Judicial Yuan

Outline of Policy Plans for 2020

May 30, 2019 Approved by the Judicial Yuan 177th Conference

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Outline of Policy Plans for 2019

The Judicial Yuan maintains the ideology that the judiciary is for the people, hence after the National Conference on Judicial Reform, we will push forward with various reforms with the citizens in mind. The year 2020 will be the year that we will organize corresponding arrangements needed for the new systems of Constitutional interpretation by the Justices and Constitutional reviews trials, continue to promote important judicial reform bills and alternative dispute resolution systems, strengthen each specialized court's functions, establish a professional and neutral judicial system to perfect procedural protection, maintain judicial human rights, create a friendly judicial environment, continue to improve the development and training of legal professionals, increase the supervision and termination of unfit judges, and perfect our judicial personnel system. We will also combine various social resources, improve the effectiveness of the provided services, increase the openness and transparency of the judiciary, create diverse methods of communication between the judiciary and the society, and increase the effectiveness of judicial policy promotion so that all of our reforms would be felt by the people and meet with society's expectations in order to improve the people's trust and approval of the judiciary. The following descriptions are the Judicial Yuan's outline of the policy plans for 2020:

(I) Constitutional Interpretation

(1) Continue to improve the efficiency of Constitutional interpretation, maintain Constitutional order, protect the basic rights of people
   1. Have more judicial transparency in the review of cases in order to maintain Constitutional order and protect fundamental rights.
   2. Improve the effectiveness of the Constitutional review trials to timely provide the citizens with Constitutional protection.

(2) Plan for the establishment of the Constitutional Court, allow for the new Constitutional review mechanism to be executed in 2022
   1. Prepare for revamping the legal structure by researching and establishing related laws for the Constitutional Court Trial Procedures that would be needed for the operation of the new Constitutional Court system.
   2. Amend the Judicial Yuan Organization Act, adjust the assisting organization and personnel needed for the Constitutional Court, and undergo educational training for the personnel involved in the new system.

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3. Hardware: Plan the hardware environment that the Constitutional Court need to function as a courthouse and the office space for personnel.
4. Software: Establish the information system necessary for the Justices that are reviewing the cases in the Constitutional Court and for the clerks and law clerks for the Justice of the Constitutional Court; Reestablish the Constitutional Law website, consolidate various information systems to fully support Constitutional Court trials and provide people with informational services related to Constitutional litigation.
5. Before the new system goes into effect, promote the new contents in the Constitution Litigation Act, increase the understanding among judicial agencies, government administrative agencies, and society of the new Constitutional litigation process.

(3) Increase judicial exchanges and promote the results of Constitutional interpretations

1. Visit and interact with other country's Constitutional review institutions and Constitutional Law scholars, provide for international exchanges on the Constitutional review process.
2. Continue to organize the Justice academic seminars to increase the exchanges between the academia and practitioners.
3. Coordinate the meetings with the people and educational promotion activities to explain the practices of Constitutional interpretation and proclaim the results of these Constitutional interpretations.

(II) Trial Administration

(1) Strengthen various levels of court, enhance the results of trials

1. Implement centralized review of civil cases and strengthen the fact-finding function of the court of first instance, so that the court of first instance is the central fact-finding trial; the court of second instance will heavily restrict further proceedings; the court of third instance will be strictly be review of the law, and the appeals would be based on permission by the court.
2. Promote and implement strict rules of evidence in criminal trials so that the court of first instance

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would be the fact-finding court and continue to strengthen the court-finding court's fact-finding function. The court of third instance would be the review of law court that would help quickly finalize important cases in order to increase the efficiency of the litigation process.

3. Promote a modern, reasonable, and effective administrative litigation system, having the court of first instance be the central fact-finding trial, Supreme Administrative Court being the review of law trial, focusing on the important legal interpretations and applications, and consolidating various legal opinions.
4. Supervise and encourage all levels of the court to quickly end all cases and related administrations in order to protect the people's rights.
5. Supervise and encourage the Public Functionary Disciplinary Sanction Commission to quickly and effectively deal with cases related to the disciplinary actions of public servants in order to main judicial dignity and protect the rights of civil servants.
6. Supervise and encourage the Court of Judiciary to handle their cases efficiently in order to create a sound judicial system and maintain judicial independence.
7. Implement the panel system to increase judicial discussion in order to improve the quality of the judgment.

