

National Report: Taiwan

International Legal Aid Group Conference 2023

Legal Aid Foundation, Taiwan

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Introduction

Keeping up with the pace of global efforts to get back to normal, the Taiwan Legal Aid Foundation (LAF) is pleased and honoured to submit this national report and to participate in the 2023 ILAG Conference in the post-COVID era.

Although the LAF experienced the first serious wave of the COVID pandemic in Taiwan during the 2021 ILAG Conference, the outbreak only lasted for a couple of months and then the situation was brought back under control. With no more level-3 alerts¹ or stringent social distancing policies applied since then, the LAF gradually restored its delivery of daily services.

In the past two years, the LAF has not made any major or radical changes to its organisational structure, service model, or delivery approaches. However, changes to the external environment—chiefly developments in the legal and judicial systems and government supervision and funding policies—have impacted the LAF’s service scope and daily operations. Some of the updates on new developments highlighted in this report include:

- In reply to the calls for more reasonable wages and following several recent justice initiatives, such as the citizen judge system, the LAF made several amendments to its regulations on lawyer’s remuneration and case assignment. The new amendments follow a differentiation strategy and provide better financial incentives in more difficult and complicated cases (Section 2.2).
- In terms of promoting equal access to justice, the LAF has expanded its service to cover legal representation in court proceedings for victims of crime. It has strengthened collaboration with the Association of Victim Support and set up a new dedicated advice hotline to victims (Sections 4.1, 8 and 9). Additionally, the LAF is also boosting its capacity to serve the legal aid needs required by recent reform of *the Mental Health Act* (Section 9).

¹ The Central Epidemic Command Centre (CECC) of Taiwan established criteria for COVID-19 levels during the pandemic. Level 1: sporadic local cases with transmission chiefly from abroad ; Level 2: local cases with unknown origins reported ; Level 3-alert: an announcement made when more than three cases of community transmission takes place in a week, or when there are more than ten confirmed local cases from unknown sources in a day ; Level 4-alert: an announcement when the daily average is over 100 cases continuously for 14 days and half of the infections cannot be traced.

The CECC of Taiwan announced a nationwide Level 3 alert on 19 May 2021. It required everyone to wear a mask outdoors. It also prohibited any indoor gatherings of more than five people and outdoor gatherings of more than ten people. Businesses and public areas closed, with the exception of those providing essential or healthcare services. In communities with cluster infections, residents were not allowed to leave the area without permission. All gatherings, activities and classes were suspended.

- The sudden and unpredictable level-3 COVID-19 outbreak in the summer of 2021 seriously impacted case numbers, resulting in a reduction of nearly 25 percent in advice and 15 percent in legal aid grants in that year.
- The legal aid programmes commissioned by the Ministry of Labour (MOL) and the Council of Indigenous Peoples (CIP) have respectively tightened the personal income thresholds of their means tests over the past few years. This has led to a reduction of granted case numbers and spending (Sections 3 and 4.1).
- A number of remote service initiatives were developed during the first-wave of COVID-19. Some have continued, such as online promotional and educational events, and others have inspired service improvements for clients, such as video-conferencing advice on clients' own devices. Even though some initiatives turned out to be a flash in the pan, they still provided lessons for future digital transformation and service innovation. (Section 10)
- Several major challenges encountered by the LAF that will inform its future work and direction are summarised in the conclusion.

This report follows the template given by the conference host to introduce different aspects of legal aid in Taiwan. To prevent repetition, we have summarised information that has already been given before, provided references to the [2019](#) and [2021](#) ILAG national reports, and focused on new details regarding the most recent developments in the 2023 report.

1. Basic National and Organisational Figures in 2022

National information²				
Name of country	Population (as of the end of 2022)	Gross domestic product (GDP) (preliminary statistics as of the end of 2022)	Poverty line and number of people below it	Number of Practising lawyers
Taiwan	23,264,640	US\$762.67 billion Per capita GDP is US\$32,811	In 2022, the lowest living index in different counties and cities varied from NT\$12,792 to \$18,682 per month (equivalent to approximately US\$430 to \$628) ³ , or between	Approx. 11,631 ⁵

² USD to NTD conversion rate used in this table is 1 to 29.77.

³ According to *the Public Assistance Act*, the lowest living index per person benchmark for the poverty line has different standards, depending on region. Taiwan Province, the six municipalities directly under the central government, and Fujian Province each have different standards. For more detail, please refer to the MOHW's website (Chinese version): <https://dep.mohw.gov.tw/dos/cp-5337-62357-113.html> (Accessed 13 Mar 2023)

⁵ According to Article 11 Para. 1 of the recently amended *Attorney Regulation Act 2020*, those who wish to

			US\$14.33 to \$20.93 per person per day; this applies to approximately 288,703 people nationwide, or roughly 1.24% of the total population ⁴	
Legal aid organisation information (as of the end of 2022)				
Organisation name	Date of establishment	Total number of applications in 2022	Total number of grants of legal aid in 2022	Total number of refused grants of legal aid in 2022
Legal Aid Foundation (LAF)	1 July 2004	- Legal consultations: 93,000; - Applications for legal aid grants: 96,809	65,693 cases	25,615 cases
Number of the staff workers	Number of attorneys supporting legal aid casework	government contributions to legal aid	2022 total legal aid expenditures	Government contributions as portion of total expenditures
326	4,678 (including 18 LAF staff attorneys)	- Sponsored by the Judicial Yuan: NT\$ 1,325,335,585 (equivalent to US\$44,519,166); - Programme revenues from other government departments: NT\$97,782,514 (equivalent to US\$3,284,599)	NT\$1,481,538,929 (equivalent to US\$49,766,172)	96.06%

practice law may select only one local bar association to which they belong. This figure is the sum of the number of lawyers registered at each local bar association as of the end of April 2023. Please see the National Directory of Lawyers website built up by the MoJ: <https://lawyerbc.moj.gov.tw/> (Chinese version. Accessed 30 April 2023).

⁴ If we add the number of those in middle-to-low-income households at the margin of the poverty line, that is, 296,697 people as of the end of 2022 (<https://dep.mohw.gov.tw/dos/cp-5337-62357-113.html>) (Accessed 13 Mar 2023) in households with earnings less than 1.5 times of the lowest living index per person per month, then the national number of those in low-income and middle-to-low-income households is approximately 585,400 people, or 2.52% of the population.

2. Legal Aid Organisation / Authority

2.1 Organisation and Supervision

The LAF was established statutorily in July 2004 with an endowment from the Judicial Yuan, the highest judicial authority in Taiwan, in accordance with *the Legal Aid Act* promulgated in January 2004. It is a government-established, privately-run non-profit organisation. Employees of the LAF therefore are not civil servants. With comparatively more adequate government funding, the LAF has successfully expanded the scope of publicly funded legal services and ushered a new era of legal aid in Taiwan ever since.⁶

The main statutory functions and organisational structure of the LAF are detailed in *the Legal Aid Act*, which was most recently amended in 2015. The major amendments were detailed in *the 2019 ILAG national report*.⁷ The board of directors serve as the highest decision-making body and the chief executive officer is responsible for managing and executing general affairs of the Foundation. In addition to the head office in Taipei dealing with organisation-wide affairs at policy level, the LAF has set up 22 branch offices across the country, including the offshore islands, to handle the daily operation of the frontline services. As of the end of 2022, there were 326 staff workers hired by the LAF. While around 25% of the staff members work in the head office, the rest of them work in the branches. Over 70% (232) of them were female and about 30% (94) were male. The age groups of 20s, 30s, 40s and over 50s stood for 17.5%, 40.5%, 31.9% and 10.1% respectively. About 5.5% (18) of them were Taiwanese indigenous peoples and 1.2% (4) of them were persons with disabilities. While 20.2% (66) of them were non-legal professionals providing logistical and administrative support, the rest 79.8% (260) of them were professionals involving in the direct provision of legal aid services. In addition to the 18 casework staff attorneys, there were 25 other staff lawyers undertaking the managerial, policy and legal research jobs. The rest of them were paralegals (217), who were the main workforce supporting daily operations and serving as the crucial bridge between the legal aid clients and lawyers.

Supervision of the LAF is conducted internally by supervisors and externally by the Supervisory Committee set up by the Judicial Yuan as the competent authority. In addition, since over 90% of the legal aid funding is out of the government budget, LAF is subject to annual reviews by the Legislative Yuan (the Parliament) and the National Audit Office under the Control Yuan. The external supervision mainly focuses on the

⁶ For more details about the history of publicly-funded legal services in Taiwan and the Legal Aid Foundation, please see the LAF researcher, Chang, Y-S. (2019) 'Advancing Equal Access to Justice: An Introduction to the Legal Aid Foundation in Taiwan', paper presented at the 2019 International Conference on Legal Aid: The Spirit of Legal Aid and the Quality of Legal Aid Providers, hosted by the Korean Family Legal Service Centre, Seoul, 3 December 2019.

⁷ See pp.3-4 of the [2019 report](#).

policy of organisational structure, use of funds and budget, the quality of legal aid, annual critical measures, etc. In the past few years, after the enactment and implementation of the *Foundations Act (2018)*, there has been more pressure placed on internal control and audit of the LAF. This has led to more in-depth and thorough reviews of the grant decisions in individual cases to review the appropriateness of the use of funds.

2.2 Service Delivery Model and Mixed Sources of Workforce

The LAF has adopted a clearing house or service intermediary model to deliver a wide range of legal aid services, such as legal aid grants for representation and minor assistance, advice, public legal education and law reform. By leveraging the workforce of in-house paralegals, the LAF and its branches work on planning and administration, such as handling applications of legal aid grants, organising the advice clinics or arranging educational or outreach events. They then refer the cases to the lawyers or invite them to provide legal services to end clients.

