 cases categorized “Others” are those not yet finalized with examination when the table was prepared in January 2010, e.g. the cases waiting for completing application forms to proceed with examination or those not yet in the stage of examination.

Results of Examination						
Year	Applications	Categories of Examination Results				
		Cases Granted with Full Aid	Cases Granted with Partial Aid	Cases Revoked	Cases withdrawn on Site	Others
2009	37117	24022	539	11618	794	144

Table 4 Percentage of Approved Cases

The percentage of approved general cases in 2009 was 67.89%, which was calculated by dividing the sum of approved and revoked cases. Compared with the 65.89% approved cases in 2008, there was an increase of about 2% in 2009.

Percentage of Approved Cases			
Year	Approved Cases	Revoked Cases	Percentage of Approval
2009	24561	11618	67.89%

Calculation Formula: $\text{Total Approved Cases} \div (\text{Total Approved Cases} + \text{Total Revoked Cases})$

Table 5 Categories and Percentages of Approved Cases

The majority of approved cases in 2009 were granted with “litigation representation and defense”, which accounts for about 85.07% of the total approved cases and was close to the 84.96% in 2008. In the table below, the category “Cases of Analytic Legal Consultation” signifies that the applicants were granted with analytic legal consultation because of the complexity of case nature, i.e., a 3-hour legal consultation to clarify the facts and legal concerns as well as a written advice were offered by a legal aid attorney, which was different from the general on-site oral consultation offered at the examination room.

Categories of Approved Cases				
Category	Litigation Representation and Defense	Drafting of Legal Documents	Mediation or Settlement	Analytic Legal Consultation
Total Cases	20894	3543	120	4
Percentage	85.07%	14.42%	0.49%	0.02%

Table 6 Categories and Percentages of Applications and Approved Cases

In the cases approved in 2009, the category of criminal cases accounted for 45.45%, civil cases 31.54%, and family cases 19.89%. The category rankings in the applications were the same as those in the approved cases.

Categories of Applications and Approved Cases					
Category		Applications		Approved Cases	
		Total Cases	Percentage	Total Approval	Percentage
Litigation	Civil	11419	30.76%	7748	31.54%
	Criminal	17842	48.07%	11162	45.45%
	Administrative	440	1.19%	198	0.81%
	Family	6656	17.93%	4884	19.89%
	Unrecorded	39	0.11%	25	0.10%
Non-Litigation		721	1.94%	544	2.21%
Total		37117	100.00%	24561	100.00%

Note: The category “unrecorded” consists of cases checked as “litigation” without categorization by the attorneys.

Table 7 Top 5 Types of Approved Civil Cases

Of the top 5 types of case nature of the approved civil cases, tort took the lead by 2,336 cases, followed by the 1,348 borrowing/lending cases, while events concerning severance payment, working payment and wrongful discharge ranked from 3rd to 5th separately. Compared with the statistics of 2008, there was a great increase of events concerning severance payment and wrongful discharge, which had close association with the launch of the program commissioned by the Council of Labor Affairs. As there can be multiple types of nature for one case, the types listed in the following table do not necessarily represent a single approved case.

Top 5 Types of Case Nature of Approved Civil Cases		
Rank	Nature of Case	Approved Cases
1	Tort	2336
2	Borrowing / Lending	1348
3	Severance Payment Dispute	714
4	Work Payment Dispute	674
5	Wrongful Discharge	630

Table 8 Type Analysis of Approved Civil Tort Cases

A majority of the approved civil cases were related to torts. Statistics showed that traffic accidents accounted for most of tort types with about the same percentage as that of previous years.

Type Statistics of Tort Cases Granted with Legal Aid	
Type of Tort	Approved Cases
Traffic Accident	735
General Tort	727
Torts Caused by Other Criminal Behaviors	505
Sexual Assault	262
Medical Malpractice	77
Domestic Violence	25
Public Nuisance Dispute	5
Total	2336

Table 9 Top 5 Types of Approved Family Cases

Of all the approved family cases, divorces accounted for the most, which was far more than the number of other types and not too different from the type percentage of last year. As there might be multiple types of nature for one case, e.g. a family case might concern divorce, child custody and maintenance, and therefore three types of case nature might be recorded for the same approved case as shown in the statistics.

Top 5 Types of Approved Family Cases		
Rank	Case Nature	Cases Approved
1	Divorce	1982
2	Family Maintenance	1362
3	Parental Rights or Child Custody	982
4	Succession	313
5	Violation of Domestic Violence Prevention Act	188

Table 10 Top 3 Types of Approved Administrative Cases

The administrative cases granted with legal aid are relatively few, and only top 3 types of case nature are listed in the table below.

Top 3 Approved Administrative Cases		
Rank	Types of Case Nature	Cases Approved
1	Concerning Statute for Labor Insurance	23
2	Compensation for Miscarriage of Justice Act	13
3	Crime Victims Protection Law	12

Table 11 Top 5 Types of Approved Criminal Cases

Same as the types ranking of previous years, “manufacturing, trafficking and selling of drugs” ranked 1st of the top 5 types of criminal cases granted with legal aid.

Top 5 Types of Approved Criminal Cases		
Rank	Types of Case Nature	Cases Approved
1	Manufacturing, Trafficking and Selling of Drugs	2772
2	Robbery	981
3	Injury and Serious Injury	821
4	Murder	792
5	Fraud	711

Note: Of the cases shown in this table, the legal aid recipients consist of defendants and plaintiffs, and cases in the process of both trial and investigation are included in the scope of legal aid.

Table 12 Statistics of Examination Results of Criminal Compulsory Defense Cases

In the part of compulsory defense cases, legal aid is open to written application besides those who apply to LAF in person or are referred by the court, which means that the inmates in prison or under detention or the defendants can file written applications to LAF for legal aid, and some LAF branches even visit the prison to take care of applications. With the exception of cases obviously unjustified, LAF always provides legal aid based on the ideal of protection human rights. In 2009, the number of approved cases was 778 more than that of last year by an increase of 11.79%.

Statistics of Examination Results of Compulsory Defense Cases					
Source of Cases	Applications	Cases Approved	Cases Revoked	Others	Percentage of Approval
General Application	4779	3657	1086	36	77.10%
External Referral	1937	1808	129	0	93.34%
Written Application	3060	1910	1150	0	62.42%
Total	9776	7375	2365	36	75.71%

Notes:

1. "Others" signifies the cases withdrawn, needing further completion of documents or not yet finalized with examination.
2. "General application" means that the application is made by the applicant in person or by a representative at the Foundation.
3. An "external referral" is made by institutions including the courts or district prosecutors offices.
4. A "written application" is made if the applicant is serving in prison or under detention and can neither apply in person nor authorize a representative to apply at the Foundation.
5. Calculation formula of the approval percentage: Total Approved Cases $\div$ (Total Approved Cases + Total Revoked Cases)

Table 13 Number and Percentages of Reasons for Cases Revoked

The majority of cases were revoked by reason of being "obviously unjustified", with a total of 7,013 cases, i.e. 57.54% of all revoked cases. Second to it was "financial ineligibility", which comprised 3,051 cases, 25.03% of the total and differing little from that of 2008.

Statistics of Number and Percentages of Reasons for Cases Revoked		
Category	Case Total	Percentage
Obviously Unjustified	7013	57.54%
Financial Ineligibility	3051	25.03%
Revisions to Application Not Completed by the Deadline	1031	8.46%
Beyond the Scope or Category for Aid	652	5.35%
Case Objective Inconsistent with Purposes of Legal Aid	360	2.95%
Possible Benefit Gained by Applicants from Winning the Case Being Smaller than Expenses for Litigation and Lawyer Remuneration	68	0.56%
Applicants Being Illegal Residents in Taiwan	8	0.07%
Litigation Against LAF	2	0.02%
Involving Litigations Outside Taiwan	2	0.02%
Total	12187	100%

Note: The Examining Committee could choose more than one reason for revocation, so the total number shown in the table was greater than the actual total of cases revoked (11,618 cases)

【Analysis of Reviewed Cases】

Remedies can be made via the procedure of review if the applicants or legal aid recipients feel reluctant to accept the result of examination in circumstances defined as: unwilling to accept revoke of the case, unwilling to accept the type of legal aid, unwilling to accept the type of partial aid, unwilling to accept termination of the case, unwilling to accept the content of legal aid, unwilling to accept the content of guarantee, unwilling to accept cancellation of the case, unwilling to accept the examination result of whether to replace the attorney, unwilling to agree on the amount of recovery cost, unwilling to agree on the amount of repayment fee and unwilling to agree on the amount of withdrawal fee.

Table 14 Number and Percentages of the Review Results

Most requests for review were made because of the applicants' being unwilling to accept revoke of the cases and totaled 2,139 cases, among which about 65% of the initial examination decision were sustained.

Statistics of the Review Results						
Total Applications for Review	Results of Review					
	Initial Decision Sustained (The Review Decided to Revoke)		Initial Decision Withdrawn (The Review Decided to Grant Legal Aid)		Others	
	Cases	Percentage	Cases	Percentage	Cases	Percentage
2479	1610	64.95%	693	27.95%	176	7.10%

Note: "Others" signifies cases withdrawn, waiting for further completion of documents or pending for the decision of review.

【Guarantee Certification】

Table 15 Number and Money Amount of Guarantee Certification

From the establishment of LAF to the end of 2009, the Foundation had certified 1,290 guarantees with the total amount of money as high NT\$756,585,321, and 546 guarantees had been retrieved, which were worth NT\$249,604,567. In 2009, 189 guarantees were retrieved, and the amount were NT\$71,230,061.

Number and Money Amount of Guarantee Certification			
Total Guarantees	Amount of Guarantee Money	Guarantees Retrieved	Money Collected
1290	756,585,321	546	249,604,567

【Analysis of Closed General Cases】

A general case is closed when the legal aid attorney completes the case (by completing the drafting of legal statements, completing the representation of a mediation or settlement either sustained or not sustained, or completing the litigation representation and defense at the end of first instance instead of receiving a final court decision or the prosecutor's final decision to indict or not) and applies to the Foundation for remuneration, therefore a case not yet finalized during the litigation proceedings is also included in the closed cases.

Table 16 Number and Percentages of Closed Civil, Criminal, Administrative and Family Cases

The closed cases shown in this table represent those complete with legal aid by the attorneys and were reported back to the Foundation as cases closed but excluding the cases decided as closed when being requested for examining status variation (e.g. withdrawal, cancellation or termination of cases).

Number and Percentages of Closed Civil, Criminal, Administrative and Family Cases											
Year	Civil Cases		Criminal Cases		Administrative Cases		Family Cases		Others (Non-litigation)		Total
	Total	Percentage	Total	Percentage	Total	Percentage	Total	Percentage	Total	Percentage	
2009	4002	25.80%	8049	51.90%	125	0.81%	2983	19.23%	350	2.26%	15509

Table 17 Number and Percentages of Closed Cases of Different Legal Aid Types

Of all closed general cases, the type of litigation representation or defense accounts for the majority, which was 82%, followed by drafting of legal documents with the percentage of 18%.

Number and Percentages of Closed Cases of Litigation Representation or Defense and Other Types of Legal Aid									
Year	Litigation Representation or Defense		Mediation or Settlement		Drafting of Legal Documents		Analytic Legal Consultation		Cases Total
	Total	Percentage	Total	Percentage	Total	Percentage	Total	Percentage	
2009	12656	81.60%	91	0.59%	2756	17.77%	6	0.04%	15509

Note: The litigation representation or defense cases comprised 2903 civil cases, 2436 family cases, 50 administrative cases, 7123 criminal cases and 144 non-litigation cases. Shown in the following tables are analyses of closing status of all cases other than the non-litigation ones.

Table 18 Closing Status of Civil Litigation Representation

Of all closed civil cases, the type “mediation or settlement” accounted for the most, which was 30%.

Closing Status Analysis of Litigation Representation – Civil Cases									
Year	Recovery	Defeat	Partial Recovery or Partial Defeat	Mediation or Settlement	Withdrawal	Court Verdict	Initial Verdict Reversed for Remand	Others	Total
2009	499	548	523	881	8	64	12	368	2903

Notes:

1. “Mediation or settlement” in this table means that, when a case is approved of litigation representation, it is later resolved by the legal aid attorney’s petition for mediation, in-court or out-of-court settlement or other means of conciliation.
2. “Withdrawal” in this table means that either party (or both parties) of the litigants withdraws from an action for reasons other than mediation or settlement.

Table 19 Closing Status of Family Cases Litigation Representation

Of all the closed family cases, most were closed as “recovery” and “mediation or settlement”, while only 4% of the aided cases were “defeats”.

Closing Status Analysis of Litigation Representation – Family Cases								
Year	Recovery	Defeat	Partial Recovery or Partial Defeat	Mediation or Settlement	Withdrawal	Court Verdict	Others	Total
2009	830	95	191	788	8	183	341	2436

Table 20 Closing Status of Administrative Cases Litigation Representation

Compared with other types of cases, the aided and closed administrative cases were relatively few, and the defeat rate was apparently higher.

Closing Status Analysis of Litigation Representation – Administrative Cases					
Year	Recovery	Defeat	Partial Recovery or Partial Defeat	Others	Total
2009	2	2	1	45	50

Table 21 Closing Status of Criminal Cases Litigation Representation or Defense

The closing status of a criminal case was analyzed on the basis of if the result was favorable to the aid recipient. If the recipient was a defendant or criminal suspect, whether the result was favorable was determined by comparing the charges based on which he/she was prosecuted with the final court decision; if the recipient was the plaintiff, whether the case was closed in favor of the aid recipient was determined by comparing the charges based on which the opponent was prosecuted and the final court decision.

Closing Status Analysis of Litigation Representation – Criminal Cases								
Year	Favorable to Aid Recipients			Not Favorable to Aid Recipients			Unable to Judge	Total
	Plaintiffs	Defendants	Others	Plaintiffs	Defendants	Others		
2009	362	2414	1082	207	1753	810	495	7123
	3858			2770				

【Analyses of Cases Accepted by Legal Aid Attorneys】

Table 22 Annual Statistics of Total Cases Accepted by Legal Aid Attorneys

In 2009, a total of 2,030 legal aid attorneys were registered at LAF and accepted cases as shown in the following table. The count of accepted cases were determined by the serial numbers of aid cases, and those multiple cases merged together in the process would still be counted by their serial numbers. For example, five persons came to apply for legal aid to one labor dispute case and all were approved after examination, but one same attorney was assigned for the sake of litigation economy and because those recipients did not have a common interest in this case. However, regarding this labor dispute legal aid issue, 5 cases were counted as accepted by that attorney.

The total number to be accepted by each LAF attorney is limited to a maximum of 36 cases per year. In this table, if the number of accepted cases exceeded 36 in one year, it might have been the merged cases as described above, or cases of certain special programs and approved by LAF Board, or an attorney was especially designated because the previous instance of the case was handled by him/her.

Statistics of Annual Cases Accepted by LAF Attorneys	
Annual Cases	Number of Attorneys
1~5	681
6~8	339
9~11	269
12~23	573
24~35	123
More than 36	45
Total	2030

Table 23 Annual Statistics of Remuneration for Legal Aid Attorneys

In 2009, the majority of LAF attorneys, i.e. 679 in number, received a total remuneration of NT\$150,000 to NT\$300,000. However, in the table below, the annual remuneration was calculated not according to the actual received money but the money amount decided by the annual approved cases after examination.

Statistics of Annual Remuneration of LAF Attorneys	
Amount of Remuneration	Number of Attorneys
Less than NT\$49,999	292
NT\$50,000~NT\$99,999	295
NT\$100,000~NT\$149,999	265
NT\$150,000~NT\$299,999	679
More than NT\$300,000	499
Total	2030

Analyses of Consumer Debt Clearance Service Program

Table 24 Statistics of Examination Results

In 2009, both the applications and approved cases related to the Consumer Debt Clearance Service Program were much less than those in 2008, and the rate of approval was also a little lower. (For the causes of decrease please refer to the Summary of LAF Special Programs in Chapter 3.)

Statistics of Examination Results						
Year	Applications	Approved Cases	Revoked Cases	Legal Consultation	Others	Rate of Approval
2009	9750	2003	1515	6232	-	56.94%
2008	23938	10903	6447	5163	1425	62.84%
Calculation Formula: $\text{Rate of Approval} = \frac{\text{Approved Cases}}{\text{Approved Cases} + \text{Revoked Cases}}$						

Table 25 Analysis of Types of Approved Cases

In 2009, of all types of cases related to the Consumer Debt Clearance Act, “negotiation and restructuring” accounted the most, which was 58.56% of the aided cases.

Statistics of Approved Case Types					
Year	Approved Cases	Negotiation and Restructuring	Negotiation and Clearance	Restructuring	Clearance
2009	2003	1173	196	523	111
2008	10903	5388	861	4043	611

Table 26 Number and Percentages of Review Results

Of the total cases related to the Consumer Debt Clearance Act requesting for review, about 52.82% were sustained with the initial examination decision, which was lower than the sustain rate of reviewed general cases.

Statistics of Review Results						
Requests for Review	Review Results					
	Initial Decision Sustained (The Review Decided to Revoke)		Initial Decision Cancelled (The Review Decided to Grant Legal Aid)		Others	
	Total	Percentage	Total	Percentage	Total	Percentage
337	178	52.82%	141	41.84%	18	5.34%

Note: “Others” were cases withdrawn, waiting for completing documents or pending for review decisions.

Analyses of Cases Related to Pilot Program of First Interrogation Accompanied by Legal Aid Attorney

Table 27 Analysis of Case Sources

In 2009, the applications totaled 654, among which 301 were received by LAF branches during working hours (46.02%) and 353 by the Customer Service Center at night or on holidays (53.98%). As the service of attorneys' company included the first interrogation or questioning by all investigation institutions as well as the re-questionings after cases transferred to the prosecutors and trials by custody court judges, the application phone calls could be from the police, investigators, prosecutors (or clerks of the prosecutors' office or court policemen), judges (or court clerks or court policemen) and civilians (including the suspect in person, relatives and friends). Of all the suspects, 169 were mentally or intellectually disabled, which accounted for 25.84% of the total applications.

Statistics of Application Sources – Based on Callers' Identification										
Callers	Police Station		Investigation Bureau		Prosecutors Office		Court		Civilians	
Applications	Mentally or Intellectually Disabled	Usual	Mentally or Intellectually Disabled	Usual	Mentally or Intellectually Disabled	Usual	Mentally or Intellectually Disabled	Usual	Mentally or Intellectually Disabled	Usual
	99	177	0	1	40	68	3	60	27	179
654	276		1		108		63		206	

Note: As shown in this table, all applications for attorneys' company had to be made by phone, so the source analysis was made according to the callers' identification.

Table 28 Analysis of Case Categories

Of all the categories of applications, 107 were non-program cases, i.e. beyond the service cope of this program, which accounted for 16.36% of the total. 40 applications were withdrawn after the phone calls, which accounted for 6.11% of the total. 507 applications were cases that should have been appointed with attorneys by LAF, while 482 were actually aided by attorneys and among which 158 recipients were mentally or intellectually disabled. 25 applications, i.e. 4.93% of the applications should have been appointed with attorneys, failed to acquire successful appointment because all attorneys were out for other services or out of contact.

Categories of Applications				
Total Applications	Beyond Service Scope of This Program	Withdrawn after Application	Cases Should Be Appointed with Attorneys	
			Cases with Actual Appointment of Attorneys	Cases Failed with Appointment
654	107	40	482	25

Notes:

1. The number of cases "beyond the service scope of this program" was the total of the three categories applicants "not being felony suspects", "not being summoned to the site" and "not being interrogated for the first time".
2. "Total Applications" – "Cases Beyond Service Scope of This Program" – "Cases Withdrawn after Application" = "Cases Should Be Appointed with Attorneys"

Analyses of Cases Related to Program of Expansion of Legal Consultation

Table 29 Case Statistics

Cases qualifying LAF financial criteria after examination were the legal consultation cases listed in this table, while those with financial means exceeding LAF criteria were categorized as legal education cases.

Case Statistics		
Total Applications	Legal Consultation Cases	Legal Education Cases
35852	27114	8738

Table 30 Case Types and Percentages

According to the consultation categories, most applications for legal consultation and legal education were civil cases, accounting for about 44% of the total.

Statistics of Case Categories							
Categories		Legal Consultation Cases		Legal Education Cases		Total	
		Total	Percentage	Total	Percentage	Total	Percentage
Litigation	Civil	11246	41.48%	4511	51.63%	15757	43.95%
	Criminal	8176	30.15%	2015	23.06%	10191	28.43%
	Administrative	693	2.56%	219	2.51%	912	2.54%
	Family	5820	21.47%	1698	19.43%	7518	20.97%
	Unrecorded	69	0.25%	8	0.09%	77	0.21%
Non-litigation		1110	4.09%	287	3.28%	1397	3.90%
Total		27114	100.00%	8738	100.00%	35852	100.00%

Note: Cases listed as “unrecorded” were those checked as litigations but without categorization by the attorneys.

Table 31 Top 3 Types of Case Nature of Different Case Categories

Based on the categorization of civil, criminal, family and administrative cases, the top 3 types of case nature were shown in the table below:

Top 3 Types of Case Nature in Different Categories				
	Civil	Criminal	Family	Administrative
1	Tort	Crime of Injury	Divorce	Act Governing the Punishment of Violation of Road Traffic Regulations
2	Borrowing / Lending	Offenses of Fraud, Breach of Trust and Usury	Succession	Violation of Labor Insurance Act
3	Other Contracts	Offenses of Forging Instruments or Seals	Parental Rights or Child Custody	Tax Levy Act

Analyses of Legal Aid Applicants and Recipients

Table 32 Gender Percentages of Applicants and Aid Recipients

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

Gender Statistics of Applicants and Aid Recipients							
	Male		Female		Unrecorded		Total
	Total	Percentage	Total	Percentage	Total	Percentage	
Applicants	43497	52.17%	39576	47.47%	300	0.36%	83373
Recipients	15233	56.27%	11583	42.79%	255	0.94%	27071

Note: "Unrecorded" means that gender differentiation of applicants was not made when completing the files.

Table 33 Age Analysis of Applicants and Aid Recipients

The age distribution of legal aid applicants is shown in the table below. Those under 18 and above 66 were still minorities in these statistics

Age Statistics of Applicants		
Age Group	Applicants	Percentage of Total Application Person-Time
Under 18	3100	3.75%
19~30	13514	16.34%
31~40	23997	29.01%
41~50	21978	26.57%
51~65	15885	19.20%
Above 66	4245	5.13%
Total	82719	100.00%

Note: Applicants for service of the Pilot Program of First Interrogation Accompanied by Legal Aid Attorney were not included in this table because they were not requested to file their age information due to the urgent nature of cases.

Table 34 Age Analysis of Aid Recipients

According to the type analysis of approved general cases and cases related to the Consumer Debt Clearance Act, a majority of legal aid recipients were aged between 31 and 40. It was especially obvious in the CDCA cases, as 42.79% recipients belonged to this age group.

