



## Pro Bono Practices and Opportunities in Taiwan, R.O.C.<sup>51</sup>

### INTRODUCTION

In the past decade, the Taiwanese legal community has recognized the need to develop and broaden access to legal aid for the underprivileged. In 2004, legislative reform efforts resulted in the passage of the Legal Aid Act, which sought to provide legal assistance to the indigent. Although the pro bono culture in Taiwan is not yet pervasive, the Legal Aid Act, along with other regulations and trends, demonstrates an emerging pro bono culture in Taiwan that bodes well for the development of a positive environment for pro bono legal services.

### OVERVIEW OF THE LEGAL SYSTEM

#### The Justice System

##### Constitution and Governing Laws

Taiwan's Constitution first went into effect on December 25, 1947, and has since been amended seven times with the latest revision made on August 23, 2004.<sup>52</sup> As Taiwan has a civil law system, the courts will first resort to the text of the Constitution and then to codes, statutes and ordinances.<sup>53</sup> Aside from the Constitution, the major codes of Taiwanese law include the Civil Code, Code of Civil Procedure, Criminal Law, Code of Criminal Procedure and the Administrative Laws.<sup>54</sup>

##### The Courts

###### Levels

The Judicial Yuan, one of the five main branches of the Taiwanese government, is a civil administrative body that governs the judiciary.<sup>55</sup> The objective of administrative supervision is to establish a sound judicial system, improve the system's performance, improve the working conditions in the judiciary and enhance the quality of trials.<sup>56</sup>

Taiwan has a three tiered court system: the District Courts, the High Courts and the Supreme Court.<sup>57</sup> The District Courts are the lowest courts located in Taiwan's various counties and cities, and are generally presided over by one judge. The High Courts are established in provinces or special regions, and have several tribunals for civil and criminal trials which are presided over by three judges. The Supreme Court is Taiwan's highest court, and consists of five civil tribunals and five criminal tribunals.<sup>58</sup>

---

<sup>51</sup> This chapter was drafted with the support of Lee, Tsai & Partners Attorneys-at-Law.

<sup>52</sup> See OFFICE OF THE PRESIDENT, REPUBLIC OF CHINA (TAIWAN), Constitution of the Republic of China (Taiwan), <http://english.president.gov.tw/Default.aspx?tabid=1033#09> (last visited on September 4, 2015).

<sup>53</sup> THE CATHOLIC UNIVERSITY OF AMERICA – COLUMBUS SCHOOL OF LAW, The Legal System in Taiwan, <http://www.law.edu/ComparativeLaw/Taiwan/> (last visited on September 4, 2015).

<sup>54</sup> See Peggy Wen, Overview of Legal Systems in the Asia-Pacific Region: Republic of China, Taiwan (4)(2004), available at [http://scholarship.law.cornell.edu/lps\\_lsapr/8/](http://scholarship.law.cornell.edu/lps_lsapr/8/) (last visited on September 4, 2015).

<sup>55</sup> The other four branches of the Taiwanese Government are the Executive Yuan, the Legislative Yuan, the Examination Yuan and the Control Yuan. See REPUBLIC OF CHINA (TAIWAN): Government, <http://www.taiwan.gov.tw/ct.asp?xItem=21507&ctNode=1920&mp=1001> (last visited on September 4, 2015).

<sup>56</sup> See Directory of the Judicial Branch, The JUDICIAL YUAN (Republic of China), <http://www.judicial.gov.tw/en> (last visited on September 4, 2015).

<sup>57</sup> See The Legal System in Taiwan, *supra* n.3.

<sup>58</sup> *Id.*



### Judges

The Judicial Officer Exam is the national exam for the selection of judges and public prosecutors, and is separate from the exam for licensing lawyers. Those who pass the judicial exam enter the Judges and Prosecutors Training Institute for legal training, at the end of which they will qualify to become judges or prosecutors.<sup>59</sup> Although the Judicial Yuan and the Ministry of Justice have the ultimate discretion in deciding how many judges or prosecutors are appointed, all trainees normally qualify due to demand for qualified judges and prosecutors.<sup>60</sup>

Aside from the traditional route of appointing judges through the Judicial Officer Exam, there are other ways in which a practicing lawyer may become a judge, namely by way of (i) a recommendation from the Taiwan Bar Association, (ii) an annual examination administered by the Judicial Yuan, or (iii) an invitation from the Judicial Yuan task force.<sup>61</sup>