For example, take the process of legal aid grant applications. Most of the legal aid applications are in-person services by default. Applicants have to visit the branch offices to file an application. The LAF paralegals would host the applicants, help check and collect the required documents (especially for the means test) and key in the data into the system at the counter. The applicants would then have a meeting with an external examiner (that can be judges, prosecutors, lawyers or law professors) where the applicants can explain the case details. Subsequently, an examining committee consisting of three examiners would be organised to discuss and make an assessment on whether to grant legal aid or not, with the administrative assistance by the paralegals throughout the assessment. Once the grant is approved, the paralegals would then proceed with case assignment, serving as matchmakers to identify, select and contact the candidate lawyers and check their willingness to undertake the case. After the case assignment, the paralegals also have to deal with all the legal aid administration work for each case such as appeals, change of lawyers, termination or revocation of the grants, case closure and claims of legal aid contributions, etc.

The LAF employs a mixed model for legal service delivery, which means the legal casework can be handled either by internal LAF's staff attorneys or external private lawyers. However, since the LAF first started its operation as a judicare system, private lawyers have always been the main workforce.

Private Lawyers

As of the end of 2022, 4,678 private lawyers had registered to undertake legal aid

cases. Around 3,850 of them are still actively participating. In general, LAF requires private lawyers to have at least two years of legal practice before undertaking legal aid cases, save certain exceptions.

The remuneration paid to private lawyers for legal aid casework is usually a lump sum – a fixed fee for a case. It is decided by the Examining Committee when legal aid is granted, in accordance with the cap and floor range set by the LAF's Legal Aid Remuneration Regulation (hereinafter called 'the Remuneration Regulation'), depending upon the level of assistance (legal representation, minor assistance, or advice), the area of law (criminal, civil, family, or administrative law), and the type of proceedings (e.g., small claim, summary proceeding, ordinary proceeding of first and second instances). The remuneration of a general criminal or civil case is NT\$30,000 (around USD\$1,000) at most, which is a third to a half of the market price. Lawyers may request a remuneration increase when a case is more complicated and time-consuming than normal. However, there is a NT\$10,000 cap, which means LAF can allow a maximum of 20 additional hours for each case. In principle, any working hours beyond this will not be paid.

The LAF had never undergone any comprehensive adjustment in lawyers' remuneration in its first 15 years. However, since the late 2010s, the calls for reasonable wage increases from the private legal aid lawyers have mounted, in order to reflect and cover inflation and their real costs. The LAF therefore worked hard on empirical research to identify the features of complicated and high-cost cases and reflected on private lawyers' willingness to undertake legal aid work. This led to remuneration increase proposals which were more evidence-based. Furthermore, the government's recent law reforms to introduce the justice initiatives such as the Grand

Chambers⁸, the Constitutional Court⁹, and Citizen Judges¹⁰ have also pushed the government funder for LAF, the Judicial Yuan, to provide more financial incentives to private lawyers in more difficult and complicated cases. Such a differentiation strategy aims to encourage more lawyers to undertake these high-cost cases and ensure service quality. During the past few years, the following reform proposals of the Remuneration Regulation and case assignment were passed one by one and all have been effective since 1 January 2023:

- Complicated and time-consuming cases involving certain areas of law (e.g, felonies that carry a ten-year minimum sentence, state compensation, employment disputes, financial crimes, and consumer debt) or special groups (e.g. clients with disabilities, disadvantaged migrant workers and foreign spouses) are eligible for another remuneration increase claims of 20 additional hours when there included more than four hearings.
- In terms of the cases applying the proceeding of citizen judge adjudication, the conversion rate of the remuneration radix is 1.5 times more than the other cases, rising from NT\$1,000 to NT\$1,500 per radix. Moreover, this exceptional category of cases can also request for a pay rise depending on the procedure and

⁸ In order to strengthen the function of unifying diverse legal opinions and resolving disagreements in the courts of final instances, which refer to the Supreme Court and the Supreme Administrative Court, the Judicial Yuan promoted the establishment of the system of the Grand Chambers to replace the previous precedent selection and resolutions achieved by judges' meetings. This new system is based on the amended *Court Organisation Act*, which came into effect on 4 July 2019. Different from the previous procedures to reach resolutions or produce precedents, the Grand Chamber proceeding must be open to the public and requires oral debates, which allows prosecutors, lawyers, and even legal scholars and experts to participate in the discussion. The purpose of this initiative is to ensure that the process of resolving significant legal disputes is transparent and welcomes diverse perspectives for better communication and persuasion, and thereby improves judicial credibility.

⁹ *The Constitutional Court Procedure Act* was enacted on 4 January 2019 but officially come into force three years later, on 4 January 2022. Compared to the previous proceeding for the cases tried by the Grand Justices, the reformed constitutional court procedure has the following characteristics, so that legal aid is required for this proceeding: 1) more transparent and court-oriented procedures involving public debates; 2) the threshold to enter the further constitutional court proceeding is lowered; 3) the object of the constitutional review extends from abstract laws and orders to the court's determination of the final judgment, allowing some cases to be exceptionally remedied when they have exhausted the ordinary remedies at trial level; 4) mandatory legal representation by lawyers for oral debates in the Constitutional Court. In addition, after at least a year of implementation, the case numbers applying for constitutional review have mounted massively (over seven times the figure) before the reforms.

¹⁰ The Citizen Judges system is the first statutory lay participation in the criminal justice system. After different proposals of lay participation mechanisms had been proposed and piloted for more than ten years, *the Citizen Judges Act* was ultimately passed in August 2020 and became effective on 1 January 2023. Since the system opens a new chapter of criminal justice, the Judicial Yuan has done a large amount of promotion to raise public awareness. Different stakeholders have also done lots of mock trials for better preparation in the two and a half years before the system officially launched. The Citizen Judges' system requires the defendants to be legally represented and defended by public defenders, legal aid lawyers or court assigned counsels. The case files and exhibits are not submitted with the indictment to ensure its nature of an adversarial system. Since this proceeding involves more meetings and preparation work before the trial and the trial usually requires several consecutive days, lawyers must spend more time and efforts to undertake the cases applying the citizen judges' proceeding.

additional tasks. These adjustments have made the lawyer's remuneration for this category reach up to NT\$75,000 per lawyer per case, at most.

- In light of its complex and time-consuming nature, the cases involving oral argument sessions in the Constitutional Court, the Grand Chamber and the proceeding of citizen judge adjudication are exceptionally allowed to have three lawyers appointed at most if needed, instead of one lawyer appointed in general cases.
- The lawyers can apply for discretionary remuneration within a certain range between NT\$1,000 and NT\$5,000 if they have assisted the legal aid recipients with the following additional work that are related to their original grant, such as:
 - ✚ filing the grounds of appeals for the criminal judgement of first instance upon the request of the court or the aided client
 - ✚ attending the hearings of detention or provisional placement for the criminal defendants
 - ✚ filing an appeal or re-appeal for the aided client's request for litigation relief
 - ✚ submitting motions for stopping execution or pleadings of appeals in other cases for the clients that have been granted aid to the proceedings of consumer debt clearance

Staff Attorneys

As of the end of 2022, there were 18 staff attorneys recruited across Taiwan to undertake legal aid casework.¹¹ Due to the very few numbers of posts, the LAF has limited the case types undertaken by staff attorneys in order to ensure better resource allocation and professional training. They are mainly responsible for cases involving major public interest, human rights, class action, and high-profile cases involving specific disadvantaged populations such as migrant workers, indigenous peoples, people with disabilities, environmental victims, victims of natural or manmade disasters, etc. The proportion of cases handled by staff lawyers was approximately 3.6% of LAF's cases in 2022.

3. Budget and Spending

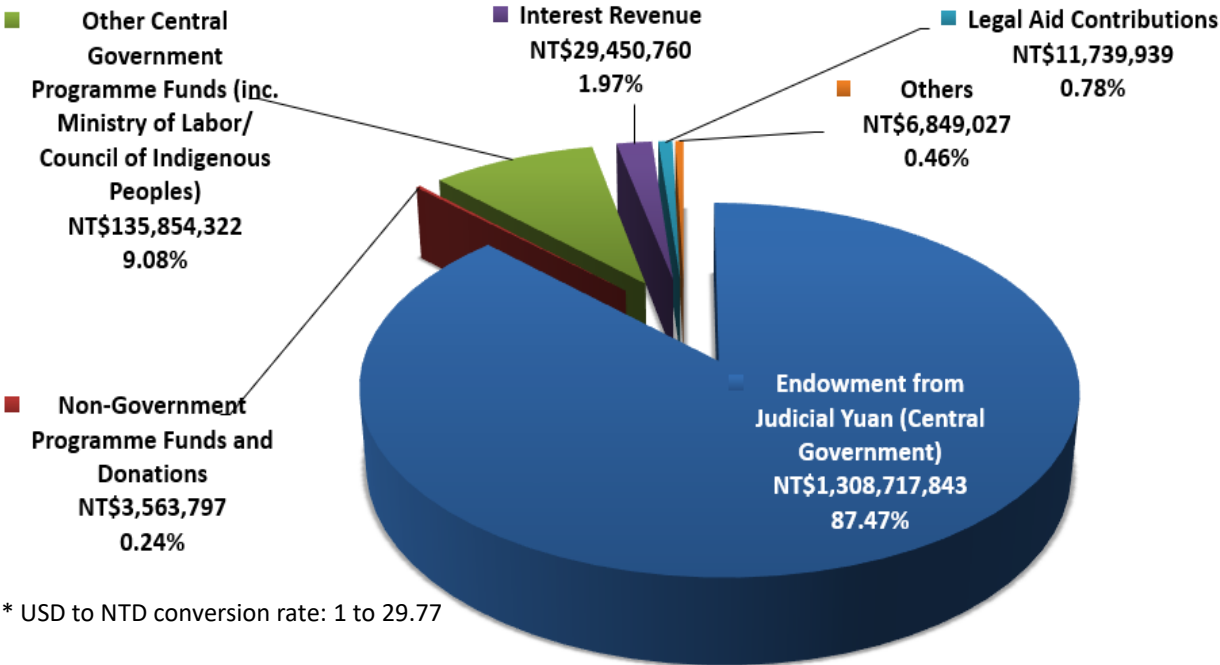
3.1 Budget and Spending Figures for the Past Two Years

¹¹ The statutory number of LAF staff lawyers whose roles are to undertake legal aid casework is 30. However, due to budgetary constraints, there were only 25 posts in 2022 and only 18 posts were filled. The most recently opened posts were for the West Office of the LAF Legal Centre of Indigenous Peoples and the Kinmen Branch in the offshore islands, aiming to safeguard the legal rights of the indigenous peoples and meet the legal needs of the remote areas.

