

Jurisdictional Report - Taiwan

LAWASIA 2022

- I. Overview of Taiwan Bar Association
- II. Attorneys in Taiwan
- III. Regular Activities Conducted by Taiwan Bar Association
- IV. The Main Activities, Developments, and Challenges in 2021-22
- V. The Impact of COVID-19 on Bar Associations and Related Activities

I. Overview of Taiwan Bar Association

1. Basic Information

The Taiwan Bar Association (“TWBA”) was established in **1948** in accordance with the purpose and spirit of Article 1 of the Attorney Regulation Act, which states that “Lawyers shall take upon themselves the goals of protecting human rights, promoting social justice, and contributing to democracy and the rule of law.”

The three main aims of TWBA are:

- (1) to further reform to the judiciary and the legal system;
- (2) to encourage compliance with the Code of Ethics for Lawyers and enhancing the status of lawyers;
- (3) to promote the laws of Taiwan and establish connections with global legal ideas.

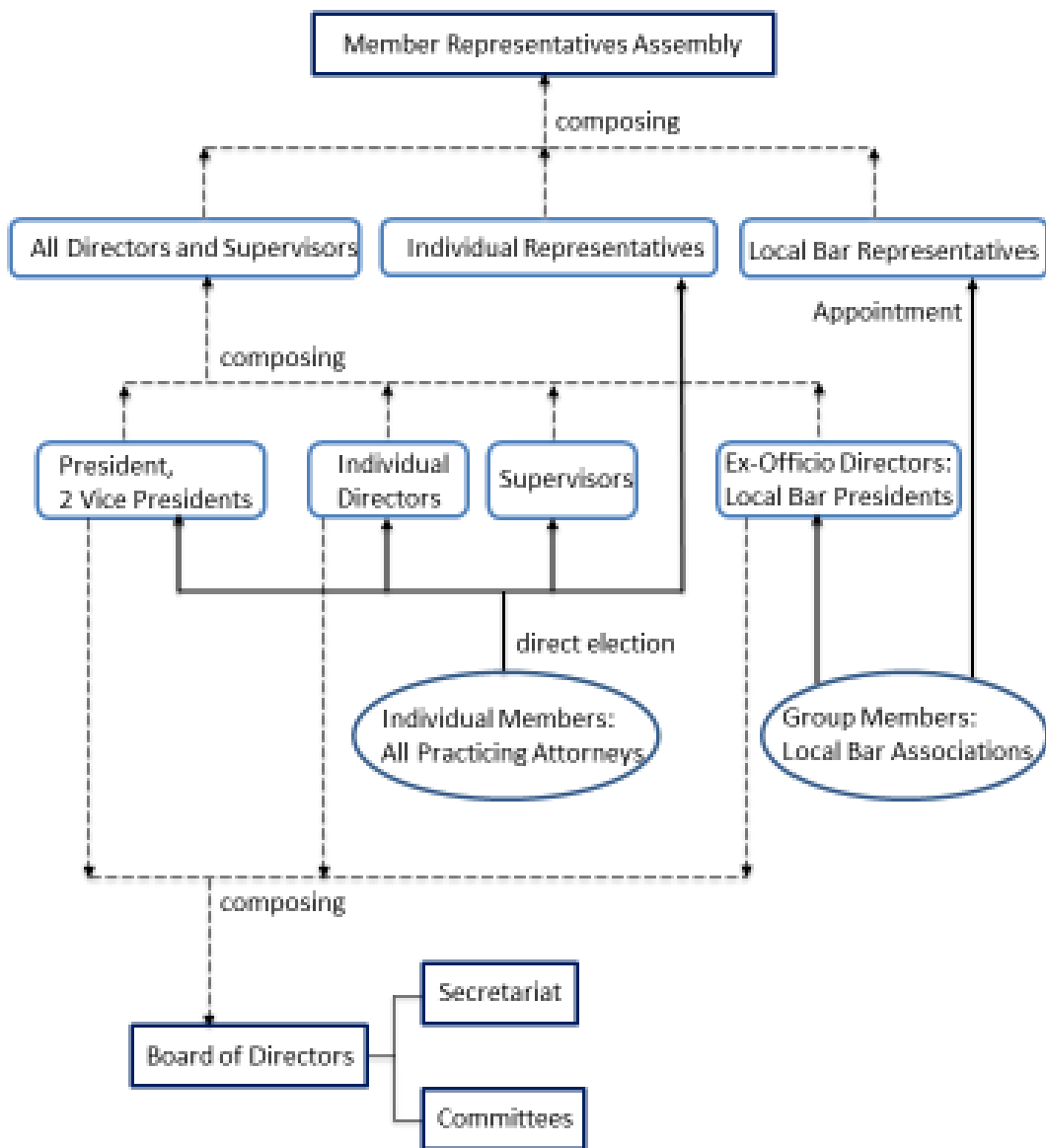
TWBA is a national self-regulated organization of attorneys in Taiwan. The latest overhaul amendment to the Attorney Regulation Act was passed by the Legislative Yuan (Taiwan’s Congress) in January of 2020 (“New Attorney Act”). The membership and organization of TWBA are entirely changed, and such change is effective on January 1, 2021. In the past, there was no individual membership in TWBA. Now all practicing attorneys automatically become individual members of TWBA, i.e., **mandatory** membership. All local bar associations are members of TWBA, mandatory as well. Currently, there are 16 local bar associations as members of the TWBA. They are Keelung Bar Association, Taipei Bar Association, Taoyuan Bar Association, Hsinchu Bar Association, Miaoli Bar Association, Taichung Bar Association, Nantou Bar Association, Changhua Bar Association, Yunlin Bar Association, Chiayi Bar Association, Tainan Bar Association, Kaohsiung Bar Association, Pingtung Bar

