

The Courts are provided with the power to judge all legal disputes unless otherwise provided by the Constitution. The exceptions are found where the Constitution vests the power to judge some constitutional issues in the Constitutional Court and vests the power to examine the qualifications and/or to take disciplinary measures against members of the National Assembly. The courts shall also exercise power to administer and supervise extra-judicial matters such as immovable and movable property registration, corporation registration, family registration, deposit, and the duties of marshal.

There are seven types of courts in Korea: The Supreme Court, high court, district court, patent court, family court, administrative court, and bankruptcy court. The Korean judicial system adopts the basic three-tier system, which is composed of district courts, high courts, and the Supreme Court. Other courts exercise specialized functions, with the patent court positioned on the same level as the high courts, and the family court, the administrative court, and the bankruptcy court positioned on the same level as the district

courts. District court and family court may establish branch courts, municipal courts, and registration offices, or any one or more of the three institutions if additional support is necessary to carry out their tasks. A branch court of both the district court and the family court may be established within the same court complex.

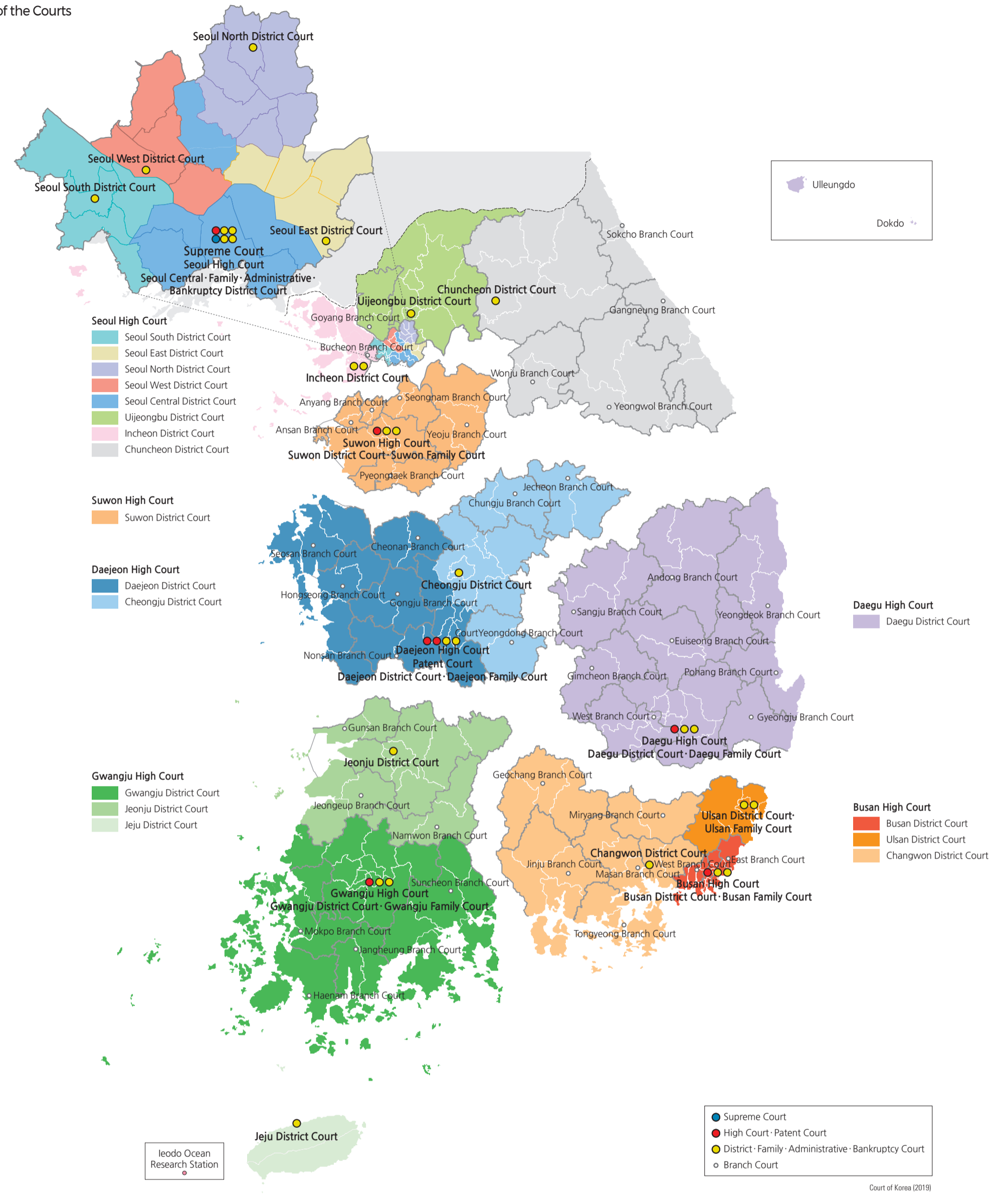
Case trials are presided over either by a single judge or a panel of three judges. In general, all hearings and rendering of judgments are open to the public. However, if there is any possibility that opening of hearings to the public could be subject to impairing national security, public peace, and order, or be contrary to good morals, the court may decide to close the hearings to the public. In either case, rendering of judgments must be open to the public under all circumstances. The court conducts its affairs in Korean. Interpretation can be arranged whenever deemed necessary. Except in military courts, adjudication, including hearings and rendering judgment, is presided over by a judge or a panel of judges. Since the enactment of the "Act on Citizen Participation in Criminal Trials"