The budget/income and expenditure of legal aid in Taiwan in 2021 and 2022 are listed in Figures 1 to 4.

The main funding source is the Judicial Yuan of the central government, while the second is also funding from the central government but is provided by the Ministry of Labour (MOL), Council of Indigenous Peoples (CIP), and the Ministry of Health and Welfare (MOHW) from their specific commissioned legal aid programmes for labourers, indigenous peoples, and persons with disabilities.

Under a judicare-like system, about 73% of the expenditure has been the direct costs of legal aid services, including the general legal aid funded by the Judicial Yuan and the commissioned special programmes for the past two years. These costs chiefly involve legal aid grant examination fees, lawyers’ remuneration, and litigation costs. In terms of the Judicial Yuan funded lawyers’ remuneration in 2022, which cost NT\$929,947,907 (around US\$31,237,753), 96.32% were for legal aid grants (NT\$895,755,007); 0.9% for face-to-face legal advice (NT\$8,394,000)¹²; 1.2% for telephone legal advice (NT\$11,173,800); and 1.57% for the Initial Interrogation Attorney Accompaniment Programme (NT\$14,625,100). Amongst the spending of legal aid grants, based on the remuneration figures of the granted cases in 2022, nearly 60% was spent on criminal cases; 25%, civil; 15%, family; and 0.6%, administrative cases.

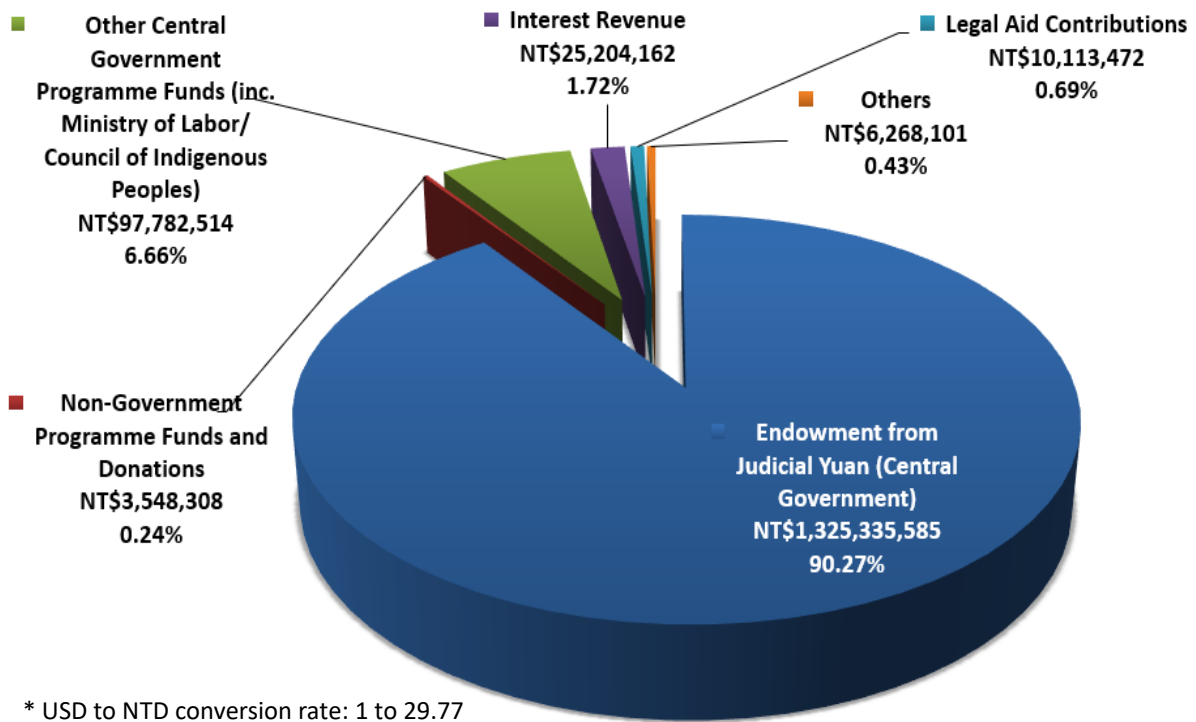


* USD to NTD conversion rate: 1 to 29.77

Total Income: NT\$1,496,175,688(≈US\$50,257,833)

Figure 1: Breakdown of LAF Total Income, 2021

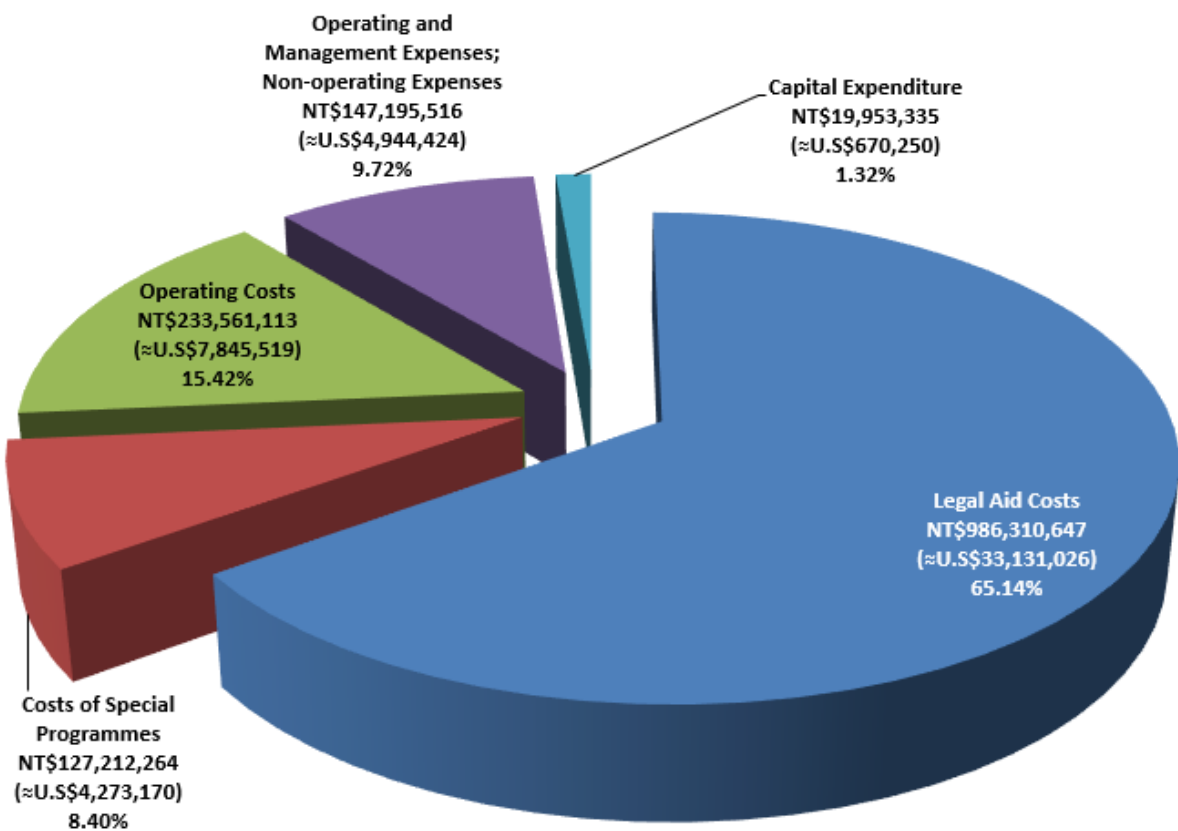
¹² However, it is worth noting that this figure only represented part of the funding spent on face-to-face legal advice, since the lawyers’ remuneration of some service points were provided by the commissioned legal aid programme.



* USD to NTD conversion rate: 1 to 29.77

Total Income: NT\$1,468,252,142 (≈US\$49,319,857)

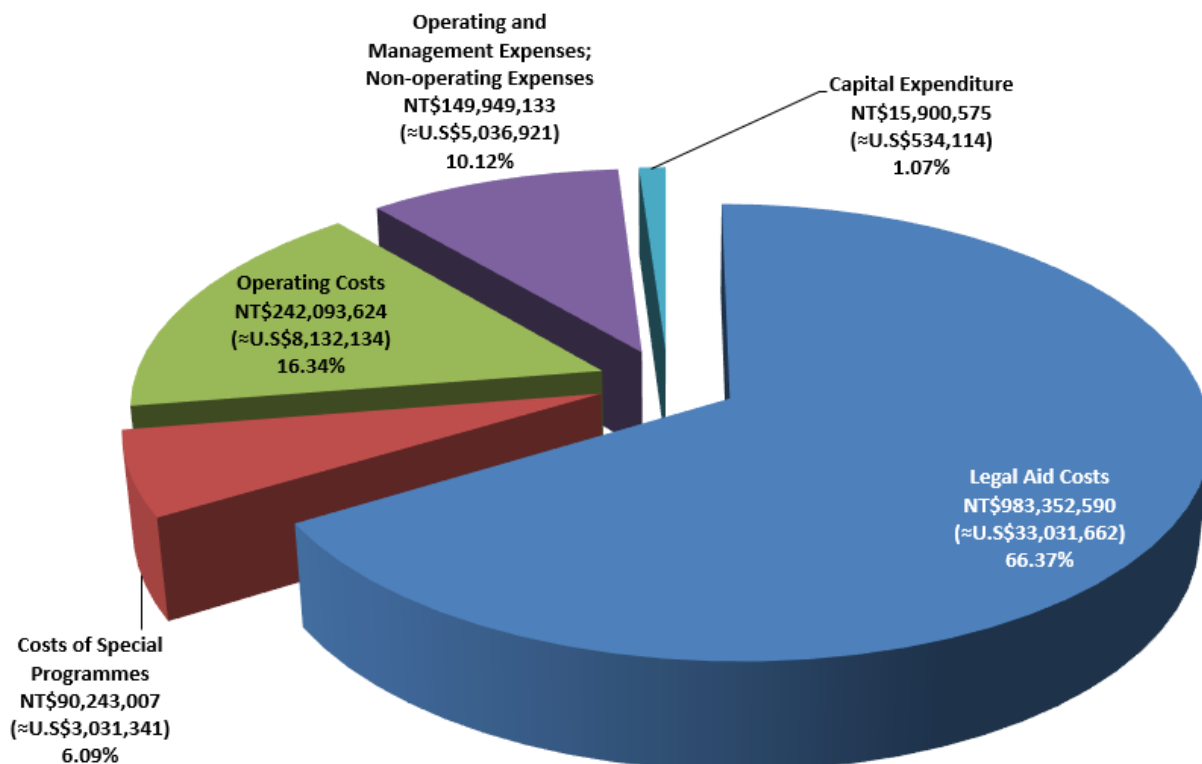
Figure 2: Breakdown of LAF Total Income, 2022