Association, Taitung Bar Association, Hualien Bar Association, and Yilan Bar Association.

As of August 23, 2022, there are 10,990 practicing attorneys across the country, including 72 registered foreign attorneys. Among them, 4126 are female, and 6912 are male.¹

The new **structure** of TWBA under the New Attorney Act is as follows:

¹ https://www.rjsd.moj.gov.tw/RJSDWeb/common/WebList3.aspx?menu=INF_COMMON_LAWYER



The Member Representative Assembly (“MRA”) is the highest authority in TWBA, responsible for enacting and amending the Articles of Association, the Attorneys’ Code of Ethics, and the rules of procedure for the meeting. The MRA convenes annually to review and approve budgets and final accounts. Under the New Attorney Act, the MRA is composed of ex-officio representatives (all directors and supervisors), individual representatives (elected directly by all individual members, i.e., all practicing attorneys), and group representatives (appointed by each local bar association).

Currently, there are 56 ex-officio representatives, 78 individual representatives, and 16 group representatives for the first MRA under the New Attorney Act. This first MRA has the duty to amend the Articles of Association in accordance with, and within the authorization of, the New Attorney Act.

2. President, Vice Presidents, Board of Directors, Board of Supervisors, and Committees

- (1) The President and two Vice Presidents** are directly elected by all individual members (all practicing attorneys) under the New Attorney Act. They are members of the Board of Directors. The President is the legal representative of TWBA, acting as the Chair of meetings in the MRA and the Board of Directors.
- (2) The Board of Directors** consists of Presidents, Vice Presidents, Individual Directors, and Ex-Officio Directors. Individual Directors are also directly elected by all individual members (all practicing attorneys). There are 26 Individual Directors for the first election. Presidents of local bar associations are Ex-Officio Directors; now are 16. The first Board of Directors under the New Attorney Act is composed of 45 members.
- (3) The Board of Supervisors** consists of 11 members for the first election. All Supervisors are directly elected by all individual members (all practicing attorneys).
- (4) Committees:** TWBA currently has 28 committees, each with its objective to serve and promote. The committee chairperson and members are nominated by the President and approved by the Board of Directors. The committees include Committee on Construing Attorneys' Code of Ethics, Human Rights Protection Committee, Judicial Reform Committee, Constitutional Reform Research Committee, Civil Law Committee, Criminal Law Committee, Administrative Law Committee, Civil Procedural Law Committee, Criminal Procedural Law Committee, Adjudication Practice Committee, Non-Litigation Procedure Committee, Financial and Economic Law Committee (finance, securities), Consumer Protection Committee, Environmental Law Committee, Intellectual Property Rights Committee, Social Law Committee, Regulations Arrangement Committee, Labor Relations Committee, International Affairs Committee, Mainland China Affairs Committee, Parliament Coordination Committee, Legal Practice Development Committee, Editing Committee, TWBA Building Establishment Committee,

