



Article Content

Title : Legal Aid Act CH

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Category : Judicial Yuan (司法院)

Chapter 1 General Provisions

- Article 1 To protect people's rights and interests, this Act is enacted for providing necessary legal aid to people who are indigent or are unable to receive proper legal protections for other reasons.
- Article 2 The government has responsibilities to promote legal aid in legal matters and to provide necessary funding.
All levels of Courts, the Prosecutor's Offices, the bar associations and lawyers have duties to assist the implementation of legal aid in legal matters.
- Article 3 To achieve the purpose of this Act, the Legal aid Foundation (the Foundation) shall be established by the competent authority. The Articles of Subscription and Organization of the Foundation shall be established by the competent authority. The competent authority under this Act is the Judicial Yuan.
- Article 4 The term "legal aid" as used in this Act refers to the following matters:
1. acting as a representative, a defender or an assistant for litigations, non-contentious cases, arbitrations and other matters;
 2. acting as a representative for mediations and settlements;
 3. drafting legal documents;
 4. providing legal consultations;
 5. providing necessary services and fees incurred from other legal matters;
 6. other resolutions reached by the Foundation.

Article 5 The term indigent person as used in this Act refers to a person with any one of the following conditions:

1. who is qualified as a low-income residence, or middle-to-low-income residence under the Social Relief Act;
2. whose family is qualified as a Family in Hardship as described in Article 4 Paragraph 1 of the Act of Assistance for Family in Hardship;
3. whose disposable assets and monthly disposable income are below a specific standard.

The property that belongs to the applicant's spouse or relatives, with whom the applicant does not share property or residence, shall not be counted towards the disposable assets as prescribed in subparagraph 3 of the preceding paragraph. The assets and income as prescribed in subparagraph 3 of the preceding paragraph do not apply to applicant's parents, children, spouse or property-and-resident sharing relatives, with whom the applicant does not have a dependency relationship; neither do the said provisions apply to the applicant's long-term separated spouse.

The disposable assets and income standards as prescribed in paragraph 1 subparagraph 3, and the verification standards of the preceding paragraph shall be prescribed by the Foundation.

The term "people who are unable to receive proper legal protections for other reasons" as described in this Act refers to people with any one of the following conditions:

1. a defendant who did not retain an attorney during the first questioning (interrogation) of an investigation, or during a trial, in a case that carries the base sentence of at least three years of prison term, or in a trial of first instance adjudicated by the high court;
2. a defendant or a suspect, who possesses indigenous peoples status and did not retain an attorney during an investigation or trial;
3. a defendant, who is unable to make full statements due to damage or impairment of the structures of the nervous system, or of the

psychological or mental functions, and did not retain an attorney during an investigation or trial, or did not retain a legal representative during a trial in which retaining a legal representative was deemed necessary by the presiding judge;

4. a defendant, who is under the condition of any one of the preceding three subparagraphs in a juvenile delinquency investigation or trial, and did not retain an assistant;

5. a defendant in other trials, or juvenile delinquency cases, where an attorney, a legal representative, or a legal assistant is not retained, but is deemed necessary by the presiding judge;

6. a case of important public interest, high social profile, high complexity or similar instances as determined by the Foundation.

Article 6 The funding of the Foundation is ten billion NT dollars. Except for encouraging the subscription from the public, the competent authority shall compile the annual budget to subscribe the funding.

The initiative funding of the Foundation is five hundred million NT dollars. The competent authority shall compile the annual budget for the first year to subsidize the funding.

Article 7 The Articles of the Subscription and Organization of the Foundation shall contain the following items:

1. the purposes;
2. the name of the Foundation;
3. the address of the Foundation and the Chapters;
4. the variety, amount and methods of safe-keeping and utilizing the funding;
5. the categories of business;
6. the organization;
7. the personnel management ;
8. the supervision and management in the business and finance;
9. the application for legal aid, the review of legal aid application and the petition for

appeal;

10. the Board of Directors and the meetings of Supervisors;

11. the cadre and staff members;

12. the accounting;

13. the amendment to the Articles;

14. the procedures in formulating, amending and abolishing the rules established under this Act,

15. the procedures in disposing the assets;

16. the cause of dissolution, the procedure of liquidation and the ownership of the residual assets;

17. other important items specified in accordance with this Act.

Article 8 The competent authority shall compile the annual budget to subsidize the funding depending on the needs of the Foundation.

The relevant agencies of the Central Government shall also compile the supplemental budget to subsidize the funding.

The sources of other Foundation's funding are as follows:

1. the supplemental funding from the municipal and county(city) governments;

2. the deferred prosecution fines or negotiated judgment charges that are paid to the public treasury;

3. donations from national and regional bar associations;

4. the bank interests incurred from the funding;

5. the remuneration and necessary fees that the legal aid recipients share or bear in accordance with the provisions of this Act;

6. the subscription from other groups or individuals.

7. other income.

The balance of funds at the end of the fiscal year from the income prescribed in the provisions of subparagraphs 3, 6, and 7 of the preceding paragraph should be transferred into the funds prescribed in the provisions of article 6 paragraph 1.