### The Practice of Law

#### Education

Legal education in Taiwan is provided at both the undergraduate and graduate levels.<sup>62</sup> The undergraduate degree generally takes 4-5 years to complete and each student is awarded a bachelor's of law degree at the end of the program.<sup>63</sup> Graduate degrees range from 2-4 years, and the degrees awarded include LL.Ms, J.D.s and J.S.D.s.<sup>64</sup> Since 1990, the total number of institutions providing legal education programs increased from eight to 37.<sup>65</sup> Attorneys are required to complete at least six hours of continuing legal education courses each year.

#### Licensure

After acquiring a law degree at either the undergraduate or graduate level, students are qualified to take the bar exam.<sup>66</sup> The bar exam for lawyers is held once a year and is administered by the government branch known as the Examination Yuan.<sup>67</sup> There is no distinction between barristers and solicitors in Taiwan.<sup>68</sup>

Those who pass the bar exam enter the Lawyers Training Institute for training, which lasts for a month but offers no on-site practice. Following the training, prospective lawyers must secure a five-month apprenticeship under the supervision of a senior attorney who has practiced for more than five years. Upon completion of the apprenticeship, he or she may join a local bar.<sup>69</sup>

A lawyer with foreign qualifications may not practice in Taiwan unless he or she is given permission by the Ministry of Justice under the Attorney Regulation Act and becomes a member of a local bar association.<sup>70</sup> A foreign lawyer granted approval by the Ministry of Justice is known as a "Foreign Legal

---

<sup>59</sup> See Thomas Chih-hsiung Chen, Legal Education Reform in Taiwan: Are Japan and Korea the Models? *JOURNAL OF LEGAL EDUCATION*, Volume 62, No. 1 at 37 (2012).

<sup>60</sup> *Id.* at 39.

<sup>61</sup> *Id.* at 62.

<sup>62</sup> See Overview of Legal Systems in the Asia-Pacific Region, *supra* n.4.

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> See Legal Education Reform in Taiwan, *supra* n.9 at 52-53.

<sup>66</sup> *Id.* at 35.

<sup>67</sup> *Id.* at 44.

<sup>68</sup> See INTERNATIONAL BAR ASSOCIATION, How to qualify as a lawyer in Taiwan, available at [http://www.ibanet.org/PPID/Constituent/Student\\_Committee/qualify\\_lawyer\\_Taiwan.aspx](http://www.ibanet.org/PPID/Constituent/Student_Committee/qualify_lawyer_Taiwan.aspx) (last visited on September 4, 2015).

<sup>69</sup> Legal Education Reform in Taiwan, *supra* n.9 at 39.

<sup>70</sup> See How to qualify as a lawyer in Taiwan, *supra* n.18.



Affairs Attorney.” Such foreign attorneys are only permitted to practice the laws of his or her home jurisdiction.

### Demographics

Over the last two decades, the Taiwanese legal profession has undergone profound transformation. Between 1986 and 1996, the number of attorneys admitted to private practice in Taiwan roughly doubled,<sup>71</sup> and in 2014 there were about 8,110 admitted lawyers out of a population of approximately 23 million.<sup>72</sup> The small number of lawyers in Taiwan means that most Taiwanese lawyers engage in general law services, and specialized legal practice is not yet commonplace.<sup>73</sup>

### Legal Regulation of Lawyers

Taiwanese lawyers are governed by the Taiwan Bar Association as well as various local bar associations.<sup>74</sup> Among these associations, the most prominent is the Taipei Bar Association, which had a membership base of more than 4,500 attorneys as of the end of 2010, accounting for approximately 70% of all lawyers in Taiwan at the time.<sup>75</sup>

Bar associations have adopted self-regulating ethics rules that encourage attorneys to participate in legal aid work and accept pro bono assignments from courts. Article 22 of the Attorney Regulation Act requires attorneys to “fulfil and complete all lawful court assignments” unless excused by good cause.<sup>76</sup> In addition, Article 9 of the Code of Ethics of the Taipei Bar Association states that attorneys shall participate in legal aid, provide services to the people, or engage in other public interest activities, so as to make legal services widely available.<sup>77</sup> Attorneys violating Article 22 of the Attorney Regulation Act, or seriously violating the codes of ethics of their respective Bar Associations, may be subject to disciplinary action, including reprimand, suspension or disbarment.<sup>78</sup>

