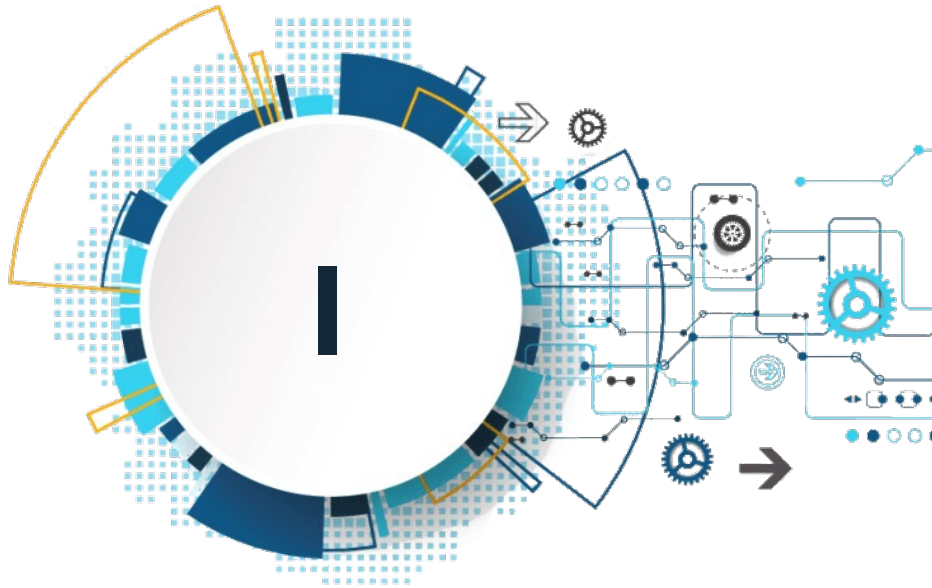


E-Justice and Civil Procedure in Taiwan: E-filing and Remote Hearings

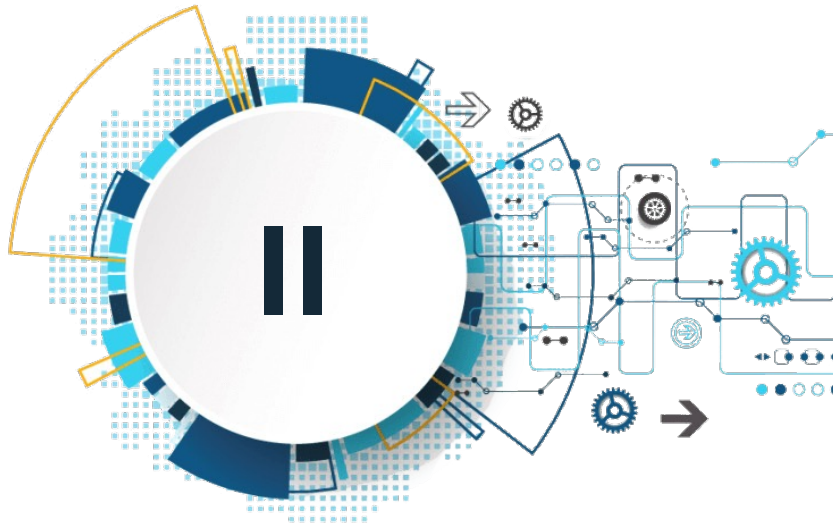
**Distinguished Prof. Dr. Kuan-Ling Shen,
National Taiwan University**





The Fundamental Rules on Digitalisation of Civil Procedure in Taiwan

- 1. Electronic pleadings and e-filing : Art. 116 III of CCP**
 - 2. Electronic service and transmission: Art. 153-1 of CCP**
 - 3. Remote examination of the witness: Art. 305 V of CCP**
 - 4. Electronic evidence (email, screenshot, videorecord....): Art. 363 of CCP**
 - 5. Remote hearing and oral argument: Art. 211-1 of CCP**
- **The purpose of the digitalization of civil procedure is to improve judicial efficiency and to to strengthen the guarantees of access to the courts.**