on January 1, 2008, the citizen participation in criminal trials, in which citizens directly participate as jurors, has been implemented for certain types of serious criminal cases at the request of the defendant.

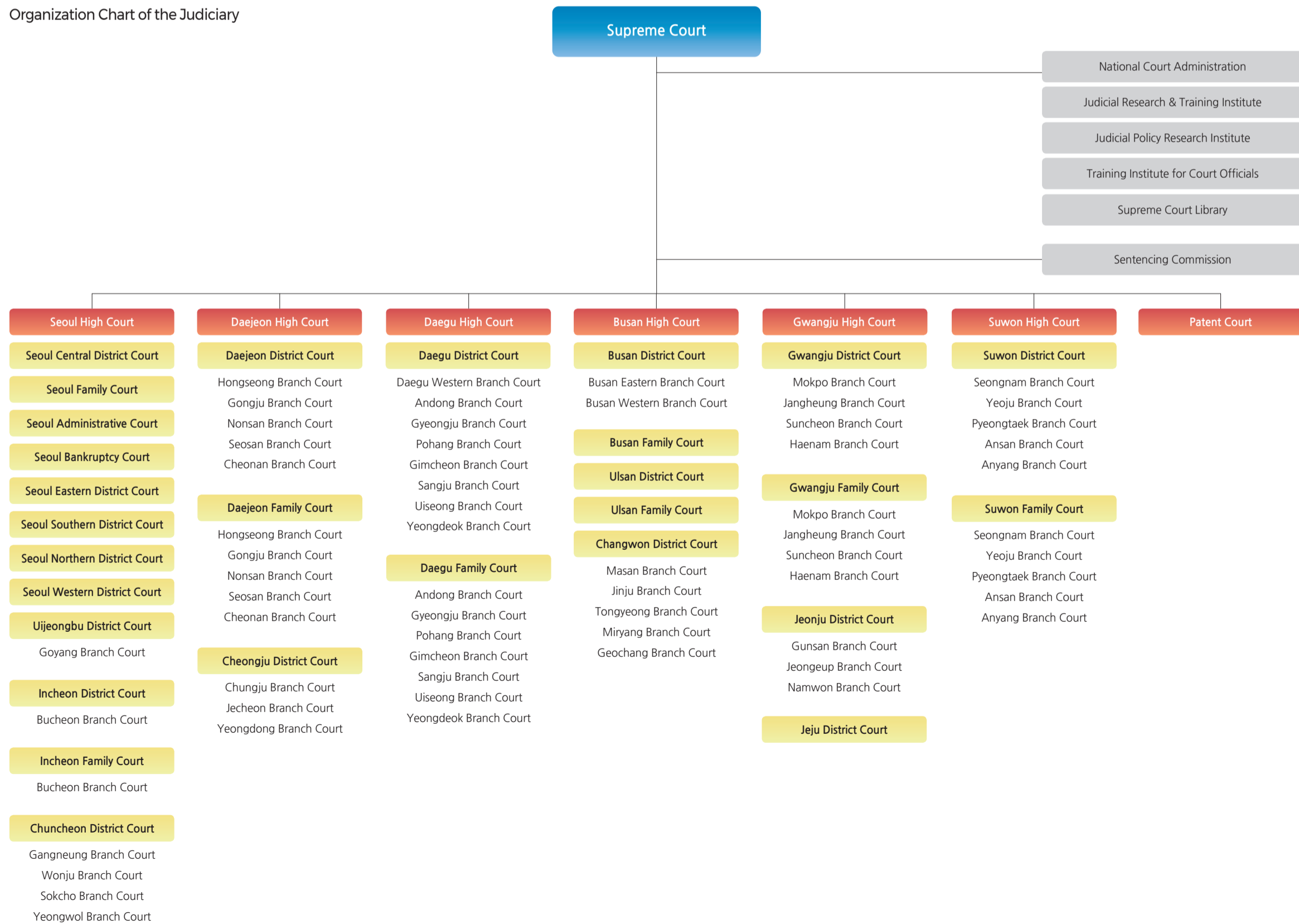
South Korea offers multiple trial opportunities to prevent injustices through fairer trials. A party unsatisfied with the judgment rendered by a trial court is entitled to appeal the judgment. Appellate trials are heard in high courts in principle. However, the appellate cases tried by a single judge are heard by the appellate division established in the district courts. A party unsatisfied with the judgment of appellate jurisdiction may appeal the judgment to the Supreme Court, the final and highest tribunal. Since the Supreme Court deals with the question of law, the grounds of re-appeal to the Supreme Court are limited as prescribed in the civil procedure, the criminal procedure, and other procedures.