## LEGAL RESOURCES FOR INDIGENT PERSONS AND ENTITIES

### The Right to Legal Assistance

Before the passage of the Legal Aid Act, disadvantaged litigants in need of legal services had to seek assistance directly from volunteer attorneys and charitable organizations. The lack of organization, financing, and government sponsorship meant that in reality the majority of disadvantaged litigants remained unrepresented. In 1999, in only 4.6% of all civil lawsuits were both parties represented by

---

<sup>71</sup> See Jane Kaufman Winn, *The Role of Lawyers in Taiwan’s Emerging Democracy*, in *RAISING THE BAR: THE EMERGING LEGAL PROFESSION OF EAST ASIA* (William Alford ed., 2004), available at [http://www.law.washington.edu/Directory/docs/Winn/lawyers\\_taiwan.pdf](http://www.law.washington.edu/Directory/docs/Winn/lawyers_taiwan.pdf) (last visited on September 4, 2015).

<sup>72</sup> WINKLER PARTNERS, *Number of Taiwanese Lawyers Increases*, <http://www.winklerpartners.com/?p=2397> (last visited on September 4, 2015); see TAIWAN BAR ASSOCIATION, *Country Report*, available at <http://www.twba.org.tw/en/Report.htm>, (last visited on September 4, 2015); THE WORLD FACTBOOK, *Taiwan*, <https://www.cia.gov/library/publications/the-world-factbook/geos/tw.html> (last visited on September 4, 2015).

<sup>73</sup> See *Number of Taiwanese Lawyers Increases*, supra n.22.

<sup>74</sup> See TAIPEI BAR ASSOCIATION, *Code of Ethics art. 9*, available at <http://www.tba.org.tw/about.asp?id=67&class=39&classname=公會規章> (last visited on September 4, 2015).

<sup>75</sup> See TAIPEI BAR ASSOCIATION, *Team – Organization*, <http://www.tba.org.tw/english/ch2.asp> (last visited on September 4, 2015).

<sup>76</sup> See *Attorney Regulation Act*, art. 22, available at <http://law.moj.gov.tw/Eng/LawClass/LawAll.aspx?Pcode=I0020006> (last visited on September 4, 2015).

<sup>77</sup> See *Code of Ethics*, supra n.24.

<sup>78</sup> See *Attorney Regulation Act*, arts. 39, 44.



counsel. In criminal cases, only 12.5% of defendants were represented at the district court level, and less than one-third were represented at or above the High Court level.<sup>79</sup>

In response to the clear need for legal aid, three private groups — the Judicial Reform Foundation, the Taipei Bar Association and the Taiwan Association for Human Rights — began to draft the Legal Aid Act in the late 1990s.<sup>80</sup> Promulgated in 2004, the purpose of the Act is “[to provide] necessary legal aids to people who are indigent or are unable to receive proper legal protections for other reasons.”<sup>81</sup>

To that end, the Legal Aid Act provides for the establishment of the Legal Aid Foundation (the “LAF”) to achieve the purposes of the Legal Aid Act.<sup>82</sup> Funded by the Judicial Yuan, the LAF commenced operations in July 2004. In the first few years of its existence the LAF mainly focused on providing legal representation in civil, criminal and administrative proceedings, and these services were provided through LAF branch offices.<sup>83</sup> In 2007, the LAF began to offer specialist legal advice in areas such as immigration, occupational injuries and welfare benefits in collaboration with social welfare agencies, and arranged certain volunteer lawyers to provide outreach services directly at such agencies on a regular basis.<sup>84</sup> In 2009, the LAF further expanded to provide legal advice services at courts, city councils, household registration offices, prisons, NGOs and universities.<sup>85</sup> These expansion efforts resulted in significant increases in the number of applications for legal aid.<sup>86</sup> For instance, in 2009, the LAF received 83,373 applications, and in the subsequent year the LAF received 107,761 applications.<sup>87</sup> In 2013 (the year for which the latest available annual report is available), the LAF received a total of 136,065 applications, of which the LAF provided legal aid in 36,225 cases and legal consultation in 62,479 cases.<sup>88</sup>