Attorneys' Benefits and Complaints Handling Committee, Legal Aid Committee. On April 16, 2022 TWBA promulgated a new charter, which aims to establish fifty committees in total in the future, including Specialist Attorney Committee, Tax Law Committee, Public Project Committee, Real Estate Committee, Legal Education Committee, Mediation ADR Committee, and Immigration Law Committee (Article 16 of the TWBA Charter)

(5) The Secretariat of TWBA consists of one Secretary-General, several Deputy Secretaries-General, and several section chiefs. They are nominated by the President and approved by the Board of Directors. The Secretary-General and the Deputy Secretaries-General shall perform their duties as instructed by the President.

3. Contact Information for Taiwan Bar Association:

(1) Taiwan Bar Association

Address: Room C, 7 Fl., No. 4, Section 1, Chung-Hsiao W. Rd., Taipei, Taiwan

Tel.: + 886-2-2388-1707

Fax: +886-2-2388-1708

Email: bartw@ms27.hinet.net

Website: <http://www.twba.org.tw>

(2) The contact information of the TWBA's officers who are in charge of international relations is as follows:

Name/Title	Email	Telephone	Fax
Mr. Edgar Y. CHEN, President	edgarChen@tsartsai.com.tw	+886-2- 6638-6999	+886-2- 2721-3834
Mr. Wilson WANG, Secretary-General	wilson.leader@msa.hinet.net	+886-2- 2382-1366	+886-2- 2382-5123
Mr. Jason WU, Chairman of International Affairs Committee	jasonwu@justus.com.tw	+886-4- 2226-8993	+886-4- 2226-8967

II. Attorneys in Taiwan

1. Qualification Systems

Article 3, paragraph 1 of Attorney Regulation Act provides that those who have successfully passed the Bar Examination and completed the Pre-admission Training for Attorneys may apply for and receive an attorney license. As provided in Paragraph 2 of Article 3, former judges, prosecutors, public defenders, and military judges are exempted from this requirement. TWBA has been appointed by the Ministry of Justice (“MOJ”) to conduct the requisite training program since 1994.

Those who pass the Bar Examination shall complete one-month basic training at the Attorney’s Study Center of TWBA and a five-month internship at a law firm, the Legal Aid Foundation, or any other institutions approved by the MOJ.

The goal of the mandatory pre-admission training is to provide trainees with professional knowledge, hands-on experience, and an understanding of the Code of Ethics for Lawyers.

The courses offered at the Attorneys’ Study Center are wide-ranging and taught by experts and highly experienced lawyers. The curriculum provides theoretical knowledge and practical experience through lectures and discussions. All courses are prudently planned and reviewed each year.

2. Regulations on Foreign Registered Attorneys

The rules for the registration of foreign attorneys are stipulated in Articles 114 to 126 of the New Attorney Act, with few changes from the previous provisions.

A foreign attorney may apply to the MOJ for a license to practice law in Taiwan provided that he/she fulfills one of the following criteria:

- (i) He/She has practiced law for at least five years in his/her “home jurisdiction” and has an appropriate supporting certificate. However, if he/she has been employed by a Taiwan attorney as an assistant or a consultant for legal affairs of his/her “home jurisdiction,” or has practiced the law of his/her “home jurisdiction” in another country or region for a certain period, that period (not exceeding two years) can be accredited as part of the period of experience.
- (ii) He/She has been hired to work for at least two years as an assistant or consultant according to the “Regulation Relating to the Employment and Management of Foreigners by Taiwan Attorneys” before the WTO Agreement took effect in the Taiwan territory.