Age Analysis of Recipients Based on Case Categories				
Age Group	General Cases	Percentage	CDCA Cases	Percentage
Under 18	2097	8.54%	0	0.00%
19~30	5296	21.56%	201	10.03%
31~40	6810	27.73%	857	42.79%
41~50	5881	23.94%	650	32.45%
51~65	3602	14.67%	275	13.73%
Above 66	875	3.56%	20	1.00%
Total	24561	100.00%	2003	100.00%

Note: Recipients for service of the Pilot Program of First Interrogation Accompanied by Legal Aid Attorney were not included in this table because they were not requested to file their birth information due to the urgent nature of cases.

Table 35 Vocation Analysis of Aid Recipients

This table shows recipients by vocation. In the category of general cases, the proportion of the unemployed was the greatest (64.73%), followed by laborers (23.97%); in the category of cases related to the Consumer Debt Clearance Act, laborers accounted for the most (45.23%), followed by the unemployed (24.11%). It underscored the apparent high demand for LAF's legal aid service by the financially disadvantaged people in society.

Recipients' Vocation Analysis by Case Categories				
Categories	General Cases	Percentage	CDCA Cases	Percentage
Unemployed	15897	64.73%	483	24.11%
Laborer	5888	23.97%	906	45.23%
Service	1401	5.70%	388	19.37%
Freelancer	373	1.52%	57	2.85%
Housekeeping	261	1.06%	31	1.55%
Business	342	1.39%	72	3.59%
Others	399	1.62%	66	3.30%
Total	24561	100.00%	2003	100.00%

Note: Recipients for service of the Pilot Program of First Interrogation Accompanied by Legal Aid Attorney were not included in this table because they were not requested to file their vocational information due to the urgent nature of cases.

Table 36 Analysis of Educational Background of Aid Recipients

Most recipients of general cases had a high school or junior college education. The second most were those with junior high school education. Of all the recipients of cases related to the Consumer Debt Clearance Act, the most had the high school or junior college education, followed by university or college education.

Educational Background of Recipients by Case Categories				
Educational Background	General Cases		CDCA Cases	
None	3497	14.24%	55	2.75%
Elementary School	3115	12.68%	100	4.99%
Junior High School	6263	25.50%	325	16.22%
Senior High School or Junior College	8224	33.48%	1074	53.62%
University or College	3256	13.26%	442	22.07%
Master or Ph.D.	206	0.84%	7	0.35%
Total	24561	100.00%	2003	100.00%

Note: Applicants for service of the Pilot Program of First Interrogation Accompanied by Legal Aid Attorney were not included in this table because they were not requested to file their educational information due to the urgent nature of cases.

Table 37 Number and Percentages of Approved General Cases Applied by Disabled People

As shown in this table, the disabled recipients were those having a copy of Physical and Mental Disability Handbook issued by the departments of social welfare and no further disability differentiation was made. Of the total approved general cases, the number of disabled recipients was 3,774, with a great increase from 2008, while the percentage of approval accounted for 15.37% of the total approved general case, which was 4% higher than that of last year.

Statistics of General Cases with Disabled Recipients			
Year	Disabled Recipients	Cases Approved	Percentage in All Approvals
2009	3774	24561	15.37%

Table 38 Analysis of Case Nature of General Cases with Disabled Recipients

Of the total approved general cases with disabled recipients, the top 3 types of case nature were civil offenses “tort” (23.77%), criminal crime of “fraud” (9.49%) and criminal crime of “injury or serious injury” (9.46%). It claims our attention that the issue of the disabled people’s being victims of fraud or aiding the crime of fraud has become more serious year by year.

Statistics of Top 3 Types of Case Nature of Approved General Cases with Disabled Recipients			
Rank	Case Nature	Total	Percentage
1	Tort	897	23.77%
2	Criminal Fraud	358	9.49%
3	Criminal Injury or Serious Injury	357	9.46%

Calculation Formula: Total Cases of the Type ÷ Total General Cases with Disabled Recipients

Table 39 Statistics of Approved General Cases with Indigenous Recipients

1,672 of all the general cases were those with indigenous recipients, 500 more than the number of 2008, and the percentages of indigenous recipients in LAF Taitung and Hualien Branches were the highest of all LAF branches.

Cases with Indigenous Recipients by Types of Legal Aid		
Type of Aided Cases	General Cases	Cases Related to Consumer Debt Clearance Act
Total	1672	72

Note: Recipients for service of the Pilot Program of First Interrogation Accompanied by Legal Aid Attorney were not included in this table because they were not requested to file their indigenous identity due to the urgent nature of cases and therefore the statistics could not be made.

Table 40 Case Nature of Approved General Cases with Indigenous Recipients

Of all approved general cases with indigenous recipients, the top 3 types of case nature were tort (14.29%), Labor Insurance Dispute (11.42%) and borrowing/lending (10.17%). It needs particular attention that the type of labor insurance dispute cases rose to the 2nd rank of the approved cases with indigenous recipients.

Statistics of Top 3 Types of Case Nature of Approved General Cases with Indigenous Recipients			
Rank	Case Nature	Total Cases	Percentage
1	Tort	239	14.29%
2	Dispute of Labor Insurance	191	11.42%
3	Borrowing / Lending	170	10.17%
Calculation Formula: Total Cases of the Type ÷ Total General Cases with Indigenous Recipients			

Table 41 Number and Percentages of Approved Cases with Alien Recipients

Of all the approved cases, 2,378 were those with alien recipients, which were 700 more than the number of 2008.

Types of Approved Cases with Alien Recipients			
Case Type	General Cases	Cases Related to Consumer Debt Clearance Act	Accompanied Interrogation Program Cases
Case Total	2360	4	14

Table 42 Case Nature of Approved General Cases with Alien Recipients

Of all approved general cases with alien recipients, the top 3 types of case nature were tort (21.74%), work payment (10.72%) and crime of serious injury (7.20%), while the vocation of the majority of the alien applicants was laborer.

Statistics of Top 3 Types of Case Nature of Approved General Cases with Alien Recipients			
Rank	Case Nature	Total Cases	Percentage
1	Tort (Civil)	513	21.74%
2	Work Payment (Civil)	253	10.72%
3	Criminal Injury and Serious Injury	170	7.20%
Calculation Formula: Total Cases of the Type ÷ Total of General Cases with Alien Recipients			

Section 2 · Operational Management

The Foundation's operation became numerous and complicated after 5 years' hard work. To ensure the quality of LAF performance, the role of operational management was even more important as described in the follows.

I. Control and Management of Contribution, Repayment, Recovery, and Withdrawal Charge (4 Fees)

By the definitions of According to Articles 32, 34 and 35 of the Legal Aid Act, LAF can claim through certain procedures for the credit of the contribution prepaid by the Foundation for recipients, of the repayment by recipient acquiring a property with the value exceeding NT\$500,000, and of the recovery payment by the party-opponent. By the definition of withdrawal charge of Articles 21 and 22, when an approved case is cancelled by LAF, the Foundation can claim the prepaid remuneration and expense from the applicant.

In the process of collecting the 4 fees, it is most important for the persons in charge at each LAF branch to strictly control the cases by thoroughly examining every closed case. All qualified cases must be recorded and constant contact should be made with the recipients of each case under control in order to follow the process of legal proceedings. In planning and assisting branch offices with the cost reduction and obstacles elimination in the process of collecting the 4 fees, the following projects were carried out by the Foundation:

(I) Educational Training of Collecting 4 Fees

An educational training was launched by the Foundation in June 2009 to acquaint the branches' staff with the operational flow of collecting the 4 fees and giving opportunities for them to exchange experiences and difficulties in the process.

(II) Makeup Entry of Cases' Vertical Link and Confirmation of Cases' Dredging Mechanism

Before the on-line function operational software was initiated for the collection of 4 fees, LAF branches had to complete the makeup entry of related cases' vertical link in the past 4 years, manage to take control and confirm the status of cases. It was until the completion of the aforesaid operations that the system could accurately calculate the amount of the 4 fees to be collected and the follow-up collection operations. With the makeup entry completed by the end of 2008, the Foundation initiated collaboration with the Judicial Yuan this year to dredge the cases handled by LAF and confirm that they had been settled, which would further facilitate the collection work by LAF branches. In the future, the Foundation will continue to cooperate with the Judicial Yuan and establish a platform of relevant information for LAF Information Department to dredge and check out for the use of branch offices.

(III) Reprogramming of Standard Operational Flow

The program of standard operational flow of the 4 fees collection was already completed, and a definite procedure could be acted upon. However, to cope with the amendment or interpretation of relevant statutes, a reprogramming of the existing standard operational flow will be made in 2010. Also, a team for 4 fees collection was formed by LAF Department of Business Management to oversee the status of collection works by the branch offices and resolve the problems happening during the process of collection. The team could also offer timely assistance with necessary amendment or interpretation of regulations to facilitate the collection operation.

(IV) Performance of the 4 Fees Collection Works

The following statistics of the performance of the 4 fees collection control are made according to reports submitted by LAF branches in 2009:

Performance of the 4 Fees Collection Control				
Category	Cases in Control	Cases to Be Claimed	Cases Claimed	Money Amount Acquired after Claim
Contribution	43	40	40	NT\$226,065
Repayment	2374	736	574	NT\$5,691,102
Recovery	5860	3832	1152	NT\$1,726,977
Withdrawal Charge	84	84	73	NT\$415,500

(V) Review of Performance

1. The amount of acquired repayment was still quite low.

Because of the total recovery cases those actually acquired money or property were relatively few, the collected amount of repayment was low. However, considering the actual acquired NT\$5,690,000 from the 736 cases to be claimed, there was still room for improvement. As most cases are still in the process of repayment claiming, the Foundation will continue to complete the collection work.

2. The total of cases and acquired recovery were still quite low.

Regarding the recovery collection, more obstructions were found in the way of its collection because it is arguable whether it is against the principle of equality or not for the Foundation to claim for the prepaid remuneration from the defeated party-opponent according to Article 35 of the Legal Aid Act. It often took more than 4 months for the initial petition for confirming the amount of litigation expense to get the court decision, hence the collection was slow and the performance was not as good as expected.

Moreover, an argument was raised in determining if the claim of recovery should be pending for the result when the judge of Yilan District Court petitioned to the Grand Justice Meeting for annotation of whether the recovery claim violated the Constitutional equality right.

3. The manpower for 4 fees collection was still insufficient.

Part of the reasons for aforesaid low amount of recovery petition cases was the shortage of manpower at LAF branches. The branches' working force was already not enough to deal with the growing business, and it was difficult for them to find extra force to execute the 4 fees collection. With massive collection cases entering the execution procedures at court, the under numbered experienced branches staff might not be able to cope with their execution.

II. Performance Evaluation of Legal Aid Attorneys

The Guidelines Governing the Evaluation of Legal Aid Attorneys and Guidelines Governing Complaints Handling were approved separately by the board meetings in December 2006 and April 2007 to be served by LAF as the basis of advancing and controlling the quality of legal aid attorneys.

According to Article 6 of the Guidelines Governing the Evaluation of Legal Aid Attorneys, there are two sources of the Foundation's evaluation on legal aid attorneys, i.e. statistics of the findings

of survey and the evaluation on referral of major grievances as described as follows. When processing a legal aid case, if the attorney violates the Lawyer Act, ethics or LAF regulations and commits a grave misconduct, and is considered necessary to be dismissed from the legal aid job or to be referred to Lawyers Discipline Committee, he/she may be referred, with relevant information and by the decision of the Foundation or Directors of LAF branches based on Item 4 or Item 5 of Article 8 of the Guidelines Governing Complaints Handling, to LAF Legal Aid Attorneys Evaluation Committee for evaluation.

The first evaluation program started in late 2007 and was completed in mid 2009. During the evaluation, the case information of 86 legal aid attorneys had been reviewed, and the files and statements related to nearly 400 cases had been examined before the following result and prospect was made.

In this evaluation, 12 outstanding attorneys were chosen for public commendation and awarded with medals by the Legal Aid Attorneys Evaluation Committee according to Item 1 of Article 24 of the Guidelines Governing the Evaluation of Legal Aid Attorneys. These outstanding attorneys received high acknowledgement from legal aid recipients for their conscientiousness and working attitude, and their legal statements were all clearly and completely organized. The award ceremony was already held at the tea party celebrating the 5th anniversary of the Foundation on July 3, 2009. On the other hand, the Committee examined the attorneys with unqualified service by the legal statements they wrote, their performance at court and comments of aid recipients and branches staff. So far 13 attorneys were reported with bad attitude or misconduct of different degrees, e.g. unwillingness to cooperate with the evaluation investigation, failure in safekeeping legal statements, bad attitude toward aid recipients, reassigning cases to persons of non-lawyer profession, failure to appear in major sittings or to draft appeal statements for the third instance, and therefore were subject to different punishment by the Committee according to Item 2 of Article 24, including a written warning, reduction of case appointment for a certain period, dismissal from legal aid job and referral to Lawyers Discipline Committee, etc. Investigation were conducted at the same time of the referral to Lawyers Discipline Committee, and the Foundation would continue to watch the working status of the attorneys being punished in order to protect the rights and interest of aid recipients.

In the future, LAF will continue with planning and conduction of the second evaluation. Besides reviewing and closing loopholes of the first evaluation, the Foundation will refer to relevant measures of other countries and amend the Guidelines Governing the Evaluation of Legal Aid Attorneys. By early December of 2009, the telephone survey on the investigated attorneys had been completed, and the Evaluation Committee will meet to decide whose files shall be reviewed while amending related statutes. After further examination and other investigation procedures, this program is expected to be completed in 2010.

III. Management of LAF Branches

By the end of 2009, a total of 21 LAF branch offices were established in counties and cities around the country. As most legal aid applications, examination, follow-up changes and the appointment of attorneys are all taken care of by the branches, their first-line service status is closely related to the legal aid quality of LAF.

Besides through regular communication and meetings, in order to enhance the service quality, fully understand the actual performance of branch offices in operation and information security management, and to strengthen assistance to each branch, members of the Foundation's Department of Business Management and Information Section of Department of Administration and Managing paid visits between October and December of 2009 to each branch office to observe their operation. The focuses of oversight during their visit included the offices' case and financial examination, guarantee certification, complaint handling, procedures of case closure, 4

fees collection, control of attorneys' quality, handling of cases related to Program of the Consumer Debt Clearance Act and information security, etc. Through communication with the staff who serve the public on the first line, concrete advices on their strength and weakness were provided.

IV. Petitions and Complaints

Since LAF was established to provide legal aid, many applicants have filed complaints to the Foundation. With the purpose to enhance the service quality, every legal aid case is served by a specific staff, and a complaint hotline (02-2322-5255 ext. 6) is offered at LAF headquarters with designated persons to answer and handle the complaints. In addition, to ensure the definition and handling procedures, the Guidelines Governing Complaints Handling was enacted in 2007 to be served as the basis of advancing legal aid quality and complaint handling process.

In 2009, LAF received a total of 196 complaints, most of which were completed with investigation and punishment in 2 months and within the processing time stipulated by the Guidelines, and the complainants were informed of the result. According to statistics, the top 3 objectives of complaints were legal aid attorneys (108 cases), LAF staff members (40 cases) and members of Examination Committee. Of the cases handled according to the aforesaid Guidelines, most were found without misconducts except for 3 major complaints being investigated now by the program of the Legal Aid Attorneys Evaluation.

In addition, to help understand the status of complaints handled by branch offices and their regular following up, the complaint management software system was established in 2008, and a related educational training was offered on May 26, 2009. The training comprised 2 parts of courses to acquaint the branches staff with complaint process flow and registration system. Also, the branches would submit reports on their complaint handling status every 3 month to the headquarters for regular supervision.

Chapter 3

Summary of LAF Special Programs

Ever since the Foundation's establishment, LAF has been dedicated to develop new business categories so that those in need may be acquainted with and make use of relevant resources provided by the Foundation. In addition to proceeding with the Pilot Program of First Criminal Interrogation Accompanied by Legal Aid Attorney, the Legal Aid Program for Cases Related to Consumer Debt Clearance Act and the Program of Cases Related to Human Trafficking, the major tasks in 2009 also included the Program of Immediate Aid to Labor Litigations commissioned by the Council of Labor Affairs and Legal Consultation Service and the Promotion for the Typhoon Morakot Disaster Service Program organized immediately after the disaster in responding to issues concerning the indigenous people and environmental protection while the educational trainings for legal aid attorneys and members of the Examining Committee were continued to be offered. The major programs and trainings are described as follows:

Section 1 · Special Aid Programs

I · Pilot Program of First Criminal Interrogation Accompanied by Legal Aid Attorney

To safeguard the people's litigation right and equality right protected by the Constitution as well as to ensure that the authorities' investigation processes observe all legal procedures in order to advance the efficiency and righteousness of investigation and trial, LAF launched the Pilot Program of First Criminal Interrogation Accompanied by Legal Aid Attorney on September 17, 2007. Except for the intellectually disabled people who need special protection and can apply for the service whenever they are apprehended or arrested by the investigation authorities, the general public must meet the following three qualifications to be accompanied by an attorney appointed by the Foundation –

- being apprehended or arrested and taken to the investigation authorities (at the request to be taken immediately for interrogation without receiving a warrant or notification);
- being involved in a felony with a minimum base penalty no less than 3 years' imprisonment;
- being interrogated for the first time regarding the case.

The content of the special programs of 2009 are described as follows:

(I) Relevant Data

In the year 2009, the total applications for the service provided by the Pilot Program of First Criminal Interrogation Accompanied by Legal Aid Attorney totaled 654 cases, among which 507 met the qualifications for appointment of attorneys and 482 received successful appointments. (Please refer to Chapter 2, Legal Aid Business.) The number is expected to grow with the increase of cases referred by the police stations, Bureau of Investigation, district attorneys offices and courts.

(II) The participant police stations increased to 50, and a courtesy visit was paid by LAF to the National Police Agency.

1. The police stations participating in the Pilot Program increased to 50.

Starting from January 1, 2009, the number of police stations participating in the Pilot Program increased from 15 to 50 (one third of the total stations around the country) to reinforce the protection of criminal human rights.

2. Visiting the National Police Agency

Although the participant police stations increased in 2009, the total applied cases did not grow as expected. After compiling the responses from legal aid attorneys of all branch offices and analyzing the reasons for the lack of case growth, LAF offered the related proposals during a visit to the National Police Agency in January 2010, hoping that through direct communication incentives and other substantial measures may be adopted by the Agency to elevate the performance of the Program.



LAF staff took a picture together with executives of the National Police Agency during the visit. (from left to right: Chief Wang-sheng Yan of Judicial Section, Criminal Investigation Bureau of NPA, Deputy Director Feng-guang Ciou of CIB, and Deputy Director-General Yong-ren Yi of NPA)

(III) Modification of Financial Eligibility Examination Flow

1. As a proposal was made against the necessity for financial eligibility examination, LAF Board agreed to cancel the signing of the financial statement.
 - (1) The legal aid applicants were required to sign a financial statement when the Pilot Program was first launched in 2007, but it turned out that it was often for the police to decide whether the applicants were eligible or not, and the applicants often had doubts about the consequence of signing a statement because it was hard for them to understand the procedure in such a short time.
 - (2) With similar experiences in other countries and actual data analyses taken into consideration, a proposal was made to LAF Board that there should be no need for financial eligibility examination. On August 28, 2009, the Board decided that, according to Article 21 of the Legal Aid Act, the financial eligibility examination of the applicants for the legal aid

provided by the Pilot Program of First Criminal Interrogation Accompanied by Legal Aid Attorney was cancelled temporarily due to the urgency of the case nature.

(IV) Review and Procurement of Telephone Customer Service Center:

The service of this program was provided 24 hours daily, and during non-office hours it was handled by the telephone customer service center through outsourcing. To ensure the service quality of the operators on duty, the Foundation conducted a daily examination of the report and business software system and made immediate response as well as a monthly spot check of the recorded files and regular checks of various performance indices of the service center.

(V) Immediate Sorting and Handling Issues Concerning LAF Branches/Customer Service Center and Legal Aid Attorneys

In more than 2 years of the implementation of this program, a person in charge was assigned to assist in case of unexpected situations or problems at a branch office or the Customer Service Center. If any attorney is treated improperly during the accompanied interrogation, the Foundation's person in charge would immediately respond on receiving the report from the branch office by calling the local police station and write to the National Police Agency demanding a reply of clarification. The person in charge would advise all legal aid attorneys for their reference when necessary. By checking the monthly reports from branch offices, the recording files of the Customer Service Center and the business software record, the Foundation's person in charge would actively find out situations needing improvement and notify the people in concern coupled with follow-up inspection.

(VI) Publishing Revised Posters, Leaflets and Pamphlets Concerning the Program of Accompanied Interrogation

To promote this program and the aforesaid cancellation of financial statement, a new version of posters, leaflets and pamphlets were published so that the public may further understand the services.

(VII) Continuing to Participate in Alliance of Promoting Criminal Justice and Human Rights Act

LAF representatives attended the activities by the Alliance of Promoting Criminal Justice and Human Rights Act, the institution established via promotion by Judicial Reform Foundation, including its law-amending meetings, promotional action meetings, related forums and seminars, hoping to realize the human rights of criminal defendants through amending the Code of Criminal Procedure's relevant statutes concerning the company of attorneys.

(VIII) Discussing Criminal Justice, Human Rights and Legal Aid at International Forum

At the 2009 International Forum on Legal Aid held by LAF (please refer to Chapter 7 International Communications), many precious thoughts were collected through discussion on "criminal justice, human rights and legal aid". Substantial measures and strategies were proposed by the Foundation, hoping to improve the predicament of low applications for the service provided by LAF program and realize the protection of human rights.