(2) Perfect the legal system, increase judicial efficiency

1. Discuss the amendment of the Code of Civil Procedure to improve trial efficiency in order to actualize a pyramid structure for the litigation process.
2. Advocate and implement the procedure for labor-related cases in order to establish a professional, efficient, and convenient special procedure for labor cases.
3. Discuss proposing a Commercial Litigation Act that will build a litigation process that will complement the commercial cases arising from our nation's circumstances and expect that that the commercial disputes would be quickly resolved.
4. Discuss the amendment for the Compulsory Enforcement Act in order to perfect the compulsory enforcement process.
5. Promote the legislative amendment for the Bankruptcy Act (amended bill to be renamed as "Debt Liquidation Act") in order to build a complete and effective debt liquidation regime.

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6. Discuss the amendment of the Notary Act to perfect the regulations governing the difference of duties between the public notaries and court notaries in order to make the notary system more complete.
7. Discuss the amendment of the Code of Criminal Procedure that would actualize the criminal law pyramid structure in the litigation process and perfect the law of evidence and compulsory measures during the investigation period to make the legal system more complete.
8. Discuss the amendment of the Law of Compensation for Wrongful Detentions and Executions in order to strengthen the human rights protection of victims.
9. Aggressively promote criminal procedural victims to participate in the litigation process system, in order to elevate the victim's role in litigation and actualize the protection of their rights.
10. Continue to build up the sentencing information system and sentencing suggestions system, develop new data mining system in order to the expedite the database update process; discuss and establish a sentencing commission and enact sentencing guidelines in order to assist the judges in their sentencing, in order to accomplish the goal of having the "crime befitting the sentencing and fairness befitting the sentencing."
11. Adopt the contractual public defender system to protect the defendant's right of attorney.
12. Discuss the amendment for Administrative Litigation Act in order to promote the administrative law pyramid structure and related systems to increase judicial efficiency and protect citizen's rights.
13. Discuss the public functionaries discipline system in order to perfect the discipline regime.
14. Continue to proceed with amending laws related to juvenile proceedings so that the juvenile legal system would comply with the goals of protecting human rights found in the Convention on the Rights of the Child and fully protect the wholesome development of children and juveniles.
15. Promote and implement the negotiating trial system in juvenile proceedings to find the best way to protect juvenile interest.
16. Continue to promote the core system in the Family Act in order to increase the effectiveness and optimize the handling of family cases.

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17. Continue to promote the specialization of judges in trial by strengthening the expert consultation system and efficiently evaluate professional or special cases to quickly conclude the cases.
18. Duly review the current situations regarding the need of establishing specialized courts through evaluating the complication, specification, and amount of judicial resources needed for these specialized court to actualize specialization in judges and implement judicial specialization to its fullest to promote judicial efficiency.

(3) Citizens participation in criminal trials, increase the public trust in the judiciary

1. Promote citizens in their participation of criminal trial process, so that the citizens can participate in all criminal trial procedures and decision-making process in order for the judgment to be more public, transparent, and easier for the public to understand while being conscientious of the citizens' perception on justice thereby decreasing the difference between judicial decisions and citizen's expectation. Resolve the current challenge that the nation is facing with the alienation between the judiciary and the people and decreased trust in the judiciary by concluding a bill called "Citizens Participation in Criminal Trial Act" that would be sent to the Legislative Yuan to be discussed and promulgated.
2. The Judicial Yuan will promote to have the citizens participate in the criminal trial system with randomly selected "Citizen Judges" in each case sitting alongside with professional judges to make sure the diversity of opinion is resented and the citizen's perception on justice is reflected.
3. Continue to host moot courts where the citizen participates in criminal procedure and put forth various empirical simulations and promotional measure so that judges, prosecutors, criminal defense attorneys, and the general public can all quickly become familiar with the process of the system to help with the quick roll out of the legal framework after it has been established.

(4) Promote alternative dispute resolution systems to effectively decrease the incoming caseloads

1. Promote civil, criminal, administrative, and family cases to undergo the mediation process while combining social resources and enhancing the mediators' professional knowledge and mediation skills.

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Emphasize on the protection of children and minorities as well as respecting gender equality and multicultural diversity so that all kinds of disagreements could be quickly and peacefully resolved in order to reduce incoming cases.