The budget as prescribed in the provisions of paragraph 3 subparagraph 2 shall be compiled by

the competent authority using 15% of the average total of the funds from the past three years, along with the funds as prescribed in the provisions of paragraph 1.

Article 9 The Foundation is located at the site of the competent authority, unless it is otherwise approved by the Competent Authority. The Foundation may set up the Chapter of the Foundation (the Chapter) in accordance with the jurisdiction of each district court.

Article 10 The matters handled by the Foundation are as follows:

1. formulating, amending, and abolishing the regulations authorized by the Legal aid Act;
2. planning and executing the projects of legal aid;
3. legal aid fund-raising, and managing and utilizing the funding collected;
4. promoting education with topics in legal aid, and human rights;
5. administering legal aid matters commissioned by agencies (organizations), or groups;
6. promoting the formulations of legal statutes relating to legal aid and human rights;
7. being in charge of the petitions for appeal submitted by the legal aid applicant or recipient who is unwilling to accept the decision made by the Chapter's Review Committee;
8. assessing legal aid lawyers;
9. other matters of legal aid.

When handling the projects as described in subparagraph 5 of the preceding paragraph, the Foundation should comply with the commission agreement set forth by the Foundation and the government agencies (organizations), or groups.

Article 11 The matters handled by the Chapter are as follows:

1. reviewing and executing the approval, denial, revocation and termination of the legal aid instances;
2. reviewing and executing the payment in advance, payment, increase, reduction, cancellation, return, share or burden of the

lawyer's remuneration or necessary fees.

3. providing mediation for disputes between legal aid recipient and the legal aid lawyers.

4. fund-raising.

5. implementing matters ordered by the Foundation and other legal aid matters.

Article 12 The regulations, that are formulated by the Foundation in accordance with the provisions of this Act, wherein the formulation, amendment, and abolishment of the regulations concerning organization structures, the use of funds and budget, and critical measures shall be approved by the competent authority, while the remainders shall be submitted to the competent authority for future reference.

Chapter 2 The Application of Legal aid

Article 13 Persons who are indigent, or are unable to receive proper legal protections for other reasons may apply for legal aid. Applicants applying for legal aid with any one of the following conditions may be exempt from financial verification:

1. the conditions as prescribed in the provisions of article 5 paragraph 1 subparagraph 1 and subparagraph 2;

2. the conditions as prescribed in the provisions of article 5 paragraph 4 subparagraphs 1 to 5.

3. the condition of being in the process of clearing debts under the Consumer Debt Clearance Act.

4. applying for verbal legal consultation.

Applicants with any one of the following conditions, who are presumed indigent with the support of an affidavit, are exempt from financial verification:

1. foreign nationals who came to Taiwan in accordance with the provisions of article 46 paragraph 1 subparagraphs 8 to 10 of the Employment Service Act;

2. a citizen's spouse who is in financial disadvantage and has not been naturalized, or who has been naturalized but does not have domestic household registration.

The Foundation shall prescribe the regulations relating to the verification process of the preceding paragraph.

The Foundation shall decide whether or not to verify financial capability with situations prescribed in article 5 paragraph 4 subparagraph 6.

The presiding judge or the prosecutor may notify the Foundation to dispatch an attorney to defend or assist persons who have not applied for legal aid and who are in the condition as prescribed in paragraph 2 subparagraph 2.

Article 14 The provisions of this Act concerning legal aid are applicable to non-citizens of the Republic of China who meet any one of the following conditions:

1. people who reside legally within the border of the Republic of China;
 2. people who lost their residency due to incidents not imputed to themselves;
 3. victims or possible victims in a human trafficking case;
 4. people who do not reside within the border of the Republic of China, but have received the Foundation's aid in the past for the same cause;
 5. people who do not reside within the border of the Republic of China may exercise their rights under the laws of the Republic of China when the other party, who received the Foundation's aid in the past for the same cause, passes away.
 6. people who do not reside within the border of the Republic of China may exercise their rights under the laws of the Republic of China when the other party passes away due to an occupational accident.
 7. other conditions as decided by the Foundation.
- The verification process of the preceding paragraph shall be prescribed by the Foundation.

Article 15 The application for legal aid shall be denied, if any of the following conditions exists:

1. the statements and information provided by the legal aid applicant show no legitimate reasons for granting the legal aid.

2. the value of interests the legal aid applicant may recover from the prevailing litigation are less than the litigation costs and the lawyer's fees, except in cases where the controversies at issue are significant to the law or to the society.
3. the applicant had already received legal aid according to this Act or other laws for the same matter, and is no longer eligible to receive further legal aid.
4. the applicant of the same case has retained an attorney; or the court has appointed an attorney, or has appointed an attorney to be the legal representative or assistant;
5. the applicant who is suing the Foundation.
6. the litigation takes place outside the border of the Republic of China;
7. the same case that has been rejected by the Foundation or its Chapter, while no new facts or evidence have surfaced. However, this is not applicable to cases where the information provided by the applicant is sufficient to decide that it is necessary to provide legal aid;
8. the item the applicant applies for legal aid does not correspond to the purposes of providing legal aid.

The provisions as prescribed in the subparagraphs 1 and 2 of the preceding paragraph are not applicable to the situations prescribed in article 5 paragraph 4 subparagraphs 1 to 5.

