

**Pro Bono Practices and Opportunities in Taiwan, R.O.C.**

**I. Introduction**

The Taiwanese legal community recognizes the need to develop and broaden access to legal aid for the underprivileged in Taiwan. In 2004, legislative reform in Taiwan resulted in the passage of the Legal Aid Act, which sought to provide legal assistance to the indigent. The Legal Aid Act includes provisions on state-funded legal services such as legal aid but not on pro bono legal services. 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 the provision of pro bono legal services.

**II. Overview of Pro Bono Practices**

(a)	<b>Professional Regulation</b>	
	<p>1. Describe the laws/rules that regulate the provision of legal services?</p>	<p>Taiwanese lawyers are governed by the Taiwan Bar Association as well as various local bar associations within Taiwan. Among these associations, the most prominent is the Taipei Bar Association, which had a membership base of more than 7,500 attorneys as of 2018, accounting for approximately 70% of all lawyers in Taiwan.</p> <p>Legislation and self-regulating ethics rules adopted by bar associations in Taiwan 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. In addition, Article 9 of the Code of Ethics (“Code of Ethics”) prescribed by the Taiwan 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. Attorneys violating Article 22 of the Attorney Regulation Act, or seriously violating the Codes of Ethics, may be subject to disciplinary action, including warning, reprimand, suspension of the right to practice law for a period not exceeding two years or disbarment.<sup>1</sup></p>
	<p>2. Describe any licensure requirements governing the provision of legal services.</p>	<p>After acquiring a law degree at either the undergraduate or graduate level, Taiwanese students are qualified to take the bar exam. The bar exam is held once a year and is administered by the government branch known as the “Examination Yuan.” There is no distinction between barristers</p>

<sup>1</sup> Taipei Bar Association, Code of Ethics, art. 9, available at <http://www.twba.org.tw/en/Lawyers.htm>; Team – Organization, <http://www.tba.org.tw/4f883cc414.html>; Attorney Regulation Act, arts. 22, 39, 44, available at <http://law.moj.gov.tw/Eng/LawClass/LawAll.aspx?Pcode=I0020006> (last visited on October 2, 2019).

		<p>and solicitors in Taiwan.</p> <p>Students who pass the bar exam may enter the Lawyers Training Institute for a one-month training program. Following the training, prospective lawyers must secure a five-month apprenticeship under the supervision of a senior attorney who has practiced law for more than five years. Upon completion of the apprenticeship, he or she may join a local bar association in Taiwan.</p> <p>A lawyer with foreign qualifications may not practice law 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. A foreign lawyer granted approval by the Ministry of Justice is known as a “foreign legal affairs attorney” and is only permitted to practice the laws of his or her home jurisdiction in Taiwan.<sup>2</sup></p>
<b>(b) Pro Bono Practice and Culture</b>		
	<p>1. Describe the rules that regulate the provision of pro bono legal services e.g. any explicit regulation or limitation on providing free legal services in some or all contexts, details of any mandatory or minimum fees imposed on provision of legal services.</p>	<p>There are no rules regulating the provision of pro bono or free legal services in Taiwan.</p>
	<p>2. Are lawyers required by such rules to work a minimum number of pro bono hours? If so, how many?</p>	<p>Attorneys in Taiwan are not required to perform pro bono work nor are they required to complete a minimum number of pro bono hours.</p>
	<p>3. Are aspiring lawyers required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers?</p>	<p>Prospective lawyers in Taiwan are not required to complete a minimum number of hours of pro bono legal services in order to become licensed lawyers.</p>
	<p>4. What are the main areas of law which require or present opportunities for the provision of pro bono legal services? What are the major unmet legal</p>	<p>The Legal Aid Act provides for the establishment of the Legal Aid Foundation (the “LAF”) to achieve the purposes of the Legal Aid Act. Despite the broad coverage under the Legal Aid Act, the LAF</p>

<sup>2</sup> 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); Taiwan Bar Association, Attorneys in Taiwan, available at <http://www.twba.org.tw/en/Report.htm> (last visited on October 2, 2019).

	needs?	excludes certain criminal and civil matters from the scope of legal aid unless given approval from the director of the relevant LAF branch office. 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. Excluded civil matters include, but are not limited to, election litigation, small claims, matters concerning investment activities, and matters for retrial. These matters, which are excluded from legal aid, present opportunities for the provision of pro bono legal services in Taiwan. <sup>3</sup>
	5. Who are the main providers of pro bono legal services? e.g., NGOs, governmental or other public services, schools and universities, private law firms (local or international) or corporate organizations?	Law firms, NGOs and bar associations in Taiwan are the main providers of pro bono legal services in Taiwan.
<b>(c)</b>	<b>Obstacles to Provision of Pro Bono Legal Services</b>	
	1. Do lawyers require a license to provide pro bono legal services?	Qualified lawyers are not required to obtain any additional licenses in order to provide pro bono legal services in Taiwan.
	2. Do foreign lawyers require any additional license(s) to provide pro bono legal services?	Foreign lawyers are not required obtain any additional licenses in order to provide pro bono legal services in Taiwan. However, foreign lawyers who wish to represent pro bono clients in Taiwan should be aware of various limitations on their practice. Foreign lawyers must receive special approval from the Ministry of Justice and join the local bar association in order to practice in Taiwan, and may not engage in courtroom representation without court approval. 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, approved foreign attorneys in Taiwan are "required to use Chinese (Mandarin dialect) language while conducting proceedings in court or when presenting at an investigation procedure. All documents