Constitution of the Judiciary

Distribution of the Courts



Organization Chart of the Judiciary



Supreme Court

The Supreme Court hears appeals against judgments or rulings rendered by the high courts, the patent court, and the appellate panels of the district courts or the family courts in civil, criminal, administrative, patent, and domestic relations cases. Under special circumstances, the Supreme Court hears exceptional appeals against the judgments made in the first instance. It has the authority to review rulings rendered by the Korean Maritime Safety Tribunal in accordance with the "Act on the Investigation of, and Inquiry into Marine Accidents." It also has exclusive jurisdiction over the validity of the presidential or parliamentary election. The Supreme Court has the power to make a final review on the constitutionality or legality of administrative decrees, regulations, or actions.

High Court

High courts hear appeals from judgments, rulings, or orders rendered either by a panel of three judges of district courts and family courts, or by the first-instance court of the administrative court. The jurisdiction of high courts is exercised by a panel of three judges. Due to the newly introduced two-track-career system that separates the high court judges from the district court judges, high court judges are appointed from among legal professionals who apply for the position with substantial legal experience, and the appointee would not be transferred to the district courts, working only at high courts, unless there are special circumstances. This new system allows high court judges to develop their expertise at conducting the appellate trial process.

District Court

District courts or their branch courts retain original jurisdiction over civil and criminal cases. In general, a single judge presides over a trial whereas a panel of three judges is required to sit for cases deemed of greater importance by laws. There are a total of 18 district courts, composed of 41 branch courts within district courts' judicial circuits.

Family Court

A family court operates at the same level in the judicial hierarchy as a district court. It was founded in 1963 to handle family-related and juvenile protection cases. If the judicial circuit does not have a family court or its branch court, the district court or the district court's branch court will handle these types of cases. Since the Special Act on the Punishment of Domestic Violence was introduced in 1998, family courts have retained the right to judge domestic violence cases. A family-related case is typically assigned to a collegiate court consisting of three judges or a single judge, and a juvenile protection case or a family protection case is assigned to a single judge.