Article 16 The Foundation may decide on the type of legal aid and the scope of legal representation, legal defense or assistance for the case depending on the funding of the Foundation and the case type. The Foundation shall prescribe the regulations relating to the implementation process of the preceding paragraph.

Article 17 The application for legal aid shall specify the following items orally or in writing to the Chapter:

1. the name, gender, birth date, identification number, and residence or domicile of the applicant. The name, birth date, identification

- number, and residence or domicile of the legal representative or the application representative, and their relationship with the applicant;
2. the statements describing the conditions as prescribed in the provisions of article 5, relevant matters, or evidence;
 3. the statements describing legal matters and relevant evidence;
 4. the type of legal aid.

The physical or mental welfare care facility may apply on behalf of the applicant, concerning the provisions of the preceding paragraph, if the applicant is unable to make full statements due to damage or impairment of the structures of the nervous system, or of the psychological or mental functions.

When the applicant specifies the items orally, the Chapter shall record the oral statements and request the applicant or his or her representative to read them or review the recorded statements. The applicant shall verify the content of records before signing or affixing chop.

If the applicant does not comply with the requirements stated in the first paragraph, the Chapter shall notify the applicant to supplement the application within a specific time. If the applicant fails to supplement the application in time, the Chapter shall deny the application and inform the applicant in writing about the deadline to file a petition for appeal.

Article 18 If an application meets the requirements, procedure and format in applying legal aid, the Chapter shall approve the application.

The Chapter's approval decision stated in the preceding paragraph shall be in writing, and shall specify the following items:

1. the type of legal aid;
2. the complete or partial legal aid;
3. the amount and deadline for paying the remuneration and necessary fees shared by the recipient of partial legal aid;
4. the reason of the grant;
5. the legal aid lawyers.

Article 19 After the legal aid application is approved, if the legal aid recipient considers it is necessary to modify the scope or type of legal aid due to the change of circumstances, the legal aid recipient may submit an application for the modification of legal aid to the Chapter approving the original legal aid application. The rules set forth in Article 13 to Article 15, Article 17 and the preceding article apply, *mutatis mutandis*, to the requirements, procedure and format in applying legal aid, and the approval or denial decisions set forth in the preceding paragraph.

If the Chapter that received the application deems it necessary to modify the type or scope of legal aid, the Chapter may do so upon the legal-aid attorney's application or *ex officio*, and the provisions of paragraph 2 of the preceding article shall apply *mutatis mutandis*. However, if the modification impacts the interests of the legal aid recipient, opportunities for stating opinions should be given to the recipient.

Article 20 If the underlying event for applying legal aid is exigent, the Chapter may still make a preliminary decision to approve the application for legal aid even though the applicant fails to meet the requirements in applying legal aid.

After making the preliminary decision to approve the application for legal aid, if the Chapter considers the applicant fails to meet the requirements in applying for legal aid, the Chapter shall revoke decision.

When the Chapter revokes the approval in accordance with the provisions of the preceding paragraph, opportunities for stating opinions should be given to the legal aid recipient.

When the Chapter revokes the approval, according to the provisions of paragraph 2, the Chapter shall notify the legal aid recipient of such in writing and ask the return of the remuneration provided to him or her, and other fees incurred by legal aid, within a certain time frame.

However the provisions shall not apply, if the

legal aid recipient is not responsible for the cause of revocation.

Article 21 After approving the legal aid application, the Chapter shall revoke the approval if the information, evidence or statements provided by the legal aid recipient are forged, fabricated or false.

When the Chapter revokes the approval in accordance with the provisions of the preceding paragraph, opportunities for stating opinions should be given to the legal aid recipient. When the Chapter revokes the approval, according to the provisions of paragraph 1, the Chapter shall notify the legal aid recipient of such in writing and ask the return of the remuneration provided to him or her, and other fees incurred by legal aid, within a certain time frame.

Article 22 The Chapter may terminate legal aid if the legal aid recipient is in one of the following situations:

1. the legal aid recipient is no longer qualified as an indigent person because of the inheritance, bequest or other reasons.
2. the legal aid recipient died or is missing;
3. it is no longer necessary to continue providing legal aid because of the change of laws and regulations, the change of circumstances, or because the subject matter of the litigation is destroyed, impaired or extinct.
4. the legal aid recipient fails to comply with the request set forth in implementing the legal aid or fails to pay the remuneration and necessary fees which the legal aid recipient shall share to pay before the deadline, and causes the discontinuousness of the legal aid,
5. the legal aid recipient has acutely insulted the legal aid lawyers.
6. other reasons which caused the continuous providing legal aid unnecessary.

When the Chapter terminates the approval in accordance with the provisions of the preceding paragraph, opportunities for stating opinions

should be given to the legal aid recipient,
unless it is due to subparagraphs 2.