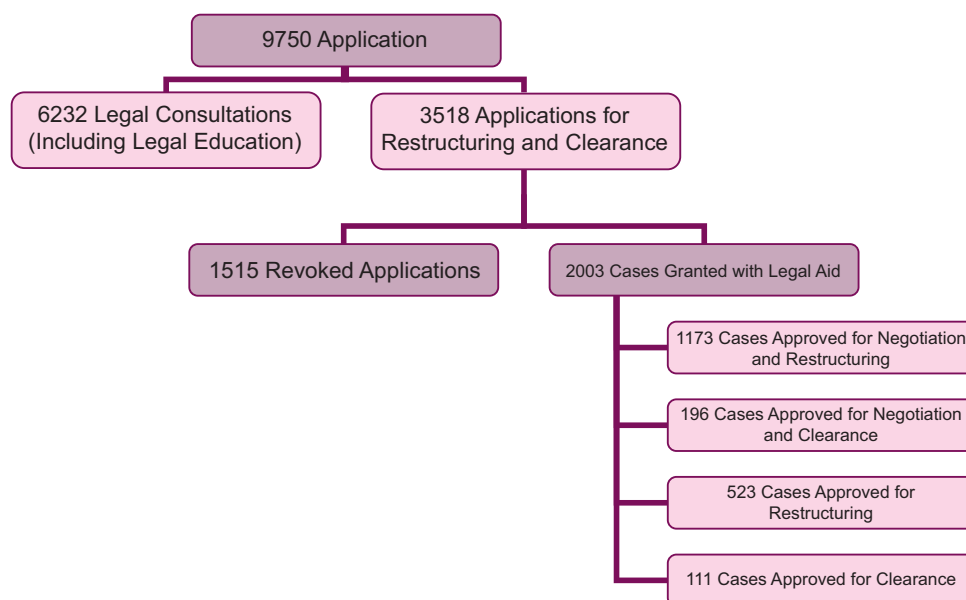
A Panel Discussion on “Criminal Justice, Human Rights and Legal Aid” at 2009 International Forum on Legal Aid

II • Legal Aid Program for Cases Related to Consumer Debt Clearance Act

As the Legal Aid Program for Cases Related to Consumer Debt Clearance Act continued in 2009, the project team met regularly to deliberate on and analyze relevant business software system of credit card debt cases, case closure procedures, court decisions and other practical matters. In addition to meetings of external attorney team, an investigation of practical status was also conducted by an outsourced institution, while both domestic and international seminars were organized to explore issues concerning poverty, debts and legal aid. The implementation of this program is summarized as follows:

(I) Data Statistics and Analysis of Program for Cases Related to Consumer Debt Clearance Act

1. The applications for service offered by Program for Cases Related to Consumer Debt Clearance Act totaled 21,936 in 2008 and 9,750 in 2009 as shown in the figure below:



2. The total applications and approved cases in 2009 were not as high as expected and manifested a conspicuous drop when compared with those in 2008. The probable causes for the low numbers is rudimentarily analyzed as follows:

- (1) The procedure of restructuring and clearance petition is copious.
- (2) The court procedures are minute and complicated, often demanding for supplement or correcting documents and receipts, and the revoke rate is relatively high, resulting in debtors' lack of confidence.
- (3) A unified interpretation of certain indefinite legal concepts such as "not attributable", "fair" and "cause of clearance incurred by squandering", etc. are needed for debtors and attorneys to use as the judgment standard of case process.
- (4) The rate of clearance disclamation ruled by the court is low, and debtors lose confidence in clearance system.
- (5) The petitions to the court for restructuring per month dropped from 2,000 in 2008 to 750 (average from January to June 2009).

(II) Proceeding with Installation of Hardware and Software Facility for the Program

1. When the Program was launched in 2008, a Credit Card Debt Consultation Center, Hotline Customer Center of Consultation Reservation and Online Consultation Reservation Website were established with supporting business software system installation.
2. In 2009, the project team proceeded with deliberating on the variations of applications and documents required for case closure as well as the installation plan of business software. Before the software's case closure function starting online, the team coordinated with the Information Section to design a miniature software for the use by branches staff. Currently the system is going through the CB test of case closure and variation functions, and is expected to officially work online in mid January of 2010.

(III) Maintaining Special Website and Responding Immediately to on-Blog Inquiries

A special website "Click for Understanding the Consumer Debt Clearance Regulations" (www.laf.org.tw/debtclear) was established in 2008 and continued to provide service in 2009. Immediate responses were also offered on the Foundation's official blog to the legal inquiries and messages from the public.

(IV) Proceeding with Analysis of Relevant Issues and Decisions after Implementation of Consumer Debt Clearance Act

1. Deliberating Things to Note for Legal Aid Attorneys to Start with Restructuring or Clearance on Court Findings

In 2008, a sample petition statement for restructuring was completed by LAF and ready for downloading by the public and legal aid attorneys. In 2009, LAF project team further deliberated with external attorney groups on things to note for legal aid attorneys to start with restructuring or clearance on court rules, including introduction of how to use the special bulletin page of Consumer Debt Clearance Act on the website of the Judicial Yuan, procedures and reasons for making objections against creditor's right and notes about restructuring programs, etc. Currently the preliminary draft has been completed and will be ready for online downloading after confirmation

by the meeting.

2. Analyzing Practical Understandings about Court Findings of Approval or Disapproval, Causes not Attributable or Attributable for Public Reference

Following the analytic report on views about petitions to the court for restructuring and clearance cases in 2008, an analysis and printed report about the court rules of approval or disapproval of restructuring programs and causes not attributable or attributable was publicized for reference in 2009.

(V) Survey by Non-Governmental Institution on the Implementation of Consumer Debt Clearance Act

In September 2009, with the purpose to understand the status of Consumer Debt Clearance Implementation and causes for the drop of applications to LAF so that further modification of the Program could be made, a survey by phone on 1,300 applicants was conducted by a commissioned private institution. The findings showed that the successful negotiation cases accounted for nearly 70% but 78.6% debtors still could not or were barely enough to pay back the money. Moreover, 56.8% debtors of the successful cases were subject to terms offered by the banks and agreed to negotiate, and 22.4% already broke their agreements. In the future how the court elucidates the causes not attributable to oneself by Article 151 may have a significant effect on the initiation of restructuring or clearance. As many debtors might be affected by conventional ethics and chose not to resort to clearance procedure even though they were incapable of fulfilling the restructuring terms, the Foundation acknowledged that efforts must be made to overturn their misconception of “rather restructuring than clearance or clearance being a shame”.

(VI) Organizing a Seminar on Practical Situations of Consumer Debt Clearance Act and Publishing Seminar Record

One and half a year after the enforcement of the Consumer Debt Clearance Act, LAF held a “Seminar on Practical Situations of Consumer Debt Clearance Act” on October 2 to collect the opinions and advices from debtors, attorneys, court justices and scholars. Office directors of Legislators concerning about the credit card debt issues, first-line judiciary workers including attorneys and judges, scholars, representatives of the Judicial Yuan were invited to discuss with LAF staff so that further understanding about the implementation of the Act might be obtained.

(VII) Deliberating on Poverty, Debts and Legal Aid at International Forum

At the 2009 International Forum on Legal Aid held by LAF (please see Chapter 7 International Communications), many precious thoughts were collected through discussion on “poverty, debts and legal aid”. Substantial measures and strategies were proposed by the Foundation, hoping to improve the predicament of low applications for the service provided by LAF program.

(VIII) Attending International Meeting by Financial Consumers Strategy Association in Japan and Consolidating LAF Measures for the Program

LAF has maintained close communications with organizations assisting victims of multiple debts in Japan. At the International Forum on Legal Aid, the Japanese participants invited LAF to their international meeting in mid November 2009. Director Yong-song Lin of LAF Taipei Branch and Chief of Legal Research and Legal Affairs Department attended the meeting on behalf of the Foundation. Besides delivering a report on the implementation of the Consumer Debt Clearance Act in Taiwan, they also participated in the debtors exchange meeting. LAF already formulated a

plan to fulfill step by step in 2010 the Japanese and Korean participants' precious experience and advices brought back by them.

III · Legal Aid Program for Victims of Human Trafficking

In addition to an international workshop on issues of human trafficking, relevant seminars and visits organized by LAF in 2008, the Foundation also participated in drafting the civilian version of Human Trafficking Prevention Act. In 2009, LAF proceeded with the following projects related to human trafficking issues:

(I) Organizing Educational Trainings for Legal Aid Attorneys

Three educational trainings for legal aid attorneys were held between March and April of 2009 in Counties of Taoyuan, Yilan and Taichung (please refer to Section 3 of this Chapter). With the purpose to establish a professional attorneys team authentically concerning about the issues of human trafficking, a series of training courses was formulated and will start in March 2010. Besides lectures by experienced attorneys and NGO workers, panel reports will be arranged. When the courses are completed, the attorneys in principle are supposed to take charge of the legal aid cases of human trafficking victims and continue to participate in the follow-up review meetings.

(II) Holding Seminar on Integration of Resources Network for Facilitating Human Trafficking Victims with Access to Legal Aid

1. Arranging Communication between Governmental Authorities and Private Sectors

To facilitate human trafficking victims with access to apply for legal aid with the new Act coming into effect, LAF arranged the Seminar on Integration of Resources Network For Facilitating Human Trafficking Victims with Access to Legal Aid on August 31, and invited representatives from National Immigration Agency, Council of Labor Affairs, National Police Agency and Anti-Human Trafficking Prevention Alliance as well as LAF staff attorneys to deliberate on and seek for resolutions for the difficulties met with by the victims when seeking for aid.

2. Establishing Contact and Referral Mechanism between Asylums

By writing to the National Immigration Agency, the Foundation required for their consent to officially establish a contact mechanism between LAF and asylums and control divisions in all counties and cities so that LAF branches might be informed when the detainees needed legal aid. The Council of Labor Affairs also sent an official message to the detention institutions and local governments advising them to refer the human trafficking victims to LAF branches for legal aid application according to the victims wish.

(III) Coordinating and Assisting with Victims of Chi-ji Group's Labor Exploitation and Human Trafficking Case

Regarding the case of Chi-ji Group's organized crime of withholding wages of Indonesian workers and controlling their freedom to move, LAF took the initiative in assisting the more than 300 victims (please see Section 2 Cases of Major Social Concern of this Chapter).

(IV) Cooperating with Cross-National NGO on "Joint Research of Overseas Vietnamese Migrant Workers" Program

Sponsored by United Nations Interagency Programme, the Oxfam Quebec office in Vietnam

started in 2009 an international cooperation in both the import and export countries by proposing to the migrants, employers and governments to assist Vietnamese migrant workers with safe move against human trafficking.

LAF and Taipei Women's Rescue Foundation were invited by Oxfam Quebec to collaborate via providing law and regulations, employment process and other relevant information as well as field investigations. In 2009, besides offering related legal information about the Vietnamese migrants' employment process, LAF also provided partial financial sponsorship for Taiwan team to participate in the first workshop in May, the second in August in Hanoi as well as the field investigations and interviews in Hanoi and Haiphong.

In this program, the part of the research result concerning Taiwan, including proposals to improve the employment process, was expected to be completed in January 2010. It is connected with one of the prospect of the issue "The Rights of Non-Nationals and Legal Aid" of the 2009 International Forum on Legal Aid held by LAF, i.e. "Research on Agency System" (please refer to Appendix 2) and is supposed to be greatly helpful for the Foundation to promote relevant programs in the future.

(V) Discussing about Non-Nationals' Human Rights and Legal Aid at International Forum

Discussions were made about issues concerning human rights of non-nationals and legal aid at the 2009 International Forum on Legal Aid held by LAF (please refer to Chapter 7 International Communications). Substantial measures and strategies will continue to be proposed by the Foundation in hopes of advancing the human rights of non-nationals particularly the human trafficking victims in the plight.

IV • Cooperative Program of Immediate Aid to Labor Litigations

Labor disputes happen frequently due to the depression of global economy in recent years. To assist laborers' difficulties and expenses when they need judicial remedies to resolve labor disputes, the "Implemental Guidelines for Legal Aid to Laborers" is enacted by Council of Labor Affairs of the Executive Yuan to subsidize the litigation cost for attorneys and realize the protection of labor rights and interests.

In facilitating the laborers with application for legal aid measures provided by the Guidelines, efficient use of social resources and relevant measures provided by each county and city, LAF was consigned by the Council in the way of administrative entrustment to take charge of the legal aid to laborers in 2009. The followings are the accomplishments of this Program:

(I) Coverage of Program

1. To fully protect the rights and interest of laborers, LAF and the Council of Labor Affairs of Executive Yuan together held a press conference on March 2 for the "Cooperative Program of Immediate Aid to Labor Litigations", where an official contract was signed and an announcement was made about the expansion of the existing legal aid to laborers and the provision of free legal consultation and assistance by attorneys.
2. In facing the termination of labor contract (e.g. wrongful charge and failure to pay severance payment or pension by law, etc.), the wages insured by the employer being less than actually earned, and failure to be compensated for occupational injury by law, etc., laborers can apply to LAF branches for legal aid in litigation and fight for their deserved rights and interests if they need legal consultation, drafting of legal documents or representation by attorneys.

(II) Performance of Program

1. When the Program was launched, a conspicuous growth of total labor cases was found in 2009. By December 31, 2,435 laborers were qualified for legal aid offered by the Guidelines, and a distinct increase was seen when compare with the service data before this consignment. It proved that the combination the two institutions' resources could indeed fulfill the service for the disadvantaged labor party in the extensive labor market.
2. The top 5 types of approved civil litigation representation case after the implementation of this Program were: tort, borrowing/lending, Severance Payment Dispute, Work Payment Dispute and Wrongful Discharge, and mostly were related to labor cases.

(III) Offering Educational Trainings to Advancing Legal Aid Quality and Attorneys toward Professionalism (See Sec. 3 Educational Trainings for Attorneys in This Chapter)

(IV) Establishing Basic Operational Software System for Program Examination and Data Statistics

As the Cooperative Program of Immediate Aid to Labor Litigations consigned to LAF by the Council of Labor Affairs in 2009 is concerned, the examination procedure of its application was different from that of general cases, plus for the convenience of data statistics, a provisional basic operational software system was developed by the Foundation to be used for this Program.

(V) Continuation of Labor Program in 2010

As the consignment of Labor Program authorized LAF to provide legal consultation or attorney representation to laborers helped increase the total cases of the Foundation, a certain effects and achievements were also produced, therefore in 2010 the Council of Labor Affairs continues to entrust this Program to LAF.

V • Program of Expansion of Legal Consultation

By Paragraph 1, Item 1, Article 2 of Legal Aid Act, legal consultation is part of the legal aid services of LAF. With the development of society, the public demand for various legal consultations increases drastically. To meet this demand, a variety of legal consultations are offered by LAF as described as follows:

(I) Face to Face Legal Consultation Service by Stationed Attorneys or at Branch Offices

To provide service more convenient and extensive, LAF launched the Service Program of Expansion of Legal Consultation on April 1, 2009. People could make reservations online (<http://www.laf.org.tw>) or by phone (02-3322-6666) for attorneys' consultation in person. Presently there are more than 60 consultation stations around the country.

Moreover, multiple channels for application were provided at the same time to meet the demand of reservations for expanded legal consultation, i.e. the original online reservation system for credit card debt consultation was reestablished as the website (<http://59.120.201.217/legal/index.htm>) of reservation for legal consultation in April 2009. The original reservation hotline for credit card debt consultation was also expanded as hotline for general consultation service. In 2009, a total of 7,814 online reservations were made.

(II) Conspicuous Application Growth Shows Public Demand for Convenient Legal Consultation

The number of applications since the start of this Program indicated that this convenient measure could actually advance people's willingness to seek for professional information when facing legal problems, and a conspicuous growth was seen in the total legal consultation cases. By the end of December, 29,648 consultations were provided within 9 months. If compared with the statistics of the same period last year, there was an increase by 3 times, i.e. 22,047 cases more. (There were 5,078 legal consultation cases and 2,523 legal education cases, totaled 7,601, between April 1 and December 31, 2008, while the total legal consultation services provided in 2009 comprised 35,852 cases.)

(III) Services of Legal Consultation by Phone and Online Information Search to Start in 2010

A new service of legal consultation by phone is expected to be launched in 2010. For the present stage the service is only provided to resident of remote areas by LAF branches of Taipei, Kinmen and Matsu.

1. Legal consultation by phone offered by LAF Taipei Branch: Through cooperation with Danshui Town Household Registration Office, Bali Township Mediation Committee, Sanjhih Township Mediation Committee, Shihmen Township Mediation Committee, Shihding Township Mediation Committee, Pusin Village Office of Shengkeng Township, Pinglin Township Mediation Committee and Indigenous Family and Women Service Center of Wulai Township, the legal consultation service by phone was provided to 60 person-times in 2009.
2. LAF Kinmen Branch and Matsu Branch: Legal consultation by phone is provided to residents of Kinmen and Matsu, and instant arrangement for service from members of the Examination Committee of LAF Taipei Branch is made when people contact the branch offices.

VI · “Legal Consultation Service and Promotion for the Typhoon Morakot Disaster Service Program”

On August 8, 2009, Typhoon Morakot together with heavy rain caused grave disasters in southern Taiwan. Siaolin Village and some other rural regions in Kaohsiung were destroyed by floods and buried by debris flows. To assist the victims with legal issues ensued from the disasters, e.g. succession, debts, land and state compensation, etc., LAF mobilized all branches in the neighborhood to offer legal consultation service, and a special team was formed to provide legal aid. The overall services are summarized as follows:

(I) Immediate Provision of Legal Consultation by Phone

To help the victims of Typhoon Morakot, an emergency hotline was initially offered by LAF for legal consultation by phone, and 143 consultations were made in total. Later a special team was established to proceed with the service.

(II) Assistance to Victims with Declaration of Death, Application for Death Certificate, Waiver of Succession and Succession Inventory Report, etc.

The August typhoon caused many deaths and missing persons who could not be confirmed dead. To help the victim family with legal issues concerning succession and death declaration, etc.,

LAF cooperated with local prosecutors' office or governments and acquired a list of successors or family members, who were contacted by LAF branch offices and arranged for on-site legal consultation and legal aid application in the victimized region or at the shelter centers.

(III) External Counsel Team of Indigenous and Environmental Specialists Joined LAF Team to Collect Victims' Opinions and Needs before Making Service Plan

1. As most victimized regions by Typhoon Morakot were populated with indigenes and issues of environmental protection were concerned, LAF invited Millet Foundation and other indigenous groups, environmental protection groups and scholars to deliberate on the legal issues concerning community restoration of flood on August 31. A lot of important advices and proposals were given at the meeting, and relevant follow-up researches were conducted by the Foundation.
2. LAF participated in the lecture held at Kaohsiung District Court by the Ministry of Interior on the Special Statute for Reconstruction for Post-Typhoon Morakot Disaster.
3. A series of meetings (or teleconferences) were held between LAF special team, LAF branches, external assistance groups and self-help associations to collect possible post-disaster legal issues followed by researches by attorneys of the special team.
4. On November 14, November 21 and December 10, visits were paid by LAF special team together with directors, executive secretaries, staff members, staff attorneys of LAF branches, scholars, external groups, local self-help associations, National Taiwan University Human Rights Resource Center and graduate students to the victimized regions, including Laiji Village of Alishan Township in Chiayi County, Siaolin Village of Jiasian Township in Kaohsiung County, Jialan Village of Jinfong Township in Taitung County, Nanshalu Village of Namasia Township in Kaohsiung County and Wutai Township in Pingtung County, for the "Legal Aid Seminar Concerning August Flood". Besides understanding the victims' needs and relevant legal issues, field inspections were also made to collect basic information about the victims' application for state compensation.
5. Future follow-up plans include inviting specialists in water and soil conservation, geology, ecology, architecture, civil engineer and relevant fields for advices and further evaluation of state compensation. All the information about victims' needs and opinions will be compiled together with related legal statements to be referred to governmental authorities.

VII · Planning for Issues Concerning the Disadvantaged and Strengthening Cooperation with Social Groups

(I) Organizing Alliance with Labor Groups for Occupational Injury Law Amendment

1. Purpose of Alliance

The Alliance for Occupational Injury Amendment consists of groups who are long concerned with labor rights in Taiwan, by reason that occupational injuries may cause either wounds and sickness or disability even death and make serious impact and harm on laborers, their family and

even the entire society and country.

As the system of occupational injury's prevention, compensation and rehabilitation in Taiwan is not mature enough, LAF participates in the Alliance in hopes of the practical experience and professional opinions of different parties will be deliberated on and exchanged, and a complete and comprehensive protection system against occupational injury may be established through the integration of consensuses.

2. Visit and Appeal to Council of Labor Affairs

13 Regular meetings had been held by the Alliance since 2007, and visits been made to the past and incumbent ministers of Council of Labor Affairs on July 21 and September 11, 2008. On November 12, 2008, the Alliance was invited by Council of Labor Affairs to further explore the feasibility of the proposed ideas and appeals. The Alliance also attended the meeting on "labor protection system against occupational injury" on January 13, 2009.

3. Alliance's Consensus on Occupational Injury Compensation System

- (1) For the labor protection against occupational injury, a comprehensive compensation system should be restructured in the 3 aspects of "prevention from occupational injury", "insurance and compensation for occupational injury" and "vocational rehabilitation" and should be taken charge of by a specified organization.
- (2) All laborers should be included in the coverage of protection.
- (3) The vocational insurance should enable laborers to acquire substantial compensation fast and conveniently after injury.
- (4) For the sake of fairness, the calculation of compensation for occupational injury should be based on the laborers' actual wages instead of the insured amount.
- (5) The employers' responsibility for occupational injury and rehabilitation should be emphasized and strengthened.
- (6) The insurance for occupational injury should be based on experience rating.
- (7) A compulsory occupational injury report system should be established.
- (8) The disability compensation system should be designed on the basis of annuity payment.

4. Future Development

To establish a more comprehensive occupational injury protection system, the Alliance will continue to learn from the systems and operations of other advanced countries and then make proposals on the concrete direction and content of law amendment.

(II) Cooperating with Women, Old People Welfare Groups to Promote Amendment of Chapter of Maintenance of Part of Family of the Civil Code

In Taiwan it is stipulated by both the Civil Code and Criminal Code that children are responsible for the maintenance of their parents. However, as found by the Garden of Hope Foundation in case experience, people suffering from domestic violence in childhood and being long alienated from their parents when grown up may be sued for desertion or claimed for maintenance by law. Although the intention of law is good, it is unbearable for the victims to be forced to support those who hurt them. Still, the basic needs and welfare of those people who once harmed their children cannot be ignored. Considering this, LAF joined the Garden of Hope Foundation, Federation for the Welfare of the Elderly, attorneys and specialists in 2009 to promote the amendment of the Chapter of Maintenance of Part of Family of the civil Code. The accomplishments of this promotion are described as follows:

1. Participating in meetings to deliberate on law amendment and plan for drafting and steps of actions;
2. Holding press conference to announce 3 appeals: On June 24, 2009, LAF joined the Garden of Hope Foundation and Federation for the Welfare of the Elderly to hold a press conference to call for the public attention to reexamine the maintenance relationship between parents and their children. The following 3 appeals were announced at the press conference –
 - (1) The maintenance act between parents and their children should be a reciprocal obligation.
 - (2) An escape clause should be added to provisions concerning the crime of desertion to protect those suffering domestic violence or sexual assault when as minors.
 - (3) The basic right to welfare of those excluded from being capable of self-care should be taken care by the country to realize the ideal of social security.
3. Attending the public hearing and paying visits: The promotion groups attended the public hearing for law amendment held by Legislators on October 2nd and visited relevant ministers with portfolio responsible for examining the Ministry of Justice's version of draft on October 12th in hopes of reaching a consensus on the direction of amendment. The draft of amendment to relevant provisions of the Civil Code had already been approved by the Executive Yuan, and its first reading was completed by Judiciary and Organic Laws and statutes Committee of the Legislative Yuan on December 30th.

(III) Holding Press Conference to Call for Government's Attention to Senior Care Center and Human Rights of Migrant Workers

1. On October 19, 2009, A press conference titled "No Human Rights for the Old and Migrant Workers - No Restrain over Human Trafficking" by LAF, the Vietnamese Migrant Workers' and Brides Office of Diocese Hsinchuensis, Hope Workers' Center and Federation for the Welfare of the Elderly, when the issues of management of the senior care center, labor exploitation and negligence over caretaking quality were exposed.
2. LAF and the associate groups urged the authorities to improve their capability to identify the victims of human trafficking. Furthermore, the administrative authorities in charge of labor affairs should have strategies for improving the caretakers' miserable working environment in general, and the healthcare authorities should see to the senior care centers' labor exploitation and the resulted low quality of senior care.
3. The following four appeals were announced at the press conference:
 - (1) The rights of migrant workers should be protected – Their passports and IDs should be returned; their deserved wages should be fully paid; they cannot be deported arbitrarily; their personal freedom should be recovered.
 - (2) With the Human Trafficking Prevention Act coming into effect on June 1, 2009, the authorities' capability to identify victims (particularly victims of this case who had a work visa) should be improved or the victims can never find help.
 - (3) The caretakers' working environments are generally in bad condition, and the authority should make strategies for it.
 - (4) The caretakers are exploited and the quality of senior care is low at the senior care center. The authorities should make efforts to improve it.

