

J. Y. Interpretation No.62 (August 13, 1956) *

ISSUE: What does the term “judicial personnel” mean under Article 37 of the Lawyer’s Act?

RELEVANT LAWS:

Article 37 of the Lawyer’s Act (律師法第三十七條) ; Article 12 of the Enforcement Rules of the Lawyer’s Act (律師法施行細則第十二條) ; Article 44 of the Court Organic Act (法院組織法第四十四條) .

KEYWORDS:

Judicial personnel (司法人員) , legal matter (司法事務) , Legal Clerks (司法事務人員) , Accounting Clerks (會計書記人員) , accounting matter (會計事務) .**

HOLDING: According to Article 37 of the Lawyer’s Act (as amended in 1941) and Article 12 of the Enforcement Rules of the Lawyer’s Act (as amended in 1941), the term “legal clerk” refers to judicial personnel who are appointed based on the provisions of Article 44 of the Court Organic Act and are responsible for legal matters. As a result, a clerk, also

解釋文：律師法第三十七條所稱之司法人員，依律師法施行細則第十二條之規定雖列有書記官在內，然此係指依法院組織法任用並辦理司法事務之書記官而言。主計機關派駐各法院辦理會計事務之書記官，自不包括在內。

* Translated by Lawrence L. C. Lee.

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known as an accounting clerk, who is appointed by a budgetary, accounting, or statistics agency and who does not deal with legal matters is not a legal clerk as referred to above because an accounting clerk is only responsible for accounting matters even though she/he is employed by a court.