2. Create a diverse dispute resolution system in order to reduce incoming cases and reasonably decrease the workload of judges.
3. Create a core family mediation team to organize related resources to improve the mediation results.
4. Research and discuss the review process for the family law mediator in order to protect the interest of the parties.
5. Research and discuss the direction, structure, and responsible department for "Mediation Law."
6. Supervise district courts in effectively handling notarizing, registration, and lodgment and other non-litigation issues in improving judicial function.
7. Supervise public notaries in effectively handling notarization matters in order to increase the quality of the notary.

(5) Enrich trial knowledge, increase the quality of trial

1. Enrich trial knowledge
    a. Continue to maintain and enrich the Judicial Yuan's contents for various categories on the information services in order to provide consultation and professional knowledge to the judges.
    b. Expand the information exchange platforms related to the information on trials and effectively use administrative resources to assist the judges in their case.
    c. Analyze and amend various case handouts and brochures, provide the most updates information for reference to the judges and other judicial staff in order to improve the quality of the judgement.
2. Hold administrative seminar, legal conferences, and special topic forum
    a. Hold civil, criminal, administrative litigation, intellectual property, juvenile,

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family, compulsory enforcement, bankruptcy, consumer debt liquidation, notary, non-litigation, lodgment, registration, and arbitration etc. related seminars, legal conferences, and special topic forums in order to retain new legal and practical knowledge from foreign judiciaries, communicate legal ideas, and exchange practical experience to enhance the judiciary's ability to handle cases.

b. Hold interactive case review seminar or workshops to improve the understanding between the judiciary and other professionals to increase the knowledge of cases.
c. Hold conferences in general studies of humanities, work pressure adjustment, and emotional management for judges to broaden their horizons while balancing their physical and mental health.

3. Enhance on-the-job workshops
    a. Hold on-the-job workshops or professional speeches for the judges and other related personnel.
    b. Train professional personnel for juvenile, family, taxation, and intellectual property judicial trial.
    c. Train professional personnel for the commercial court, labor law court and mediation.
    d. Hold workshops, academic seminars, and experience-sharing activities among all levels of the court to increase judicial exchange.
    e. For juvenile and family cases, consolidate the courts that handle similar legal issues and connect these courts through establishing exchange platforms in order to accomplish the exchange and sharing of regional resources.
4. Enhance pre-career workshops
    a. Strengthening the pre-career workshops for lawyers that are transferring to become judges,
    b. Continue to host all kinds of pre-career workshops for various types of judicial personnel.

(6) Complete procedural protection, maintain judicial human rights

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1. Urge the courts to strictly review the applications for communication surveillance and aggressively supervise its execution in order to protect the people's freedom of communication.
2. Enhance the ideology of protecting human rights in criminal proceedings in order to protect the human rights of defendants and also the rights of the victim.
3. Duly inspect and discuss laws and administrative measures in order to implement International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of all Forms of Discrimination Against Women, Convention on the Rights of Persons with Disabilities, and Convention on the Rights of the Child to proclaim the ideology of protecting human rights.
4. Continue to supervise the safety of the court and build a friendly court environment that would protect victim's judicial rights and create a judiciary friendly to the people.
5. Continue to plan and promote the protection of children, juvenile, women, and the disabled people's interest through judicial policy and measures in effort to improve judicial human rights index.
6. Implement the principle of the judicial proceeding being the last resort and connecting administrative internet resources to enhance the vertically connection between related departments.
7. Enhance the guardian mechanism under the Family Law process to improve the recommendation methodology and course studies to protect the interest of the person under guardianship.
8. Continue to supervise, review, and visit family services centers of courthouses in special municipality, county, and city government. Handle the funding that the service centers provide to other public organization.
9. Assist in establishing lawyer's seminar and training to increase the lawyer's professional capabilities in order to protect litigating parties' rights.
10. Perfect the translation system in order to enhance the quality of court translating by protecting the litigation rights of people with hearing or speaking disabilities and people who cannot speak mandarin.