Chapter 3 The Legal aid Lawyers and Its Remuneration

- Article 23** The Foundation may select lawyers to provide legal aid on matters relating to the provisions of this Act; the selected lawyers cannot decline the assignment without a legitimate reason. The selection process described in the preceding paragraph shall be prescribed by the Foundation. The Foundation may retain full-time lawyers to provide legal aid on matters relating to the provisions of this Act. The regulations on retention standards, the length of time, salary, assigning cases, the responsibilities when obligations are violated, and management and performance evaluation shall be prescribed by the Foundation.
- The Foundation may sign retaining contracts with lawyers (law offices) to provide legal aid on matters relating to the provisions of this Act. The regulations on retaining standards, the length of time, remuneration, assigning cases, the responsibilities when obligations are violated, and other related matters shall be prescribed by the Foundation.
- Article 24** The lawyers described in the preceding paragraph shall serve the legal aid matters of this Act under the assignment by the Foundation or the Chapter.
- Article 25** When appointing legal aid lawyers, the Chapter should take into considerations issues, such as the type of case, legal-aid lawyer's expertise, willingness, the number of legal aid cases already assigned, and the willingness of the legal aid recipient.
- Article 26** Legal aid lawyers should work faithfully to fulfill the duty of being a lawyer. When legal aid lawyers are assigned with legal aid cases, the lawyers cannot decline the assignment without a legitimate reason. Legal aid lawyers shall not receive remuneration

in any way or other undue benefits, apart from claiming the remuneration as prescribed in the provisions of this Act or other necessary expenses.

Legal aid lawyers who violate the provisions of the preceding three paragraphs are deemed as violating the code of professional conduct, and their case shall be forwarded for evaluation. If the violation is serious, the Foundation shall request that the Attorney Disciplinary Committee take disciplinary action in accordance with the Attorney Regulation Act.

The regulations relating to assessing legal aid lawyers shall be prescribed by the Foundation.

- Article 27 The remuneration and other necessary expenses required to retain the legal aid lawyers are paid for by the Foundation.
- The remuneration shall be calculated based on the following standards:
1. the remuneration shall be 15 to 50 radixes when the lawyer acts as a representative, a defender or an assistant for litigations, non-contentious cases, arbitrations and other matters for each level of trial;
 2. the remuneration shall be 2 to 35 radixes when the lawyer provides legal representation or legal defense in an investigation procedure;
 3. the remuneration shall be 2 to 15 radixes when the lawyer provides legal services in mediations or settlements, or drafts legal documents without involving the matters described in the subparagraphs 1 and 2;
 4. the remuneration shall be 1 to 5 radixes when the lawyer provides legal consultation;
 5. the provisions of the preceding four paragraphs shall apply mutatis mutandis to other necessary services relating to legal matters based on their nature.

- Article 28 After receiving the assigned cases, legal aid lawyers may submit relevant documents to the Chapter to receive advanced payment on the remuneration or necessary fees; or, the lawyers may submit relevant documents to the Chapter for

closing the remuneration and necessary fees after closing legal aid cases, or within two months after the end of each instance's trial.

- Article 29 The Chapter may consider increasing the remuneration according to legal aid lawyers' applications, if any one of the following conditions applies:
1. the lawyer is assigned with cases pertaining to the provisions of article 5 paragraph 4 subparagraph 6 or other cases of complex nature, so much so that the originally approved remuneration is too low;
 2. a settlement is reached due to the assistance of the lawyer.
- Due to the arising of a problem attributable to the legal aid lawyer, or a change of circumstances where a legal aid case is not properly carried out, the Chapter may consider, depending on the situation, reducing or cancelling the lawyer's remuneration, or replacing the legal aid lawyer.

- Article 30 The rules governing the calculation of the remuneration radices, payment in advance, payment, increase, reduction or cancellation of the remuneration and necessary fees shall be established by the Foundation.

- Article 31 Upon approving to provide legal aid, the Chapter shall decide whether to provide complete or partial legal aid depending on the legal aid recipient's financial status. However, if the provisions of article 5 paragraph 1 subparagraphs 1 and 2 apply to the conditions, complete legal aid should be provided.
- Upon approving to provide partial legal aid, the Chapter should decide on the ratio of remuneration and necessary fees that the legal aid recipient should share.
- When the applicant cannot pay the shared remuneration and necessary fees in time, the applicant may apply for that the Chapter may pay them for the applicant and request the applicant to reimburse them later.
- The rules governing the review of the applicant's

complete or partial legal aid and the amount of remuneration and necessary fees shared by the applicant shall be established by the Foundation.

Article 32 If the subject matter obtained through legal aid has some property value and the value reaches a certain standard, the Chapter may ask the legal aid recipient to reimburse the complete or partial remuneration and necessary fees. The Foundation shall prescribe the review standards and regulations of the preceding paragraph.

Article 33 The legal aid recipient shall pay the remuneration, necessary fees, or repayment in accordance with the deadline and amount specified in the Chapter's written notice. In case paying the remuneration and the necessary fees or repayment will adversely affect the livelihoods of the legal aid recipient and cohabited relatives, the amount of remuneration and necessary fees or repayment may be reduced by the Chapter; the Foundation shall prescribe the determining standards of reducing.