Furthermore, a “foreign legal affairs attorney” may only practice the law of his/her “home jurisdiction” and such international law as adopted by the said “home jurisdiction.” Hence, if a “foreign legal affairs attorney” is eligible to practice law in Taiwan, he/she is only allowed to handle the following legal affairs in conjunction with a Taiwan attorney or with a written opinion provided by a Taiwan attorney:

- (i) Acting as an agent or preparing documents on legal affairs relating to marriage or parentage cases in which one of the parties is a Taiwanese citizen.
- (ii) Acting as an agent or preparing documents on legal affairs relating to succession in which one of the parties is a Taiwanese citizen or when the inherited property is located in Taiwan.

As of August 23, 2022, 72 foreign legal affairs attorneys join local bar associations as quasi-members.

3. Regulations on Legal Services Provided by Non-Lawyers

There are certain legal matters exclusively restricted to attorneys-at-law, but not many. The appeal of a civil case to the Supreme Court must be represented by an attorney. For criminal litigation, the defense counsel must be an attorney or a public defender; and the private prosecution must be represented by an attorney. However, not all criminal cases require a defense counsel. If the Supreme Court decides to conduct a hearing (oral argument) for a criminal appeal, the proceeding requires the attorney-at-law as the defense counsel. For an appeal made to the Supreme Administrative Court, representation by an attorney is required except for specific situations permitted by the law or the court. In addition, the laws and regulations of securities exchange require the attorney’s legal opinion for the public offering of securities.

Taiwan’s civil litigation generally does not require compulsory representation by attorneys; therefore, it leaves space for non-lawyers to represent parties in the court. Although the Attorney Regulation Act punishes the person who practices litigation for profit without being licensed as an attorney, very few non-lawyers are convicted of this crime.

III. Regular Activities Conducted by the Taiwan Bar Association

1. TWBA Publications

- (1) The TWBA publishes a monthly journal entitled the “Taiwan Bar Journal,” the first publication in January 1997. Contents of the Journal relate mainly to academic dissertations.
- (2) On May 31, 2012, TWBA and the Memorial Foundation of 228 jointly published the book “The Judicial Balance Confronted With A Gun Muzzle.” The book contains the tragic history of Taiwan’s legal professionals in the “228 Incident,” which happened in 1947 and the subsequent years. Many Taiwanese legal elites, including judges, prosecutors, and attorneys, sacrificed their lives or suffered from the “white terror” during the era when Taiwan had not yet earned democracy. The publication intends to record the history and honor the spirit of those deceased who fought for social justice.
- (3) On October 18, 2011, the TWBA published the book “Explanatory Interpretation of Each Article of the Attorneys’ Code of Ethics” to address the major amendments to the Attorneys’ Code of Ethics in September 2009 and the relevant references to the subject of “Legal Ethics” under the new system of the national examination for judicial officers and attorneys in the year 2011. This book compiles disciplinary precedents in Taiwan and relevant foreign legislation and provides an explanatory interpretation of each article of the Attorneys’ Code of Ethics. It serves as an important reference material in the realm of ethics for lawyers.
- (4) In 2017, the TWBA published the special edition for the 70th Anniversary of Attorneys’ Day in Taiwan

2. Disciplinary Actions

The New Attorney Act amends and provides more details about the disciplinary action.

- (1) An attorney is subject to disciplinary actions where he/she:
 - (i) has violated specific provisions of the Attorney Regulation Act;
 - (ii) has been convicted of a crime except for “non-intentional” crimes; or
 - (iii) has committed a severe violation of particular provisions of the Attorney Regulation Act or the Attorneys’ Code of Ethics.
- (2) Disciplinary actions against an attorney may be initiated by (1) the Taiwan High Prosecutors Office, its subdivision, or any District Prosecutors Office, within which

jurisdiction the attorney practices; (2) the local bar association which the attorney joins; (3) TWBA. Upon initiation of the action, the case will be moved to the Attorney Disciplinary Committee, equivalent to the High Court level.