* USD to NTD conversion rate: 1 to 29.77

Total Expenditure: NT\$1,514,232,875 (≈ US\$50,864,389)

Figure 3: Breakdown of LAF Total Expenditures, 2021



* USD to NTD conversion rate: 1 to 29.77

Total Expenditure: NT1,481,538,929 (≈ US\$49,766,172)

Figure 4: Breakdown of LAF Total Expenditures, 2022

3.2 A Mixture of Capped and Uncapped Budget

The budget from the Judicial Yuan of the central government is a mix of capped and uncapped types, depending on the account titles. While there is a statutory obligation for the state to provide legal aid funding, the account of legal aid costs (including court fees, lawyers' fees and other mandatory litigation costs) are demand led and therefore has an uncapped budget. However, the rest of the expenditure accounts (including operating costs, expenses, and capital expenditure) are capped with a general limit, though the budgets can be transferred between accounts.

The MOL, CIP, and MOHW budgets for their specific legal aid programmes are similar. While the budgets for operation, management and capital expenditure are capped, the legal services costs are uncapped and led by demand.

3.3 Legal Aid Spending in the Past Ten Years

The amounts of legal aid spending in the past ten years are illustrated in Figure 5.

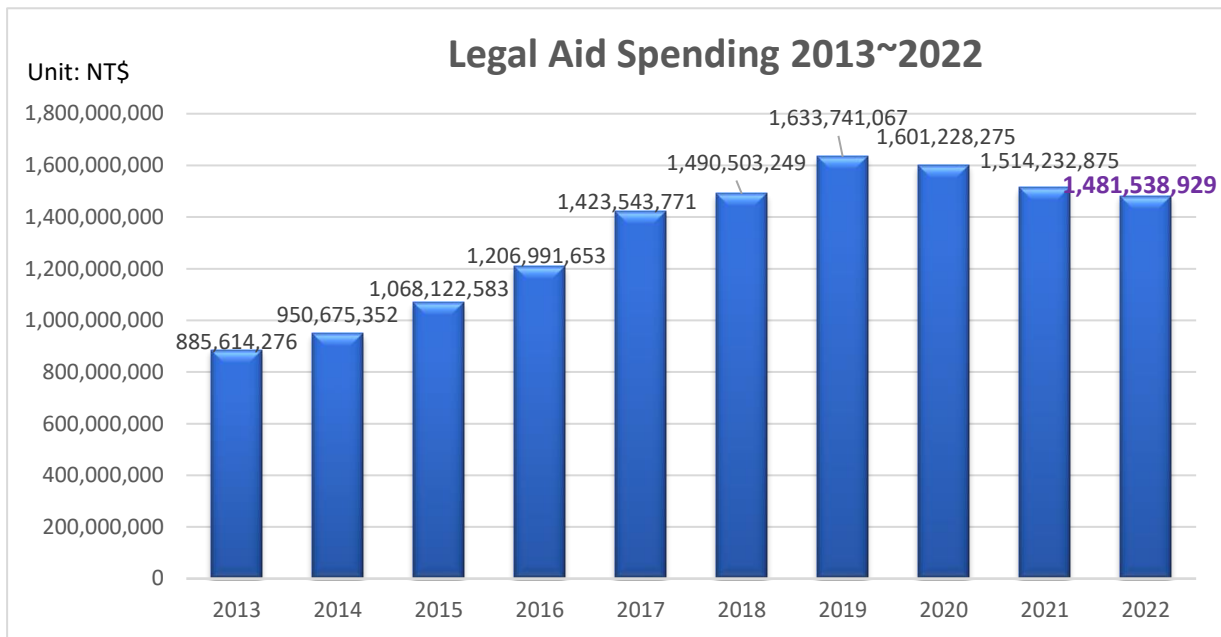


Figure 5: Total Legal Aid Spending in the Past Ten Years

As shown in Figure 5, although the level of the legal aid spending had first been increasing over the past decade, especially after the 2015 Amendment of *the Legal Aid Act*, this trend did not continue after 2020. Regardless of the rising demand for legal assistance driven by many law reforms promoting human rights and the rule of law in the past decade, the chief funder, the Judicial Yuan, cited its austerity policy and refused to increase the government budget for legal aid in the future. Due to the alleged more expensive cost of per legal aid case undertaken by the LAF,¹³ the Judicial Yuan started to divert more mandatory defence cases from legal aid to public defenders and court-recruited private lawyers in 2020, despite the LAF's concerns and challenges.¹⁴ However, since the number of mandatory defence cases undertaken by the LAF in 2022 (16134 cases) exceeded the figure in 2019, the success of the diversion policy

¹³ The Judicial Yuan commissioned Deloitte Taiwan to complete a consultancy report on the legal costs of mandatory defence cases between the three provider systems: legal aid, public defenders, and court-recruited private lawyers in 2018. However, the Judicial Yuan never revealed the final figures or its calculation basis, nor has it provided the final report to the LAF. In addition, before the Deloitte report, another set of figures provided by the Legislative Yuan stated that the costs of the three channels in 2015 were NT\$10,361 (public defenders), NT\$20,923 (court-recruited private lawyers), and NT\$21,871 (legal aid lawyers), showing legal aid is the most expensive. However, the calculation methods and data are still unknown. Please see the Office of the President, Taiwan (2017). 'LAF Budget Examination Report of the 2017 Budget' (Traditional Chinese version), retrieved from: <https://www.president.gov.tw/File/Doc/dcc71f2d-e8a8-41dc-96ac-9ee5e224d418> (Accessed 30 April 2023), p.10.

¹⁴ LAF doubts the operating costs and pensions of contracted public defenders, administrative costs of the court-recruited panels, and that the different types of cases undertaken by the different channels have been adequately considered. Moreover, LAF argues there may be objectivity issues if the public defenders are contracted and have their performance assessed by the court. Similar criticism was also made by the Taipei Bar Association and Judicial Reform Foundation, stating that the resurrection of the public defender system goes against the consensus reached at the 1999 Judicial Reform Conference. Quality issues may also exist in court-recruited panels of private lawyers because their remuneration is less than that of legal aid lawyers and the system lacks a universal quality assurance framework.

is still unknown. Moreover, both the MOL and CIP commissioned legal aid programmes have made their eligibility standards (means and merit tests) stricter since 2020, which have gradually reduced 2,000 cases of the commissioned programmes in later years. Subsequently in 2021, the case number and expenditure shrank immediately and massively as a result of the heavy blow from COVID-19, which led to the postponement of most of the hearings except for time-sensitive cases for about three months. Furthermore, accompanied with more identical examination standard and the recent stricter internal compliance audit on the legal aid application, the approval rates of grants have declined year by year. All of these incidents or policy changes have resulted in decreased legal aid spending.

4. Scope, Eligibility and Caseload

4.1 Scope and Eligibility

The LAF provides a comprehensive range of legal assistance including public legal education, legal advice, minor assistance (such as legal document drafting) and legal representation in mediation, settlement and litigation. Its service scope also covers a rather wide range of legal matters with only a few exceptions. As detailed in the [2019](#) and [2021](#) ILAG national reports, most of the criminal, civil, family, and administrative cases can be assisted, unless the nature of the subjects are apparently irrelevant with social law or economically disadvantaged people (e.g. intellectual property claims) or the legal procedures involved is an extraordinary one (e.g. retrials).¹⁵ An applicant in principle cannot obtain more than three legal aid grants for legal representation in a year unless his/her application was recognised by the Examination Committee and approved by the presidents of the branch.

While public legal education and legal advice are free services to the general public, the means and merits tests are applied to the applications of legal aid grants for minor assistance and legal representation. In order to make its means test compatible with the rising living standard, the LAF usually increases the disposable income thresholds of the means test for applicants living in different areas year by year.¹⁶ Moreover, in order to facilitate the application procedure, some socially and economically disadvantaged groups can be exempted from the means test. For example, the recipients of low-income or middle-to-low-income benefits, families in hardship, debtors applying for consumer debt clearance, criminal defendants of the mandatory defence cases, etc. The details of the standard and exemptions are listed in the

¹⁵ See pp.9-10 of the [2019 report](#); pp.254-256 of the [2021 report](#).

¹⁶ In terms of the financial standard of the means test in 2022 and 2023, please see the following links:
<https://www.laf.org.tw/en/index.php?action=service&Sn=24>
<https://www.laf.org.tw/en/index.php?action=service&Sn=25>

previous ILAG national reports.¹⁷

Legal aid is also available to non-citizens as long as they reside legally within the Taiwanese border or they meet some exceptional conditions. For instance, they are victims or possible victims in human trafficking cases. Blue-collar foreign labourers and foreign spouses that are in financial difficulties can also be exempted from the means test.