Article 34 The remuneration and necessary fees paid by the Foundation for legal aid cases, where the provisions of article 77-25 paragraph 1, article 466-3 paragraph 1 of the Taiwan Code of Civil Procedures, article 241-1 paragraph 3 of the Administrative Litigation Code, or other laws should apply (apply mutatis mutandis), shall be deemed as part of the litigation costs. The Foundation may request the litigant who shall be responsible for the litigation costs to reimburse the remuneration and necessary fees described in the preceding paragraph; based on the legal aid recipient's enforceable executive title, the Foundation or the Chapter may request the court to determine the amount of litigation costs and apply to the court to order the litigant who shall be responsible for the litigation costs to reimburse the remuneration and necessary fees. If the litigation costs as described in paragraph 1 are returnable by the court in accordance with

the law, the Foundation or the Chapter may apply for these funds on behalf of the legal aid recipients.

The fees received by the Foundation or Chapters in accordance with the preceding two Paragraphs may offset the remuneration and necessary fees that the legal aids recipient shall share, shoulder, or reimburse

- Article 35 If the legal aid recipient does not return the remuneration and necessary fees in accordance with the provisions of article 20 paragraph 4, article 21 paragraph 3, or article 33 paragraph1, and does not request reconsideration, or has requested reconsideration and is rejected, the Foundation or the Chapter may provide relevant proof and ask the court to order compulsory execution, unless the Foundation or the Chapter deems that compulsory execution is futile. When asking the court for compulsory execution, the enforcement fees are exempted.
- The standards for verifying a futile compulsory execution as described in the preceding paragraph shall be prescribed by the Foundation.

Chapter 4 The Relief Procedure

- Article 36 The applicant, or legal aid recipient who objects to the decision made by the Review Committee may submit a verbal or written statement with his/her reasons, to the Foundation for reconsideration within 30 days of receiving the written decision. The legal aid lawyer who objects to the decision made by the Review Committee on the increase, reduction or cancellation of the remuneration may submit a written statement with his/her reasons to the Foundation for reconsideration within 30 days of receiving the written decision.
- The items listed below should be included in the application procedure regarding the preceding two paragraphs, and the provisions of article 17 paragraphs 3 and 4 shall apply mutatis mutandis:
1. the name, gender, birth date, identification number, and residence or domicile of the applicant. The name, birth date, identification number, and residence or domicile of the legal

- representative or the application representative, and their relationship with the applicant;
- 2. a statement describing the extent of objection to the original decision, and suggested methods for revocation or change;
- 3. the facts and reasons for reconsideration;
- 4. document of explanation or proof.

The legal aid applicant or recipient who is unwilling to accept the decision made by the Reconsideration Committee may not appeal again.

Chapter 5 The Organization and Supervision of the Foundation

- Article 37 The Foundation shall set up the Board of Directors with 13 directors whose term of office is three years. The directors shall receive no pay for his or her services as a director. The directors shall be appointed by the President of the Judicial Yuan from the following persons:
- 1. two representatives from the Judicial Yuan, one representative from the Ministry of Justice, one representative from the Ministry of Health and Welfare. The representative set forth in this subparagraph shall resign being the director of the Foundation when he or her leaves the original position he or she worked.
 - 2. three lawyers recommended by the national and regional bar associations, who have extensive experience in issues concerning human rights, public welfare or protecting the disadvantaged.
 - 3. two scholars or experts recommended by social groups with an expertise in law, social science, management or other specialties, who have extensive experience in issues concerning human rights, public welfare or protecting the disadvantaged.
 - 4. two representatives from the underprivileged group, as recommended by social groups.
 - 5. one representative from the labor organization, as recommended by the general public.
 - 6. one representative from the aboriginal tribes, as recommended by the general public.
- The term of office for the director set forth in subparagraph 1 of the preceding paragraph may

renew after the term of office expires and there is no restriction to the numbers of renewal. The term of office for the director set forth in the subparagraphs 2 to 5 of the preceding paragraph 2 may renew one time after the term of office expires. However the number of renewed directors shall not exceed two-thirds of the total number of directors set forth in the subparagraphs 1 to 5.

The Board of Directors shall convene a meeting one month before the end of each term to nominate directors candidates in an amount that is double that of the elected directors for the next term in accordance with the provisions of paragraph 2 subparagraphs 2 to 6, and submit the list of directors-elect, who are elected in accordance with the provisions of paragraph 2 subparagraphs 2, to the president of the Judicial Yuan for appointment.

If any one of the following conditions applies to a director during the office term, the Foundation shall request that the president of the Judicial Yuan discharge the director in question:

1. the director as described in paragraph 2 subparagraph 1 leaves the original position.
2. the director as described in paragraph 2 subparagraphs 2 to 6 has resigned, receives no employment renewal, or is incompetent.

Under the conditions as described in the preceding paragraph, a new director shall be elected, and the process as prescribed in the provisions of paragraph 5 shall apply. The office term of the successive director lasts until the end of the original term of the previous director.

The directors as described in paragraph 2 shall include both genders with each gender occupying at least one third of the director seats.

When the Board of Directors convenes a meeting, staff representatives from the Foundation or the Chapter, and representatives from labor organizations should be notified and invited to attend.