The Attorneys Disciplinary Committee consists of three judges from the High Court, three prosecutors from the High Prosecutors Office, seven attorneys, and two scholars or impartial persons in society. The Chief Commissioner of the Committee is elected from among its members.

(3) The right to appeal for reviewing a decision of the Attorneys Disciplinary Committee rests with the disciplined attorney or the authority or organization referring him/her to disciplinary proceedings. Such appeals shall be made to the Bar Discipline Review Committee. The Bar Discipline Review Committee consists of three judges from the Supreme Court, three prosecutors from the Supreme Prosecutors Office, seven attorneys, and two scholars or impartial persons in society. The Chief Commissioner of the Committee is elected from among its members.

(4) The attorneys in the above two Committees are recommended by TWBA.

(5) The disciplinary action can be:

- (i) an order that requires the attorney to receive additional courses regarding the Attorneys' Code of Ethics for 6 to 12 hours at their own expense within a specific time;
- (ii) a warning;
- (iii) a reprimand;
- (iv) suspending of legal practice for longer than two months but shorter than two years; and
- (v) disbarment.

Any disciplinary action stated in (ii) to (iv) above shall be accompanied by the additional courses stated in (i) above.

3. Continuing Legal Education ("CLE")

TWBA and each local bar association regularly offer CLE courses. Before the New Attorney Act, only the Guidelines for Continuing Legal Education for Lawyers requires attorneys to complete at least six hours of CLE each year. But this is not compulsory. The New Attorney Act stipulates that each attorney "must" receive CLE during his/her legal practice. The Act mandates TWBA to enact regulations on the implementation,

the minimum course hours, subjects, charges, re-taking of courses, effects of violations of rules, handling procedures, and other relevant matters relating to such CLE. On April 16, 2022, TWBA passed its new charter, which requires each individual member to complete at least eight course hours every year (Article 35).

4. Pre-admission Training for Attorneys

One of TWBA's most essential annual activities is to conduct the requisite pre-admission training program for those who have passed the bar examination. The requisite training program includes basic training and internship training. The trainees will receive one-month basic training courses offered by TWBA and are required to complete a five-month internship at a law firm or the Legal Aid Foundation to complete the entire training program. Having finished the internship training, the mentor will evaluate the performance of the trainee as either pass or fail and send the result to TWBA, which will then forward the result with the record of the trainee's performance during the basic training course to the MOJ.

5. TWBA's Participation in Judges/Prosecutors Evaluation and Judicial Personnel Review

(1) The Judges Act was promulgated on July 6, 2011. Among others, the Evaluation on Judges and Prosecutors took effect on January 6, 2012. The Judges Act imposes the evaluation of judges/prosecutors to earn people's trust in the judiciary and to ensure the capability of the judicial professionals.

According to Article 33 of the Judges Act, "[t]he Judicial Evaluation Committee shall be composed of three judges, one prosecutor, three attorneys, as well as four scholars and societal representatives." Article 34 provides that "Attorney representatives are elected by nationwide voting of attorneys sponsored by the national bar association on the ballot of one to three candidates nominated by each respective local bar association." Accordingly, TWBA shall hold the election for Attorney Representatives to attend the Judicial Evaluation Committee. Article 35 provides that TWBA may request the Judicial Evaluation Committee to review an individual judge/prosecutor's performance under certain circumstances. The evaluation result will form the basis upon which the relevant authority would determine whether the judge/prosecutor in question shall be impeached or sanctioned.

- (2) In addition to the evaluation of judges/prosecutors, TWBA is empowered by the law to designate attorney representatives to attend various committees regarding the appointment, removal, transfer, relief of duty, evaluation, reward and discipline, certification of professional judgeship, etc., of judges and prosecutors. These committees include Judgment Quality Review Committee, Judge Appointment Committee, Judge Appointment for Professional Court Committee, Chief Judge Appointment Committee, and Prosecutor Appointment Committee. TWBA's attorney representatives advocate for monitoring the execution of the law and initiate motions for amendments if necessary.