The scope of legal aid coverage under the Legal Aid Act is very broad and extends to both litigation and non-litigation matters. Except for certain legal aid cases handled by LAF staff attorneys, all legal aid cases are handled by licensed attorneys registered with the LAF. All attorneys who have practiced law for two years are eligible to voluntarily apply to the LAF as a legal aid attorney, and at the end of 2013, there were a total of 2,805 attorneys registered with the LAF.<sup>89</sup> Litigation matters include civil, criminal, family and administrative cases, and non-litigation matters encompass negotiations, settlements, and “any other services that the LAF has resolved to provide.”<sup>90</sup> The scope of “legal aid” includes (1) representation, advocacy or assistance in litigation, arbitration or other matters, (2) representation in mediation and

---

<sup>79</sup> See Tsung-fu Chen, *The Rule of Law in Taiwan: Culture, Ideology, and Social Change*, in *UNDERSTANDING CHINA’S LEGAL SYSTEM: ESSAYS IN HONOR OF JEROME A. COHEN* (C. Stephen Hsu ed., 2003).

<sup>80</sup> See LEGAL AID FOUNDATION, *Who We Are*, available at [http://www.laf.org.tw/en/a1\\_1.php](http://www.laf.org.tw/en/a1_1.php) (last visited on September 4, 2015).

<sup>81</sup> See Legal Aid Act, art. 1, available at <http://law.moj.gov.tw/LawClass/LawAll.aspx?PCode=A0030157> (last visited on September 4, 2015).

<sup>82</sup> *Id.* at art. 3.

<sup>83</sup> Yu-Shan Chang, *The Development of Legal Aid Foundation (LAF) and its Social Impacts in Taiwan*, *JUSTICE – ILAG LEGAL AID NEWSLETTER*, NO. 18 (2011), available at <http://www.ilagnet.org/images/newsletters/18.pdf> (last visited on September 4, 2015).

<sup>84</sup> *Id.*

<sup>85</sup> *Id.*

<sup>86</sup> *Id.*

<sup>87</sup> 2010 Annual Report, LEGAL AID FOUNDATION, available at [http://www.laf.org.tw/en/c3\\_1.php](http://www.laf.org.tw/en/c3_1.php) (last visited on September 4, 2015).

<sup>88</sup> 2013 Annual Report, LEGAL AID FOUNDATION, available at [http://www.laf.org.tw/en/c3\\_1.php](http://www.laf.org.tw/en/c3_1.php) (last visited on September 4, 2015).

<sup>89</sup> *Id.* at 22.

<sup>90</sup> See Legal Aid Act, art. 4., *supra* n.31.



reconciliation, (3) drafting of legal documents, (4) legal consultation, (5) assistance in providing other necessary legal services and expenses, and (6) any other services that the LAF has resolved to provide.

## State-Subsidized Legal Aid

### Eligibility Criteria

The LAF provides assistance to applicants “regardless of any special status they may have,” including but not limited to gender, age, and the presence of mental or physical disabilities.<sup>91</sup> In addition, non-Taiwanese nationals legally residing in Taiwan may also receive legal aid.<sup>92</sup>

Applicants lawfully residing in Taiwan may be eligible for legal aid if they pass the merit test and the means test. The merit test is satisfied if the applicant’s case is not “clearly unreasonable.”<sup>93</sup> To pass the means test, the applicant must have disposable monthly income and disposable assets below a specific threshold.<sup>94</sup> Alternatively, applicants who qualify as “low-income” or “mid-low-income” under the Public Assistance Act may also be eligible under the means test.<sup>95</sup> An applicant is exempt from the means test where (1) the minimum punishment of the criminal offense is no less than three years of imprisonment, (2) a high court has jurisdiction over the first instance, and the accused has not retained defense counsel, or (3) the accused is unable to make a complete statement due to unsound mind and has not retained defense counsel, and the presiding judge finds that a defense attorney or representative is required.<sup>96</sup>

### Types of Cases

In 2013, the five major types of civil cases which the LAF accepted were cases related to general tort claims, consumption loans, salary disputes, illegal profits and ownership disputes.<sup>97</sup> The “win rate” (which includes partial victories) of closed civil cases was 73%.<sup>98</sup> Further, the five major types of criminal cases accepted by the LAF were cases related to narcotic drugs, assault, sexual offenses, homicide and larceny.<sup>99</sup> The “win rate” (i.e. the rate of achieving favourable outcomes) of closed criminal litigation cases was approximately 57%.<sup>100</sup>