(IV) Collaborating with Taiwan Alliance to End the Death Penalty in Lecture Arrangement

Supporting or not for the abolishment of death penalty, the legal aid system in all countries would provide legal aid, with respect to life and without questioning the case nature, for a case finalized with death penalty to fight for the opportunity of a possible retrial. It is a statutory obligation for the legal aid system in every country to provide legal aid to a case with finalized death penalty. Therefore in 2007 LAF started cooperation with Taiwan Alliance to End the Death Penalty and provided proper assistance by legal aid attorneys with the purpose to uphold the litigation right protected by the Constitution.

In promoting the abolishment of death penalty, the Alliance is often questioned by people, so in recent years it is dedicated to communicate with the public and convey multiple messages through lectures, conferences, workshops, murder film festivals and other activities. On November 16, 2009, Professor Roger Hood, the Emeritus Professor of Criminology and Emeritus Fellow of All Souls College, Oxford, visited Taiwan on invitation by the Alliance and gave a public lecture on “The Death Penalty: Progress and Prospects for Worldwide Abolition” to share his experience and understanding.

VIII · Hosting 2nd Taiwan Legal Aid Forum

In hopes of listening more voices from the disadvantaged people and making the Foundation's future development closer to their demand, LAF again organized the 2nd Taiwan Legal Aid Forum on July 3rd and 4th. With relevant pre-administrative work, themes design, invitation of speakers, assistance with meeting process and minutes well prepared, the forum proceeded smoothly and participants were able to fully exchange and communicate with one another. Precious advices by the participant NGO representatives, legal aid attorneys, prosecutors, judges and specialists in various fields were gathered and would be included in the Foundation's development plan.

IX · Special Program of Legal Aid Act Amendment

After more than 5 years of the Foundation's establishment on July 1, 2004, it was necessary for LAF to conduct an overall examination of the system and operation. Through discussion with representatives of social groups and the law and justice in mid June, it was decided to review the Legal Aid Act and propose an integrated version of amendment draft. On June 26th, e-mails were sent by the Foundation to invite for opinions about the amendment from LAF branches, representatives of social groups and members of special committees. With all information gathered and compiled, a “Research Team for Legal Aid Act Amendment” was formed by representatives from scholars, attorneys and social groups familiar with the legal aid system. Three meetings were held by the team, and decisions were made on issues concerning modification of scope of no need for financial eligibility examination, expansion of non-nationals' application to legal aid, allowing qualified groups of legal persons or non-legal persons to apply for legal aid, modification of procedures relating to legal consultation and the Pilot Program of First Interrogation Accompanied by Legal Attorney, etc.

Section 2 • Cases of Major Social Concern

In 2009, besides executing the services of major special programs, LAF also continued to follow the development of cases of major social concern as described as follows:

I • Major Cases Concerning Environmental Protection

(I) The Case of RCA Pollution

The plant of noted electronics company RCA in Taiwan illegally dumped organic solvents that resulted in damaging to the soil and water source around the plant location, and their ex-employees one after another were diagnosed with cancer and even declared death. A team of LAF staff attorneys and volunteer attorneys worked together to help the victims to claim to Taipei District Court for a total occupational injury compensation over 2.4 billion NT Dollars from the international companies of RCA, GE and Thomson. On November 11th, the court subpoenaed for the first time the victims to testify after delays caused by RCA's procrastination with various procedure issues. It was also the start of actual investigation into relevant facts of this case by the judiciary authorities ever since LAF took charge of this environmental protection and occupational injury case.

(II) The Case of CPDC Pollution

Between the 40s and 80s of last century, the operation of China Petrochemical Corporation Plant in Anshun, Tainan County, produced various byproducts and harmful industrial wastes, including mercury, dioxin and pentachlorophenol, causing serious pollution to the surrounding soil, underground water body, surface water body and bottom mud as well as producing excessive dioxin in the blood and damaging the health of local residents. LAF staff attorneys initiated to take care of the case by representing 85 victims to file a suit to Tainan District Court against the Ministry of Economic Affairs, CPDC, Tainan City Government and Environmental Protection Bureau of Tainan City and claimed for a compensation of NT\$130,400,000. Currently the case is still going through the process of proceedings.

II • Case of Chiji Group Abusing Migrant Workers from Indonesia

An agency introducing workers from Indonesia to work as family caretakers in Taiwan, Chiji Group forced those migrant workers to sign promissory notes or IOU receipts. If the workers failed to pay by month, the Group would use the aforesaid notes or receipts to petition to the court for compulsory seizure of their wages. As a result, no matter how hard the migrant workers toiled, the actual wages they got were out of proportion to those promised. In fact, there were thousands of victimized Indonesian workers all over the country.

To help the victim group of this human trafficking case, LAF formed a team of staff attorneys and took the initiative in collaborating with the Council of Labor Affairs and local bureaus of labor affairs to interview the victims who wished to apply for legal aid in claiming for compensation. Presently the number of aided victims was about 300, and the case was processed by Miaoli District Court.

Section 3 • Educational Trainings for Attorneys

In 2009, to cope with the initiation of various new types of business and specific cases, a series of educational trainings and introductions were arranged for special attorneys (including LAF members of examination, legal aid, review and legal affairs committees as well as staff attorneys) as summarized below:

(I) Educational Trainings on “Legal Aid to Victims of Human Trafficking”

The Human Trafficking Prevention Act was passed in January 2009 and came into effect in June. Three educational trainings for legal aid attorneys were held in March and April via collaboration between LAF branches and Bar Association in Taoyuan, Yilan and Taichung. For each training session, in addition to lectures by attorneys and prosecutors on the aspects concerning laws and practical investigation, NGO workers were also invited to speak and helped the attorneys understand the victims’ predicament so that they would be inclined to feel empathy for the victims when handling the case and fully assist the disadvantaged, mentally and physically wounded victims. Also, on April 14, a special educational training was held by LAF Pintung Branch in cooperation with Pintung Control Division of the National Immigration Agency and Office of Labor Affairs of Pintung County Government with the purpose of facilitating the Legal Aid Program.

(II) Educational Trainings on “Practical Matters of Labor Litigation”

When LAF was consigned by the Council of Labor Affairs with this legal aid service in 2009, all legal aid attorneys were invited and encouraged to participate in the “Study on Practical Matters of Labor Litigation” held by Taipei Bar Association in Taipei, Taichung and Kaohsiung between April and June 2009. The participants’ roster was provided to local LAF branches for their reference in appointing cases. Also, on October 12 and October 28 in Taipei, practical educational trainings on “Handling Disputes Related to Termination of Employment Contract” were scheduled for attorneys specializing in labor cases, hoping that teams of specialized labor attorneys might gradually be devoted to assisting and protecting the rights and interests of the disadvantaged laborers.

(III) Educational Trainings on “Part of Rights of Civil Code”

In 2009, a major portion of amendments were made on articles in the Part of Right in Rem and the Part of Succession of the Civil Code. On June 6, LAF Yunlin Branch held an educational training for attorneys on “Amendment on Ownership in Part of Right in Rem of Civil Code”. Relevant courses were also arranged by LAF Chiayi Branch and Chiayi Bar Association on July 18 and by LAF Yilan Branch and Yilan Bar Association on November 28.

(IV) Educational Trainings for Members of Examining Committee and Legal Aid Attorneys

In addition to unscheduled seminars for members of the Examining Committee and legal aid attorneys, educational trainings on the Program of Immediate Aid to Labor Litigations were also arranged separately by LAF Keelung Branch, Banciao Branch and Taipei Bar Association on July 4 and by Pintung Branch on March 26. On April 18 and April 25, LAF Pintung Branch also invited Justice of the High Court with special certificate in practical matters of labor trials and attorneys specializing in labor cases to give lessons on the Program. On September 12, the “Practical Courses on Aid to Laborers’ Suffering from Wrongful Discharge and Educational Training for Legal Aid Attorneys and Members of Examining Committee” was held by LAF Taoyuan Branch.

On August 29, in response to the Amendment to Criminal Procedure Law regarding that the reason for appeal to second instance must be specified, LAF Pintung Branch offered the educational trainings by inviting court judges to lecture on how to specify reasons for appeal to second and third instances. On November 26, LAF Chiayi Branch invited members of Examining Committee and legal aid attorneys to the discussion on the new provisions of guardianship announcement. On August 5, LAF Hualien Branch held the conference on “New Era for the Law of Right in Rem – Amendment to General Principles of Part of the Right in Rem and Ownership”.

(V) Pre-Trial Study on “Typhoon Morakot Disaster Service Program”

To assist the successors or family of the dead, missing persons or people out of contact in the August Flood with legal issues concerning application for death certificates, death declaration and succession, etc., LAF Pintung Branch invited the Head Prosecutor of Pintung District Prosecutors Office and Chief Judge of Pintung District Court to the educational training on special provisions and the new amended provisions of succession so that the members of Examining Committee and legal aid attorneys might be acquainted with relevant stipulations and avoid missing the legally designated period and causing loss to the aid recipients.

Other educational trainings included the ones on “Analysis of Programs Concerning Criminal Practical Matters” on August 29 and on “Study of New Amendment to Guardianship and Subsidy Declarations and Legal Succession System” on October 12 held by LAF Pintung Branch, on “Introduction and Application to Cause and Effect Theory of Toxic Torts” by LAF Tainan Branch on October 18, lectures by specialists on the skills of consultation and communication and barrier-free service with respect to applicants and aid recipients by LAF Banciao Branch on November 13, and on “Legal Aid and Psychiatry” by LAF Hualien Branch on December 25.

Chapter 4

Administration and Management

Through 5 years' development and expansion, the Foundation has grown into an institution with 21 branches and 234 staff members. Hence its management becomes even more important as the Foundation endeavors to use its finite manpower to provide legal service to the disadvantaged people. Following the restructuring in 2008, the Administration and Managing Department was established to integrate human resources, information management, general affairs and document control as well as the internal auditing system in hopes of offering more efficient service through the integration of administrative resources.

Section 1 • Human Resources

I. Educational Training

Manpower is the foundation of LAF's development. To facilitate the staff's business operation and enhance the quality of service, various special and service training courses are offered to the staff during off-hours. In 2009, the training program comprises 122 educational trainings by regions in total according to regional characters and resource-sharing, as described as follows.

(I) Legal Affairs Category

To acquaint the staff of LAF branches with various legal aid operations and related statutes, 58 training courses of legal affairs category were held in 2009 on subjects concerning studies of Labor Standards Act and Amendment to Part of Succession of the Civil Code, practical guide for court internship, common disputes over labor management, the newly amended custody system of the Civil Code, experience sharing with domestic cases and non-litigation procedures, prevention of domestic violence and human trafficking, basic legal concept of litigation system, amendment to the part of general rules of property rights and ownership, knowledge and practical application of labor laws, etc.

(II) Specialty Category

The Foundation continues to offer relevant trainings to reinforce the staff's professional know-how and management skill, including 22 courses on subjects of the Balance Score Card's performance system, customer satisfaction, team motivation and leadership, effective management of customer complaint and accounting system modification, etc.

(III) Life Counseling – Communication and Emotion Management

14 courses on the subjects of problem analysis and solutions, work pressure adaptation and office EQ, getting along between opposite sexes, communication tactics and etiquette, interpersonal communication and conflict management, time management and creative thinking, etc. with the purpose of strengthening the staff's health maintenance and emotion management.

(IV) Other Categories

18 activities were held in the forms of participating in trainings by general training institutions or other social groups, including NPO's youth talents leadership and management, customer management, managers training, marketing management, financial management, social work research methods, target management and versatile use of key performance indicator, multimedia presentation techniques and procurement professional training, etc.

II. Volunteers and Student Trainees Recruitment

To deal with the increasing business volume while the Foundation's workforce remains limited, volunteers and trainees are needed to assist with the various operations. Through websites, schools, regional institutions and promotions by LAF branches, 649 students and social enthusiasts have been recruited. To equip the volunteers and trainees with overall understanding about their service, the branch offices would hold a series of educational trainings together with ideas exchanges and experience sharing, including the 10 introductory meetings, volunteer camps and service conferences in the year of 2009.

Section 2 · Information Management

Ever since the beginning of the Foundation, LAF has realized the indispensability and need of an e-operation, and initiated the preparation of the operational management system, system maintenance and video telecommunication system establishment, which as described as follows.

I. Operational Management System

The first stage development of the existing operational management system was launched in June 2005, and a partial online function was initiated later in July. The system development entered the third stage, which is described as below.

(I) The First Term Establishment of the Third Stage Operational Management System

The primary task in 2009 was the first term development of the third stage of operational management system, including:

1. Functional Modification and Addition of the Debt Clearance Operation

Modifications – applicants' data processing, control and management of urgent cases, logistics review, termination flow, attorneys replacement flow, review operation, case closing process, advance remuneration function, remuneration counterbalance for case alteration, integration balance sheet.

Additions – authorization function, processing of persons related, withdrawal flow, termination confirmation flow, inquiry into financial eligibility variation, interview record alteration.

2. Modification of General Cases Operation

(II) The related development and functional modification in coordination with the newly developed operations were also initiated, including:

1. Reviewing and supplementary recording relevant to the contribution, repayment, recovery and withdrawal fee collection system function.
2. System functional modification relevant to the cooperative program with the Council of Labor Affairs.
3. System modification relevant to the Typhoon Morakot Disaster Relief Program.

4. Operational system modification of the part of remuneration calculation and payment procedures relevant to the attorneys' remuneration advance payment change from 80% to 50% in 2010.

The above operations are expected to be completed by February 2010.

II. System Maintenance

In response to the increasing threat to information security brought by technological progress, LAF has set up an information security management system in addition to the regular systematic check and maintenance. Besides the enactment of "Information Security Management Guidelines" in 2007, the following key measures are adopted to strengthen the protection of information:

(I) Reinforcing Software and Hardware Protection

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

(II) Establishing a Remote Backup System

To prevent the Foundation's operation from management system failure or damage caused by certain disasters or other reasons, the Continuous Data Protector was used in 2009 to establish a remote backup system that can assume the online operation in the shortest time to sustain the Foundation's business operation.

III. Video Telecommunication System

A distance service project started in the spring of 2005 to establish an electronic mechanism for examining interview, and the video telecommunication system was a major tool for this extension of LAF service coverage. By 2008, the preliminary video telecommunication system was completed all over the country for the use by LAF branches and remote areas, including a comprehensive service system through collaboration between Pingtung Branch and Pingtung County Government to cover the faraway townships of Hengchung, Liuchiu, Manchou, Majia, Laiyi, Checheng, Wutai and Fangshan and establish bases for local residents' application. In 2009, two more townships, Mudan and Taiwu, were added to the list of LAF service bases. In the future, the Foundation will continue to advance the operation of video telecommunication system and increase service bases according to people's demand.

Currently the video telecommunication system is primarily used for:

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

There is almost no attorney practicing on the remote islands or in faraway areas, and the lack of convenient transportation makes it hard for the residents to reach an LAF branch to apply for service. Distance video telecommunication enables the applicants to interview with attorneys in a way just like the urban applicants do. For example, via video telecommunication, an applicant in Penghu can interview an attorney of LAF Kaohsiung Branch, and those in Kinmen and Matsu

can also talk with attorneys of LAF Taipei Branch. With the help of video telecommunication, the attorneys may learn more about the case nature and then proceed with the examining procedure.

Applications for Legal Aid via Video Telecommunication (VT) in 2009			
LAF Branch	VT Counterpart	VT Period	Reservation Capacity
Taipei Branch	Kinmen Branch	Every Monday and Thursday	At Most 5 Persons for Each Period
	Matsu Branch	Every Wednesday	At Most 4 Persons for Each Period
Kaohsiung Branch	Penghu Branch	Every Monday and Friday	At Most 3 Persons for Each Period

(II) Complaints Service

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

(III) Inter-city Contact between Aid Recipients and Attorneys

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

Moreover, the video telecommunication system is also used for the Foundation's internal general meetings or regional branches' joint meetings, inter-branch contacts and attorneys' evaluation, etc. to save operational cost, enhance administrative efficiency and elevate operating effect.

Section 3 · General Affairs and Document Control

Both general affairs and document control are the logistic supporting operations that focus on procurement, property management, maintenance of offices and equipments, handling of the incoming and outgoing documents as well as file management. In 2009, two sets of internal stipulations concerning general affairs were made, which are the "Regulations for Property and Goods Management" and "Certificate Table of Revocation Classification for Properties", in addition to the amendment of "Guidelines Governing Leasing Offices". The large procurement made by different departments included "outsourcing customer service for the first interrogation accompanied by attorneys", "development and establishment of the third stage of operational management system", "maintenance of the operational management system's first stage development items in 2009", "modification and addition of the analytic report of the operational management system's handling legal aid cases and debt clearance operation system", "modification of the integral function of the operational management system's way of remuneration payment and counterbalance flow" and "leasing project of the LAF Shihlin Branch's office".

Section 4 • Internal Audit System

The responsibility of LAF Auditors is to ensure the accomplishment of “Internal Control System” in the aspects of (1) the effect and efficiency of operation, including the performance and property security, (2) the reliability of financial report, and (3) the observance of relevant laws and regulations. LAF auditors work according to the “Internal Audit Operation Handbook”. For matters not mentioned in the Handbook, the Standards for the Professional Practice of Internal Auditing of the Institute of Internal Auditors, ROC, and the Code of Ethics, Standards for the Professional Practice of Internal Auditing will be referred to. The audit operation consists of two categories, which are routine audit and project audit, with the former conducted by auditors according to the audit plan approved by the Board Meeting and the latter conducted by the Board of Directors or persons authorized by the Board.

I. Work Items of LAF Audit

- (I) Legal Aid Business and Receivables Cycle Audit – including operations concerning application and approval, appointment of attorneys, termination, revoking and withdrawal, guarantee issuance, control of contribution, repayment, recovery and withdrawal fee and donation (endowment) income’s handling and receipts issuance, legal aid remuneration and receivables
- (II) Procurement and Payment Cycle Audit – including purchase application, procurement, check on delivery and payment, etc.
- (III) Payroll Cycle Audit – including hiring, work attendance, overtime control, performance appraisal, personnel changes, payroll management and business travel expense control, etc.
- (IV) Fixed Assets Cycle Audit – including the addition, handling, maintenance, safekeeping and records, etc.
- (V) Investment Cycle Audit – including the decision, purchase and sale, safekeeping and records concerning negotiable securities, immovable property and other long-(short-)term investment
- (VI) Computer Information System Cycle Audit – including the procurement of hardware and system software, security control of files and equipments, control of data output and input, control of information handling, control of information security check
- (VII) Other Control Operation Audit – including the management of official seal usage, files, budgets, application and use of bank checks, liability commitment and contingencies, duty delegation and proxy system, property and assets, financial and non-financial information, financial report preparation flow

Chapter 5

Financial Management

I. Independent Auditor's Report



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INDEPENDENT AUDITOR'S REPORT

NO.140798EA

The Board of Directors
Legal Aid Foundation

We have audited the balance sheets of the Legal Aid Foundation as of December 31, 2009 and 2008, and the related statements of income, changes in equity and cash flows for the years then ended. These financial statements are the responsibility of the Foundation's management. Our responsibility is to express an opinion on these financial statements based on our audit.

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

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial positions of the Legal Aid Foundation as of December 31, 2009 and 2008, and the results of its operations and its cash flows for the years then ended, in conformity with note No.2 and generally accepted accounting principles in the Republic of China (ROC).