6. TWBA's Proposals for Legal Reform

Another important activity of TWBA is to deliver opinions on various legal reforms. Such efforts in this year include:

- (1) Attorney-Client Privilege. In the 2010 Criminal Procedure Code amendment, with TWBA's and other groups' strong advocacy, Articles 34, 34-1, 404, and 416 of the Criminal Procedure Code² were passed by the 7th session of the Legislative Yuan,

² Article 34

A defense attorney may interview and correspond with an accused under detention. Unless there are facts which suffice to ascertain that the defense attorney may destroy, fabricate, or alter evidence or form a conspiracy with an accomplice or witness, such interviews or correspondence may not be restricted.

The interviews or correspondence between a defense attorney and a summoned or arrested accused, or a criminal suspect, may not be restricted. However, the interview time may not exceed one hour, and the number of interviews shall be limited to one. The interview shall be regarded as an instance the time for which is not included in the 24-hour time period as stipulated in paragraph 1 of Article 93-1.

In the event of an emergency and with legitimate reasons, the public prosecutor may temporarily suspend the interview as referred to in the preceding paragraph, and designate the time and place where the interview may subsequently be held. The said designation may not impede the accused or the criminal suspect's legitimate defense and the defense attorney's rights as provided in the first section of paragraph 2 of Article 245.

Article 34-1

Restriction on a defense attorney's interviews or correspondence with an accused under detention shall be imposed through a letter of restriction which shall contain the following particulars:

- (i) Name, sex, age, place of residence or dwelling of the accused, and name of defense attorney.
- (ii) Subject of case.
- (iii) Concrete reasons for restriction and facts on which restriction is based.
- (iv) Concrete manner of restriction.
- (v) Remedy against restriction action.

The provisions of paragraph 3 of Article 71 shall apply mutatis mutandis to the letter of restriction.

The letter of restriction, after having been signed by the judge, shall be served respectively on the public prosecutor, the detention center, the defense attorney and the accused.

If the public prosecutor thinks that it is necessary to impose restrictions on the accused under detention in the course of the investigation, the public prosecutor shall submit to the court having control a written application which shall contain the particulars as referred to in items 1~4 of paragraph 2 and to which the relevant documents shall be attached, in order to petition the court to impose the restrictions. However, in an emergency, the public prosecutor may adopt necessary action first and, within 24 hours, petition the court having control to issue a retrospective letter of restriction, and the court shall examine and reply to the petition within 48 hours after accepting the petition. Where the public prosecutor does not submit a petition within 24 hours or where his/her petition is dismissed, the restrictions shall cease immediately.

Where the petition as referred to in the preceding paragraph is dismissed, the public prosecutor may not make any declaration of disagreement.

Article 404

An interlocutory appeal may not be filed against a ruling on jurisdiction or procedure which is rendered prior to judgment except in

thereby releasing an attorney from several undue restrictions on his/her practice. But the amendment was not fully satisfactory because the attorney-client privilege has not been adopted. According to international human rights treaties, a criminal suspect or accused shall have the adequate right of defense in the course of the judicial proceedings, and the accused shall naturally have the right to discuss the “ins and outs” of his/her case with his/her attorney without any obstacle. Many countries, such as the United Kingdom, the United States, and Japan, have embraced the principle for a long time. TWBA will continue to advocate it for a further amendment to the Criminal Procedure Code

7. Assisting Executive Yuan to Promote Foreign Investment

TWBA continuously assists the Executive Yuan in connection with the foreign investment in Taiwan.

IV. Developments and Challenges in 2021-22

1. New TWBA

After a long time of struggle and compromise, the Attorney Regulation Act was finally overhauled in December of 2019. The New Attorney Act confirms TWBA as the sole national bar association and mandates many autonomous powers to this national bar association. Each practicing attorney must select only one local bar association to join as his/her home bar association. When a local bar association admits an attorney’s

the case of the following rulings:

- (i) A ruling having an express provision which allows an interlocutory appeal.
- (ii) A ruling on detention, release on bail, release to the custody of another person, restriction to place of residence, search, seizure or restitution of seized objects, or committing the accused to a hospital or another place for expert examination, or (iii) a ruling on prohibition or seizure which is rendered in accordance with paragraph 3 or 4 of Article 105.
- (iv) A ruling restricting the interviews or correspondence between the defense attorney and the accused.