<sup>3</sup> Legal Aid Act, art. 1, available at <http://law.moj.gov.tw/LawClass/LawAll.aspx?PCode=A0030157>. The Foundation does not assist the following types, Legal Aid Foundation, available at <https://www.laf.org.tw/en/index.php?action=service&Sn=9> (last visited on October 2, 2019).

		submitted by aforesaid attorneys to the court or the prosecutors must be drafted in Chinese.” <sup>4</sup>
	3. Do lawyers require professional indemnity legal insurance cover for any pro bono legal services that they provide? If so, are they prohibited from working under the cover of another pro bono provider, such as a private law firm or organization working on the same pro bono project?	Lawyers may acquire professional indemnity legal insurance cover for pro bono legal services that they provide in Taiwan, but such insurance cover is not required by Taiwanese law.
	4. Are there any rules that prohibit advertising of pro bono successes or soliciting new pro bono clients?	Under the model rules on promotion of attorney services, attorneys are prohibited from advertising their services (including pro bono legal services) through mass media such as radio broadcasting, television, film, newspaper, billboards and balloons. 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. <sup>5</sup>
	5. Do lawyers receive any “Continuing Legal Education” or equivalent credit for pro bono hours worked?	Lawyers in Taiwan do not receive continuing legal education credit for pro bono hours worked.
(d)	<b>Sources of Pro Bono Opportunities and Key Contacts</b>	
	1. Describe any governmental sources of pro bono and/or other legal services in Taiwan.	The Department of Civil Affairs of the Taipei City Government offers free legal advice through its district offices. Pro bono lawyers of the Taipei Bar Association also provide legal consulting services. <sup>6</sup>
	2. Describe the main non-governmental sources of pro bono and/or other pro bono resources in Taiwan.	<p><b>Law Firm Pro Bono Programs</b></p> <p>Many local and international law firms provide legal services to the community on a pro bono basis. The types of pro bono projects undertaken by law firms include legal services through 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 legal education programs.</p> <p><b>Non-Governmental Organizations</b></p>

<sup>4</sup> Attorney Regulation Act, arts. 47, 47-1 to 47-7, available at <http://law.moj.gov.tw/Eng/LawClass/LawAll.aspx?Pcode=I0020006> (last visited on October 2, 2019).

<sup>5</sup> Taipei Bar Association, Attorney Business Development Rules art. 4, available at <http://www.twba.org.tw/> (last visited on October 2, 2019).

<sup>6</sup> Taipei City Government, Civil Affairs, available at: <http://www.taipei.gov.tw/ct.asp?xItem=1269152&ctNode=36783&mp=100002> (last visited on October 2, 2019).

Among NGOs, the Taiwan Association for Human Rights (the “TAHR”) is at the forefront of promoting judicial reform and legal assistance in Taiwan. The TAHR’s focus is not limited to performing pro bono legal work, and it has worked with other judicial reform associations to promote the legal aid system. The TAHR also works on exonerating several death row inmates, lobbying for the recognition of the International Bill of Human Rights in Taiwan and hosting training camps to educate young people on human rights.

**Bar Association Pro Bono Programs**

Bar associations in Taiwan often take on general and specific types of pro bono representations. The Taipei Bar Association, for example, holds regular office hours to provide free general legal counselling and is also committed to representing defendants facing the death penalty who cannot afford legal representation. 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.

**University Legal Service Clubs, Legal Clinics and Law Students**

At several law schools in Taiwan, law students provide pro bono legal services to the public through legal service clubs. For example, legal service clubs at the National Taiwan University, the National Chengchi University, the Soochow University, the National Chung-Cheng University, the Chung Yuan Christian University and the National Taipei University hold regular volunteer sessions. Law students provide free oral counselling to individuals with legal problems at these sessions.

Law clinics are not yet prevalent in the Taiwan legal education system, and therefore are not yet a major source for pro bono representation. However, there is discussion towards developing and offering clinical education and opportunities to students in Taiwan. The National Taiwan University introduced a clinical course in 2013 that allows students to help real clients with problems involving consumer law, contract law, criminal law, family law, land use law, and other areas of law.