In the past few years, the LAF has not made too many changes in terms of the criteria of service scope and eligibility of the general legal aid funded by the Judicial Yuan, except for the following adjustments:

- In order to better safeguard rights of the victims of crimes and follow the latest amendment of the 'Chapter of Participation in Proceedings by the Victim' in the Code of Criminal Procedure, in terms of legal representation in the court proceedings, LAF has expanded its service scope to cover victims of crimes that are eligible to apply for the above participation by law, on top of the original exceptional limit (i.e., victims with barriers to make a complete statement or those who suffer from sexual offence, human trafficking crimes and serious offences of which the defendants would carry at least three years of sentencing).
- For the better protection of human rights, the LAF specifies that mandatory defence cases undertaken by the LAF can be exempted from the above principle of 'three legal representation cases at most in a year'.

However, it is worth noting that the commissioned legal aid programmes by the Ministry of Labour (MOL) and the Council of Indigenous Peoples (CIP) have gradually tightened the eligibility criteria in the few years. The reasons behind the scenes are quite mixed and complicated. On the one hand, the central government funders and supervisors including the Judicial Yuan, Legislative Yuan and the National Audit Office expected the LAF to focus on the economically disadvantaged and prevent the wealthier from sharing the national resources; on the other hand, the bar associations argued that the higher income thresholds of the means test adopted in the commissioned programmes have eroded the private legal services market. Moreover, even the commissioning funders may have different ideas due to the limited funding resources after nearly / or more than a decade of commission. This has gradually reached a consensus to exclude the wealthier and apparently unreasonable requests without legal grounds. The two commissioned programmes therefore experienced the following changes in means or/and merit tests:

¹⁷ See pp.10-13 of the [2019 report](#); pp.256-259 of the [2021 report](#).

- The MOL Programme: The monthly personal income threshold of its means test originally was NT\$80,000 before the end of 2019. It was then lowered to NT\$75,000 from January 2020; NT\$70,000 since January 2022; and then to NT\$65,000 since January 2023.
- The CIP Programme: It started to apply 'legal grounds requirement' in its merits test in January 2021. Moreover, beginning from July 2021, instead of allowing all indigenous peoples to quickly apply for this programme as before, it only funds indigenous peoples who do not qualify for general legal aid or other MOL or MOHW commissioned programmes.

The above policy change has caused the granted case numbers of the commissioned legal aid programmes to gradually diminish since 2020. Although the case number has reduced, the uncertainty and complexity of handling an application has been massively increased due to the different but interrelated eligibility criteria and required documents. This thereby requires more staff training and better management to ensure the convenience of the grant application and quality of grant examination.

4.2 Caseload and Case Types

As illustrated in Figure 6 and Table 1, after the 2015 amendments to the *Legal Aid Act*, the number of applications, provisions of legal advice, and legal aid grants increased significantly, with annual growth rates of 10% to 20% or more. The number of legal advice provisions reached the peak in 2017, and then started to decrease due to less funding and fewer physical advice clinics. The number of legal aid grants kept rising until 2019. As stated above in sections 3.3 and 4.1, with the diversion of mandatory defence cases away from legal aid and the eligibility criteria changes of the commissioned programmes since 2020, the number of general and full grants started to decrease in 2020 (i.e. the yellow and grey lines). The sudden level-3 status from the COVID-19 outbreak, occurred in the summer of 2021. This created a further impact on the case numbers, leading to the reduction of nearly 25% legal advice and 15% of legal aid grants. In 2022, although the case numbers of general legal aid (the yellow line) had climbed back to the original level before the COVID outbreak, it is worth noting that the total granted case numbers (the grey line) had massively decreased on account of the gaps of the commissioned MOL and CIP cases.

LAF Business Data: Number of Cases 2013-2022

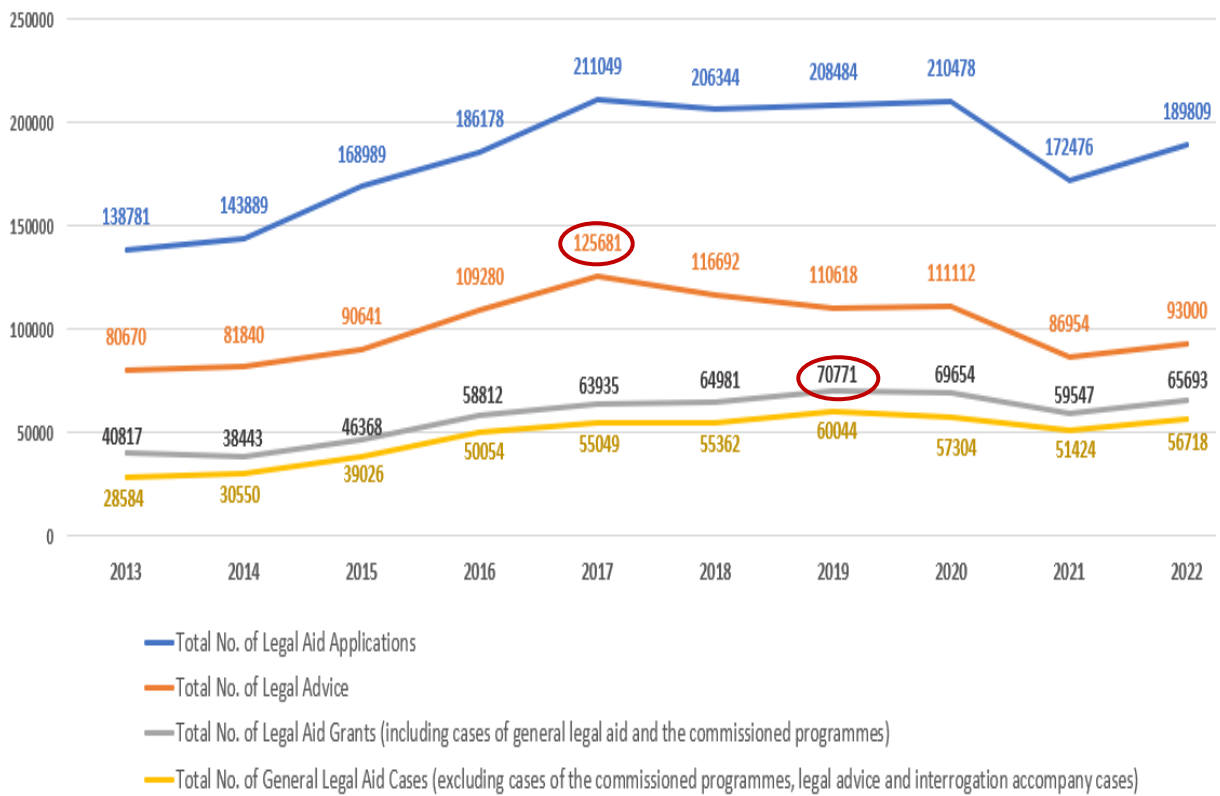


Figure 6: LAF Business Data: Number of Cases 2013-2022

Table 1: Annual Growth Rates of LAF’s Cases 2015-2022

Item \ Year	2015	2016	2017	2018	2019	2020	2021	2022
Total number of annual applications	17.44%	10.17%	13.36%	-2.23%	1.04%	0.96%	-18.06%	8.79%
Total number of annual legal advice	10.75%	20.56%	15.01%	-7.15%	-5.21%	0.45%	-23.03%	6.20%
Total number of annual legal aid grants (including commissioned project cases, not including legal advice)	20.61%	26.84%	8.71%	1.64%	8.91%	-1.58%	-14.51%	3.99%
Total number of annual general legal aid cases (excluding commissioned project cases, advice and interrogation accompany cases)	27.74%	28.26%	9.98%	0.57%	8.45%	-4.56%	-10.26%	10.29%

The case category of legal aid grants of general legal aid and commissioned programmes during 2021~2022 are illustrated respectively as Figure 7 and Figure 8.