Article 416

A person who disagrees with one of the following measures taken against him/her by a presiding judge, commissioned judge, requisitioned judge, or public prosecutor may petition the court to which such officer is attached to have such measure set aside or altered:

- (i) A measure relating to detention, release on bail, release to the custody of another person, restriction to place of residence, search, seizure or restitution of seized objects, or committing the accused to a hospital or another place for expert examination, or a measure relating to prohibition or seizure which is taken in accordance with paragraph 3 or 4 of Article 105.
- (ii) A measure relating to a fine imposed on a witness, expert witness, or interpreter.
- (iii) A measure restricting the interviews or correspondence between the defense attorney and the accused.
- (iv) A measure relating to the designation as referred to in paragraph 3 of Article 34.

Where the search or seizure as referred to in the preceding paragraph has been set aside, the court may, in the course of the trial, announce that the seized objects may not be used as evidence.

The period for submitting the petition as referred to in paragraph 1 is 5 days counting from the date on which the measure is taken or, in the case of service of process, counting from the date after service is effected.

The provisions of Articles 409–414 shall apply mutatis mutandis to this article.

The provisions of paragraph 1 of Article 21 shall apply mutatis mutandis to the petition to set aside or alter the requisitioned judge’s ruling.

membership, the attorney becomes a member of TWBA at the same time. Therefore, TWBA now has individual and pre-existing group members; it establishes a direct relationship with each practicing attorney. In addition, the President, Vice Presidents, Individual Directors, Supervisors, and Individual Member Representatives are all elected directly by the entire group of practicing attorneys; TWBA obtains much higher legitimacy to represent, contend, voice for all attorneys. Practicing attorneys also benefit from such changes. Now when an attorney wants to represent his/her client outside of the jurisdiction that his home bar association is located, he/she need not join the local bar association of that jurisdiction.

Although the first direct election of TWBA under the New Attorney Act was smoothly completed in August of 2020 and all the elected took office from January 2021, the new Articles of Association has not yet been resolved by the meeting of MRA. There are different viewpoints on specific designs for attorneys to practice in regions outside of where their home bar association is located.

In addition to the Articles of Association and the Attorneys' Code of Ethics, the New Attorney Act authorizes TWBA (MRA) to enact several self-administered regulations relating to, e.g., mandatory CLE, mandatory *pro bono* services, the Attorney Ethics and Disciplinary Committee. The term for the first elected officers is two years. They are under high pressure to complete these assignments.

2. Response to Transformation of Legal Market

The legal market became drastically competitive due to the economic downturn and a rapid increase in the number of lawyers in Taiwan. The number of newly-admitted lawyers has more than doubled since 2011. The bar exam passing rate has been about 10% over the past seven years (2011-2017), admitting nearly one thousand attorneys every year. Although this policy of admission provides law school students a better chance to pass the bar exam and to be admitted as an attorney, many newly-admitted attorneys face difficulties in finding jobs, including the internship required by the laws. At the same time, more and more citizens have complained about the quality of legal services and have reported many problems of legal ethics. TWBA has the mission to overcome these challenges through creating more career opportunities for lawyers, improving the pre-admission training courses, coordinating with the Examination Yuan towards a consistent policy for attorneys' admission, and maintaining the professional quality of legal services.

(1) Pre-admission Training Courses

The current pre-admission training includes a one-month basic training at the Attorney's Study Center of TWBA and a five-month internship at a law firm, the Legal Aid Foundation, or any other institutions approved by the MOJ. The training contains courses across various legal fields delivered by senior lawyers and scholars. To provide more comprehensive training, the TWBA considers extending the term of the training and offering more in-depth courses.

(2) Potential Chances for Lawyers

Traditional lawyers focus their practice in the courts. In response to the highly competitive legal market, TWBA strives to bring more opportunities to attorneys. TWBA urges the legislative authority to require that every publicly listing company employs at least one attorney for legal compliance and that the government agencies retain attorneys as their counsels for legal matters.