- Article 38 Being the Foundation's supreme organ in making policies, the Board of Directors handles the following matters:
1. the appointment and discharge of the Chief Executive Officer, the Deputy Chief Executive Officer, the president of each Chapter, the executive secretary of each Chapter, the commissioners of each Reviewing Committee, the commissioners of the Reconsideration Committee, the commissioners of each specialized committee and other important positions.
 2. the establishment of the guidelines and plans of the Foundation.
 3. the compilation of budgets.
 4. the safekeeping and utilization of the funding.
 5. fund-raising.
 6. the formulation, amendment and abolishment of the rules enacted by the Foundation under the authorization of this Act.
 7. the amendment to the Articles of the Foundation.
 8. the disposition of the Foundation's assets.
- the decisions of other important matters.

- Article 39 The chairman of the Board of Directors shall call the Board of Directors meetings and shall preside as the chairman at the meetings. In case the chairman fails to call the meetings or preside as the chairman at the meetings for any reason, the chairman shall designate a director as his or her representative. In case the chairman fails to designate a director as his or her representative or fails to call the meetings, the directors shall elect one person among themselves to call the meetings or to preside as the chairman at the meetings. In case the chairman fails to call the meetings, the directors shall elect one person among themselves to call the meetings or to preside as the chairman at the meetings. Unless otherwise prescribed in this Act, the resolutions of the Board of Directors shall be reached by the majority of the quorum composed by the majority of the Board of Directors present. The resolution of the Board of Directors

concerning the amendment to the Articles of the Foundation or the material disposition of the Foundation's assets shall be reached by two-thirds of the quorum composed by two-thirds of the Board of Directors present. The resolutions reached by the Board of Directors shall also be submitted to the Judicial Yuan for approval. When the Board of Directors convenes a meeting via video conference, any director who participates in the video conference shall be deemed as present.

Article 40 The Foundation shall have a chairman of the Board of Directors to represent the Foundation. The chairman of the Board of Directors shall be selected by consensus from the entire the Board of Directors and then appointed by the Foundation after obtaining approval from the president of the Judicial Yuan. The term of office for the chairman of the Board of Directors is the same as directors'. Prior to obtaining the appointment, the elected chairman shall act as an interim chairman, and the duration of such interim shall not exceed one month. In case the chairman of the Board of Directors quits the position, deprives from being the chairman or shall be discharged for failing to perform his or her duties during the term of office, the Foundation shall obtain a prior approval from the President of the Judicial Yuan before discharging the chairman of the Board of Directors. Under the condition as described in the preceding paragraph, the competent authority shall order the Foundation to re-elect a chairman of the Board of Directors, whose term of office lasts until the end of the original term of the previous chairman of the Board of Directors. Prior to re-election, an acting chairman shall be selected by consensus from the entire board of directors.

Article 41 The Foundation shall have a Chief Executive Officer, and a Deputy Chief Executive Officer. Both are full-time positions to be filled by

persons with legal expertise, and appointed by the Foundation. The Chief Executive Officer shall serve a term of three years, and is eligible for re-appointment when the term of service expires. The Chief Executive Officer shall manage general affairs of the Foundation under the supervision and direction of the Board of Directors; while the deputy Chief Executive Officer shall assist the Chief Executive Officer in managing general affairs.

Candidates for the Chief Executive Officer and deputy Chief Executive Officer shall be nominated by the chairman of the Board of Directors, accepted by the Board of Directors, and approved by the president of the Judicial Yuan.

In the event that the Chief Executive Officer or the Deputy Chief Executive Officer resigns or is found incompetent, the Chief Executive Officer or the Deputy Chief Executive Officer should be discharged from the position, the procedure of which is the same as the appointment procedure.

Article 42 Depending on the business requirements; the Foundation may establish various specialized Committees to handle matters relating to legal aid.

Each specialized committee shall have a number of committee members, one of whom shall be the committee director. All positions are non-compensated, and shall be filled with experts specializing in law, social science, psychology or other professional fields. In the event of a resignation or an incompetency is found, the Foundation shall discharge the person from the duty.

The members of the various specialized committees as prescribed in the preceding paragraph shall include both genders with each gender occupying at least one-third of the Committee seats.

Article 43 A Chapter shall have one president position without compensation to be filled by an expert in law, or law related fields, of the Foundation's choosing, administering general affairs of the Chapter for a term of three years with the

opportunity to be re-appointed upon the expiration of the term.

The Foundation shall discharge the president of a Chapter in the event of his resignation or incompetency. The competent authority may also request the Foundation to discharge the person from this position.

After the positions are appointed or discharged as described in the preceding two paragraphs, the Foundation shall submit reports to the competent authority for future reference.

Article 44 The Chapter shall have a full-time executive secretary who specializes in law or in other relevant professions. The executive secretary shall handle the Chapter's business under the direction of the president.

The appointment and discharge of the executive secretary shall be reported by the Chief Executive Officer or the president of the Chapter to the Foundation and shall be decided by the Foundation.

Article 45 The Chapter shall establish the Review Committee composed by a number of committee members. The term of office for the Review Committee member is three years. The members for the Review Committee shall receive no pay for their services as a member.