## Mandatory Assignments to Legal Aid Matters

Unless an exemption is approved by the LAF, lawyers registered with the LAF are obliged to provide legal aid when requested to do so by the LAF under the Legal Aid Act.<sup>101</sup> In particular, attorneys chosen to provide services may not decline to do so without providing good cause.<sup>102</sup>

---

<sup>91</sup> See LEGAL AID FOUNDATION, Get Legal Help, available at [http://www.laf.org.tw/en/a2\\_1.php](http://www.laf.org.tw/en/a2_1.php) (last visited on September 4, 2015).

<sup>92</sup> Id.

<sup>93</sup> See LEGAL AID FOUNDATION, Can I Get Legal Aid?, available at [http://www.laf.org.tw/en/a2\\_2\\_1.php?PHPSESSID=kbqe4a0he8v45513q81oikb0f7](http://www.laf.org.tw/en/a2_2_1.php?PHPSESSID=kbqe4a0he8v45513q81oikb0f7) (last visited on September 4, 2015).

<sup>94</sup> Id.

<sup>95</sup> Id.

<sup>96</sup> Id.

<sup>97</sup> See 2013 Annual Report, *supra* n.38.

<sup>98</sup> Id.

<sup>99</sup> Id.

<sup>100</sup> Id.

<sup>101</sup> See Legal Aid Act, art. 23 and 24.

<sup>102</sup> Id. at art. 26.



In 2013, the budgeted remuneration for attorneys was NT\$542,449,573, and the average remuneration for attorneys in each legal case was NT\$20,655.<sup>103</sup> Half of the remuneration was paid when an attorney accepted a case, and the balance was paid upon closing.<sup>104</sup> The LAF has established a staff attorney system since 2006, and while most of the lawyers work on cases from the LAF on a project-to-project basis, there were a total of 14 staff attorneys working in various LAF branches by the end of 2013.<sup>105</sup>

## Mediation Committees

In Taiwan, each town and county-administered city is required to establish a mediation committee, which accepts mediation requests or cases transferred from the courts. The mediation committee consists of seven to 15 members who have legal knowledge or other expertise and good reputation. If the mediation is successful, the township or county-administered city will submit the mediation agreement to the court with jurisdiction for further review. If the court approves the civil mediation result, it shall have the same effect as a final court decision. For mediation results approved by the courts in a criminal matter, if the object of the criminal matter is a monetary payment or other substitutes (e.g., a certain quantity of securities), the mediation agreement serves as the basis for enforcement. The expenses for the mediation committee are included as part of the town/city/county administration's budget and the party applying for mediation will not be charged any fees except for actual expenses for conducting inspection.<sup>106</sup>

## Unmet Needs and Access

Despite the broad coverage under the Legal Aid Act, the LAF limits the scope of legal aid and excludes certain criminal and civil matters unless given approval from the director of the relevant LAF branch office.<sup>107</sup> Excluded criminal matters include, but are not limited to, representation during criminal trials, filing criminal charges in court, reviewing prosecutors' decisions and providing relevant trial representation.<sup>108</sup> Excluded civil matters include, but are not limited to, election litigation, small claims, matters concerning investment activities, and matters for retrial.<sup>109</sup>

## PRO BONO ASSISTANCE

### Pro Bono Opportunities

#### Private Attorneys

Aside from the obligations of attorneys registered with the LAF to provide legal aid when so requested as discussed above, attorneys in Taiwan are not required to perform pro bono work.<sup>110</sup> Nonetheless, there

---

<sup>103</sup> See 2013 Annual Report, *supra* n.38.

<sup>104</sup> *Id.*

<sup>105</sup> See 2013 Annual Report, *supra* n.38.

<sup>106</sup> See The Township and County-Administered City Mediation Act, art. 1, 2, 3, 23, 26, 27, 34, available at <http://law.moj.gov.tw/Eng/LawClass/LawAll.aspx?PCode=I0020003> (last visited on September 4, 2015).