		<p>The Chung Yuan Christian University has similarly been offering its law students clinical courses that involve technology law, environmental law, criminal law and labor law cases since 2009.</p> <p>--</p> <p>References:</p> <ul style="list-style-type: none"> <li>• Jones Day;<sup>7</sup></li> <li>• Lee and Li, Attorneys-at-Law, Commitments towards Pro Bono;<sup>8</sup></li> <li>• Tsar &amp; Tsai Law Firm, Pro Bono<sup>9</sup></li> <li>• TAHR;<sup>10</sup></li> <li>• Taipei Bar Association;<sup>11</sup></li> <li>• NTU Legal Service;<sup>12</sup></li> <li>• College of Law, National Chengchi University;<sup>13</sup></li> <li>• School of Law, Soochow University;<sup>14</sup></li> <li>• Department of Law, National Chung-Cheng University, Legal Service Club;<sup>15</sup></li> <li>• Chung Yuan Christian University School of Law, Legal Service Club;<sup>16</sup></li> <li>• National Taipei University, Publications and Legal Service Club;<sup>17</sup></li> <li>• Martinez S.A. (2016) Reinventing Clinical Legal Education: Taiwanese Adaptation of an American Model. In: Lo C., Li N., Lin T. (eds) Legal Thoughts between the East and the West in the Multilevel Legal Order. Economics, Law, and Institutions in Asia Pacific. Springer, Singapore;</li> <li>• Lo Bing-Cheng et. al, Starting the First Law School Clinic in Taiwan;<sup>18</sup> and</li> <li>• Chung Yuan Christian University School Of Law, Department Of Financial &amp; Economic Law, Legal Service Courses.<sup>19</sup></li> </ul>
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<sup>7</sup> See <http://www.jonesday.com/taipei> (last visited on October 2, 2019).

<sup>8</sup> See <http://www.leeandli.com/EN/00000012.htm> (last visited on October 2, 2019).

<sup>9</sup> See <http://www.tsartsai.com.tw/eng/probono/> (last visited on October 2, 2019).

<sup>10</sup> See <https://www.tahr.org.tw/about> (last visited on October 2, 2019).

<sup>11</sup> See <http://www.tba.org.tw/index.html> (last visited on October 2, 2019).

<sup>12</sup> See <http://www.law.ntu.edu.tw/legalservice/schedule.html> (last visited on October 2, 2019).

<sup>13</sup> See [http://www.law.nccu.edu.tw/service/super\\_pages.php?ID=service1](http://www.law.nccu.edu.tw/service/super_pages.php?ID=service1) (last visited on October 2, 2019).

<sup>14</sup> See [http://web-ch.scu.edu.tw/law/web\\_page/5414](http://web-ch.scu.edu.tw/law/web_page/5414) (last visited on October 2, 2019).

<sup>15</sup> See <http://deplaw.ccu.edu.tw/law2016/student.php?PgTYpe=cusPage&class=205> (last visited on October 2, 2019).

<sup>16</sup> See <http://law.cycu.edu.tw/wSite/ct?xItem=35059&ctNode=12203&mp=14#> (last visited on October 2, 2019).

<sup>17</sup> See [https://www.ntpu.edu.tw/college/e1/about\\_04.php](https://www.ntpu.edu.tw/college/e1/about_04.php) (last visited on October 2, 2019).

<sup>18</sup> See <http://journal.fulbright.org.tw/index.php/browse-topics/education-management-for-the-future/itemlist/tag/Lo%20Bing%20Cheng> (last visited on October 2, 2019).

<sup>19</sup> See <http://fel.cycu.edu.tw/wSite/ct?xItem=72181&ctNode=23358&mp=29> (last visited on October 2, 2019).

<p>3. Is there any public or private organization with which a local or foreign attorney can register in order to be made aware of pro bono opportunities?</p>	<p>The LAF and various bar associations serve to facilitate the provision of pro bono and other community services in Taiwan. Attorneys interested in providing pro bono legal 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.</p> <p>Listed below is the contact information for the LAF, the Taipei Bar Association and certain other leading organizations involved in pro bono work in Taiwan:</p> <ul style="list-style-type: none"> <li>• Legal Aid Foundation;<sup>20</sup></li> <li>• Taipei Bar Association;<sup>21</sup></li> <li>• Taiwan Association for Human Rights;<sup>22</sup></li> <li>• Consumers’ Foundation, Chinese Taipei;<sup>23</sup></li> <li>• Taipei Women’s Rescue Foundation;<sup>24</sup> and</li> <li>• Taipei City Government – Civil Affairs.<sup>25</sup></li> </ul>
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<sup>20</sup> Website: <http://www.laf.org.tw> (last visited on October 2, 2019); Phone: +886-2-2322-5255.

<sup>21</sup> Website: <http://www.tba.org.tw> (last visited on October 2, 2019); Phone: +886-2-2351-5071.

<sup>22</sup> Website: <http://www.tahr.org.tw> (last visited on October 2, 2019); Phone: +886-2-2596-9525.

<sup>23</sup> Website: <http://www.consumers.org.tw> (last visited on October 2, 2019); Phone: +886-2-2700-1234.

<sup>24</sup> Website: <http://www.twrf.org.tw/eng/index.php> (last visited on October 2, 2019); Phone: +886-2-2555-8595.

<sup>25</sup> Website: <http://english.gov.taipei> (last visited on October 2, 2019); Phone: +886-2-2720-8889.