(III) Judicial Administration

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(1) Promote judicial reform, perfect judicial administration
   1. Implement the Grand Court Room system to develop unified court decisions in the court of last resort and the function as a legal precedent.
   2. Comply with all of the future various categories of litigation categories that will be enacted in the pyramid litigation structure, amend of the Court Organization Act in order to adjust the personnel power of the various levels of court.
   3. Continue to plan to establish a juvenile and family law court in the north to implement the goal of specialization.
   4. Plans to establish Commercial court so that a commercial conflict's judgment would be made in a professional, efficient, and predictable manner, thereby fulfilling the goals of having specialized trials.
   5. Review Judiciary Law and related law to perfect the Judiciary Law system.
   6. Promote decisions to be simplified and made to be more colloquial.
   7. Assist the "Judicial Yuan Human Rights, Minor Protection, and Gender Friendly Commission" in promoting gender policy reviews and related issues.
   8. Research and discuss establishing an analysis for reasons causing juvenile delinquency and the effectiveness of judicial response through review of standards and statistical methods that would be used to formulate suitable juvenile judicial policy.
   9. Handle the review process of judges from all levels of the court to improve the overall quality of the judiciary.

(2) Strengthen research and development, put into place efficient management
   1. Field studies and academic exchange
      a. Send personnel overseas to do field studies on trial practices, judicial administration systems, and court operation mechanism in order to provide references for future discussions in establishing related laws.
      b. Visit, exchange, and write publications with foreign, Mainland China, Hong Kong, and Macau scholars and judges in order to provide comparative legal analysis and mutual legal assistance.
      c. Sign judicial cooperation agreement or memorandum of understanding with foreign judicial entities

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and send or fund organization to attend or host international legal conferences that would enhance the international exchanges with other judiciaries.

d. Invite foreign scholars or judges to Taiwan to give a speech or seminar in order to encourage judges to learn new information and keep up with the newest issues.
e. Strengthen the cooperation and exchange with domestic research institutions and university law schools by hosting joint academic seminar to improve the dialogue between academia and practitioners. Encourage courts to provide paths for judicial internship in order to cultivate outstanding judicial talents.

2. Research studies
    a. Research various types of judicial systems, trials, and judicial administration in order to push forward judicial innovation.
    b. Send judges to study abroad and do research on specific topics, learn of foreign related legal systems, improve professional knowledge, and broaden their horizons in order to increase international legal exchange.
3. Information Collection
    a. Collect and organize important judicial historical materials, build and increase judicial historical database and collections, creating judicial cultural legacy.
    b. Continuously push for cross-strait legal publications and journals to be gifted in exchange and increase the research of legal systems of mainland China, Hong Kong, Macau and other countries. Collect and analyze related legal academic information in order to improve cross-strait and international legal exchanges.
    c. Commission academic institutions with case studies to research related litigation systems and legal issues in order to provide references to practices.
4. Efficiency management
    a. Implement self-disciple and review system for judges in order to maintain the judicial ethics and dedication that would increase the positive imagery of the judiciary.
    b. Improve the management of reviews for the annual policy plans and important policies

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in order to confirm that they are finished on time.

c. Properly handle each agency's judicial administration and annual review, inspect all levels of an institution's administration, and implement administrative oversight.
d. Improve the quality of the presiding process, strictly adhere to promptness for the starting time of a trial, increase the public's trust on the judiciary.
e. Implement tests on polite responses during the use of the court's public telephone system, develop good conversational skills to improve the quality of services in the courts.
f. Update the samples for court documents and publish them on the Judicial Yuan's website to provide them to people who need them; create a work seminar for the personnel working at the service center window.
g. Promote "Implementing Judicial Yuan Video-Conferencing Service Plan for Litigations in Courts of First and Second Instance" to combine district government's resources and equipment for the application technology to allow the people in rural area to not have to physically go to court but could still consult in the litigation process to fulfill the idea that the judiciary is for the people.
h. Organize an update on all the courthouse touch-screen computer to build a perfect and multifunctioning search system for the people in order to decrease the world load on Legal Service Section.

5. Research and discuss establishing an estimating system for child support and estate distribution calculations for the public to use to decrease the differences between various family law cases.
6. Hold different humanities seminars and art studies for personnel to enhance their cultural understanding.

(3) Strengthen communications and interactions to promote the judicial ideologies

1. Aggressively negotiate with the Legislative Yuan and other departments to pass various wills and the budget in order to expedite the process of judicial reform.