Patent Court

The patent court is a high court that is responsible for a protest against the decision of a patent tribunal. One can make the final appeal to the Supreme Court when protesting the decision of a patent court. Technical examiners who majored in natural science or engineering are assigned to their field of expertise to assist the judicial panel in understanding the technical aspects of patent and utility model cases and to help with the panel's decision-making processes.

Administrative Court

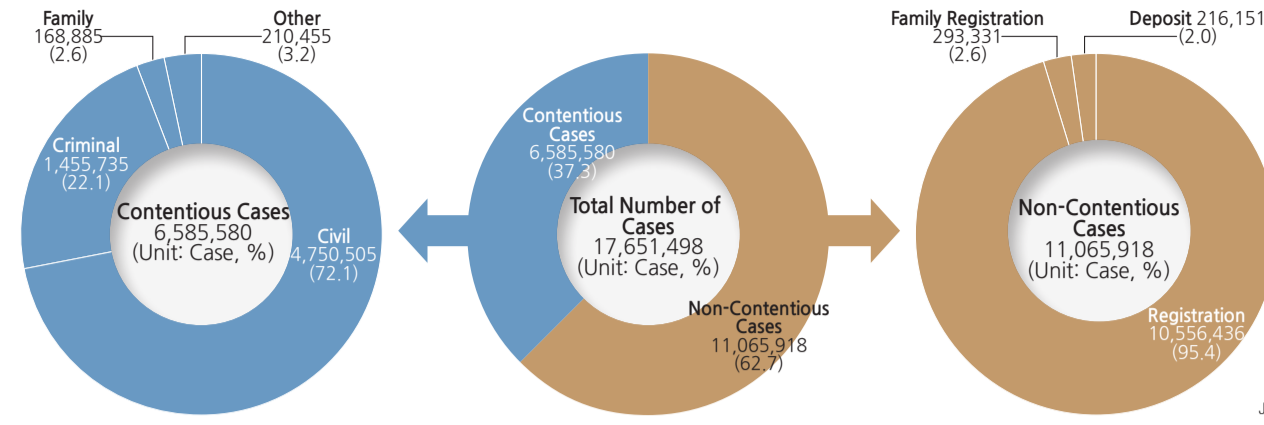
The first administrative court was established in 1998 in Seoul. The main district court has the right to handle an administrative case if the administrative court is not installed yet in its judicial circuit. The Seoul Administrative Court judges cases regarding taxes, land expropriation, labor, and other administrative activities. Previously, administrative cases could be brought to an ordinary court only after going through bureaucratic procedures, but now they can be directly taken to an administrative court without such procedural detours.

Bankruptcy Court

The bankruptcy court handles corporate rehabilitation, corporate bankruptcy, general rehabilitation, individual rehabilitation, individual bankruptcy, cross-border insolvency, and other such related cases. The Seoul Bankruptcy Court, a special court to exclusively hear rehabilitation and bankruptcy cases, was established in 2017 and is expected to make considerable contributions to enhancing public trust in trials and substantially realizing the rule of law in debt restructuring and personal debt adjustment procedures. In regions without bankruptcy courts, district courts in relevant jurisdictions handle insolvency cases until a bankruptcy court is established.

Judicial Practice

Cases Received by the Court



In 2018, the courts handled a total of 17.65 million cases, including 6.59 million contentious cases (37.3%) and 11.07 million non-contentious cases (62.7%). Among the cases handled, under contentious cases, civil cases were the most common, followed by criminal (detention and fine, trafficking, and prostitution added to criminal), family, juvenile (domestic care, victim protection orders, child protection, child victim protection orders added to juvenile), administrative, patent, and election. The most common non-contentious cases were registration, followed by family registration and deposit. The Supreme Court, high courts, and district courts (trial courts and appeal courts) handled the contentious cases. On the other hand, the district courts at the first-trial level handled the non-contentious cases.