E-Filing: Access to the Court

E-filing (including online pleading) Service Platform in Taiwan



司法院

電子訴訟文書(含線上起訴)服務平台

Constitutional
Litigation

憲法訴訟

Civil
Litigation

民事訴訟事件

Civil
Enforcement

民事強制執行事件

Commercial
Procedure

商業事件

尚未開放以下類型

【家事、支付命令、刑事附民事】

智慧行政訴訟事件

稅務行政訴訟事件

一般行政訴訟事件

電子債權憑證系統

IP Administrative
Litigation

Tax Administrative
Litigation

參訪人數：108619

General
Administrative
Litigation

E-Certificate of the
Obligatory Claim

●請點選【[聯合服務中心](#)】，進入網頁後，可了解各項司法行政事務及訴訟輔導資訊，網頁下方有各法院的官網路口及服務電話，請多加利用。

聯絡窗口：操作及使用諮詢 (02)2784-1057

或 司法院資訊處 呂先生 (02)2361-8577轉299

新手上路：原告訴代遞狀操作說明-1070801版 || 民眾認證操作錄影
|| 民事線上起訴操作錄影

本系統瀏覽器建議使用 Microsoft Edge 或 Chrome，且請勿使用IE 11以下版本。建議螢幕解析度1024*768以上。

Civil Litigation



司法院

電子訴訟文書(含線上起訴)服務平台



KSHEN1224 沈冠伶 君

司法院電子訴訟文書(含線上起訴)服務平台 > 民事事件

沈冠伶您好

最近登入成功時間：111/04/24 07:11，IP:118.160.89.79

Online filings

線上起訴

Lists of Supplementary Documents

當事人(補充)書狀
案件清單

Electronic Service of Documents

電子送達文書查詢

Payment at once



整批繳費

Payment Record

繳費紀錄查詢

Access to Electronic Record

電子筆錄調閱

File Detection Tools

檔案檢測工具下載

Maintenance of Power of Attorney

委任狀維護

參訪人數：166598

最新消息

- 113/02/07 1130207院台資三字第1131200299號公告，公告「電子訴訟文書（含線上起訴）服務平台」新增提供「再延長收容聲請事件」傳送訴訟文書服務，詳公告。
- 113/01/18 1130118院台資三字第11312000831號公告，公告本院「電子訴訟文書（含線上起訴）服務平台」新增服務事項，詳公告。
- 113/01/18 1130118院台資三字第11312000832號公告，公告本院「修正排除電子簽章法適用項目」，詳公告。
- 112/08/18 1120818院台資三字第1121201883號公告，公告本院「修正排除電子簽章法適用項目」（智慧財產民事事件及智慧財產行政事件），詳公告。
- 112/08/18 1120818院台資三字第1121201882號公告，公告本院「電子訴訟文書（含線上起訴）服務平台」提供智慧財產民事及智慧財產行政訴訟文書送達服務（包含保全證據、假扣押、假處分、定暫時狀態處分及停止執行之訴訟文書傳送服務），詳公告。
- 112/06/07 司法院電子訴訟文書(含線上起訴)服務平台系統使用手冊，請按此。

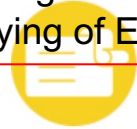


Online Pleadings



司法院線上起訴及書狀傳送作業平台

Application for Viewing and Copying of E-File



申請閱卷及複製電子卷證

Schedule



開庭行事曆

Recent Sessions



最近庭期

Tables and Tools



常用表格及好用工具

Progress of the Trial



開庭進度

Latest Progress of the Case



最新案件進度

My Cases



我的案件

Track of Electronic Record



電子筆錄追蹤

Access to Electronic Record



電子筆錄調閱

Judgements



裁判書查詢

Sentencing System



量刑系統

Sentencing System on Facts



事實型量刑資訊系統

Sentencing System on Discretionary Matters



評價型量刑資訊系統

Digital QR Code



數位QRCode

Legislative Policy

- A. Opt-Out Model:** The parties do not have to request to be able to file actions online, but either party has the right to opt out of the online process by taking a traditional paper-based approach.
- B. Opt-in Model:** The parties have the option to choose online or traditional methods of filing.
 - **Civil Litigation in Taiwan since 08.08. 2016**
- C. Compulsory Online Pleading Model:** The parties have to use online filing and document submission. If a lawsuit is filed in paper form, it will be dismissed as not meeting the requirements for filing a lawsuit.
 - **Commercial Litigation in Taiwan since July of 2021**



Remote Hearings

Remote Hearing in Taiwan's Court



- Three basic principles with respect to the remote trial
 - Oral Hearing
 - Direct Hearing
 - Public Trial

1. Remote Examination of Witness

- Since 2003
- Before Covid-19: Rarely used in judicial practice.
 - Approach: A remote witness goes to the court where he or she can possibly reach and uses the court's facilities to connect with the court where the trial is taking place.
 - Most courts would consider it “inappropriate” to connect remotely at the witness’ place (e.g. home or law office) due to concerns such as the risk of witness tampering or leakage of confidential information.
- After 2021: more common, but still not used as frequently as in the United States, Germany or Spain

2. Remote Hearing and Oral Argument

- **Types of remote hearings during COVID : Art. 211-1 of CCP**
 - **Standard Type:** the judge conducts court sessions in the primary courtroom and the party appears in the session outside of the courtroom via remote video conference
 - **Extended Courtroom:** the judge conducts court sessions in the primary courtroom and the party appears in the session at the extended courtroom inside the Court via remote video conference
 - **Hybrid Type:** it is essentially the combination of the Standard Type and the Extended Courtroom.

➤ **NOT fully virtual hearings**

Article 211-1 of CCP

1. Where the parties, statutory agents, advocates, assistants, or other interested persons in an action have technology equipment to mutually exchange sound and video with the court to allow the court to proceed with the action, the court may on motion or at its discretion proceed with the action with that equipment where the court deems appropriate.

2. The court shall consult the opinions of the parties in the case of the preceding paragraph.

3. In the case of the first paragraph, the place stated in the summon where the parties should be present shall be the place of the equipment.

4.

5.

- The controversial issue:
Can the court conduct a remote examination on the witness in a foreign country?
- The first case (Judgment of Taiwan High Court's 2020 Zhong Lao Shang Geng Yi Zi No.5) : **YES**
 - The appellant X requested to examine witness Z, the former head of human resource department of X.
 - **Witness Z is a Singaporean** and would not leave Singapore due to travel limitation arising from Covid.
 - **With the objection of the other party, the court proceeded with the videoconference examination of witness Z. The court also ordered the witness to consolidate and transmit the affidavit via telefax or email.**

- There have even been cases where defendants in foreign countries have been allowed to conduct trials at a distance.
 - In a small claim case, a **Taiwanese defendant** who was working in Vietnam request for remote hearing.
 - The court allowed his request.
- **These cases arose during the exceptional circumstances we faced under Covid. However, the question remains: will this practice persist in the future? It involves the courts of a country investigating evidence or conducting oral arguments outside its territory, which will raise issues of international law.**

THANK YOU

