

# EXHIBIT

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# Taiwan Judicial Assistance

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DISCLAIMER: THE INFORMATION IN THIS CIRCULAR IS PROVIDED FOR GENERAL INFORMATION ONLY AND MAY NOT BE TOTALLY ACCURATE IN A PARTICULAR CASE. QUESTIONS INVOLVING INTERPRETATION OF SPECIFIC FOREIGN LAWS SHOULD BE ADDRESSED TO FOREIGN COUNSEL.

## **Authority**

22 U.S.C. 3306(b) provides acts performed by officers of the American Institute on Taiwan under 22 U.S.C. 3306 are valid, as if performed by any other person authorized under the laws of the United States to perform such acts (consular officers).

The American Institute on Taiwan (AIT) is a nonprofit corporation under the laws of the District of Columbia. 22 U.S.C. 3305, 3306(a)(3). The judicial assistance acts of AIT personnel parallel the acts performed by U.S. consular officers under 28 U.S.C. 1781(a)(2). See Sec. 1-201(h) of Executive Order No. 12143, 44 Fed. Reg. 37191 (June 23, 1979).

Pursuant to Section 10(a) of the Taiwan Relations Act (TRA), 22 U.S.C. 3309(a), the Taiwan Economic Cultural Representative's Office ("TECRO") is the instrumentality established by the people of Taiwan having the necessary authority under the laws of Taiwan to take actions on behalf of Taiwan in accordance with the Act.

Judicial assistance is provided authorities on Taiwan in response to letters rogatory from foreign courts in accordance with Taiwan's "Law Governing Extension of Assistance to Foreign Courts."

## **American Institute in Taiwan**

**The American Institute in Taiwan, Travel Services Section (comparable to a consular section at a U.S. Embassy or Consulate), is located at #7 Lane 134, Hsin Yi Road, Section 3 Taipei, Taiwan; tel: 011-886-2-2162-2000; fax: 011-886-2-2162-2239**

## **Service of Process**

Service of process in Taiwan can be effected by international registered mail/return receipt requested; by agent, generally a local attorney; or pursuant to a letter rogatory. The attorney or agent can execute an affidavit of service before a travel officer at the American Institute in Taiwan (AIT). If enforcement of a judgment is anticipated, however, Taiwan may not consider service by registered mail or by agent acceptable and may require that service be effected pursuant to a letter rogatory. See below for a discussion of special elements necessary in preparation of a letter rogatory for use in Taiwan. See also, our general flyers, Service of Process Abroad and Preparation of Letters Rogatory .

## **Retaining a Foreign Attorney**

Lists of attorneys in Taiwan are available from the Office of American Citizens Services, directly from the American Institute in Taiwan or from the Martindale-Hubbell Law Directory . See also our general information flyer, Retaining a Foreign Attorney .

### **Voluntary Depositions/Notarial Services**

In accordance with 22 U.S.C. 3305 and 3306 (a)(1), AIT officers have authority to provide notarial services in connection with oaths, affirmations, affidavits or depositions, and to perform any notarial act which any notary public is required or authorized by law to perform within the United States. (See also The National Notary, Yearbook, 1980, p. 67.) To arrange to conduct a voluntary deposition of a willing witness in Taiwan before a Travel Services Officer of the American Institute in Taiwan, contact AIT Taipei directly at the address/fax number provided above. See also our general flyer, Obtaining Evidence Abroad for the information you will need to provide to AIT Taipei. Private American litigants are responsible for making their own arrangements for stenographers, interpreters, videotape operators, etc. AIT Taipei may be able to provide lists of such private commercial services.

### **Travel of Local, State or Federal Government Officials:**

Local, state or federal prosecutors or other Government attorneys, investigators, etc. intending to travel to Taiwan in connection with a judicial assistance matter should contact the Office of American Citizens Services for information about obtaining "host country" clearance for such travel. If depositions are to be arranged on behalf of a local, state or federal government official in the U.S., the American Institute in Taiwan can assist in retaining the services of stenographers, interpreters, videotape operators, etc. upon receipt of appropriate fiscal data from the federal agency. Local or state prosecutors, or other officials may be required by the private stenographic or other services to pay fees in advance or to provide other assurances.

### **Authentication of AIT Seal:**

The AIT seal can be authenticated by the Department of State's Authentication Office. Information is available at <http://www.state.gov/m/a/auth/>.

### **Letters Rogatory**

Letters rogatory can be used to effect service of process and to compel production of documents or testimony of an unwilling witness in Taiwan. For general information about preparation of letters rogatory, see our information flyer Preparation of Letters Rogatory. In addition, letters rogatory for use in Taiwan must comply with the following requirements:

- Letters rogatory should contain an offer of reciprocal assistance. They should also include a statement expressing the willingness of the requesting court to reimburse the Taiwan judicial authorities for costs incurred in executing the letter rogatory;
  - The letters rogatory and accompanying documents should be in English with certified translations in Mandarin Chinese;
  - The letter rogatory should be addressed to the "Appropriate Judicial Authority of Taiwan";
- Please note: In accordance with U.S. policy, please refrain from using the terminology "Republic of

China" in the letter rogatory or any accompanying documents and translations. Please refer to Taiwan simply as Taiwan.

-- -- Letters Rogatory should be accompanied by a certified check payable to American Institute in Taiwan in accordance with the current schedule of fees at 22 CFR 22.1. Additional fees may also be required by the court.

-- If the letter rogatory requests the taking of evidence, the Taiwan court will not permit examination of witnesses by attorneys; witnesses would be examined by the court on the basis of written questions. A full transcription of the deposition, in Chinese, is made at the time of the deposition and should be specifically requested in the letter rogatory.

-- Letters rogatory should be sent to Department of State, Office of Overseas Citizens Services, 2201 C Street, NW, SA-29, 4th Floor, Washington, DC 20520.

**Additional Information:**

The Office of American Citizens Services has available general information flyers and country specific flyers on international judicial assistance. These topics include:

- Preparation of Letters Rogatory
- Service of Process Abroad
- Obtaining Evidence Abroad

**Using the Internet :** Many of our judicial assistance flyers are available on the Internet via the Department of State, Bureau of Consular Affairs home page . See also, the Department of State, Office of the Legal Adviser for Private International Law home page .

**QUESTIONS :** Should you have further questions about the procedures not addressed in this material, please contact the Office of American Citizens Services, East Asia and Pacific Division, Department of State, 2201 C Street, N.W., SA-29, 4th Floor, Washington, D.C. 20520, 202-647-5226; fax: 202-647-2835.

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