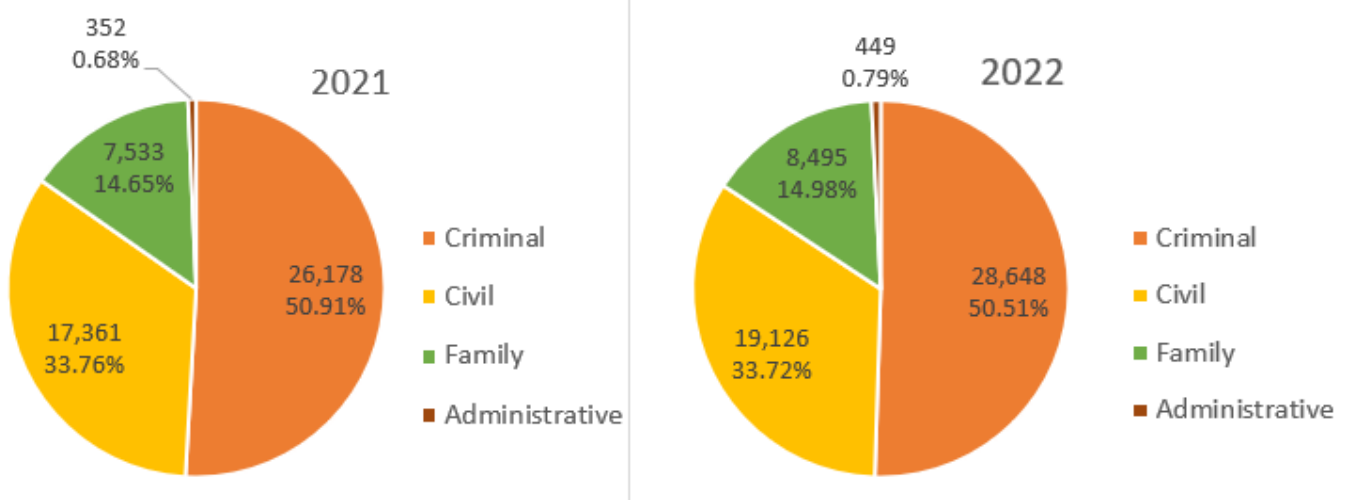


Figure 7: Case Types of General Legal Aid Grants 2021-2022

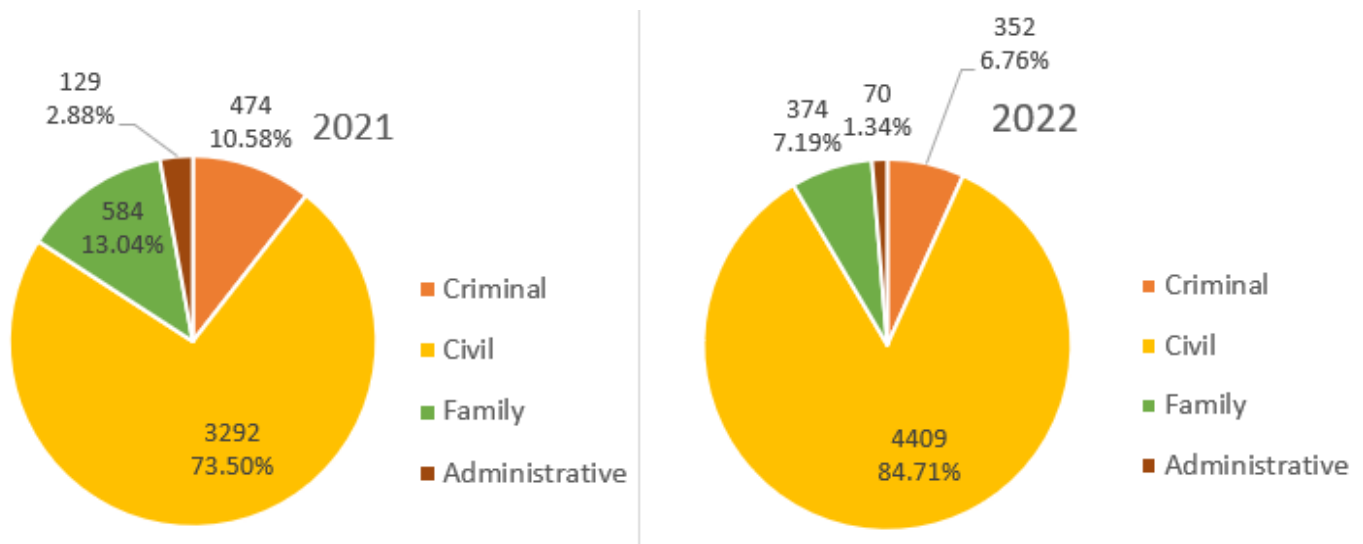


Figure 8: Case Types of Commissioned Legal Aid Grants 2021-2022

5. Quality Assurance

Since its inception, the LAF has developed its own step-by-step quality control system to ensure the quality of legal aid services.

On the one hand, in terms of processing legal aid applications and case management, the LAF continuously monitors and reviews the quality of frontline services provided by its employees through internal controls, bi-annual assessments, a complaint system and the newly introduced mechanism of mystery shoppers (model clients).

On the other hand, the LAF must also ensure the quality of the legal services after

legal aid is granted. In terms of the private lawyers that undertake the vast majority of legal aid cases, the LAF has employed multiple strategies and approaches to ensure their service quality. These include: 1) *ex-post* measures such as a complaint system, customer satisfaction surveys, feedback collected from the courts and prosecutors' offices, case-closure audits; 2) *ex-ante* screening requirements for entry qualifications and case assignment; and 3) a wide range of continuous professional training courses. These have been detailed in the previous ILAG national reports.¹⁸

Once a legal aid lawyer's conduct has been detected as suspicious through the multiple *ex-post* measures, the LAF would first proceed with the investigation of the complaint (whether the complaint is raised by legal aid clients or self-detected through various measures) by the LAF branches. The number of and results from complaint investigations against legal aid lawyers in the past few years are summarised in Table 2.

Table 2: Numbers and Results of the Complaints Investigation on Legal Aid Lawyers

Year	Disciplinary Actions			No Disciplinary Decisions	Withdrawals/ Case Merge	Under Investigation (at the end of the Year)	Total
	Suspension of Case Assignment and Transfer to the LAF Attorneys' Evaluation Committee	Suspension of Case Assignment	Asked for Improvement				
2020	10	38	27	49	9	20	153
2021	9	47	37	54	8	19	174
2022	11	54	51	74	21	27	238

Table 3: Types and Numbers of Disciplinary Actions Made by the LAF Attorneys' Evaluation Committee

Year	Ask for Improvements	Reduction of Case Assignment	Suspension of Case Assignment	Dismissal from legal aid work	Transfer to Attorney Disciplinary Commission
2020	7	0	11	9	6
2021	4	0	21	8	8
2022	3	0	22	3	4

Whenever the LAF branches suspend the investigated lawyer's right to receive case assignment and consider the circumstances of the violation to require termination of legal aid work or further disciplinary actions according to *the Attorney Regulation Act*, they can transfer the case to the Legal Aid Attorneys' Evaluation Committee at the LAF

¹⁸ See pp.16-19 of the [2019 report](#); pp.261-263 of the [2021 report](#).

head office. This committee involves a group of legal professionals including lawyers, a prosecutor representative, a judge representative, and law professors. After more in-depth and comprehensive investigation and a face-to-face hearing with the investigated lawyer, the committee can make any of the following disciplinary decisions if required: 1) ask for improvement; 2) reduction or suspension of case assignment for three years at most; or 3) dismissal from legal aid work. Wherever the investigated legal aid lawyer's misconduct is confirmed serious enough to have violated laws and ethics by the LAF Attorneys Evaluation Committee, the LAF will transfer the case to the national Attorney Disciplinary Commission and request disciplinary action in accordance with *the Attorney Regulation Act*. In the past few years, the LAF has strengthened its investigation into lawyers' service quality. The types and numbers of disciplinary actions for the legal aid lawyers are summarised in Table 3. In order to raise the legal aid lawyers' awareness about common mistakes, the LAF has also produced caution and training materials using case studies to clarify the disciplinary standards.

As for quality control for the casework staff attorneys, the mechanism of peer review has been applied since 2015. In the last quarter of each year, a staff attorney evaluation committee (including the deputy CEO and several external legal professionals) is organised. The committee members review the selected case files of each staff attorney and assess the quality of their services annually.

The LAF has constantly held training courses on various topics for its employees and legal aid lawyers to raise their cultural sensitivity and awareness of different disadvantaged groups, to update legislative amendments and professional knowledge, and to improve their practical skills. Impacted by COVID-19 for several months, the number of training courses decreased to 48 for employees and 68 for lawyers in 2021. Subsequently, following the policy of back to normal, larger numbers of training courses were accomplished in 2022, which included 65 for employees and 87 for lawyers. It is worth mentioning that the delivery approach of training courses has gradually changed in the past two years with the outbreak of COVID-19. In 2021, amongst the 68 courses for lawyers, only 29 of them (42.6%) were conducted through face-to-face physical meetings, 13 (19.15%) were delivered with pre-recorded films during the outbreak, and 26 (38.25%) were conducted through online meetings. In 2022, amongst the 87 courses for lawyers, 41 of them (47.1%) were conducted purely on-site, 38 (43.7%) were conducted purely online, and the final eight applied mixed approaches. Online training is cost-efficient and is gradually becoming the preference of more legal professionals. The LAF has become more active in recording lectures by encouraging speakers to be filmed and to authorise the content for training materials, so as to maximise the benefits from repeated future use.

6. Public Legal Education

On account of the disadvantaged groups' unawareness of legal rights and legal aid, the LAF has enthusiastically reached out to the public, especially the LAF's target clients, through a variety of public legal education events and promotional initiatives.

There have been over 1500 promotional and public legal education events held by the LAF head office and the 22 branches each year. The venues and contents of these events were detailed in the previous ILAG national reports.¹⁹ In 2021, when the COVID-19 outbreak occurred and the corresponding strict social distancing measures applied, the number of events decreased by 25% of the normal level, but there were still 1,153 events held. Instead of meeting face-to-face, a number of online promotional and educational events were held simultaneously through broadcasting and video conferencing technology during the epidemic. Some of the LAF branches also tried hard to use pre-recorded films and materials in prisons. After the 'living with COVID' policy was gradually applied in 2022, the total number of promotional and educational events rose to 1,783 and exceeded the normal level. However, promotions in prisons and detention centres did not increase but reduced in 2022, due to more stringent monitoring measures in prisons to prevent cluster infection.

In addition to events, the LAF has employed very diverse approaches to promote legal aid and has introduced ways to access legal assistance. These have included printed multilingual leaflets and pamphlets, publications, video clips, multimedia advertisements, broadcasting programmes, official social media channels such as Facebook, YouTube, Instagram, etc. It has also combined a variety of self-developed innovative ways such as board games, comic books, and theatre plays to deliver campus and public legal education. More details have been described in the previous national reports.²⁰ In the past two years, due to the impact of the COVID-19 pandemic, the LAF has also recorded and reproduced its periodic educational forums into the form of podcasts, enhancing its social popularity.

7. Alternative Sources of Legal Services

In addition to the comprehensive legal assistance provided by the LAF, there are also other small-scale publicly funded legal services in Taiwan. In the past two years, the landscape of alternative legal services has not undergone any major changes. Most of the other publicly funded legal services focus on the provision of generalist legal advice, face-to-face and/or by telephone. As for the specialist legal assistance targeting specific client groups or legal problems, most of them are small-scaled and funded by

¹⁹ See pp.19-20 of the [2019 report](#); p.263 of the [2021 report](#).