(3) Admission Policy of Attorneys

The authority responsible for the bar examination in Taiwan is the Examination Yuan whereas the authority responsible for the admission of attorneys (including the pre-admission training) is the MOJ. They usually did not coordinate and formulate the attorney admission policy in a consistent manner. In 2011, the Examination Yuan determined a fixed passing rate of bar examination (around 10%) without the threshold. However, it neglected the rapid growth in the number of law students, which led to a vast increase in bar examination takers and subsequent passages. The Examination Yuan decided not to change the fixed "passing" rate but set a threshold to "filter," starting in 2018. The actual passing rate was then down to around 6 % in the past two years.

(4) Marketing and Advertising

On July 3, 2022, TWBA passed several changes to its rules related to lawyers' activities involving solicitation, marketing and advertising. These amendments were driven by changes in technological advances and social media over the past few years. To encourage the diversification of business models for legal services, TWBA adopted a rather liberal position in the 2022 reform. Article 2(2) of the Rules for the Promotion of Services (the "Rules"), for instance, provides that lawyers may use

"all forms of communication tools" to develop their marketing activities. The Rules also simplifies the processes by which attorneys' advertising becomes permissible, by ceasing requiring lawyers to submit their advertising duplicates to local bar associations and the TWBA. As stipulated in Article 3 of the Rules, lawyers are now only required to keep the records of the advertising duplicate, and the date and place in which the advertisement take place for three years.

3. Newly Proposed Qualification System

The National Judicial Reform Conference in 2017 made resolutions about the qualification and pre-admission training of legal professionals, such as judges, prosecutors, and attorneys. In 2020, the Executive Yuan (with the assistance of the MOJ), the Judicial Yuan, and the Examination Yuan began to actively deliberate the execution of these resolutions and have invited representatives from TWBA to participate in the discussions. The current consensus is that there should be one unified examination and a practical training system for legal professionals (attorneys-at-law). Further cultivation courses or selection might be required for the legal professionals to be public officers, (i.e., judges, prosecutors, and high-ranking legal officers). The government shall be responsible for the expenses and allowances for the practical training and the cultivation.

V. The Impact of COVID-19 on Bar Associations and Related Activities

- 1. The daily life and business operation in Taiwan have seriously changed since May 2021.** Due to the government's quick response and citizens' high alertness, the COVID-19 epidemic had not widely spread in Taiwan when it was first found in December of 2019. However, the pandemic exploded in May 2021, and the Central Epidemic Command Center ("CECC") raised the alert level to three rapidly. Under the Level 3 epidemic alert, indoor gatherings over five people and outdoor gatherings over ten people were banned in addition to mandatory mask-wearing. Many corporations and agencies required employees to take turns to the office and/or work from home ("WFH"). Online meetings were conducted everywhere. Fortunately, following the effective control and increasing vaccination, the alert level was down to two by the end of July, and subsequently, restrictions gradually loosened
- 2. The Judicial Yuan proposed to enact the "Special Act for Judicial Proceedings During the Period of Severe Pandemic"** to maintain judicial proceedings effectively,

protect rights to fair and speedy trials, and preserve the health and safety of proceeding participants. The Legislative Yuan (Taiwan's Congress) passed the legislation in June 2021, and the Act took effect from June 27, 2021, to June 30, 2023. The "Period of Severe Pandemic" and its regions applied shall be determined jointly by the Executive Yuan and the Judicial Yuan. The Act provides different requirements to adopt online hearings for various proceedings. The Judicial Yuan further published the "Reference Manual for the Court to Conduct Distant Video Hearings" to provide details of video hearings by different types. The Manual has been revised to version 6.0 (May 24, 2022). Generally speaking, civil proceedings allow more adoption of video hearings.

3. When the alert level was down to two in 2021, the courts began to revert to the original procedures. Because the serious period was not long, there was not much substantial discussion about how the virtual tools may affect "Access to Justice" issues in Taiwan. However, the severe pandemic might erupt again in the future. We do need to consider relevant occasions and events in Taiwan and other countries that happened in virtual proceedings and research possible responses and solutions.

---End of Document---