Baker Tilly Clock & Co
BAKER TILLY CLOCK & CO
January 15, 2010

an independent member of
BAKER TILLY
INTERNATIONAL

LEGAL AID FOUNDATION
BALANCE SHEETS
DECEMBER 31, 2009 and 2008
(Expressed in New Taiwan Dollars)

ASSETS	Notes	December 31, 2009		December 31, 2008		LIABILITIES AND EQUITY		Notes	December 31, 2009		December 31, 2008	
		Amount	%	Amount	%				Amount	%	Amount	%
Current Assets		\$ 339,517,877	12	\$ 315,090,990	12	Current Liabilities		9	\$ 301,719,190	11	\$ 291,209,248	11
Cash and bank deposit	3	72,559,977	3	100,493,626	4	Accrued payables			294,968,732	11	286,261,769	11
Receivables	4	264,504,387	9	205,333,503	8	Advance receipts			5,273,395	—	3,682,353	—
Advance payments		2,453,513	—	9,263,861	—	Deferred revenue from government grants, current		11	579,712	—	—	—
Funds and Investments		2,503,524,089	86	2,303,447,689	86	Other current liabilities			897,351	—	1,265,126	—
Held-to-maturity financial assets, noncurrent	2,5	1,959,412,345	67	1,953,108,994	73	Other Liabilities			40,123,050	1	28,222,051	1
Funds-time deposit	2,6	544,111,744	19	350,338,695	13	Deposits received			2,173,417	—	838,320	—
Fixed Assets	2,7	28,865,082	1	27,725,677	1	Pension payables		10	—	—	366,414	—
Machinery and equipment		26,327,734	1	21,660,985	1	Deferred revenue from government grants, noncurrent		11	37,949,633	1	27,017,317	1
Traffic and transportation equipment		3,104,797	—	2,745,103	—	Total liabilities			341,842,240	12	319,431,299	12
Miscellaneous equipment		13,028,088	—	11,246,433	—	Equity			2,552,456,098	88	2,340,697,338	88
Leasehold improvement		21,709,928	1	19,519,834	1	Initial funds		12	500,000,000	17	500,000,000	19
Less: accumulated depreciation		(35,305,465)	(1)	(27,456,678)	(1)	Donated funds		12	2,000,000,000	69	1,800,000,000	67
Other Assets		22,391,290	1	13,864,281	1	Accumulated surplus			52,456,098	2	40,697,338	2
Differed debits	2,8	17,687,198	1	9,584,841	1							
Other assets		4,704,092	—	4,279,440	—							
Total Assets		\$2,894,298,338	100	\$2,660,128,637	100	Total Liabilities and Equity			\$2,894,298,338	100	\$2,660,128,637	100

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

LEGAL AID FOUNDATION
STATEMENT OF INCOME
FOR THE YEARS ENDED DECEMBER 31, 2009 and 2008
(Expressed in New Taiwan Dollars)

DESCRIPTION	Notes	2 0 0 9		2 0 0 8	
		Amount	%	Amount	%
<u>Revenues</u>		\$ 721,784,853	100	\$ 675,618,392	100
Revenue from government grants	2	623,380,246	86	623,946,211	92
Revenue from other donations	2	734,407	—	870,157	—
Revenue from projects		23,300,828	4	93,560	—
Other revenue-operating		726,758	—	1,234,678	—
Revenue from contingent repayment (recovery)		22,034,938	3	1,615,808	1
Interest earned		50,987,768	7	47,855,338	7
Other non-operating revenues		619,908	—	2,640	—
<u>Expenses</u>		710,026,093	98	673,894,246	100
Remuneration for legal aid lawyers	2	408,802,574	56	424,579,493	63
Transportation fee for examining and review commissioners		25,796,500	4	23,999,000	4
Litigation expenses	2	9,913,320	1	6,048,727	1
Other operating costs		43,600	—	7,200	—
Cost exclusive for a specified purposes		20,671,466	3	—	—
Operation and administrative expenses (Table I)		244,596,238	34	218,778,985	32
Other non-operating expenses		202,395	—	480,841	—
Net income		\$ 11,758,760	2	\$ 1,724,146	—

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

LEGAL AID FOUNDATION
STATEMENT OF CHANGES IN EQUITY
FOR THE YEARS ENDED DECEMBER 31, 2009 and 2008
(Expressed in New Taiwan Dollars)

DESCRIPTION	INITIAL FUNDS	DONATED FUNDS	ACCUMULATED SURPLUS	TOTAL
Balance, January 1, 2008	\$ 500,000,000	\$ 1,500,000,000	\$ 38,973,192	\$ 2,038,973,192
Added funds in July 2008	—	300,000,000	—	300,000,000
Net income for 2008	—	—	1,724,146	1,724,146
Balance, December 31, 2008	500,000,000	1,800,000,000	40,697,338	2,340,697,338
Added funds in July 2009	—	200,000,000	—	200,000,000
Net income for 2009	—	—	11,758,760	11,758,760
Balance, December 31, 2009	\$ 500,000,000	\$ 2,000,000,000	\$ 52,456,098	\$ 2,552,456,098

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

LEGAL AID FOUNDATION
STATEMENT OF CASH FLOWS
FOR THE YEARS ENDED DECEMBER 31, 2009 and 2008
(Expressed in New Taiwan Dollars)

DESCRIPTION	2009	2008
Cash flows from operating activities		
Net income	\$ 11,758,760	\$ 1,724,146
Adjustments:		
Loss on disposal of fixed assets	191,551	480,523
Loss on disposal of deferred expenses	10,731	—
Depreciation expenses	8,316,594	8,661,268
Expense exclusive for a specific purpose-depreciation	15,768	—
Amortization expenses	6,141,228	3,428,293
Amortization of bond discount	(6,303,351)	(6,159,623)
Changes in assets and liabilities		
Receivables	(59,170,884)	(122,125,815)
Advance payments	6,810,348	(7,029,157)
Accrued payables	8,706,963	159,693,708
Advance receipts	1,591,042	669,564
Pension payables	(366,414)	(556,879)
Revenue of deferred government grants, current	579,712	—
Revenue of deferred government grants, noncurrent	10,932,316	9,600,447
Other current liabilities	(432,081)	—
Net cash provided by (used in) operating activities	(11,217,717)	48,386,475
Cash flows from investing activities		
Increase of funds-time deposit	(193,773,049)	(294,460,210)
Acquisition of fixed assets	(9,663,318)	(5,187,201)
Increase of deferred expenses	(14,254,316)	(2,679,890)
Increase of refundable deposits	(424,652)	(297,650)
Net cash used in investing activities	(218,115,335)	(302,624,951)
Cash flows from financing activities		
Increase of donated funds	200,000,000	300,000,000
Increase (decrease) of accounts collected for other parties	64,306	(387,729)
Increase of temporary receipts	—	6,200
Increase (decrease) of deposits received	1,335,097	(361,680)
Net cash provided by financing activities	201,399,403	299,256,791
Net increase (decrease) in cash and bank deposits	(27,933,649)	45,018,315
Cash and bank deposits at beginning of year	100,493,626	55,475,311
Cash and bank deposits at end of year	\$ 72,559,977	\$ 100,493,626

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

LEGAL AID FOUNDATION

NOTES TO THE FINANCIAL STATEMENTS

DECEMBER 31, 2009 and 2008

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

1. ORGANIZATION AND HISTORY

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

The major operation of the Foundation:

- (1) Establishing and amending the Act
- (2) Planning and conducting legal aid
- (3) Raising, management and use of legal aid budget
- (4) Promoting legal aid education
- (5) Providing legal aid requested by government institutes or other groups
- (6) Adjudicate appeals from the decisions of the Examining Committees of the Branch Offices.
- (7) Granting, refusal, revoking or termination of examination and execution of legal aid
- (8) Examination and execution of advancement, payment, slight deduction, cancellation, return, sharing or responsibility of layer's remuneration
- (9) Mediation between legal aid recipients and legal aid providers
- (10) Perform tasks assigned by the Board of Directors and other legal aid services.

2. SIGNIFICANT ACCOUNTING POLICIES

(1) Accounting basis

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

(2) Allowance for doubtful accounts

The amount set aside for the accounts receivable estimated not being able to be realized.

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

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

(4) Funds

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

(5) 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.

(6) Differed debits

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

(7) Pension payable

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

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

(8)Revenue from government grants

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

Additionally, since 2007, as regulated in Statements of Financial Accounting Standard (SFAS) No. 29 "Accounting for Government Grants and Disclosure of Government Assistance.", government related grants and assets related government grants are listed as deferred revenue, the items related to depreciated assets are listed as the subscription revenue in phases according to the assets' useful life years, the ones related to non-depreciated assets are listed as the subscription revenue for the period listing the invested cost as the expense when fulfilling obligations, the government grants related to income are reasonably and systematically listed as the subscription revenue in line with the occurrence period of other related costs, and the items having yet to be realized are listed as deferred revenue. At the same time, the government grants before the adoption date are not to be retraced or adjusted.

(9)Remuneration for legal aid lawyers

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

(10) 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.

(11) Income tax

Income taxes are set aside as regulated in the “standards applicable to educational, cultural and public welfare charitable organizations or groups that are exempt from income taxes” and Statements of Financial Accounting Standard (SFAS) No. 22 “Accounting for Income Taxes”. The overstatement or understatement amount of the income tax of the previous year is listed under the adjustment items of current year income tax expense.

(12) Approval and adjustment of financial statement

The Foundation’s income and expenditure account require being examined by the Judicial Yuan and Directorate-General of Budget, Accounting & Statistics (DGBAS) before being finalized. If there is any adjustment, it will enter into next year’s account, and the financial statements of the year in which it occurs will be revised accordingly.

3. CASH AND BANK DEPOSIT

	December 31, 2009	December 31, 2008
Cash on hand	\$ 14,300	\$ 30,622
Petty cash	770,000	700,000
Bank deposits	71,775,677	99,763,004
Total	\$ 72,559,977	\$ 100,493,626

The bank deposit is from the court’s suspended prosecution account, and as of December 31, 2009, the total balance was \$4,787,685.

4. RECEIVABLES

	December 31, 2009	December 31, 2008
Notes receivable	\$ —	\$ 120,000
Account receivable	10,909,766	—
Accrued deposits interest receivable	239,986	452,455
Government grants receivable	209,353,206	181,231,660
Accrued bonds interest receivable	18,895,833	18,895,840
Contingent repayment (recovery) receivable	18,071,031	757,416
Withdrawal receivable	711,521	—
Contribution receivable	16,600	—
Other receivable	6,306,444	3,876,132
Total	\$ 264,504,387	\$ 205,333,503

5. HELD-TO-MATURITY FINANCIAL ASSETS, NONCURRENT

December 31, 2009					
	Principal Amount	Carrying Amount	Face interest rate	Yield of transaction days	Maturity date
Government Bonds -No.94107	\$ 950,000,000	\$ 923,458,527	1.625%	2.040% -2.630%	Sept. 12, 2015
Government Bonds -No.95103	650,000,000	638,304,961	1.750%	2.025% -2.081%	March 31, 2016
Government Bonds -No.96103	250,000,000	239,272,527	1.875%	2.529% -2.531%	March 16, 2017
Government Bonds -No.90107	150,000,000	158,376,330	3.500%	2.530% -2.680%	Oct. 19, 2016
Total	\$2,000,000,000	\$1,959,412,345			

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

6. FUNDS-TIME DEPOSIT

	December 31, 2009	
	Amount	Annual interest rate
Time deposit—E. Sun Commercial Bank	\$ 544,111,744	1.03-1.11%
	December 31, 2008	
	Amount	Annual interest rate
Time deposit—Bank of Taiwan	\$ 150,000,000	2.09%
Time deposit—E. Sun Commercial Bank	200,338,695	2.20-2.72%
Total	\$ 350,338,695	

7. FIXED ASSETS

	December 31, 2009		
	Cost	Accumulated depreciation	Ending balance
Machinery and equipment	\$ 26,327,734	\$ 14,410,100	\$ 11,917,634
Traffic and transportation equipment	3,104,797	1,367,260	1,737,537
Miscellaneous equipment	13,028,088	7,077,625	5,950,463
Leasehold improvement	21,709,928	12,450,480	9,259,448
Total	\$ 64,170,547	\$ 35,305,465	\$ 28,865,082
	December 31, 2008		
	Cost	Accumulated depreciation	Ending balance
Machinery and equipment	\$ 21,660,985	\$ 11,324,861	\$ 10,336,124
Traffic and transportation equipment	2,745,103	1,026,344	1,718,759
Miscellaneous equipment	11,256,433	5,409,382	5,847,051
Leasehold improvement	19,519,834	9,696,091	9,823,743
Total	\$ 55,182,355	\$ 27,456,678	\$ 27,725,677

The total amounts of fire insurance for December 31 2009 and 2008 were \$39,039,538 and \$29,472,116 respectively.

8. DIFFERED DEBITS

	December 31, 2009	December 31, 2008
Operating software systems	\$ 16,361,097	\$ 7,832,550
Other software and wire systems	1,326,101	1,752,291
Total	<u>\$ 17,687,198</u>	<u>\$ 9,584,841</u>

9. ACCRUED PAYABLES

	December 31, 2009	December 31, 2008
Notes payable	\$ —	\$ 97,200
Lawyer remuneration payable	213,555,529	187,414,399
Wage and bonus payable	19,341,188	17,626,876
Expense payable	5,687,160	4,671,755
Government grants refund	56,384,855	76,213,003
Other payables	—	238,536
Total	<u>\$ 294,968,732</u>	<u>\$ 286,261,769</u>

10. PENSION PAYABLES

	Year Ended December 31, 2009	Year Ended December 31, 2008
Balance at the beginning period	\$ 366,414	\$ 923,293
Minus: the amount contributed to the account of labor pension reserves	366,414	556,879
Balance at the end of the period	<u>\$ —</u>	<u>\$ 366,414</u>

The details of the exclusive labor pension reserve account for 2009 and 2008 are as below:

	Year Ended December 31, 2009	Year Ended December 31, 2008
Balance at the beginning period	\$ 1,267,858	\$ 766,172
Deposit in the current period	655,519	556,879
Current period income	10,704	31,561
Minus: deposit in transit	—	(86,754)
Balance at the end of the period	<u>\$ 1,934,081</u>	<u>\$ 1,267,858</u>

11. DEFERRED REVENUE FROM GOVERNMENT GRANTS

Year Ended December 31, 2009			
Category	Subscription amount	Amortized amount	Revenue of deferred government grants
<u>Government grants related to depreciated assets</u>			
Purchased and used	\$ 36,322,449	\$ 7,502,816	\$ 28,819,633
Purchase having yet to be completed	9,130,000	—	9,130,000
Subtotal	45,452,449	7,502,816	37,949,633
<u>Government grants related to income</u>			
Unfinished	579,712	—	579,712
Total	\$ 46,032,161	\$ 7,502,816	\$ 38,529,345
Year Ended December 31, 2008			
Category	Subscription amount	Amortized amount	Revenue of deferred government grants
<u>Government grants related to depreciated assets</u>			
Purchased and used	\$ 12,420,815	\$ 1,685,662	\$ 10,735,153
Purchase having yet to be completed	16,282,164	—	16,282,164
Total	\$ 28,702,979	\$ 1,685,662	\$ 27,017,317

12. INITIAL AND DONATED FUNDS

- (1) Based on the Legal Aid Act, Judicial Yuan allocates the budget on the yearly basis for the Foundation. As of December 31, 2009, the property amount registered to Taiwan Taipei District Court by the Foundation was \$2,300,000,000. In addition, as of December 31, 2009, the fund donated by Judicial Yuan to the Foundation was \$200,000,000, the total property amount to be pleaded by the Foundation to the court for registration of change was \$2,500,000,000. The underlying assets held by the Foundation were government bonds and bank's time deposits.

- (2) The amount of interest accrued from fund investment for 2009 and 2008 was \$50,722,098 and \$47,232,733 respectively.

13.COMMITMENTS AND CONTINGENT

- (1) As of December 31, 2009 and 2008, the amount of guarantee balance arising from issuing injunction to preserve the status quo is \$506,980,754 and \$433,918,871, respectively. By referring to the latest rate occurring in Taipei District Court in 2009, the prosecuted claim rate resulting from damage caused by provisional seizure is about 0.05%.
- (2) As of December 31, 2009, the amount reserved by the Foundation for the unpaid contract purchase of software was \$7,935,000.
- (3) As regulated in the Legal Aid Act, the “attorney fee” shall be part of the litigation fee, so the payment request shall be made to the party liable for the litigation fee. As of December 31, 2009, the total recognized revenue of accumulated recovery was \$17,505,489. However, based on the “fair principle” regulated in article 7 of the Constitution, the court pleaded to Judicial Yuan in October 2009 for Foundation’s infringement of the property rights of the party who should be liable for the litigation fee. Since this case has not been finalized, it is impossible to estimate the loss. Thus, the Foundation does not list any related estimates.

14.DISCLOSURE OF APPROVAL

The 2008 final account of the Foundation was approved by Judicial Yuan on March 25, 2009 as per letter no. Tai-Tin-Szu-Szu-Tzu-Ti No. 0980002620 for further reference. The financial statements examined in 2008 are same as those approved by the Judicial Yuan.

Table I

ANALYSIS OF THE CHANGE IN OPERATION AND ADMINISTRATION EXPENSES

1. Operation and administration expenses

In: NT\$

Category	2009 (A)	2008 (B)	Change (A) - (B)	Change ratio % [(A) - (B)] / (B)	Explan- ation
Wages	\$106,840,404	\$ 93,988,641	\$ 12,851,763	14	(1)
Traffic expenses for part-time personnel	2,386,000	2,309,500	76,500	3	-
Overtime pay	12,166,976	12,422,256	(255,280)	(2)	-
Dining	90,185	53,305	36,880	69	(2)
Performance bonus	10,066,707	9,252,248	814,459	9	-
Year-end bonus	8,024,013	7,327,931	696,082	9	-
Redundancy payment	113,206	-	113,206	100	(3)
Sharing insurance premium of employees	10,461,413	8,392,530	2,068,883	25	(1)
Entertainment activities	738,833	648,115	90,718	14	(1)
Educational training	817,417	553,958	263,459	48	(4)
Pension	7,221,423	6,359,379	862,044	14	(1)
Water and electricity	3,347,505	2,639,139	708,366	27	(5)
Postage and phone bills	8,713,726	8,729,021	(15,295)	-	-
Travel expenses	2,526,502	2,188,926	337,576	15	(2)
Freight	176,251	179,697	(3,446)	(2)	-
Printing and binding	1,626,434	1,693,449	(67,015)	(4)	-
Advertisement	2,091,044	1,004,948	1,086,096	108	(6)
Operation and publicity	4,181,205	3,129,329	1,051,876	34	(6)
Repair	951,008	961,946	(10,938)	(1)	-
Insurance	125,060	90,079	34,981	39	(5)
Chartered accountants and actuaries remuneration	250,000	250,000	-	-	-
Other professional service charges	1,848,863	8,268,228	(6,419,365)	(78)	(7)
Public relations fees	1,327,055	840,488	486,567	58	(8)
Office supplies	3,210,985	2,793,803	417,182	15	(5)
Miscellaneous items	2,021,078	1,561,589	459,489	29	(5)
Books, newspapers and magazines	395,909	353,042	42,867	12	(5)
Foods	1,137,661	1,036,348	101,313	10	(2)
Building rental	20,592,787	18,884,891	1,707,896	9	-
Office equipment rental	901,280	786,520	114,760	15	(5)
Depreciation of fixed assets	8,316,594	8,645,500	(328,906)	(4)	-
Various kinds of amortization	6,141,228	3,428,293	2,712,935	79	(9)
Research and field trip expenses	428,264	495,564	(67,300)	(14)	(10)
Special projects	7,631,661	3,747,817	3,883,844	104	(11)
Specified purposes	1,686,692	1,001,238	685,454	68	(12)
Conferences	1,305,070	470,903	834,167	177	(13)
Management	1,698,361	1,726,611	(28,250)	(2)	-
Others	3,037,438	2,563,753	473,685	18	(2)
Total	\$244,596,238	\$218,778,985	\$ 25,817,253		

Note: In conjunction with the expression used in 2009, all the expenditure accounts for FY2008 have been reclassified.

2. The following is the analysis and explanation of the items having more than 10% of change:
- (1) Increase in “wages”, “sharing insurance premium of employees”, “entertainment activities” and “pension”.
 - A. Compared to 2008, 23 employees were added in 2009.
 - B. The performance evaluation as the reference for a salary raise was conducted in accordance with guidelines governing personnel assessment.
 - C. Other expense increases are the result of increase in the number of the employees. Also, the above expenses are estimated in accordance with the number of the employees.
 - (2) Increase in “Dining”, “Travel expenses”, “foods” and “others”.

Due to the activity of “Expansion of Legal Consultation” additionally held in 2009, the number of Foundation’s total cases grew about three times compared with 2008. As a result, the expenses of dining and food fees spent for the re-examination committee conferences, the travel expenses given to the stationed attorneys and the fee paid for remittance of attorney fees relatively increased.
 - (3) Increase in “redundancy payment”.

The redundancy payment given to the employees in 2009.
 - (4) Increase in “educational training”.

The expenses paid for reinforcement of personnel’s professional skills and added internal and external educational training programs, as required for the businesses promoted in 2009, such as “collection of the 4 payments” and “first interrogation accompanied by legal aid attorney program”.
 - (5) Increase in “water and electricity”, “insurance”, “office supplies”, “miscellaneous items”, “books, newspapers and magazines” and “office equipment rental”.
 - A. Due to new establishment of the Shihlin branch and new office rental to improve space insufficiency at the Tainan branch, Kaohsiung branch, Taoyuan branch and Miaoli branch in 2009, office rental fees, furniture purchase, copy machines rental fees, equipment insurance fees, magazine and newspaper costs and utility bills increased accordingly.

B. Due to enforcement of the "Expansion of Legal Consultation" project in 2009, the number of cases increased compared with 2008. Thus, postage, delivery fees and office supplies costs also increased accordingly from the addition of case related consumptive materials, such as copy paper and copy machine's carbon powder, delivery of examined data and ensuing document compilation and filing, etc.

(6) Increase in "advertisement" and "operation and publicity".

In order to strengthen promotion on laws, a series of short films was produced and print media advertisements were placed in 2009. In addition, the printed materials for the "Expansion of Legal Consultation" activity, including activity introduction, DM, application manuals and posters, were also produced. Hence, the related expenses in 2009 increased compared with 2008.

(7) Decrease in "other professional service charges".

Due to decrease in outsourcing services for "credit card debt consultation reservation hotline service" and "telephone customer service for first interrogation accompanied by legal aid attorney program" in 2009, the outsourcing manpower also reduced accordingly. Hence, the expenses in this sector in 2009 relatively reduced.

(8) Increase in "public relations fees".

Based on the "Guidelines Governing Public Relations' Related Expenses" revised by the Foundation in 2008, the expenditures for rewards, consolation and entertainment to the Foundation's personnel increased in 2009.

(9) Increase in "various kinds of amortization".

Due to added expenses resulting from the software development of the business management system for the headquarters and newly established Shilin branch in 2009, "various kinds of amortization" increased accordingly.

(10) Decrease in "research and field trip expenses".

Plans to streamline the yearly field research budget.

(11) Increase in “special projects”.

In order to help the public better understand legal aid businesses and investigate the enforcement effect, the Foundation added “Expansion of Legal Consultation” and “Consumer Debt Clearance Act”, and held “island wide exhibitions”, “anniversary reception and the 2nd Taiwan Legal Aid Forum” and “2009 International Forum” at its 5th anniversary. At the same time, “campus legal education” was promoted island-wide and the “88 flood disaster project” was implemented in rural areas in 2009. As a result, expenses increased from those added projects and activities.

(12) Increase in “specified purposes”.

The increase of the amount used for the “2009 International Forum.”

(13) Increase in “conferences”.

Due to added activities and projects of the “2009 policy planning”, “international forum,” “attorneys evaluation” and “88 flood disaster” in 2009, related conference expenses increased accordingly.

II. Examination Report by Board of Supervisors

監事審查報告書

本基金會 98 年度之財務報表暨財產目錄等表冊，業經正風會計師事務所徐素琴會計師查核簽證完畢，發布無保留意見書；並經第二屆第 35 次董事會承認在案，認為足以允當表達本基金會民國 98 年 12 月 31 日之財務狀況，暨民國 98 年 1 月 1 日至 12 月 31 日止之經營成果與現金流量。本監事對上開表冊已依法審核完竣，特此承認。

監事主席 陳計男

陳計男

(以下依姓氏筆畫排序)

監事 林美杏

林美杏

監事 張志弘

張志弘

監事 廖健男

廖健男

監事 蔡揚宗

蔡揚宗

III. Analyses on Key Points of Financial Report

The accounting system of the Foundation observes the fiscal calendar year system (January 1st to December 31st). The 2009 financial report was audited by an independent local CPA firm with no retained comments reported. In order to ensure financial transparency to allow the general public to act as supervisors of the Foundation, the Foundation discloses the financial report certified by accountants and related financial analyses so as to allow the public to monitor the Foundation's financial status.

(I) The total expenditure of the Foundation for 2009 was NT\$719,485,905 (including capital expense while excluding depreciation and amortizations).

1. The cost of legal aid was NT\$444,555,994, which accounted for 61.79% of total expense.

The cost of legal aid was NT\$444,555,994 (including NT\$408,802,574 for attorneys, NT\$25,796,500 for examining and reviewing commissioners, NT\$9,956,920 for litigation and other agency costs), which accounted for 61.79% of total expense. The attorney's remunerations for legal aid cases are calculated and paid according to the "Regulations for the Calculation of Legal Aid Remunerations and Necessary Fees", which is lower than the market average. In order to control the quality and progress of legal aid cases, 80% of the remuneration is paid when an attorney accepts the case, and the remaining 20% will be paid when the case is closed.

2. The personnel cost was NT\$159,826,577, which accounted for 22.09% of total expense.

The personnel cost was NT\$159,826,577, which accounted for 22.09% of total expense, including the payroll, overtime pay, performance and year-end bonuses, insurance fees, pension and so on as well as the traveling expense for board directors, supervisors and members of each committee for the attendance of meetings.

3. The administration cost was NT\$71,414,234, which accounted 9.93% of total expense.

The administration cost was NT\$71,414,234, which accounted for 9.93% of total expense, including office rental, promotion expense, utilities, postage, traveling expenses, cost of office supply, printing and other administrative expenses.