The members of the Review Committee shall be appointed among judges, prosecutors, public defender, military judges, lawyers, scholars or specialists in law by the Foundation with a recommendation from the president of the Chapter. In case the committee member quits the position or shall be discharged for failing to perform his or her duties, the president of the Chapter shall report the matter to the Foundation and request the Foundation to discharge the committee member.

Article 46 The Review Committee is in charge of reviewing the following matters:

1. the approval, denial, modification, revocation, and termination of legal aid.
2. the payment, increase, reduction or cancellation of the lawyer's remuneration and

necessary fees.

3. the remuneration or necessary fees which the legal aid recipient shall return, share or be obligated to pay.

4. the disputes occurring between the legal aid recipients and the legal aid lawyers.

5. the matters required by the provisions of other statutes.

If any one of the following conditions applies, the Chapter may decide to provide legal aid, and determine the amount of remuneration to the lawyers, but the provisions of subparagraphs 1 and 2 of the preceding paragraph do not apply:

1. The presiding judge or the prosecutor refers a criminal case to the Foundation to assign a lawyer in compliance with the provisions of Article 31 of the Code of Criminal Procedure.

2. In a case which the prosecutor is seeking the death penalty, and the court has pronounced the death penalty as the punishment, or the defendant is in danger of receiving a death penalty as the punishment.

3. Other cases as decided by the Foundation.

The regulations relating to the provisions of the preceding paragraph shall be prescribed by the Foundation.

Article 47 The review decisions of the Review Committee shall be jointly made by three members of the Review Committee.

The reviewed decision made in compliance with the provisions of the preceding paragraph shall be supported with reasons in writing.

The Foundation shall establish the rules governing the review of matters prescribed in the preceding Article.

Article 48 The Foundation shall establish the Reconsideration Committee composed by a number of committee members. The term of office for the Reconsideration Committee member is three years. The members for the Reconsideration Committee shall receive no pay for their services as a member.

The member of the Review Committee cannot also

serve as the member of the Reconsideration Committee.

The members of the Reconsideration Committee shall be appointed among senior judges, prosecutors, public defender, military judges, lawyers, scholars or specialists in law by the Foundation with a recommendation from the Chief Executive Officer or the president of the Chapter; in case the member quits the position or shall be discharged for failing to perform his or her duties, the Chief Executive Officer or the president of the Chapter shall report the matter to the Foundation and request the Foundation to discharge the member.

- Article 49 The Reconsideration Committee shall review cases that were decided by the Review Committee but were objected to by the applicants.
- The reviewed decisions of the Reconsideration Committee shall be jointly made by three members of the Reconsideration Committee.
- The reviewed decision made in compliance with the provisions of the preceding paragraph shall be supported with reasons in writing.
- The Foundation shall establish the rules governing the petitions for reconsideration.

- Article 50 The acceptance or rejection of the following legal aid instances shall be performed by the legal aid lawyers, and the provisions of Article 46, Article 47 and the preceding article do not apply:
1. conduct the first questioning (interrogation) in an investigation under the conditions as described in the provisions of article 5 paragraph 4 subparagraphs 1 to 4;
 2. provide verbal legal consultation.

- Article 51 The Foundation shall have five supervisors. The term of office for the supervisor is three years. The supervisors shall receive no pay for their services as a supervisor.
- The first term of the supervisors shall be retained among the following persons by the President of the Judicial Yuan:
1. a representative from the Executive Yuan.

2. a representative from the Judicial Yuan.
3. a lawyer recommended by the national bar association and regional bar associations.
4. a person who specializes in accounting.
5. a public figure who is considered fair and just by the society.

The term of office for supervisor set forth in the subparagraphs 1 and 2 of the preceding paragraph may renew after the term of office expires. There is no restriction to the numbers of renewal.

The term of office for supervisors set forth in the subparagraphs 3 to 5 of the preceding paragraph 2 may renew one time after the term of office expires, but the number of the renewed supervisors shall not exceed two-third of the total number of supervisors set forth in these three subparagraphs.

Supervisors should convene a meeting one month before the end of each term to nominate supervisor candidates in an amount that is double that of the elected supervisors for the next term in accordance with the provisions of paragraph 2 subparagraphs 3 to 5, and submit the list of supervisors-elect, who are elected in accordance with the provisions of paragraph 2 subparagraphs 1 and 2, to the president of the Judicial Yuan for appointment.

If any one of the following conditions applies to a supervisor during the office term, the Foundation shall request that the president of the Judicial Yuan discharge the supervisor in question:

1. the supervisor, elected as described in paragraph 2 subparagraphs 1 and 2, leaves the original position.
2. the supervisor, elected as described in paragraph 2 subparagraphs 3 to 5, resigns or is found incompetent.

Under the conditions as described in the preceding paragraph, a new supervisor shall be elected, and the process as prescribed in the provisions of paragraph 5 shall apply. The office term of the successive supervisor lasts until the

end of the original term of the previous supervisor.

- Article 52 The supervisors shall be in charge of the following matters:
1. supervising on the promotion of the Foundation's business and the personnel in charge of the business.
 2. the inspection and audition of the funding, deposits and other assets.
 3. the examination of the financial condition.
 4. the review of the final accounting.
- The supervisors shall exercise their authorities independently and shall convene a meeting when it is necessary.
- The supervisor may sit in on the meeting of the Board of Directors to express his or her opinion.