<sup>107</sup> See Can I get legal aid?, LEGAL AID FOUNDATION, available at [http://www.laf.org.tw/en/a2\\_2\\_1.php](http://www.laf.org.tw/en/a2_2_1.php) (last visited on September 4, 2015).

<sup>108</sup> *Id.*

<sup>109</sup> *Id.*

<sup>110</sup> See, e.g., Mo Yan-chih, Taipei offers free legal services across the city, *TAIPEI TIMES* <http://www.taipetimes.com/News/taiwan/archives/2006/08/04/2003321712> (last visited on September 4, 2015) (Aug. 4, 2006) (reporting that while lawyers in Taiwan are not required to do pro bono, some voluntarily provide free legal services to residents).



are still a variety of pro bono opportunities in Taiwan organized by law firms and other private organizations.

### Law Firm Pro Bono Programs

Various local and international law firms have committed their services to the community on a pro bono basis.<sup>111</sup> The types of pro bono projects undertaken by law firms include participating in legal services offered by bar associations and the LAF, serving on the boards of local non-profit organizations, contributing to law and policy reform proposals as well as providing sponsorships and endowments to various legal education programs.

### Non-Governmental Organizations

Among NGOs, the Taiwan Association for Human Rights (the “TAHR”) is at the forefront of promoting judicial reform and legal assistance in Taiwan.<sup>112</sup> Though the TAHR’s focus is not limited to performing pro bono work, it has worked with other judicial reform associations to promote legal aid systems.<sup>113</sup> The TAHR also has been working on exonerating several death row inmates, lobbying to bring the International Bill of Human Rights into legal force in to Taiwan and hosting training camps to educate young people on human rights concepts.<sup>114</sup>

### Bar Association Pro Bono Programs

Bar associations often take on general and specific types of pro bono representations. The Taipei Bar Association, for example, holds regular office hours to provide general legal counselling and is also particularly committed to representing defendants facing the death penalty who cannot afford legal representation.<sup>115</sup> Moreover, the Taipei Bar Association’s website contains a number of different pro bono opportunities in which Taiwanese lawyers can participate. Ranging from judicial reform, human rights protection and labor rights to environmental protection, there is a wide selection of opportunities for lawyers who would like to perform community services.<sup>116</sup>

### University Legal Clinics and Law Students

Law clinics are not yet prevalent in the Taiwan legal education system, and therefore are not yet a major source for pro bono representation.<sup>117</sup> However, there is increased discussion and movement towards developing and offering clinical education and opportunities to students in Taiwan.<sup>118</sup>

---

<sup>111</sup> See, e.g., Jones Day, <http://www.jonesday.com/taipei> (last visited on September 4, 2015); PEPPER HAMILTON LLP, Pro Bono News (Spring 2008), available at <http://www.pepperlaw.com/pdfs/ProBonoNews0308.pdf> (last visited on September 4, 2015); LEE AND LI ATTORNEYS AT LAW, Commitments towards Pro Bono, available at <http://www.leeandli.com/EN/00000095.htm> (last visited on September 4, 2015); TSAR & TSAI LAW FIRM, Pro Bono, available at <http://www.tsartsai.com.tw/eng/ProBono.html> (last visited on September 4, 2015).

<sup>112</sup> See generally, TAHR Recent Major Campaigns and Projects, available at <http://www.tahr.org.tw/taxonomy/term/44> (last visited on September 4, 2015).

<sup>113</sup> Id.

<sup>114</sup> Id.

<sup>115</sup> See generally TAIPEI BAR ASSOCIATION, available at <http://www.tba.org.tw/english/ch4.asp> (last visited on September 4, 2015).

<sup>116</sup> Id.

<sup>117</sup> See Serge A. Martinez, Law Clinics in Taiwan: Can Clinical Legal Education Succeed in This Civil Law Jurisdiction Education System, 7 NTU L. Rev. 343 (2012) available at [http://scholarlycommons.law.hofstra.edu/faculty\\_scholarship/287/](http://scholarlycommons.law.hofstra.edu/faculty_scholarship/287/) (last visited on September 4, 2015).

<sup>118</sup> See, e.g., Lo Bing-Cheng et. al, Starting the First Law School Clinic in Taiwan <http://journal.fulbright.org.tw/index.php/browse-topics/education-management-for-the-future/itemlist/tag/Lo%20Bing%20Cheng> (last visited on September 4, 2015). (highlighting that National Taiwan University College of Law offered a new law clinic course to students and give them the opportunity to represent real clients under the supervision of attorneys).