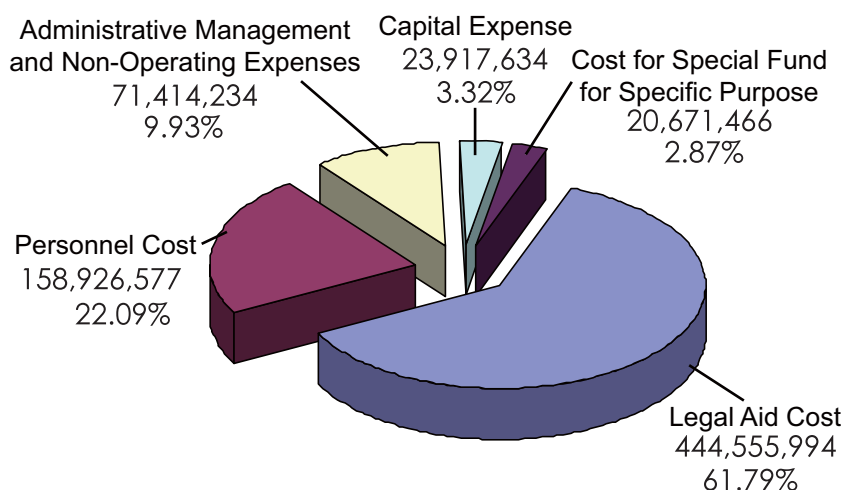
4. The capital expense in 2009 was NT\$23,917,634, which accounted for 3.32% of total expense.

The capital expense in 2009 was NT\$23,917,634, which accounted for 3.32% of total expense. The expense primarily included the procurement of the video telecommunication terminal system and expansion of office space, etc.

5. The cost for special fund for specific purpose was NT\$20,671,446, which accounted for 2.87% of total expense.

Primarily as the attorneys' remuneration for programs commissioned by the Council of Labor Affairs, the cost for special fund for specific purpose was NT\$20,671,446, which accounted for 2.87% of total expense.

Analytic Chart of the Expenditure Summary in 2009



(II) Each people in Taiwan paid NT\$31 in average and could support the operations of the Foundation in 2009.

The total expense of the Foundation in 2009 was NT\$719,485,905. If divided by the population of 23,119,772 people in Taiwan, each person shares NT\$31 in average.

(III) The average remuneration for attorneys in each legal aid case was NT\$20,701.

The budgeted remuneration for attorneys in 2009 was NT\$408,802,574, which was calculated according to previous experience with legal aid attorney progress in the year before and 80% of which was paid in the year when the attorneys accepted the cases and 20% was paid when the cases closed. Adjustment was made with increase or decrease in the remuneration caused by changes of legal aid cases (e.g. change of attorneys, the cancellation, termination or withdrawal of cases) in 2009.

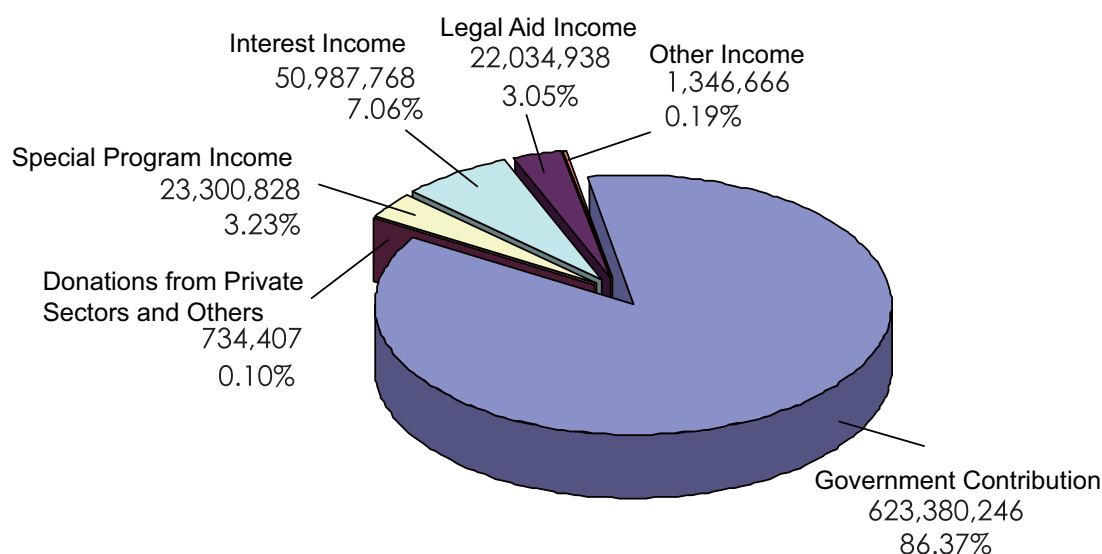
When calculated according to the total remuneration for attorneys of 24,561 general legal aid cases in 2009, the average remuneration was NT\$20,701.

(IV) The Foundation's total income in 2009 was NT\$721,784,853.

1. The government donated NT\$623,380,246, which accounted for 86.37% of the Foundation's total income and included NT\$623,275,246 from the Judicial Yuan, NT\$5,000 from Nantou County Government and NT\$100,000 from the Legal Affairs Department of Taipei City Government.
2. The citizen donation from individual people and private sectors was NT\$734,407, which accounted for 0.10% of the total income.
3. The programs income was NT\$23,300,828, which accounted for 3.23% of the total income and was the subsidy for governmental and civilian special programs.

4. The interest income was NT\$50,987,768, which accounted for 7.06% of the total income, including the interests from time deposit, bond and demand deposit.
5. The legal aid income (contribution, repayment and recovery of cost) was NT\$22,034,938, which accounted for 3.05% of the total income and was collected according to Articles 32, 33 and 35 of the Legal Aid Act.
6. The other income was NT\$1,346,666, which accounted for 0.19% of the total income, including the contribution from deferred prosecution designated by district prosecutors offices and procurements tender obtaining, etc.

Analytic Chart of the Foundation's Total Income in 2009



(V) The Foundation's total endowment of NT\$2,500,000,000 in 2009 was used to invest in government bonds and time deposit

Item	Denomination
Government Bond – Central Bond 94107	950,000,000
Government Bond – Central Bond 95103	650,000,000
Government Bond – Central Bond 96103	250,000,000
Government Bond – Central Bond 90107	150,000,000
Time Deposit at E. Sun Bank	500,000,000
Total	2,500,000,000

According to Article 6 of the Legal Aid Act: “The endowment of the Foundation is NT\$10,000,000,000 ..., the Competent Authority will budget annual contributions to the endowment of the Foundation.” Up until December 31, 2009, the endowment of the Foundation had accumulated to NT\$2,500,000,000, which was invested in government bonds and time deposit at the bank upon the agreement made by the Board of Directors.

Based on the consideration of the safety and stability of the Foundation’s fund, currently the Foundation’s total endowment in the amount of NT\$2,500,000,000 were all invested in government bond. The Foundation keeps the entire government bond with book entry government bond instead of the bond certificates under the security concern. In addition, the bank chops and the bank book of the government bond are kept separately by the cashier, accounting officer, Secretary-General and Chairperson of Legal Aid Foundation.

Chapter 6

Promotion and Education

Section 1 · Outreach Service for Rural Areas

In the 5 years of the Foundation's development, 21 LAF branches have been established around the country, and the disadvantaged people can apply for legal aid directly to a branch close to where they live. For the convenience of people in remote areas to make applications and the balance of legal resources in rural and urban areas, LAF also offer stationed and unscheduled legal service in rural areas so that the multiple services and application channels may shorten the distance between the public and the law.

In the year of 2009, 54 legal consultation services were offered in the indigenous villages in the mountains and other rural areas of different counties and cities, where the disadvantaged people in need of legal aid could find on-site service, including "Mobile Legal Aid Promotion and Introduction Program to Tribal Villages in Yilan County", "Legal Education Program in Nanao Township of Yilan County", "LAF Taitung Branch's Human Right Legal Education and Promotion in Tribal Villages of Jiana Community, Kanding Community, Haiduan Tribe and Yanping Township Office", "LAF Changhua Branch's Mobile Consultations for Public Legal Service" and "LAF Penghu Branch's Mobile Consultation Service for New Residents", etc.

Furthermore, to shorten the distance between the disadvantaged people and legal aid, in the year of 2006, the Foundation named the second Saturday of July each year as "National Legal Aid Day" when all LAF branches would provide service to people in rural areas. In 2009, the National Legal Aid Day fell on July 11th, and a series of activities were held by the theme "let the law walk into your life." In coordination with the Foundation's extensive legal consultation program, rural services, legal lectures and consultations by all branches were offered, 34 times in total between July 6th and September 12th.



To celebrate the National Legal Aid Day, LAF Changhua Branch joined Dacheng Township Office and the Farmers Association to offer free legal consultation service and lecture on legal knowledge, in which the people participated in enthusiastically.



The folks eagerly raised questions about legal issues at the free consultation activity held by LAF Keelung Branch at Gongliao Township Office of Taipei County on the National Legal Aid Day.



At the activity “National Legal Aid Day – Deliver Love to Shihwen Tribe” held by LAF Pintung Branch, the old and young indigenous villagers rushed to answer the questions for a prize.



LAF Kinmen Branch provided free legal consultation service at Jinning Township Office and visited the prison for legal promotion to the inmates on the National Legal Aid Day.

Section 2 · Public Promotion

It is necessary for more disadvantaged people to learn about LAF and related services of the Foundation so that they may come to apply for legal aid resources when needed. The LAF promotion goal in 2009 was to emphasize on the promotion of new legal aid operations, actively engage in promotion and publication, and reinforce people's trust in the Foundation.

LAF's major operational focuses in 2009 were described as follows.

I. Promotions and Seminars

(I) Press conferences (24 in Total)

To celebrate the first anniversary of the enforcement of the “Consumer Debt Clearance Act” on April 11, 2009, LAF and the office of Legislator Jhong-syong Syu held a press conference on April 10. Other related activities included: on April 9th LAF Tainan Branch held a media presentation for the anniversary of the legal aid program corresponding to the Act's enforcement; on April 22 LAF Miaoli Branch held a gratitude press conference for the Act's anniversary; on May 26 LAF Chiayi Branch held a press conference for the “Picture-Coloring and Lottery Activities in Celebration of the Act's Anniversary”; on July 28 LAF Taipei Branch held a press conference for the “Two Credit-Card-Debt Families' Resurrection Party”.

In 2009, to provide substantial legal help to victims of crime, LAF joined Association for Victims Support to carry on the program “Legal Assistance beside You”, which comprised the following activities: the press conference for Agreement Signing for the Program “Legal Assistance Beside You” held by LAF Chiayi Branch



A press conference was held by LAF and the office of Legislator Jhong-syong Syu for the first anniversary of the enforcement of the “Consumer Debt Clearance Act”.



LAF Chiayi Branch held a press conference for the "Picture-Coloring and Lottery Activities in Celebration of the Consumer Debt Clearance Act's First Anniversary".



LAF Taipei Branch held a press conference for the "Two Credit-Card-Debt Families' Resurrection Party".

on March 24; the press conference for Unveiling Ceremony of Legal Consultation Service for the Program "Legal Assistance Beside You" held by LAF Hualien Branch on April 7; the press conference for LAF and Association for Victims Support's Joint Assistance to the Disadvantaged held by LAF Taitung Branch on May 7.

LAF entered the fifth year on July 1, 2009. A tea party together with the "2nd Taiwan Legal Aid Forum" were held on July 3 and July 4. More activities were also held by LAF branches to announce the Foundation's accomplishments, including "Tea Party and Press Conference for LAF's 5th Anniversary" by Yilan Branch, "Press Conference for LAF's 5th Anniversary and National Legal Aid Day as well as Relocation of the Office" by Tainan Branch" and the "Press Conference for National Legal Aid Day and Human Right Award Ceremony" by Hualien Branch. LAF Taoyuan Branch held a press conference for the "Legal Aid Applications' Exceeding a Million and Establishment of Support Network" on July 9 and a joint press conference together with the Public Service Center of Taoyuan Prosecutors Office and Bar Association for the "Unveiling



LAF Chiayi Branch and the branch of Association for Victims Support held an agreement signing ceremony for the program "Legal Assistance Beside You".



Media reporters were invited to the press conference by LAF Taitung Branch and Association for Victims Support for the program "Joint Assistance to the Disadvantaged", and social welfare groups in Taitung County were also invited to participate in the conference.

Ceremony of Attorneys' Consultation Service" on September 23 to announce the two-way referral mechanism. LAF Taipei Branch held a press conference for the "Citizen Suit for Songshan Tobacco Plant" on January 23 to protect the trees in the Tobacco Park and a joint press conference for the "First Examination of Witnesses about the Case of RCA" together with the Foundation, Taiwan Association for Human Rights and Taiwan Association for Victims of Occupational Injuries to call for the public attention to the victims of environmental protection negligence. On August 24, LAF Shihlin Branch and the Foundation held the "Opening Tea Party Celebrating the Establishment of LAF Shihlin Branch – Tearing down the Walls of Litigation" to announce to the public that the establishment of LAF Shihlin Branch would allow more disadvantaged friends in need of legal service to acquire assistance. On August 4, LAF Hsinchu Branch and the Foundation held a press conference for "LAF Volunteer's Promotional Tour on Bike around Taiwan" to share with local media his three weeks' experience. On November 25, LAF Miaoli Branch held a press conference to express gratitude for the anniversary of the Program of First Criminal Interrogation Accompanied by Legal Attorney. On November 27, LAF Hualien Branch held a press conference together with social welfare institutions for the "Women's Film Festival".



To celebrate LAF's 5th anniversary, a tea party was held together with the "2nd Taiwan Legal Aid Forum".



A joint press conference for the "First Examination of Witnesses about the Case of RCA" was held by LAF together with Taiwan Association for Human Rights and Taiwan Association for Victims of Occupational Injuries.

On January 20, LAF and Taiwan Fund for Children and Families held a press conference for "Fulfilling the Law Amendment Concerning Children Laden with Inherited Debts", hoping that the government would pay attention to the problems met with by these children around the country and fulfill the protection of rights based on the amendment made in 2008 to the Part of Succession of the Civil Code. To fully protect the rights and interest of laborers, LAF and the Council of Labor Affairs of Executive Yuan together held a press conference on March 2 for the "Cooperative Program of Immediate Aid to Labor Litigations", where an official contract was signed and an announcement was made about the expansion of the existing legal aid to laborers and the provision of free legal consultation and assistance by attorneys. On June 24, LAF and the Garden of Hope Foundation held a press conference for the "Child Victim of Domestic Violence and Sex Abuse Sued for Desertion", calling for the public to reconsider the maintenance relationship between parents and children besides appealing to the legislative authorities for the relevant amendment to the existing law. On October 19, the Foundation and LAF Taipei Branch joined the Vietnamese Worker's Office of Rerum Novarum Center, Hope Workers' Center and the Federation for the Welfare of the Elderly to hold a press conference titled "No Human Rights for the Old and International Workers at the Senior Care Centers", expressing their hope that the governmental

authorities would pay attention to and improve their capability to identify the victims of human trafficking, the caretakers' miserable working environment, the labor exploitation and the low quality of senior care at the nursing centers. All the press conferences had received excellent responses and reports from the media.



LAF and Taiwan Fund for Children and Families held a joint press conference for "Fulfilling the Law Amendment Concerning Children Laden with Inherited Debts".



LAF and the Council of Labor Affairs of Executive Yuan together held a press conference for the "Cooperative Program of Immediate Aid to Labor Litigations".

(II) Promotional Activities (132 in Total)

In the year of 2009, LAF held a total of 132 promotional activities with subjects including a series of national and cross-regional campaigns such as "2009 National Legal Aid Day – Let the Law Walk into Your Life" with extensive legal consultation service and promotions, "Celebrating the 5th Anniversary of LAF – LAF Everywhere Mobile Exhibition", "Legal Consultation Service and Promotion for the Typhoon Morakot Disaster Service Program", etc. All LAF branches also held various local promotions, including legal lectures on different issues concerning the disadvantaged people, lectures at detention centers and prisons, mobile legal courses for remote indigenous villages churches, promotions at military camps, legal aid to teachers and on campus legal studies, volunteers commendations, essay contests, book donations and everyday legal promotion courses for community colleges in different cities, etc.



"Celebrating the 5th Anniversary of LAF – LAF Everywhere Mobile Exhibition" was held at Kaohsiung MRT Station.

In addition, due to the limited manpower for promotion, LAF branches would make use of local resources and actively participate in activities conducted by local communities in the forms of

charity bazaars, athlete games, lecture courses and mobile lectures at churches, etc., 251 times in total in 2009. With enthusiastic participation and responses from the public, successful promotional channels had been established between LAF branches and local institutions.

(III) Seminars (41 in Total)

41 thematic seminars were held by LAF in 2009, including subjects concerning the Program of First Criminal Interrogation Accompanied by Legal Aid Attorney, first anniversary of the enforcement of Consumer Debt Clearance Act, legal issues about the Typhoon Morakot Disaster Service Program, connections between social welfare groups, “The Most Remote Love” film show and conference, mobile conference on the legal service at local martial court and litigation consultation and various legal issues of the disadvantaged people, etc.



The Foundation held a seminar on practical issues concerning the enforcement of the Consumer Debt Clearance Act.



A seminar was held at Jiasian Village in Kaohsiung County for the Service Program for Typhoon Morakot Disaster.



To show concern for the victims, a seminar was held at Jialan Village in Taitung County for the Service Program for Typhoon Morakot Disaster.

(IV) Promotional Programs

1. Promotions for Consumer Debt Clearance Act Program

For further promoting LAF's service program concerning the Consumer Debt Clearance Act, cooperation with the media were initiated through related press conferences and interviews, collaborating with TVBS for the story of credit card debt case film production shown in the TV program “Step by Step”, using the public ad service via scrolling LED banners offered by Government Information Office and installing a light box of public service ad at Taipei Railway Station. Thanks to the assistance of the Judicial Yuan and the coordination by Government Information Office, LAF's promotional film “Legal Aid – Aided Cases” about successful debt clearance petitions was broadcasted by seven terrestrial TV stations, including TTV, CTV, CTS,

FTV, PTS, Hakka Television Service and Indigenous Television Service. Request of broadcast as public service via cable TV stations were also made by LAF as soon as the film passed the examination by NCC. LAF also continued the maintenance and update of the website of “Understanding the Consumer Debt Clearance Act”.



The promotional short film “Legal Aid – Aid Cases”



The website of the Consumer Debt Clearance Act Service Program

2. Promotions for the Pilot Program of First Criminal Interrogation Accompanied by Legal Aid Attorney

On September 17, 2007, through the cooperation and participation of different governmental authorities and social welfare groups, the unprecedented indicator of human right protection in Taiwan’s justice system – the Pilot Program of First Criminal Interrogation Accompanied by Attorneys – was launched by LAF and all enthusiastic legal aid attorneys around the country. The program had been implemented for two years by 2009, and statistics showed that the proportion of applicants with intellectual disability was low. To make it easier for the intellectually disabled people, who were also target users of this program, to understand the content of service, a new version of the program’s QA pamphlet was published in April, 2009 and delivered to members of the Parents’ Association for Persons with Intellectual Disability in addition to being published in the newsletter of the Association. It is expected that in the future the company of attorneys during the police interrogation, the second interrogation by prosecutors and the court trial will provide further protection to the intellectually disabled.



The promotional short film “Legal Aid – The Arrest”

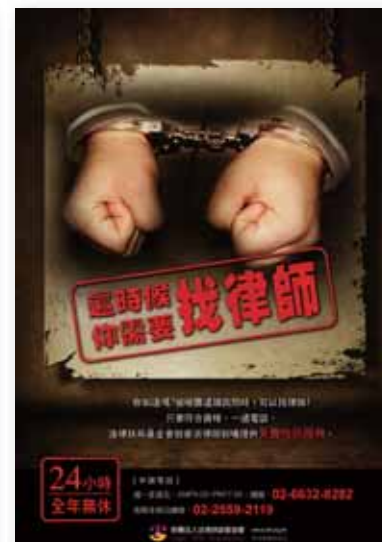


The special website introducing the Program of First Criminal Interrogation Accompanied by Attorney

Also, the news about the expansion of this program was released not only on Legal Aid Quarterly but also on the Foundation's official website, blogs and LAF e-news. An introductory website was also established specifically for the program, and special EDM about the service information were sent to be released on major public service websites (Chunghwa Telecom Public Service and Taiwan Philanthropy Information Center). In December, 2009, a revision, reproduction and relevant promotional prints were made according to the modification of this program.



The revision of the QA Pamphlet of the Program of First Criminal Interrogation Accompanied by Attorney



The promotional poster for the Program of First Criminal Interrogation Accompanied by Attorney

3. Promotions for Typhoon Morakot Disaster Service Program

The information about LAF's Legal Consultation Service by Phone Program for Typhoon Morakot Disaster was publicized via scrolling LED banners on both terrestrial and cable TVs. Through the help from Service Alliance for Typhoon Morakot Disaster and LAF branches in the victim areas, posters and leaflets about frequently asked legal questions were posted at the shelter camps and centers. LAF service news also appeared on Apple Daily and Watch Magazine as well as related websites, blogs, Facebook, Plurk and the websites about Typhoon Morakot disaster relief service. Printed explanations and forms about succession-related issues were also sent to the people in need in the victim areas, relevant social welfare groups and self-help groups, followed by active phone contact.

4. LAF Regional Promotions – Yilan County

Multiple promotions were launched by the Foundation to strengthen regional publicity. The Ministry of Interior Affairs' statistics and analysis showed that the low-income population of counties and cities in eastern Taiwan was higher than that in the west. Therefore through communication with the branches in Yilan, Taitung and Hualien, the Foundation initiated a promotional campaign first in Yilan, which started on December 10 by hiring mobile publicity vehicles to spread the service news all over the county, distributing the 2-page legal consultation DM directly to the residents' mailboxes, and, on December 12 at the Kaiyuan Market in Luodong Town, conducting a promotional activity featured with onsite free consultation by attorney, questionnaire filling plus prized games.

5. Promotions at International Book Exhibition 2009 – NGOs in Taiwan

LAF joined Taiwan Labor Front, Taiwan Thinktank and Green Formosa Front to partake in Taipei International Book Exhibition 2009 from February 4 to 9. To support the theme "NGOs in Taiwan – A Books Carnival", the booth displayed an array of NGOs' publications to demonstrate their vigor and efforts in the publishing business. During the exhibition, 5,000 DM copies were handed out



Books not sold on the market were displayed at the NGO's booth at Taipei International Book Exhibition 2009.



The Legal Aid Baby – the mascot of NGO's booth at Taipei International Book Exhibition 2009 – served as the promotional ambassador.

and an excellent promotional effect was received.

6. Promotion and Maintenance of "Legal Aid Support Network"

The establishment of Legal Aid Support Network was promoted by the LAF branches via uniting local institutions such as the county or city governments, district courts, Prosecutors Offices, military units, township offices, mediation committees, village heads' offices, local representatives' offices, police departments, social welfare and religious groups, bar associations, law firms, hospitals and schools that had frequent contacts with people without financial resources but in need of legal aid. By the end of December, 2009, there were approximately 1,200 service bases all around the country. The branch offices would send promotional publications regularly and offer legal consultation service to the bases, and establish new bases on demand.