²⁰ See pp.20-21 of the [2019 report](#); p.264 of the [2021 report](#).

government funding from the competent authorities. For example, there is the Association for Victim Support established and funded by the Ministry of Justice and the legal assistance for victims of domestic violence and sexual assault funded by Ministry of Health and Welfare. More examples and details can be found in previous ILAG national reports.²¹

8. Holistic Legal Services

In order to better tackle the legal problems with compounded socio-economic, medical, and/or psychological issues faced by the LAF's clients in a more timely manner, strengthening external links especially with non-legal professionals has always been one of the LAF's development strategies.

Several examples of holistic services that the LAF have been involved in were already given with details in the previous ILAG national reports.²² They can be categorised into three main models: (1) second-tier support model; (2) one-stop shop model; and (3) integrated services network model. For the past two years, these three models have all kept developing beyond their original scopes and methods, pursuing better collaboration with our service partners and achieving a more holistic service for our shared clients.

The second-tier support model prevalently happens when the LAF staff workers are involve in educational events for other non-legal professionals, especially with social workers and community support workers. In 2018, the LAF institutionalised the provision of legal advice for these non-legal professionals' needs and set up the Community Supporters' Legal Advice Hotline. Recently, there has been more than 2,000 calls from community support workers seeking legal advice for their clients. Inversely, in October 2021, in order to help the legal aid lawyers to better understand their clients with mental disabilities, a disabled persons' organisation which is called the House of Living Spring under the Eden Social Welfare Foundation also kindly launched a mental health advice hotline as second-tier support. Due to their limited resources, currently this hotline runs a weekly clinic and only for staff attorneys and the lawyers serving at the LAF's call centre.

The one-stop shop model mostly occurs when the LAF's advice clinics co-locate with other services. As mentioned in the previous national reports, these one-stop advice clinics used to be a face-to-face service. Since January 2021, there has been a new policy to decrease face-to-face advice clinics set up by the branch offices in order to save the costs of lawyers' remuneration. Instead, it is expected that the information

²¹ See pp.22-24 of the [2019 report](#); pp.265-266 of the [2021 report](#).

²² See pp.24-27 of the [2019 report](#); pp.266-267 of the [2021 report](#).

needed can be met by the video conference advice operated by the LAF's call centre. This has caused concern that the shrinkage of co-located advice clinics will negatively impact the holistic service that the LAF can achieve. However, in order to increase the use of video conference advice and to ensure a higher online service rate, the LAF's call centre has also been actively in building up its service partners by connecting with the local authorities of social and public services such as local borough/council offices, household/land registry offices, family service centres, and branch offices of various nationwide NGOs. These partners who have a spare room, can set up video conference facilities and can help register clients. Therefore, although those advice clinics have changed their service delivery from face-to-face to video conference, these co-located multidisciplinary settings have helped a more holistic service to happen.

Compared to the above two models, the integrated services network model involves more common strategic planning and action. In addition to second-tier support and co-located services, this model involves more liaison meetings, cross-staff training and cross referrals in daily routines of service delivery. Organisations or professionals with different functions no longer work in separate silos, but have common goals and more shared information. The prominent example has been the Consumer Debt Legal Aid Programme. In addition to the LAF, it involves the Consumer Debtor Self-Help Association and a social work team at the Bread of Life Church, which helps to connect with other professional resources such as physicians, psychologists/counsellors, financial counsellors, pastors, etc. In the past few years, LAF's collaborations with the disabled persons' organisations (DPOs) and the Association of Victim Support (AVS) have been consolidated respectively and have become part of a more integrated services network. Through cross referrals, the LAF can focus on clients' legal matters and the partner organisations can help deal with other non-legal needs such as medical treatment and psychotherapy, housing, employment, and education support.

9. UN Sustainable Development Goal (SDG) 16.3

Although not being a member of the United Nations, Taiwan has followed the spirit and agenda of the UN Sustainable Development Goals and actively sought to make efforts related to SDG 16.3: 'promote the rule of law and ensure equal access to justice for all'. The LAF plays a crucial role in making this happen in Taiwan.

In the past two years, there have been national law reforms echoing UN SDG 16.3. The most significant one has been the amendment of *the Mental Health Act* which was considered to be the most important advance in mental health law reform in the past 15 years. The amendment was passed and promulgated in December 2022 and most of it will come into effect in December 2024 except the chapter of compulsory community treatment and compulsory hospitalisation. In order to comply with

international human rights instruments (such as Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child) and to answer the calls for a stronger social safety net and human rights protection, the overhaul emphasises the incorporation of 'community support' and allows multiple service channels for the mental health patients to choose from. This includes full-time rehabilitation accommodation, day care agencies and home-based or other community support services. It also underlines the multi-agency and interdisciplinary case management of the patients. Through the newly-established community mental health centres, it is hoped that local resources of medical treatment, mental rehabilitation, schooling, foster care, employment, emotional support and respite services can all be connected to support the patients and his/her family. In addition, considering that compulsory hospitalisation is against the patient's will and restricts his/her personal freedom and other human rights, the amendment specifies that the decision of compulsory hospitalisation should only be reserved to judges, instead of the current review committee. The extension of compulsory hospitalisation has also been limited to only once (maximum) to protect the patient's rights. Moreover, when severe patients that have been diagnosed with the needs for full-day hospitalisation refuse to accept full-day hospitalisation, the competent authority may designate psychiatric institutions to enforce emergency placement. The amendment requires that the designated psychiatric medical institutions should report to the competent authority and seek necessary legal assistance from the LAF for those who have not appointed lawyers as their representatives during the emergency placement. Therefore, the LAF has sought to prepare its service capacity to cover the need for legal aid in the compulsory hospitalisation and emergency placement proceedings. Since the amendment has just passed and the practical reporting and referral mechanisms and guidelines are still lacking, its future development will be worth observing.

The other expressive example related to SDG 16.3 is [*the Crime Victim Rights Protection Act*](#). It was renamed and amended from *the Crime Victim Protection Act* and promulgated in February 2023. This overhaul elevates the supervision of victim protection work up to the level of Executive Yuan affairs, and clarifies the powers and responsibilities of inter-ministerial committees to build a service network. It not only expands the scope of eligible service users, but also increases and improves the protection and support that the victim support agency can provide. Such a protection service is holistic, including physical safety, psychological, medical and economic support. In addition to these non-legal services, the amendment also specifies the work of legal assistance. It regulates that the judicial officers, police and victim support agencies should inform the victims or their family about their eligibility to apply legal aid when they are discovered eligible. The branches of the victim support agency are required therefore to build up mechanisms of collaborative service referrals and to

liaise with the LAF, which has already been done with the collaboration of holistic services between the LAF and the AVS (Section 8). Moreover, this reform first incorporates restorative justice and establishes its principles in the law. It also adjusts some of the types and cap limits of the compensation for victims of crime and their family members. Furthermore, the amendment statutorily specifies the organisation forms and governance of the victim support agency, moving toward professionalisation and transparency, echoing SDG 16.3 and 16.6²³. In order to echo this call for more protection for victims of crime, the LAF's call centre launched a new telephone advice service for victims of crime in February 2023. Each caller can receive 20 minutes of advice, regardless of the crime they have experienced.

10. Impact of Covid-19 and Innovations

Compared to most other countries, Taiwan was very blessed to successfully escape from the global COVID-19 pandemic in the first year. It was not until mid-May 2021 that Taiwan experienced its first wave of COVID outbreak. During that period, a level-3 alert was issued and the corresponding stricter social distancing policy was applied nationwide. In order to reduce the community transmission, the Judicial Yuan immediately decided to postpone all hearings except for time-sensitive cases. The LAF also decided to reduce its services: all face-to-face advice stopped and legal aid applications were examined only when they were urgent or could be processed by document examination in accordance with the regulations. Service volume decreased by around 70%. Such an emergency period was an incubator for service innovation. Long-distance service models that involved modern technology was greatly encouraged and developed in the justice and legal aid sectors.

Thanks to the serious prevention and proper disease control by the whole Taiwanese society, the first wave of epidemic only lasted for about two and a half months. After this, the innovative endeavours seemed momentary. Most of the service delivery went back to the original face-to-face modes, except a few that continued online after the first outbreak. Although there was a second wave of COVID-19 in mid-April 2022 and several small waves in the second half of 2022, following the high level of vaccination and the new policy of 'living with COVID', there have never been any level 3 alert and strict social distancing policy applied since the end of July 2021. The development of some initiatives in summer 2021 not only reflects the impact of Covid-19, but also provides some lessons for future digital transformation and service innovation of the LAF.

10.1 Remote Service Models for Legal Aid Grant Applications

²³ The SDG 16.6 promotes to 'develop effective, accountable and transparent institutions at all levels'.

During the pandemic of summer 2021, 17 out of the 19 branches in Taiwan main island had practically employed long-distance service models to different extents. Because there were different levels of tension and diverse willingness of lawyers to help, there was no LAF nationwide guideline of long-distance services. This allowed branches a lot of room to develop their own approach. However, such diversity between branches was also astonishing – with no two branches applying the same models. While a larger number of branches embraced ‘the examiners inside the office but applicants outside the office’, a few branches preferred ‘the examiners outside the office but applicants inside the office’ or even let both the examiners and applicants stay outside the office and start a three-way conversation. In addition to the non-real-time grant examination by document reviews, the LAF branches used telephones and various types of video conferencing tools to process the real-time oral examination. Fax, emails, text message and social media tools were also employed for file transfer before or after the oral examination.

Though these long-distance models only took place in an emergency and for a short time, they were kind of experiments which allowed the branches to test and try technology-oriented service delivery. While modern technology can save clients’ time and costs in travel and waiting for application examination, the original continuous application process had to be split into different fragmented stages. For example, obtaining and submitting the application forms and complimentary documents from other government authorities, pre-examination testing of the technology facilities, oral examination, signing the required documents after oral application, etc. These fragmented procedures were time-consuming and actually created additional burdens in case management, especially as there was no IT system dedicated wholly for this. Such a challenge reflected that service innovation and digital transformation requires systematic and holistic thinking. It is never as simple as just applying any technology tool.