## Barriers to Pro Bono or Participation in the Formal Legal System

Restrictions on advertising legal services may hinder the growth of the pro bono culture in Taiwan. For example, under the model rules on promotion of attorney services, attorneys are prohibited from advertising through mass media such as radio broadcasting, television, film, newspaper, billboards and balloons.<sup>119</sup> Because of the restrictions on attorney advertising, it could be difficult to make potential clients aware of pro bono legal services offered by law firms or legal professionals.

In addition, foreign lawyers who wish to represent pro bono clients should be aware of various limitations on their practice. Foreign lawyers must receive special approval from the Judicial Yuan and join the local bar association in order to practice in Taiwan, and may not engage in courtroom representation without court approval.<sup>120</sup> Such restrictions may in turn impose limitations on their ability to participate in certain forms of pro bono representation. Language barriers may also present a real challenge. Under the Attorney Regulation Act, foreign attorneys providing legal services in Taiwan are “required to use [the] Chinese (Mandarin dialect) language.”<sup>121</sup>

## Legal Aid and Pro Bono Resources

### Entities Engaged in Legal Aid or Pro Bono

The LAF and various bar associations have served to facilitate the provision of legal aid and other community services in Taiwan. Attorneys interested in providing legal aid and/or pro bono services can register with the LAF or local bar associations. These organizations provide avenues for both representing and counselling individuals in need of legal aid or representation.<sup>122</sup>

Listed below is contact information for the LAF, the Taipei Bar Association and certain other leading organizations involved in legal aid and pro bono work in Taiwan:

- Legal Aid Foundation  
Phone: +886.2.2322.5255  
Website: <http://www.laf.org.tw> (last visited on September 4, 2015)
- Taipei Bar Association  
Phone: +886.2.2351.5071  
Website: <http://www.tba.org.tw> (last visited on September 4, 2015)
- Taiwan Association for Human Rights  
Phone: +886.2.2596.9525  
Website: <http://www.tahr.org.tw/> (last visited on September 4, 2015)
- Consumers' Foundation, Chinese Taipei  
Phone: +886.2.2700.1234  
Website: <http://www.consumers.org.tw/> (last visited on September 4, 2015)
- Taipei Women's Rescue Foundation  
Phone: +886.2.2555.8595  
Website: <http://www.twrf.org.tw/eng/index.php> (last visited on September 4, 2015)
- Taipei City Government – Civil Affairs  
Website: <http://english.gov.taipei/> (last visited on September 4, 2015)

<sup>119</sup> See Attorney Business Development Rules art. 4, TAIPEI BAR ASSOCIATION, available at <http://www.tba.org.tw/about.asp?id=80&class=39&classname=公會規章> (last visited on September 4, 2015).

<sup>120</sup> See Attorney Regulation Act, supra n.26, arts. 47-1 to 47-7.

<sup>121</sup> See Attorney Regulation Act, supra n.26, art. 47.

<sup>122</sup> See Recruitment of Lawyers, LEGAL AID FOUNDATION, available at [http://www.laf.org.tw/tw/c1\\_2.php](http://www.laf.org.tw/tw/c1_2.php) (last visited on September 4, 2015) (available in Chinese).





## CONCLUSION

The Legal Aid Foundation, the Taipei Bar Association's involvement in community service and the generally increasing awareness of the need for legal aid are all promising signs that Taiwan continues to develop and improve its own unique pro bono culture. There are meaningful opportunities for legal aid, pro bono legal representation, counselling, and cooperative work with NGOs, and the opportunities for both local and foreign attorneys may be on the rise. As the legal profession in Taiwan and its sense of responsibility to the community are growing conspicuously, it appears that pro bono practices will continue to thrive in Taiwan.

September 2015

Pro Bono Practices and Opportunities in Taiwan

This memorandum was prepared by **Latham & Watkins LLP** for the **Pro Bono Institute**. This memorandum and the information it contains is not legal advice and does not create an attorney-client relationship. While great care was taken to provide current and accurate information, the Pro Bono Institute and Latham & Watkins LLP are not responsible for inaccuracies in the text.