II. Media, Public Relations and Printed Promotion

(I) Promotional Films and Radio Ads Production

1. TV Promotional Films



The promotional short film "Legal Aid – For Vietnamese"



The promotional short film "Legal Aid – Legal Consultation"

In the year of 2009, four promotional short films were produced, among which the two parts “Legal Aid – Legal Consultation” and “Legal Aid – Aided Cases” were broadcasted by seven terrestrial TV stations thanks to the assistance of the Judicial Yuan and the coordination by Government Information Office. Request of broadcast as public service via cable TV stations were also made by LAF as soon as the film passed the examination by NCC. The part “Legal Aid – Legal Consultation” was also shown on ETV and Era News TV in June as public service. The other two short films – a new version of “Legal Aid – The Arrest” promoting the Program of First Criminal Interrogation Accompanied by Attorney and “Legal Aid – From Vietnam” dubbed with Vietnamese and Chinese subtitle promoting the Foundation’s assisting alien spouses with legal problems – were scheduled to be broadcasted on TV in 2010, while the “Legal Aid – The Arrest” were to be shown in the movie theaters.

2. Radio Advertisements

In 2009, the radio advertisement “Legal Aid – Domestic Violence” was produced and, thanks to the assistance of the Judicial Yuan and the Department of Local Information of GIO, was broadcasted as public service through the radio stations around the country. To promote the expansion of legal consultation service, LAF arranged the production and broadcast of the program “Legal Aid – Legal Consultation” through several major radio stations together with an interview to introduce the service program’s content.

3. Compact Disc of “LAF Profile and Application Procedures”

The disc of LAF Profile and Application Procedures was produced in 2005, and an updated revision with modification of certain improper details was completed in 2009 and sent to all branches in March. Also, an extra amount of the disc reproduction was made for the use at the 2009 International Forum on Legal Aid.

(II) Cooperation with Media and Interviews

With the purpose to promote the Foundation’s service information and this year’s major program of “Expansion of Legal Consultation”, LAF developed a close connection and an active cooperation with the news media. During the promotional campaign, 32 special interviews and news releases were made in addition to another 107 interviews on the directors, executive secretaries or staff attorneys of different LAF branches. Moreover, cooperation on a regular basis was also developed between LAF branches and local media, for example: the daily syndicate program broadcasted through Police Radio Station, Taipei Broadcasting Station and Taiwan Broadcasting Company offering by LAF Taipei Branch relevant service information and answers to legal problems; the promotional report on the “Consumer Debt Clearance Act Service Program” via cooperation between LAF Miaoli Branch and the Liberty Times; cooperation between LAF Changhua Branch and a local cable TV to produce the regular program “Care on the Front Line” featured with content of LAF service and general legal knowledge; the broadcast of LAF service information advertisement and announcement via cooperation between LAF Chiayi Branch and Chiayi Happy Radio; cooperation between LAF Yilan Branch and Yilan Lanyang Radio to broadcast weekly between July and September the program “The Law Is not that Hard!” featured with the Foundation’s service information and answers to legal questions; the scrolling LED banners of LAF Hualien Branch’s activities information shown on local cable TV; the information advertisement broadcast through cooperation between LAF Taitung Branch and the Taitung Stations of Broadcasting Corporation of China and Chengsheng Broadcasting Corporation, the broadcast of a cooperative program “Understanding the Law and Feeling Secured at Heart” on Radio Voice of Taitung, the promotional program of legal knowledge co-produced with the Taitung Stations of BCC, and the

scrolling LED banners of service information shown through Tung Tai Cable TV. Also, the story of credit card debt cases co-produced by LAF and TVBS and shown in the program “Step by Step” received excellent response. Finally, press conferences were held by LAF held in June and December separately where the Foundation’s business presentation was made after luncheons with the media reporters.

(III) Courtesy Visits

To state the Foundation’s services and negotiate for channels of cooperative promotion, LAF and its branches often pay visits to the authorities of the central government and local county and city governments. Close connections are also maintained between LAF and regional representatives, district courts, detention centers, primary-level administrative organs, schools, medical institutions and various social groups, etc. LAF will proceed to establish an extensive legal aid support network and a referral mechanism between variety of social groups as well as to enhance the Foundation’s popularity.

(IV) Promotional Publications and Handouts

1. Publications and Published Reports

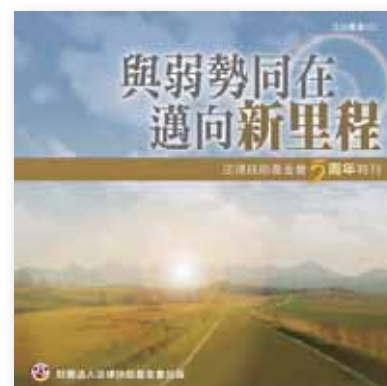
- (1) Legal Aid Quarterly: Four issues were published in 2009, including newsletters 24, 25 and 26 plus an extra of the issue 26.
- (2) The Chinese and English versions of 2008 LAF Annual Report
- (3) The Chinese and English versions of legal aid books No. 002 – “5-Year-Old LAF • Walk with the Disadvantaged toward a New Mileage: Special for the 5th Anniversary of LAF”
- (4) The Book “Staving off the Executioner: Taiwan’s Unofficial Moratorium – The Story of Deshu Jhong, a Death Row Inmate” in Chinese and English
- (5) “The Law and Stories of the Indigenes – Part 2”: Published under cooperation between LAF Nantou Branch and Nantou District Prosecutors Office, this book explains the everyday civil and criminal legal issues concerning the indigenous people via simple and light stories with colorful illustrations and case analyses. It is expected that the publication of this book could benefit the indigenous people and help realize the ideal of “justice for the people” in the life of indigenes.



The Legal Aid Quarterly



The book Staving off the Executioner: Taiwan’s Unofficial Moratorium”



The special publication “5-Year-Old LAF • Walk with the Disadvantaged toward a New Mileage: Special for the 5th Anniversary of LAF”

2. Promotional DM

6 versions of DM plus 8 versions of reprinted and revised DM were produced in 2009, including

- (1) Multi-Lingual Legal Aid Business DM: including versions in English, Indonesian, Thai and Vietnamese to be distributed by LAF branches to alien service groups in concern or the airport customs and authorities handling foreign affairs for display.
- (2) Public Service DM (with LAF Branches Information) Displayed at 7-11 Stores: To advance the public understanding about the Foundation's "Expansion of Legal Consultation Service Program", copies of promotional DM were printed in December to be displayed at 4,850 stores of 7-11 in January, 2010.
- (3) Leaflets with information about the frequently asked legal questions concerning Typhoon Morakot Disaster and free legal consultation were distributed by LAF branches during their service in rural areas and shelter camps.
- (4) Special DM for the 2009 International Forum on Legal Aid; special DM for the "Celebrating the 5th Anniversary of LAF – LAF Everywhere Mobile Exhibition"; special DM for the "NGO's in Taiwan – A Books Carnival" at Taipei International Book Exhibition 2009
- (5) DM Reprints and Revisions: DM for the "Expansion of Legal Consultation Service Program"; DM for the "Consumer Debt Clearance Act Service Program"; four-fold DM copies to be distributed nationwide; three-fold DM copies to be distributed by branch offices; two-fold DM copies for the "First Criminal Interrogation Accompanied by Attorney Program"; A4-sized introduction leaflet about the "First Criminal Interrogation Accompanied by Attorney Program"; DM revision of the A4-sized introduction leaflet about the "First Criminal Interrogation Accompanied by Attorney Program"



A version of the multi-lingual (English, Indonesian, Vietnamese, Thai) DM – Thai Edition



The public service DM with LAF branches information displayed at 7-11 stores



The special DM for the "NGOs in Taiwan – A Books Carnival" at Taipei International Book Exhibition 2009

(revised in December according to the policy modification); DM revision for LAF and the Council of Labor Affairs' "Cooperative Program of Immediate Aid to Labor Litigations"

- (6) DM Printed by Individual LAF Branches: Promotional DM copies emphasizing the characteristics of individual branches were printed by LAF Shihlin Branch and LAF Hsinchu Branch. DM copies with information about the service schedule of the "Expansion of Legal Consultation Service Program" were printed by LAF Miaoli Branch for people who seek service from the Litigation Counseling Section of the District Court.

- 3. Pamphlet: Revision and reprint of the "Guidebook to the First Criminal Interrogation Accompanied by Attorney Program"

- 4. Posters: In 2009, three versions of posters plus 2 versions of reprints and revisions were printed, including the poster "5-Year-Old LAF-Walk with the Disadvantaged toward a New Mileage" for the tea party celebrating the 5th Anniversary of LAF and the activities of 2nd Legal Aid Forum, the poster for the 2009 International Forum on Legal Aid, the poster with information about the free legal consultation service for Typhoon Morakot Disaster to be posted at the shelter camps, and the reprints and revisions for "Come and Ask Legal Questions" and the "First Criminal Interrogation Accompanied by Attorney Program". Regarding the poster for individual branch, a promotional poster specifically was printed by LAF Shihlin Branch.



The poster with information about the free legal service for victims of Typhoon Morakot Disaster



The promotional poster for the 2009 International Forum on Legal Aid

- 5. Public Service Advertisement Light Box Installed at MRT Taipei Main Station: Produced by LAF Shihlin Branch

- 6. Other Promotional Items

In 2009, to facilitate local promotions, a variety of promotional items were made by the Foundation and its branches, including ball-point pens, flashlights, environment-friendly cups, smart note boards, calendars, memo pads, greeting cards, lollypops, 2010 desktop calendars, baseball caps, food storage boxes, color papers for the anniversary of the enforcement of the Consumer Debt Clearance Act activities, two-colored tote bags, umbrella packs, environment-friendly chopsticks, disc of the documentary film "The Most Remote Love", lunar calendars, facial

tissue packs, activity ad fans, desktop banners of legal consultation centers, banners, display racks and LAF flags, etc.

(V) Website and Blogs

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

To meet the public demand on the website's functions, LAF official website is equipped with the webpage designed for specific programs and online games as well as a zone of branches information for people to get close to their first-line service and activity messages. E-news is released every three months to keep a regular users community and to promote the Foundation's internet resources. By December 31, 2009, the website's total count was 3,160,365 visits and 7,766 subscriptions for LAF e-news. For the Consumer Debt Clearance Act Service Program, the website www.laf.org.tw/debtclear/ provides updated information in addition to daily maintenance.

2. LAF Official Blog (<http://blog.roodo.com/laf>)

LAF's official blog has become one of the most important channels for legal consultation, with more than 4,000 enquiries from the public. As the enquiries concerning legal issues become more and more diversified, the blog offers a platform with immediate responses besides latest information about the Foundation's operation and legal news.



LAF official blog

3. The following blogs and webpages are established by LAF branches:

- (1) Taipei Branch Volunteers' Blog : <http://blog.yam.com/lafvol>
- (2) Banciao Branch's Blog: http://tw.myblog.yahoo.com/laf_banciao/
- (3) Hualien Branch's Webpage: <http://lafhualien.blogspot.com/>
- (4) Miaoli Branch's Blog: <http://www.wretch.cc/blog/lafmiaoli>

4. Websites for Promoting LAF Programs

(1) Website for Expansion of Legal Consultation Reservation

To support the Expansion of Legal Consultation Service Program, the website <http://59.120.201.217/legal/index.htm> offers online reservation for legal consultation plus everyday legal analysis to enhance the public's knowledge. A monthly average of 387 people visited this website for reservation from its online date of April 1, 2009 to December 31, 2009.



The website for the Expansion of Legal Consultation reservation

(2) Website Promoting the Celebration of the 5th Anniversary of LAF – LAF Everywhere Program

The website <http://www.laf.org.tw/2009/index> is established to support LAF's 5th anniversary and the activities of 2009 National Legal Aid Day with the theme "Let the law walk into your life". To demonstrate the image of LAF and staff attorneys' serving the people everywhere, its main design of the "Legal Life City" is featured with cute illustrations to present the five years' accomplishment and marks (arranged according to chronicled key works and categorized programs) as well as the Foundation's and its branches' activities on the National Legal Aid Day of 2009.



The website promoting the "Celebration of the 5th Anniversary of LAF – LAF Everywhere" program

as well as the Foundation's and its branches' activities on the National Legal Aid Day of 2009.

Chapter 7

International Communications

I. International Exchanges

(I) Organizing 2009 International Forum on Legal Aid (October 31 to November 2, 2009)

Since the establishment, LAF has been connected with the world by holding the “2005 International Forum on Legal Aid”, followed with consistent participation in the interaction with international legal aid institutions, to establish a solid global resource network as well as the foundation of legal aid system in Taiwan. As LAF celebrated its 5th anniversary in 2009, the international community was under the influence of globalization and financial tsunami that resulted in a flatter world, a sharper M-shape society and a lowering poverty line. No country could keep itself out of the international community suffering from the “butterfly effect” that a slight change could affect the whole. In the drastically changing circumstances, the legal aid mechanism in every country would face a critical challenge, and so it would become more important for the international legal aid organizations to strengthen their exchanges and interactions. Thus LAF decided to hold the 2009 International Forum on Legal Aid, hoping that through the exchange of experiences in-

depth understanding about the basic legal rights and interests long ignored under the unequal social structure could be gained and the possibility of enhancing a sound legal system through legal aid mechanism would be explored.

Held at the Howard International House from October 31st to November 2nd, the 2009 International Forum focused on the theme “Legal Aid under the Global Economic Recession – New Challenges and Opportunities”. 26 experts, scholars and representatives of legal aid organizations in 14 countries were invited to explore that in the plight of diminished budget and increasing demand under the impact of financial tsunami, how the legal aid organizations should use the technologic assistance and flows innovation to provide cheaper and more easily accessible legal aid to the public.

At the Forum’s grand opening ceremony on the morning of October 31st, Vice President Vincent Siew of the State and President In-jaw Lai of the Judicial Yuan gave their speeches to the attendees. Then Mr. Albert Currie, Chief Researcher of Research and Statistics Division, Department of Justice, Canada, lectured on “Getting Ahead of the Curve: Challenges and Opportunities of Recessions for Legal Aid”. Mr. Albert Currie started with Canada’s experience in the past three economic recessions and indicated that a crisis could also be a turning point. Under the



The photo of all participants in the 2009 International Forum on Legal Aid



Guests to the 2009 International Forum on Legal Aid took a picture with State President Ying-jeou Ma.

pressure of diminishing budget and increasing demand, legal aid organizations should make efforts to develop legal consultation by phone or on the internet, online legal forms and other new service modes. In the meantime, the internal capacity and human resources ought to be strengthened in order to adapt to the crisis of economic recession that may happen at any time.

Two parts of national reports were delivered separately on the mornings of October 31st and November 2nd. During the first part, reports were made by speakers from Taiwan, Australia, UK, Finland, Hong Kong, Indonesia and Japan, with Mr. Wilhelm H. Joseph Jr.,



Guests to 2009 International Forum on Legal Aid took a picture in front of the State President's Office after visiting President Ma.

Executive Director of Legal aid Bureau, Inc., Baltimore, Maryland, USA, acting as the moderator. The second was moderated by Mr. Albert Currie, and the speakers consisted of representatives from South Korea, Malaysia, Holland, the Philippines, Thailand, USA and Vietnam. After the reports, questions were raised and opinions were exchanged enthusiastically with the speakers.

The three panel discussions of this Forum focused on the issues of "The Rights of Non-Nationals and Legal Aid", "Criminal Justice, Human Rights and Legal Aid" and "Poverty, Debt and Legal Aid", each comprising reports by two speakers from abroad and one domestic followed with three group discussions and finally a conclusion by all participants. The first panel discussion on "The Rights of Non-Nationals and Legal Aid" began with the reports by three speakers – Ms. Suzan Cox, Director of Northern Territory Legal Aid Commission, Australia, Ms. Daniela Dwyer, Staff Attorney of Florida Legal Services, Inc., Lake Worth, Florida, USA, and Mr. Hao-jen Wu, Associate Professor of Department of Law, Fu Jen Catholic University, and in the ensuing group discussions consensus were reached on matters of loosening the restriction on legal aid to non-nationals, advancing the number and professionalism of interpreters, offering promotional education to law enforcement officials and engaging in cross-national cooperation.

At the second panel discussion on "Criminal Justice, Human Rights and Legal Aid", speeches were given by Ms. Kelli Thompson, Deputy State Public Defender of Wisconsin State Public Defender's Office, USA, Mr. Hugh Barrett, Executive Director of Commissioning, Legal Services Commission, UK, and Director Ping-cheng Lo of LAF Hsinchu Branch. In the ensuing group discussions consensus were reached on that: the service provision for criminal defense ought to adopt the system of combining staff attorneys with external attorneys; the scope and categories of legal aid to criminal cases ought to be further expanded; the service of first criminal interrogation accompanied by legal aid attorney should be reinforced; legal aid organizations should care and be dedicated to consolidate the attorneys' substantial defense.

At the third panel discussion on "Poverty, Debt and Legal Aid", speeches were delivered by Mr. Paul Chan, Chairman of Legal Aid Services Council, Hong Kong, Mr. Saya Oyama, Associate Professor of Kinjo Gakuin University, Japan, and Director Joseph Lin of LAF Taipei Branch. The consensus reached at the group discussion include: enhancing public education to help the people in Taiwan know poverty, understand poverty and even solve poverty; strengthening the judicial personnel's special knowledge about the Consumer Debt Clearance Act; enhancing the communication between attorneys and judges; making attorneys or social workers the bridge between creditors and debtors via learning from the experience of Holland and Japan, etc.

After the three panel discussions, all international representatives and domestic speakers were invited to the Roundtable Meeting to settle an agreement on the "Prospect of 2009 International

Forum on Legal Aid” by summing up the conclusions of three days’ discussion in addition to formulating definite guidelines for the future directions of the three issues, which received unanimous support from the participants at the closing ceremony.

State President Ying-jeou Ma paid high respect to the Forum and arranged to meet LAF representatives and 26 foreign attendees at the President’s Office on the third day of the Forum (November 2nd). President Ma stressed on the importance of legal aid mechanism and expressed his wish that LAF would persist with international exchange of experiences, work together to provide more comprehensive legal aid to the underprivileged so that justice could be served and human rights be protected. During this meeting led by LAF Chairperson Den-mei Ku and Chairperson K. C. Fan of the Forum, the attendees had the opportunity to communicate face to face with President Ma, and a copy of the “Prospect of 2009 International Forum on Legal Aid” in both Chinese and English were presented to President Ma by Chairperson Fan.

Besides LAF’s Board of Directors, Supervisors, Counselors, members of Special Committee, Examiners, Staff Attorneys and staff members, the attendants to the 2009 International Forum included heads of ministries and councils of the central government, district court judges and chief prosecutors, representatives of social welfare groups, specialists in judiciary and other relevant fields and students, which totaled 350 person/times in three days.

(II) Holding Seminar on “The Legal Services’ Reform and Innovation in UK” (November 3, 2009)

The 60-year-old Legal Services Commission (LSC) in UK initiated a reform project in 2006, and it can offer a lot for us to learn and refer to. After attending the 2009 International Forum on Legal Aid, Mr. Hugh Barrett, Executive Director of Commissioning of LSC, was invited to share with the seminar the background, content and execution process of LSC’s reform project in addition to the organization and relevant plan of its research center, which roused a fervent exchange of opinions among the participants.



Mr. Hugh Barrett, Executive Director of Commissioning of LSC visited LAF and took a picture with the staff.

(III) Participating International Meetings

1. 2009 ILAG in Wellington, New Zealand (April 1-3, 2009)

Established in 1992, the International Legal Aid Group (ILAG) holds an international meeting in every other year, and LAF has been invited to attend since 2007. The international meeting of 2009 ILAG was held on the theme “Delivering Effective Legal Aid Services across Diverse Communities” between April 1st and April 3rd in Wellington, New Zealand. As representative from Taiwan, LAF Deputy Secretary-General Wei-shyang Chen delivered a national report and exchanged opinions with scholars and representatives of legal aid organizations of other countries.

2. The 29th Exchange Meeting of Victims of Credit Card Debts, Consumer Financial Problems and Juice Dealers in Japan (November 26-29, 2009)

To express the Foundation’s consistent concern with issues evolved after the enforcement of the Consumer Debt Clearance Act and engage with interaction with associated organizations in Japan, Director Joseph Lin of LAF Taipei Branch and Director Sing-ling Sie of LAF Department of Legal Research and Legal Affairs flew to Kitakyushu City for the “29th Exchange Meeting of Victims

of Credit Card Debts, Consumer Financial Problems and Juice Dealers” held by “National Strategic Association for Credit Card and Consumer Financial Problems” and “National Alliance of Victims of Credit Card and Consumer Financial Problems”. In the meeting, Director Sie made a report on the issue of multiple debts in Taiwan and exchanged experiences with scholars and specialists from South Korea and Japan.

(IV) Visiting Abroad (Finland, September 21-25, 2009)

With the purpose of learning from the legal aid schemes of other advanced countries, LAF Deputy Secretary-General Wei-shyang Chen and Research Member Yi-shih Su of LAF Department of Legal Research and Legal Affairs paid a visit to relevant institutions of Finland, including the Ministry of Justice, Finnish Bar Association, Helsinki Legal Aid Office, Helsinki District Court, National Legal Policy Research Center and Legal Aid Attorneys Office, from September 21st to 25th. Their visit not only initiated LAF’s exchange with the legal aid organizations in the Scandinavian countries but also brought back precious experiences and information necessary for the major business development of the Foundation.



LAF Deputy Secretary-General Wei-shyang Chen, Secretary-General Markku Ylönen of the Finnish Bar Association, Attorney Pirkko Kivikari and LAF Researcher Yi-shih Su (from right to left) when visiting Finland.

II. Arranging International Visits to LAF

(I) The Visit of Professor Tian-bao Qin from the Law School of Wuhan University (April 20, 2009)

Professor Tian-bao Qin from the Law School of Wuhan University is also Head of the Department of Environmental Rights and Interests of Center for Protection of Rights of Disadvantaged Citizens – the first NGO in China to provide legal aid. He visited LAF on April 20th and exchanged opinions on the legal aid systems in China and Taiwan and environmental protection cases with LAF Secretary-General Chi-Jen Kuo and Attorney San-jia Lin.

(II) The Visit of Professor Jerome Cohen to LAF (September 15, 2009)

On September 15th, Professor Jerome Cohen of the U.S.-Asia Law Institute, Law School of New York University visited the Foundation and attended the discussion meeting hosted by LAF Secretary-General Chi-jen Kuo. Exchanges of experience and opinions were exchanged fervently after a briefing on the Foundation's operation by Deputy Secretary-General Wei-shyang Chen. Professor Cohen proposed a number of exchange programs, including mutual visits and organizing conferences, etc. for further cooperation with LAF.



Professor Jerome Cohen of the U.S.-Asia Law Institute, Law School of New York University visited LAF and took a picture with the staff.