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2. Strength the connection with the news organization to allow them to understand the new issues in judicial practices. Through timely publication, allow the public to the understand the judicial reform and its progress.
3. Through multi-media, actively promote various items of the judicial reform and services that offer citizens convenience so that the people can immediately receive news from the judiciary and protect their own interests.
4. Mix new media and social network platforms to create a diverse dialogue mechanism to improve the interaction with the public and through the spread of legal education by masses and allowing the people to participate in the formulation of policies, improve the effects of judicial policy and legal education promotion.
5. Invite people from all walks of life to visit the Judicial Yuan and its courts to actively pull each other closer and supervise all levels of the court to continue in its promotion of legal education. Improve the visiting citizens' understanding of the current circumstances in our judiciary.
6. Continue to invite the women, children, elderly, handicap and other civilian organization to seminars for discussing the ongoing administration issues and exchange ideas and comments for future improvements.

(4) Quickly process citizen's petition, implement legal assistance

1. Handle citizen's petition, the Control Yuan cases, and petition submitted to the Legislative Yuan. Duly provide related information in order to clarify the mistakes that people have about the judiciary and maintain the image of the judiciary.
2. Supervise the work of the Legal aid Foundation in order to maintain the quality of legal assistance and implement the equality of litigation rights.

(5) Combine social resources, improve service efficiency

Combine volunteer service and educational resource in order to effectively use social human power to improve the effectiveness of the service to the people.

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(6) Improve judicial environment, enhance judicial capabilities
Evaluate the need of the Judicial Yuan and all the courts in building, moving, renovating, or expanding their courthouse. Adjust and improve the office environment to provide the people with an excellent and convenient work and litigation environment.

(IV) General Administration

(1) Information Services

1. Increase the internet efficiency for the people, provide information related to the judiciary for instant online searches.
2. Continue to strengthen online applications, electronic litigation documents, and first-generation trial application system in order to consolidate judicial resources and perfect in providing informational services.
3. Finish and create the legal structure for the electronic document system by increasing the ratio of digitalized court documents that would ease the use between lower and higher levels of trial and with other courts.
4. Expand the availability of the online application for copying, paying, and downloading electronic document service to decrease the party's burden of having to go to the court and improve the ease of obtaining litigation materials.
5. Update all information system to the Unicode format to integrate it with the international norm and decrease the scrambling of words.
6. Build an application for data mining of judicial decisions, use big data to analyze and develop information and skills that could provide for internal decision-making process and external demands.
7. Promote Chinese language recognition technology plan in order to facilitate the recording of actual court proceedings to save time during court trials and effectively decrease the workload and improve trial efficiency.

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8. Consolidate domestic and foreign legal databases and improve on the search function to elevate the overall quality of the judgement.
9. Enhance digital library and online teaching service websites.
10. Improve the Judicial Yuan and other institution's information security by counseling and reviewing them at the proper time.
11. Improve the professional skills of the informational technology personnel and review their work at the proper time.
12. Improve the judicial administration system in order to improve transparency and administrative effectiveness by sharing resources.

(2) Legal Administration

1. Consolidate, coordinate, and inform other departments of legal administrative issues.
2. Update the information on judicial regulation so that it is correct and complete all the time; at the same time periodically collect the newest of our Yuan's regulations in order to be informed of regulatory changes.
3. Quickly spread the information on any changes made to central government agencies' regulatory in order to make sure that the legal services are complying with the newest regulations.
4. Proclaim the newest judicial policy, regulations and changes. Provide important judicial information every week in order to help the judiciary, prosecution, counselors, and the society have positive interactions with each other.
5. Increase the synergy between judicial theory and practice, support the new judicial system with papers presented from the law or practitioner perspective to provide as reference to both the practitioner and researcher.

(3) Human Resources Administration

1. Review the related personnel regulations in the Judiciary Law to better the judicial personnel system.
2. Provide screening examination for lawyers, prosecutors, and public defenders in their application to become a judge so that outstanding talent could become judges

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in fulfilling the society's expectation of the judiciary and improve people's trust in the judiciary.