Service innovation also highly relates to the regulations and its interpretation. For example, since *the Legal Aid Act* requires the applicants to sign after their oral applications,²⁴ different branches or departments of the LAF head office had very diverse views on the legal interpretation of signatures and the methods to obtain signatures. Some welcomed any digital forms of signatures even when they were not in accordance with the law; some even allowed no signatures for applications if the client’s intention of application had been expressive and/or video or audio recorded; others strictly required clients’ signatures on all the paper documents. Such a disputing issue not only revealed the impracticality of *the Electronic Signatures Act*, but also highlighted the obstacles and challenges of service innovation.

²⁴ Section 3 of Article 17 of *the Legal Aid Act*.

Moreover, it is worth noting that the remote service delivery during the pandemic has caused some staff members to change their original views on the clients' technological capability in general, and their stereotypes of the socially and economically disadvantaged. This recognition and much improved understanding will help the development of digital services in the future.

10.2 Remote Service Models for Legal Advice

As stated above, all face-to-face legal consultation stopped during the COVID-19 outbreak. Similarly, since all the legal advice delivered by video conferencing technology could only be accessed at the sites of LAF's partners most of these video conference advice services were also closed due to the strict social distancing policy. Telephone advice therefore became the main strategy of remote legal advice at the time. In order to relieve the branches from the pressure of their inability to provide legal advice locally and fill the service gap, the LAF expanded the service scope of its national legal aid hotline for all areas of legal problems from mid-June until early August 2021. Without any increase in human resources, the LAF's call centre and the participating lawyers successfully served more than 1.6 times its usual level of clients in nearly two months.²⁵

Informed by the lessons from the epidemic, it is worth noting that the LAF initiated and piloted a new service to deliver legal advice to non-Mandarin speakers by video conferencing in October 2021. Prior to this, the LAF head office and some of the branch offices had struggled to help non-Mandarin speakers who unexpectedly came to seek legal advice. Due to the limited foreign language proficiency of the LAF staff and lawyers, the interpretation service requires prior reservation and with fully-booked services on the day, the walk-in or call-in clients cannot immediately receive advice. The LAF staff also had to make a lot of phone calls to make internal referrals, arrange English-speaking lawyers or contact external interpreters. Inspired by the service experiences with a few foreign advice seekers by Google Meet during the epidemic, the LAF noticed foreigners usually had higher technological capability when using the video-conferencing applications, as these were used since to contact family or friends in their home countries. Meanwhile, it may be inconvenient for some migrant workers working and living in regional or rural areas to access the LAF's services. The LAF therefore designed a new service to be accessed by a general commercial video-conferencing application, which allows the clients to seek advice at where they are based instead of visiting the downtown service points. It also facilitates the LAF to

²⁵ Before the LAF's call centre expanded its service scope in summer 2021, it received 2,637 calls in May 2021. After the expansion policy was applied between 15 June and 2 August 2021, the call numbers in June and July suddenly went up to 3,372 and 4,374 respectively.

check the client's identity and invites the interpreters to join the service delivery. No matter which door the non-Mandarin speaking advice seekers are knocking, the staff at the head office or branch offices can direct them to fill in the online appointment form first.²⁶ In addition to the collection of personal data required by the LAF, the clients can describe their legal matters and upload the relevant files before the advice session. This can help the advice lawyers better understand the clients' needs and ensure the clients make the most of the 40-minute advice session. The clients usually can receive appointment confirmation within approximately one to two working days and obtain advice within seven to ten days. After a few months pilot, the LAF's call centre launched this service nationally in 2022. With the interpreters' assistance, this service was first designed for English speakers, and then expanded to other Southeast Asian language speakers (However, they need to fill in the English request form first). As of the end of 2022, nearly 300 non-Mandarin speakers have benefited from this service, including Americans, Filipinos, Canadians, Indonesians, Britons, South Africans, Mexicans, etc.

After the above video conferencing advice model had been confirmed as workable, the LAF further expanded its scope to cover its original Mandarin-speaking legal advice. Since May 2023, the LAF's call centre has begun a pilot to provide video conferencing advice by Google Meet. With prior appointment making, advice seekers can consult with lawyers wherever they would like, as long as the internet connection is secured. Since it is more convenient than the original on-site video conferencing options, it has been quite popular with bookings and the future development is worth watching.

10.3 Online Training Courses and Public Legal Education Events

As stated in sections 5 and 6, impacted by COVID-19, the LAF has gradually built up its capacity to hold online meetings for the past few years, especially large-scale training courses and public legal education events that involve lots of participants. This has also changed the ways that LAF run its events. Instead of finding an appropriate venue, the LAF is now more focused on recording courses or events in order to increase their use at different times and thereby to maximise the benefits and effectiveness of the course or event.

10.4 Work from Home Arrangements

Working from home (WFH) had never been practiced in the LAF before the COVID-19 pandemic. It was not until the first outbreak in May 2021 that the LAF established a framework of WFH for COVID-19. During that time, about 40% of staff workers applied for WFH, chiefly based in north Taiwan where the epidemic was more stringent. There were 13 out of 22 branches that experienced WF. Six of them were run as an

²⁶ Please see the webpage: <https://www.laf.org.tw/en/index.php?action=service&Sn=1>

experiment; three of them allowed specific candidates with special needs (e.g. child care) to work from home; and four of them divided all the staff into two or three groups with each group taking weekly turns, ensuring fairness between staff workers. Thereafter, though such a large scale of WFH has not occurred in the last few waves of the COVID-19 epidemic, employees can follow the established WFH framework to make applications for specific causes such as to quarantine for a COVID infection. However, due to the requirements of face-to-face frontline services, WFH has still been a very exceptional working style rather than a common one. Moreover, after the government relaxed epidemic-related prevention measures and announced that mild COVID-19 cases are exempt from reporting and no more self-isolating from 20 March 2023, the LAF's established WFH framework was no longer needed. The department of human resources is investigating whether the same framework can be applied in other situations with similar needs.

11. Conclusion: Challenges for the LAF

The above report has summarised the recent development of the LAF and the topics that the LAF has been working on. Through presenting the data and characterising the background reasons, it has offered a few glimpses of the environment and challenges faced by the LAF. This report will conclude with these challenges as well as the future opportunities and direction of the LAF.

First, there have been plenty of judicial and law reforms that are also highly related to the legal aid system occurring in the last four years. For example, as mentioned above, the system of Grand Chambers in the Supreme Court and the Supreme Administrative Court (effective from 4 July 2019), the victims' participation in the criminal court proceedings (effective from 8 January 2020), the reformed proceedings of Constitutional Court (effective from 4 January 2022), the citizen judge system (effective from 1 January 2023), the amendment of *Crime Victim Rights Protection Act*, (partly effective from 8 February 2023, and the effective date of the majority of the rest is waiting for announcement) and the amendment of *the Mental Health Act* (will be effective from 14 December 2024) with more yet to come. Following these trends, the LAF has been busy in making corresponding modifications in legal aid regulations and daily operations, such as adjustments of the lawyers' remuneration, recruitment for new specialisations, continuous professional training about the new law reforms, and even the policy of case assignment, in order to ensure that the role of legal aid can fully function to a high standard with these new initiatives. These law reforms of course have brought or will bring more complicated cases into the legal aid system. While the human resource of LAF has never been proportionately increased with its caseload, after the amendment of *the Legal Aid Act* in 2015, how to respond to a more 'law-thick' society and expanding legal aid needs has become a new pressure for the LAF and

its staff.

Second, the supervision from the various government agencies (the Judicial Yuan, the Legislative Yuan, and the National Audit Office under the Control Yuan) and legal requirements, especially on the effects and efficiency of public money have levelled up. These have greatly influenced the focus of internal management. Internal risk control and audit has thereby become more stringent and more centralised and standardised operation procedures have been developed and applied. It was speculated that the branches and grant examiners have gradually adopted a more conservative and stricter attitude towards legal aid applications, which might be one of the reasons for the decreasing granting rate. Staff of different departments and branches also have to spend more time in legal compliance, administration and internal communication, which has also escalated the amount of work. Though this process may greatly improve the LAF's level of rule by law and risk-awareness, it also runs the risk that the staff may be lacking in flexibility and ultimately become legalistic without really understanding the spirit of the law and regulations without effective staff training and performance assessments. How to set up understandable and workable nationwide protocols with consideration to diversity of geography, clients and cases without sacrificing the rights of the disadvantaged clients is another arduous task facing the LAF. This is especially necessary when the complexity and uncertainty of service delivery rises and sophistication of the regulations increases.

Finally, while modern technology has penetrated all aspects of people's daily life in the post-COVID era, organisational digitalisation and more service innovation with modern technology has become an inescapable priority for the LAF. It is not only a challenge, but also an opportunity. Inspired by the lessons learned in the short-lived innovation run by the branches during the COVID outbreak, such technological involvements can save time and costs not only for the clients, but also for the lawyers. Additionally, it may even improve quality control and save time and costs for the LAF branches. This is exactly what the LAF needs when meeting the above new challenges. However, the learned lessons also pointed out that currently the LAF's software and hardware facilities as well as the regulations, operational protocols and the derivative legal interpretations are not sufficient for service innovation. If it lacks a systematic and holistic view of planning, the piecemeal technological developments with incompatible regulations will probably not bring the synergy of time and cost savings to the organisation but create more burden and unnecessary waste of human resources. While the preparation and introduction of the digital transformation may require extra efforts, how the LAF can keep concentrating on this fundamental work regardless of the aforementioned challenges — expanding legal aid needs due to the law reforms and a higher level of supervision — will be a key success factor. Besides appropriate resource allocation, this success highly relies on an organisational culture that

welcomes innovation and changes. Culture-rebuilding thereby is also an imperative task for the LAF when heading into the future.