(III) The Visit of Mr. Greg Marcus from AIT (September 23, 2009)

On September 23rd, Mr. Greg Marcus, Chief of Overseas American Section of Consular Services, Consular Official Mrs. Ellison S. Laskowski and Ms. Grace Liu of Citizen Services of the American Institute in Taiwan, visited LAF and attended a discussion meeting at the conference room. Greeted by LAF Secretary-General Chi-jen Kuo, they were briefed by Director Sing-ling Sie of LAF Department of Legal Research and Legal Affairs on the Foundation's legal aid categories and related service to foreigners before engaging in an enthusiastic exchanges about future cooperation and referral mechanism.



The officials of AIT Overseas American Section of Consular Services visited LAF and took a picture together with the staff.

III. 2009 LAF Staff Study Abroad Application and Selection Project

After the approval by LAF Board of Directors, the 2009 Staff Study Abroad Application and Selection Project was posted in April and May for staff of all branches to apply, but no applications were received before the deadline. As the project idea had long been materialized with the expectation that the staff would spend a longer time to acquire the experience and methods necessary for the Foundation's present business development, plus that the relevant legal aid institutions in UK, Japan and USA had already consented to assist with the study arrangement, LAF International Affairs Committee decided that the Foundation would designate staff members to take practical trainings in England.

Since the training emphases were related to the operation of legal aid organization and legal aid business, Attorney Yu-fan Chen, the Executive Secretary of LAF Taipei Branch, was appointed for a one-month training study, starting from December 14, 2009, at the headquarters of Legal Services Commission, LSC London Branch, contract solicitor firms, Community Legal Advice Centre in Derby and magistrate's courts in UK.

Chapter 8

Future Prospect

I • Expanding Applications for General Legal Aid Cases

In the 5 years of LAF's establishment, the applications for general legal aid cases had shown a steady increase at a regular rate per year but now a slower pace of growth is gradually seen in the number of aided cases. In the future, the Foundation will continue to expand and promote legal aid business so that more disadvantaged people can receive the assistance from LAF.

II • Proceeding with Consumer Debt Clearance Act Service Program

Since the launch of the Consumer Debt Clearance Act Service Program, the number of cases processed by LAF reached a peak between July and August 2008 and then declined slowly before dropping drastically in 2009. Still, as recently more and more debtors cannot fulfill their pre-negotiation terms because they are unable to afford it, it is expected that their need for legal aid will remain. Therefore the Foundation will proceed with this program to protect the debtors' right of living.

III • Reinforcing Aid to Criminal Cases

(I) Aid to Noncompulsory Defense for Criminal Cases

To protect the human rights of criminal cases, LAF plans to reinforce legal aid to the defendants appealing for the third instance and those involved in noncompulsory defense cases for all instances. The implementation measures are summarized as follows:

- (1) Object: defendants of the third instance and those involved in a charge other than that may be sentenced with the minimum principal punishment to over 3 years in prison
- (2) Scope: criminal cases on all kinds of charges
- (3) Ways of Implementation: advancing the referral of noncompulsory defense cases through coordination with the court; promoting or handling legal aid applications from defendants in custody at detention centers
- (4) Mode of Examination: processed in the same way as the usual way of examination for defendants not in custody; legal consultation may be offered according to the condition of security force and venue of the detention centers; written applications may be made if necessary when the Examining Commissioners are sent to a detention center to conduct examination about the defendant's financial eligibility and details of the accepted case
- (5) Coordination Procedure: Coordination with the court, prosecutors, defendants, Ministry of Justice and the related detention centers will be conducted before the implementation, and a review meeting will be held during implementation.
- (6) educational trainings for the Examining Commissioners and legal aid attorneys

(II) Strengthening Communication with Courts about Referral Mechanism of Criminal Cases

As the protection of the defendants' human rights is been an indicator of international human right index, LAF has been supportive for Taiwan's national policy and actively establishing with each court a referral mechanism for criminal cases so that the underprivileged criminal defendants may obtain substantial and effective assistance with legal defense.

(III) Consolidating Protection for Victims of Criminal Cases

To expand the coverage of victims of crimes, an amendment of the Crime Victims Protection Act was completed with three readings at passed by the Legislative Yuan on May 11th, 2009, and the victims of sexual assault crimes were included in the objects of protection. Taking the protection of victims' rights and interests into consideration, LAF also arranges to collaborate with the Ministry of Justice's Association for Victims Support by providing them assistance with legal consultation or litigations.

(IV)Augmenting Aid to Juvenile Assistance Cases

Originally the assistant to juvenile compulsory cases was the Juvenile Investigation Officer but was replaced by the designated public defender or attorney, following the amendment of the Implementation Rules of Juvenile Protection Cases on March 5th, 2009. With the purpose to help keeping juveniles healthy growth and protect their rights and interests, LAF Taoyuan Branch started with Taoyuan District Juvenile Court a pilot program of referral aid for the juvenile compulsory cases in 2009, and an excellent effect had achieved with 251 aided cases so far. LAF plans to launch comprehensive legal aid in 2010, and the execution measures are summarized as follows:

- (1) Object: juvenile delinquents referred to court with intellectual disability or sentenced with the minimum principal punishment to over 3 years in prison
- (2) Scope: juvenile investigation procedure and protection procedure assistance
- (3) Ways of Implementation: court referral or application by the litigant

IV • Enlarging Aid to Labor Cases

Starting from March 1st, 2009, legal assistance was provided to laborers through a cooperative program launched by LAF and Council of Labor Affairs, the Executive Yuan. This year the Foundation plans to proceed with cooperation with the labor authorities of various level and social welfare groups to increase legal aid to the underprivileged laborers suffering from damage to their rights and interests by ways of referral and promotion.

V • Reinforcing Aid to Victims of Human Trafficking

Human trafficking is the modern version of slavery. Based on the Foundation's philosophy of protecting the legally disadvantaged people, LAF will definitely offer legal aid to the victims of human trafficking and fight against the crime of sexual and labor exploitation. Through conferences with National Immigration Agency, detention centers, police of foreign affair section, Section of Employment of Foreign Workers of the Council of Labor Affairs, NGOs and LAF's staff attorneys, the Foundation acquired a lot of useful advices on the integration of information networks about victims of human trafficking.

In the future, LAF will continue to strengthen the connection with social workers to actively discover potential victims and offer them assistance besides providing special educational trainings for attorneys, sending attorneys to provide legal consultation at detention centers and placement institutions, and recruiting interpreters recommended by relevant organizations. Regarding the procedures of consultation and application, specific circumstances of the victims will be taken into consideration and a flexible flow of procedures (e.g. the use of written applications) will be arranged.

VI · Fortifying Legal Aid to Cases Concerning Children Laden with Inherited Debts after Amendment to the Part of Succession of the Civil Code

Unaware of the fact that the old scheme stipulated by the Civil Code was based on the principle of universal succession, some people did not waive their inheritance and therefore were laden with huge debts. It had not only caused great impact on the debtors, who were in desperate need for the Foundation's aid, but also resulted in grave social issues. Although the Part of Succession of the Civil Code is now amended, disputes still rise under the effect of the old regulations, and LAF will continue to provide legal aid to those in need.

VII · Strengthening Assistance to the Disadvantaged People with General Administrative Procedures

Most disadvantaged people need to apply to the administrative authorities for specific subsidies and allowances, e.g. applications for labor insurance, health insurance, low-income household registration and other social welfare benefits, etc. Somehow they often lose their rights or even confidence in the society due to their lack of relevant legal knowledge. Therefore LAF plans to strengthen the assistance to the disadvantaged people with administrative procedures so that they may obtain more proper services.

VIII · Enlarging Scope of Partial Legal Aid

(I) Planning to Expand the Scope of Partial Legal Aid

According to Article 32 of the Legal Aid Act, each LAF branch should decide whether to provide all or partial legal aid based on the applicants' financial eligibility. To further protect the rights and interest of the disadvantaged people, the Foundation plans to enlarge the coverage of partial legal aid.

(II) Fortifying Promotion and Educational Trainings for Examining Commissioners

Under the original partial aid mechanism of the Foundation, a few Examining Commissioners still decided to dismiss some cases qualified for partial aid. The Foundation will fortify the promotion and educational trainings for the Examining commissioners in order to protect the rights and interests of the applicants.

IX · Expanding Legal Consultation Service on Site, by Phone & Online

As a lot of social issues emerge from the economical recession, the public need for legal consultation increases day by day. Besides the on-site legal consultation service, LAF also plans to offer timely and immediate consultation service by phone and on the internet to help people with disputes and eliminate litigation causes while responding to the demand of time-saving and expense-saving in an era of information technology.

X • Proceeding with Collection of Four Payments

Regarding the repayment, recovery, withdrawal fee and the contribution paid in advance for legal aid cases, the Foundation will strengthen the superintendence over branch offices to perform their task and proceed with negotiating with the authorities for a mediation mechanism concerning the problems for payment collection, and regular collection reports by branch offices are required to be submitted to LAF Headquarters.

XI • Enhancing Legal Aid Quality

(I) Reinforcing Educational Trainings for Legal Aid Attorneys

To advance the quality of service and the professional competence of legal aid attorneys, regular educational trainings are offered to legal aid attorneys in addition to courses relating to various special programs, e.g. introduction to the Consumer Debt Clearance Act and practical litigation matters, and prevention of human trafficking program, etc.

(II) Conducting Evaluation of Legal Aid Attorneys

Attorneys with performance either outstanding or needing improvement are chosen through regular evaluation with the purpose of maintaining service quality and protecting the rights and interests of litigants.

(III) Pilot Evaluation of Examining Commissioners

As the approval of applications depends on the decision of the Examining Committee, the quality of its members are closely related to the applicants' rights and interests. In order to enhance the quality of examination and protect the rights and interests of the applicants, an evaluation of the Examining Commissioners is planned to be conducted by the Foundation.

The preliminary evaluation measures are as follows:

- (1) An evaluation will be conducted by staff responsible for examination recording, deliberation recording and rear service in addition to a survey completed by the applicants.
- (2) Different evaluation categories are arranged for each stage of participation by the evaluators, e.g. the attitude toward applicants, if any serious violation of the Foundation's regulations, if any further confirmation of the applicants' financial eligibility, and the summary records of cases completed by the Examining Commissioners, etc. The evaluation will be made by survey or other methods, and meetings will be held according to relevant procedures to decide if there is any negligence and the seriousness of it if any, followed by follow-up observation, advice, reduction of appointment, dismissal or other disposition.
- (3) Guidelines governing the evaluation of Examining Commissioners will be formulated while a review will also be made on part of the existing Petition Guidelines regarding the complaints against Examining Commissioners.
- (4) Other Package Measures: Educational trainings will be offered to Examining Commissioners and relevant evaluation methods will be announced; educational trainings will be offered to the evaluators, and relevant package measures are also in process of formulation about whether the evaluation meeting should include external disinterested participants.

XII • Consolidating Complaint Mechanism

Regarding the process of branch offices' handling public complaints and petitions, the Guidelines Governing Petition has been passed with stipulations about handling process and the establishment of related operational software program. In addition, to deal with issues about petition handling (e.g. complaint investigation techniques and software program operation), relevant trainings and operational software improvement are performed to establish a standard mechanism and hereby enhance the Foundation's legal aid quality.

Petitions can be made by phone (Petition Hotline: 02-2322-5255 ext 6), in writing, by fax or coming in person to the Foundation or to an LAF branch office.

XIII • Performing Comprehensive Review of Legal Aid System and Amending Legal Aid Act

During the 5 years of the implementation of legal aid system, certain faults have been found in the process of operation and as a result some disadvantaged people cannot receive proper or reasonable legal aid through this system. For example, the criteria of financial eligibility are too high or the objects of legal aid are insufficient. In the future, it will be a major task for the Foundation to conduct a comprehensive review of the system and amend the Legal Aid Act.

Appendixes

Appendix I • Overview of LAF Regulations Instituted or Amended in 2009

Regulations Completed with Institution or Amendment in 2009:

In 2009, 3 statutes were completed with institution and 8 existing ones with amendment as described below.

I • Regulations Instituted and Ratified

1. LAF Regulations for the Calculation of Legal Aid's Necessary Fees

The Regulations consisting of 16 articles was approved by the 21st meeting of the 2nd-term LAF Board of Directors on November 28, 2008 and ratified by the Judicial Yuan by the letter No. 0980003732 of Tai Ting J Four on February, 19, 2009.

On May 22, 2009, a decision was made by the 27th meeting of the 2nd-term LAF Board of Directors according to Article 16 of the Regulation that: "The Regulations officially comes into effect on June 1, 2009."

2. LAF Regulations Governing the Supervision of Property and Goods

The Regulations consisting of 47 articles was approved by the 31st meeting of the 2nd-term LAF Board of Directors on September 25, 2009.

3. Certificate Table of Revocation Classification for Properties of LAF

The Certificate Table was approved by the 31st meeting of the 2nd-term LAF Board of Directors on September 25, 2009.

II • Regulations Amended and Ratified

1. LAF Regulations for the Calculation of Legal Aid Remunerations

Articles 3 and 5 to 10 of the Regulations were amended by the 21st meeting of the 2nd-term LAF Board of Directors on November 28, 2008, and the title of the Regulations was modified as "LAF Regulations for the Calculation of Legal Aid Remunerations". The Regulations was ratified by the Judicial Yuan by the letter No. 0980003699.

2. LAF Examination Regulations Governing Applicants Sharing Remuneration and Expenses

Article 2 of the Regulations was amended by the 21st meeting of the 2nd-term LAF Board of Directors on November 28, 2008, and ratified by the Judicial Yuan by the letter No. 098000313 on February 19, 2009.

3. Guidelines Governing Complaints Handling

Point 14 of the Guidelines was amended by the 25th meeting of the 2nd-term LAF Board of Directors on March 27, 2009.

4. Guidelines Governing the Caseload of Staff Attorneys

Points 3 and 6 of the Guidelines were amended by the 27th meeting of the 2nd-term LAF Board of Directors on May 22, 2009.

5. LAF Regulation Governing the Foundation's Organizational Structure

Article 5 of the Regulations was amended by the 27th meeting of the 2nd-term LAF Board of Directors on May 22, 2009 and ratified by the Judicial Yuan by the letter No. 0980014307 of Tai Ting J Four on August 28, 2009.

6. LAF Guidelines Governing Leasing Offices

Points 3, 4 and 9 and the attached table of the Guidelines were amended by the 31st meeting of the 2nd-term LAF Board of Directors on September 25, 2009.

7. Regulations Governing Fund Management between Legal Aid Foundation and Its Branch Offices

Articles 5, 7 to 14 and 16 to 19 of the Regulations were amended by the 28th meeting of the 2nd-term LAF Board of Directors on June 28, 2009 and ratified by the Judicial Yuan by the letter No. 0980020543 of Tai Ting J Four on October 19, 2009.

8. ALF Guidelines for Disbursement of Public Relations

Article 2 and the attached table of the Guidelines were amended by the 27th meeting of the 2nd-term LAF Board of Directors on May 22, 2009.

Appendix II · 2009 International Forum on Legal Aid OVERVIEW

Introduction

From a historical perspective, economic downturns are unpredictable and unavoidable, and they affect all levels of society, especially the most vulnerable. Legal aid services are naturally unable to avoid these impacts. In a time of recession, the need for legal aid is even greater; at the same time, there is much more pressure on funding for legal aid, whether from governments or civil society. In order to respond, legal aid systems should face these concerns with a positive attitude and prepare for them as early as possible, in order to transform crises into opportunities for renewal and innovation. In this way they will become sustainable institutions. Even in an environment of limited resources and growing demand, we should uphold the basic spirit and values of legal aid. Therefore, the participants of this forum agree on this overview of the three themes of our forum:

I.The Rights of Non-nationals and Legal Aid

To protect the human rights of non-nationals, legal aid organizations or legal services providers should devote themselves to:

1. Providing the same access to legal aid services to non-nationals as that provided to nationals, out of a desire to protect human rights and promote application of the rule of law. Legal aid to non-nationals should not be restricted by laws or policies, thus where such restrictions exist, legal aid organizations or legal services providers should advocate legislative changes or broader interpretation of such laws.

2. Constructing a legal aid system that is easy for non-nationals to access, including the production of multilingual legal guides, as well as the establishment of mechanisms for non-government organization, courts, prosecutors, and government departments to provide referral and early information about legal aid resources.
3. Establishing interpreter resources of sufficient quantity and high quality, bringing together and making use of the interpreter resources of government agencies and non-governmental organizations, as well as actively cooperating with NGOs to cultivate professional interpretation skills in foreign spouses, expatriates, and other suitable individuals.
4. Encouraging non-nationals to form their own associations and providing legal or paralegal training to enable them to assist their compatriots.
5. Providing lawyers, police officials, prosecutors, judges, and other law enforcement personnel with professional training in order to raise their awareness of the human rights of non-nationals, and increasing the professional expertise of these groups in assisting non-nationals.
6. Recognizing that inappropriate broker systems are one of the reasons for the exploitation of migrant labor, working together via international cooperation to review and reform such broker systems, in both sending and receiving countries.
7. Bringing together related domestic NGOs, actively providing advice to government authorities, and pressing for reforms of unreasonable or deficient government decrees and administrative measures regulating non-nationals.
8. Actively establishing and promoting international exchanges formed around multinational alliances among legal aid services providers throughout the world; using the force of the international community to press for reforms in order to ameliorate the difficulties facing non-nationals.
9. Bringing together the power of the media, civil society, NGOs, and lawyers' groups, actively educating government and the broader general public, explaining the contributions of non-nationals, spreading the concept of equal rights and access to justice for non-nationals, and promoting access to legal aid for non-nationals.

II.Criminal Human Rights and Legal Aid

In order to ensure rights in criminal cases, legal aid organizations or legal aid workers should devote themselves to:

1. Providing defense services in criminal cases and continuously supervising legal services providers to ensure delivery of high quality legal services, regardless of the specific model of legal aid employed.
2. Actively enlarging the scope of legal aid for suspects in criminal proceedings, including ensuring the right to full defense in all stages of criminal proceedings.
3. Providing legal consultation or defense services from an attorney before and during questioning by the police or a prosecutor, in order to avoid inappropriate interrogations.
4. Mobilizing additional resources for legal aid, not only adequate funding, but also greater participation by private attorneys.

III. Poverty, Debt, and Legal Aid

In order to ameliorate poverty and over-indebtedness, legal aid organizations or legal services providers should devote themselves to:

1. Advocating for the recognition as a human right the access to counsel in civil matters that involve the protection of basic needs, such as housing, health, food, and livelihood.
2. Addressing issues of personal debt and debt clearance by actively bringing together groups to push forward the establishment or reform of the debt clearance system in order to make it more efficient and effective. Unless other effective mechanisms are in place, legal aid organizations or legal services providers involved in legal aid should provide aid for legal procedures related to debt clearance.
3. Actively promoting the correct understanding of debt issues and the debt clearance system by courts, attorneys, media, and the wider society—especially ordinary consumers who may become victims of these issues—for example through publicizing actual cases and other advocacy activities.
4. When, in the process of carrying out legal aid work, systematic issues are discovered, actively reporting them and advising responsible government authorities of needed reforms.
5. Positively assisting the impoverished in applying for social welfare resources or other relief mechanisms.
6. Working together with related groups, actively promoting the reform of unreasonable or unsound social welfare and financial systems, in order to prevent problems of poverty and over-indebtedness from emerging.

Conclusion

In conclusion, we invite all legal aid organizations and legal services providers to make every endeavor to put the ideals contained in this Overview into practice. At the same time, we urge governments that have yet to establish publicly-funded legal aid schemes to hasten their pace in bringing into effect the ideals contained in this Overview.

Appendix III · Chronicle of Major Events in 2009

Date	Event
January 14	Visit by Members of Manila Economic and Cultural Office in Taipei to LAF Taipei Branch
January 20	Press conference for “Fulfilling the Law Amendment Concerning Children Laden with Inherited Debts” held by LAF and Taiwan Fund for Children and Families
February 4 ~ 9	Partaking in “Taipei International Book Exhibition 2009” by LAF and fellow NGOs
February 28	Holding the 2009 policy meeting
March 2	Cooperating with Council of Labor Affairs for Program of Immediate Aid to Labor Litigations
April 10	Press conference for implementation anniversary of the Consumer Debt Clearance Act
April 20	Visit by Professor Tian-bao Qin from Law School of Wuhan University
May 28	Participating in Dragon Boat Festival Regatta
June 24	Press conference for “Child Victim of Domestic Violence and Sex Abuse Sued for Desertion” held by LAF and Garden of Hope Foundation
June 30	Gratitude dinner with the media for the 5 th anniversary of LAF
July 1	LAF celebrating the 5 th anniversary
July 3 ~ 4	Tea party celebrating the 5 th anniversary of LAF and the 2 nd Taiwan Legal Aid Forum
July 9	Visit by interns of Taiwan Labor Front
July 11 ~ 12	Exhibition for “LAF Everywhere Program”
July 14	Setting out day of LAF Volunteers’ Promotional Tour on Bike around Taiwan
July 17	2 nd anniversary of Pilot Program of First Interrogation Accompanied by Legal Aid Attorney
July 21	LAF Secretary-General interviewed by Taiwan Super FM 98.5
July 23	Visit by China Law Society
July 27	International meeting on anti- human trafficking
July 28	Two Credit-Card-Debt Families’ Resurrection Party by LAF Taipei Branch
August 1 ~ 2	LAF Everywhere Mobile Exhibition in Kaohsiung
August 5	Press conference for the successful LAF volunteers’ promotional tour on bike around Taiwan
August 23	Attending public hearing concerning Special Statute for Reconstruction for Post-Typhoon Morakot Disaster

August 24	Founding of LAF Shihlin Branch
August 27	Participating in other social groups to march to the Legislative Yuan in protesting against Special Statute for Reconstruction for Post-Typhoon Morakot Disaster
September 1	Press conference objecting to governmental number of LAF board directors exceeding 50%
September 1	Visit by members of Henan District Court
September 15	Visit by Professor Jerome Cohen of the U.S.-Asia Law Institute, Law School of New York University
September 19 ~ 26	Visit to Finland by LAF Deputy Secretary-General Wei-shyang Chen and Research Member Yi-shih Su of LAF Department of Legal Research and Legal Affairs
September 23	Visit by members of AIT
October 2	Conference on Practical Matters Concerning the Implementation of the Consumer Debt Clearance Act
October 15	Visit by All China Lawyers Association
October 19	Press conference titled “No Human Rights for the Old and Migrant Workers • No Restrain over Human Trafficking”
October 20	Visit by district prosecutors from Beijing
October 31 ~ November 2	2009 2 nd International Forum on Legal Aid
November 3	Seminar attended by Mr. Hugh Barrett, Executive Director of Commissioning of LSC
November 11	Press Conference for the first witness’ s appearance in court for the case of RCA occupational injury victims
November 14	Legal aid seminar on Caring for August Flood in Siaolin Village
November 14	Legal aid seminar on Caring for August Flood in Jialan Village in Taitung
November 18	Appointing Attorney Yu-fan Chen, Executive Secretary of LAF Taipei Branch for a one-month training study in UK
December 26 ~ 27	Holding the 2010 policy meeting
December 29	Year-end dinner with the media

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