3. Improve the review of grades for assistant judges and probationary judges in order to better the judicial training procedure, implement the selection and termination process for assistant and probationary judges.
4. Provide judges with diverse methods of advancing studies, actively encourage judges to increase their professional knowledge and broadening their horizons in order to increase on the quality of their judgement.
5. Review the overall number of personnel positions in each department, adjust accordingly to budgetary needs, and evaluate human resources need to provide most for the trial supporting staff.
6. Implement the policy of "People's Litigations Rights having Precedent Over Judicial Promotions," in order to protect the rights of the people will have an efficient litigation process.
7. Handle the personnel distribution, hiring, termination, and transfer of the Judicial Yuan and related agencies to provide for the human resources need.
8. Improve on civil discipline by implementing measures that encourage the good and terminating the bad through applying the Judicial Duty Assessment Regulations and Public Functionaries Merit Evaluation Act on evaluating the judiciary and judicial staff.
9. Duly handle the retirement, compensation, and severance of the personnel of our Yuan and related agencies in order to take care of our retirees and compensate the relatives of our deceased personnel.
10. Improve the professional knowledge of our personnel, inspect human affairs administration, improve experience exchanges, and improve on the quality of services.

(4) Government Ethics Administration

1. Implement risk management, effectively understand the situation in each entity, improve preventative measures; increase public participation, design customized promotional materials and activities, engrain anti-bribery ideologies, lead the people to understand the courts, improve the public trust of the judiciary.
2. Promote ethic regulations by push for a lobbying registration system to build a clean trial environment and elevate the trust in judicial ethics.

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3. Strengthen the investigation against illegal corruption cases, impose punishment in the cases that have broken judicial trust, and work hard on maintaining judicial ethics.
4. For the people suspect of violating ethics, an investigation team will be assembled in conjunction with both the Agency Against Corruption and prosecution agency to actively research and collect information that would display the determination of maintaining judicial ethics.
5. Strengthen the safety of the Judicial Yuan and related agencies to maintain the safety of the departments and personnel; strengthen the protection of civil secrets and information security to order to prevent the secrets from leaking.
6. Using organizational learning to hold on-the-job training classes to improve the professional knowledge for ethics personnel in order to enhance the overall work efficiency.

(5) Accounting Administration

1. Create the general budget and supplementary budget proposals for the Judicial Yuan and the Yuan's management team to effectively use the country's resources.
2. Compile the semi-annual and annual balance account reports of judicial yuan and its subordinate organs, provide the government's financial information to effectively develop accounting measure that assist with management.
3. Hold internal reviews on the Judicial Yuan's budget execution to improve the efficiency of government's financial management.
4. On-site supervision of the subordinating department's accounting practices to gain in-depth understanding of the situation to help resolve questions and maintain the quality of governmental financial information.
5. Handle the hiring, termination, transfer, award, discipline, pension, retirement, evaluation, review, honors, punishment, training, and professional seminars and workshops for the Judicial Yuan accounting personnel to improve the quality of their personnel and services.
6. Supervise and audit the finances and accounting of the Judicial Yuan's foundation in order to use judicial resources to best achieve the purpose of the donation.

(6) Statistics Administration

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1. In accordance with judicial policy and to better reform of the system and legislative amendment, plan, collect, analyze and provide information on the decisions that would support statistics used in policy management functions.
2. Promote the revamping of judicial statistics information system to increase the statistics service capabilities to better collect information and expand the foundation of judicial statistics.
3. Hold statistics seminars and collect judicial statistics from foreign judiciaries to provide reference for practice and research to improve on the effective use of statistical information.
4. Hold various statistics survey to collect information on how well the people know of the judiciary, explore how satisfied other people are with the quality of judicial services, and gain understanding on how well and agreeable the people are with the judicial reform policies in order to provide basis for analyzing the effectiveness of policy execution.
5. Handle the hiring, termination, transfer, award, discipline, training classes, and professional seminars for the Judicial Yuan and subordinating statistics personnel to improve the quality of personnel and services.
6. Inspect the Statistics Departments in all levels of the court to better understand the situation with the statistics administration and assist in resolving any issues.

(7) Publication Administration

1. Edit and publish books related to judicial administration to provide reference for scholars and practitioners.
2. Publish the monthly Judicial Yuan Public Report.
3. Edit and publish the Judicial Weekly Newsletter every week and in case of special need, publish a special edition of the Judicial Weekly Newsletter in the form of Judicial Document Collections.
4. Compile the Judicial Annual Report, Judicial Annual Statistics Report, Judicial Monthly Statistics Report, and the Judicial Statistics of Important Reference Index.