- Article 53 The Foundation shall have a chief supervisor elected among all of the supervisors.
- The Foundation shall report the elected chief supervisor to the President of the Judicial Yuan for appointment. The term of office for the chief supervisor is the same as supervisors'.
- The chief supervisor shall convene the meeting of the Board of Supervisors.
- The resolutions in the meeting set forth in the preceding paragraph shall be reached by a majority of the quorum composed by the majority of the Board of Supervisors.
- In case the chief supervisor quits the position or shall be discharged for failing to perform his or her duties during the term of office, the Foundation shall obtain a prior approval from the President of the Judicial Yuan before discharging the chief supervisor.
- Under the condition as described in the preceding paragraph, the competent authority shall order the Foundation to re-elect a chief supervisor, whose term of office lasts until the end of the original term of the previous chief supervisor. Prior to re-election, an acting chief supervisor shall be elected from and by the supervisors.

- Article 54 Persons with any one of the following conditions shall not assume the position of a director or

supervisor:

1. Committing criminal offenses intentionally, and is pronounced with the punishment of a fixed-term imprisonment. However, the provision is not applicable to those with confirmed suspension of punishment.
2. been declared bankrupt, or undergoing liquidation proceedings as adjudicated by the court in accordance with the Consumer Debt Clearance Act, and whose rights have not yet been restored.
3. been declared by a court to be placed under guardianship or assistance, where such declaration has not yet been voided.
4. having been proven by a hospital that is approved by the central competent health authority, of the inability to assume job functions due to physical-mental disability or other causes.

Article 55 A director or a supervisor shall comply with the principle of avoiding conflicts of interest, and shall not scheme to profit for oneself, or the third party using the power, opportunities, or means available to the position.

There should be no current or past spousal relationship, or other relationship within three degrees by blood, or by marriage among directors or supervisors.

The spouses and the relatives within three degrees by blood or by marriage of the directors or supervisors shall not assume job positions in General Affairs, Accounting, or Personnel of the Foundation.

The provisions prescribed in the preceding three paragraphs shall apply mutatis mutandis to the Chief Executive Officer and Deputy Chief Executive Officer.

Article 56 The Foundation shall draw up the annual plans and budgets based on the purposes of establishing the Foundation, and shall submit them to the competent authority six months before the new fiscal year starts.

The Foundation shall submit the annual work

reports, final financial statements, and detailed lists of assets to the competent authority for reference.

Article 57 To oversee the regular operations of the Foundation, the competent authority may order the Foundation to submit the reports regarding matters pertinent to the business, accounting and assets, and may also dispatch personnel to inspect the business.

When overseeing the operation of the Foundation, the competent authority may order the Foundation to submit proof documents, books and other relevant information.

Article 58 The Foundation shall set up the accounting system, and shall properly keep the relevant account books and certificates for inspection.

Article 59 In case a director fails to exercise his or her authorities and serve his or her duties in accordance with this Act, the competent authority may take the necessary disciplinary actions of correction or discharge depending on the seriousness of the violation.

Article 60 To oversee and maintain normal operations and sound development of the Foundation, the competent authority may formulate supervisory management regulations concerning the use of funds and budget, the quality of provided legal aid, annual critical measures and others.

Chapter 6 Supplemental Provisions

Article 61 To assist legal aid affairs, the court may submit a request to appropriate real estate of non-public property for use by the Foundation.

Article 62 The Foundation shall establish the rules governing the funding management between the Foundation and Chapter and their utilization of the funding.

Article 63 When an indigent person who has been approved for legal aid by the Chapter applies in forma pauperis in a litigation or non-litigation

proceeding, unless obviously meritless, the court should grant the application, and the provisions of Article 108 of the Taiwan Code of Civil Procedure do not apply.

Article 64 All persons who have engaged in the business pertinent to legal aid under this Act, and become aware of the legal aid applicant's secrecy or private matters, shall have the duty of confidentiality and shall not disclose or publicize the client's secrecy or private matters without the client's consent or some legitimate reasons.

Article 65 When an officer of the court, a judicial police officer, an officer of the martial court, or a lawyer who is handling a legal dispute, finds out that his or her client is eligible to apply legal aid under this Act, the officer of the court, the judicial police officer of the martial court, or lawyer shall inform his or her client to apply legal aid pursuant to this Act.

Article 66 The legal aid lawyer shall inform the legal aid recipient, after the end of investigation or at the end of each instance trial, of the statutory period of remedy.

Article 67 If the Chapter considers the legal aid recipient's case will probably prevail, and it is necessary to apply to the court for an injunction to preserve the status quo or make an application to the court for suspension of the compulsory execution, the Chapter may submit a letter of guarantee to substitute the deposit or partial deposit the legal aid recipient is obligated to pay to the court for the injunctive relief, maintaining the temporary status quo and suspension of the compulsory execution he or she applies.

If the cause for submitting the letter of guarantee as described in the preceding paragraph disappears, the Chapter may request, on the Chapter's own behalf, that the court return the letter of guarantee.

Article 68 The effective date of this Act shall be decided
by the Judicial Yuan.

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