By type of case, the 6.59 million contentious cases handled include civil (72.1%), criminal (22.1%), family (2.6%), and other (3.2%), with civil and criminal cases accounting for the majority. Of all contentious cases handled, by the merits of the case, there

were more cases on the merits (77.8%), which have judicial nature, than cases on the non-merits (22.2%), which have administrative characteristics. The proportion of cases on the merits of appeal courts was higher than that of the district court at the first-trial level.

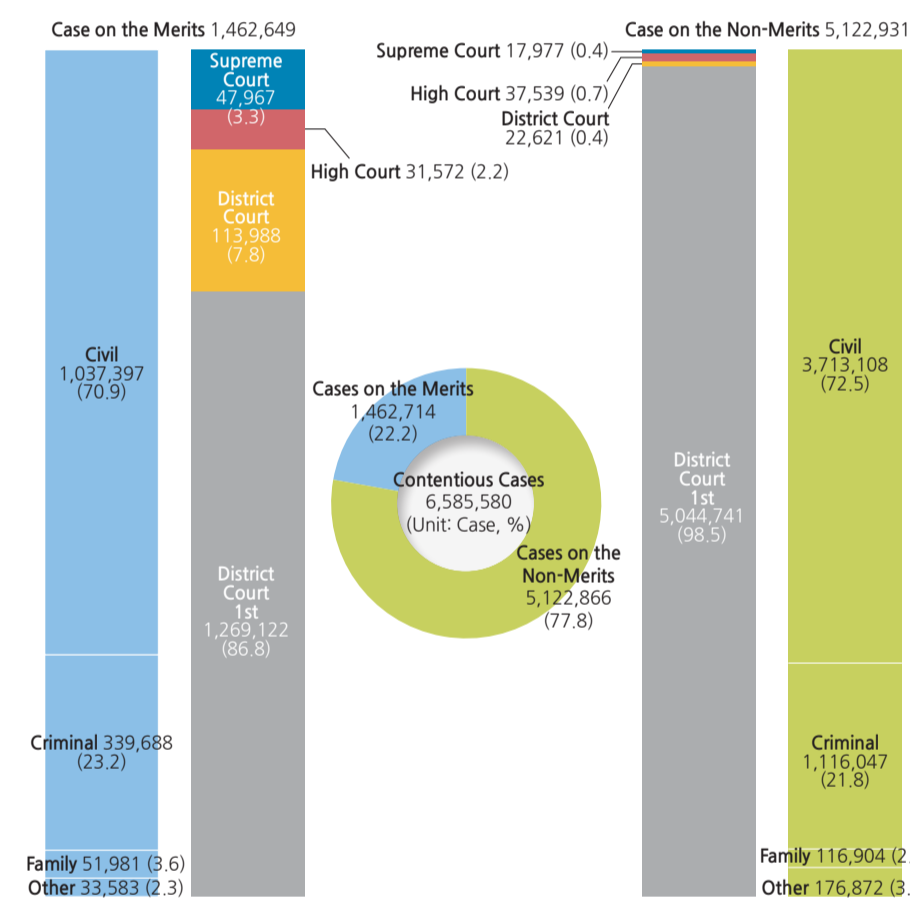
The proportions of contentious cases handled by the Supreme Court, high court, district court of appeals, and district court were 1.0%, 1.0%, 2.1%, and 95.9%, respectively. More than 50% of all contentious cases handled by the appeal courts, including the Supreme Court, high court, and the collegiate court of the district court, were criminal cases.

The Supreme Court, located in Seoul, handled 65,944 contentious cases. Of these cases, 47,979 cases (72.7%) were cases on the merits. High courts are located in Seoul, Daejeon, Daegu, Busan, and Gwangju; the patent court, located in Daejeon, is at the same level as the high court. The high courts handled 69,111 contentious cases. Of these cases, 31,572 cases (45.7%) were cases on the merits. The collegiate court of the district court is an appellate

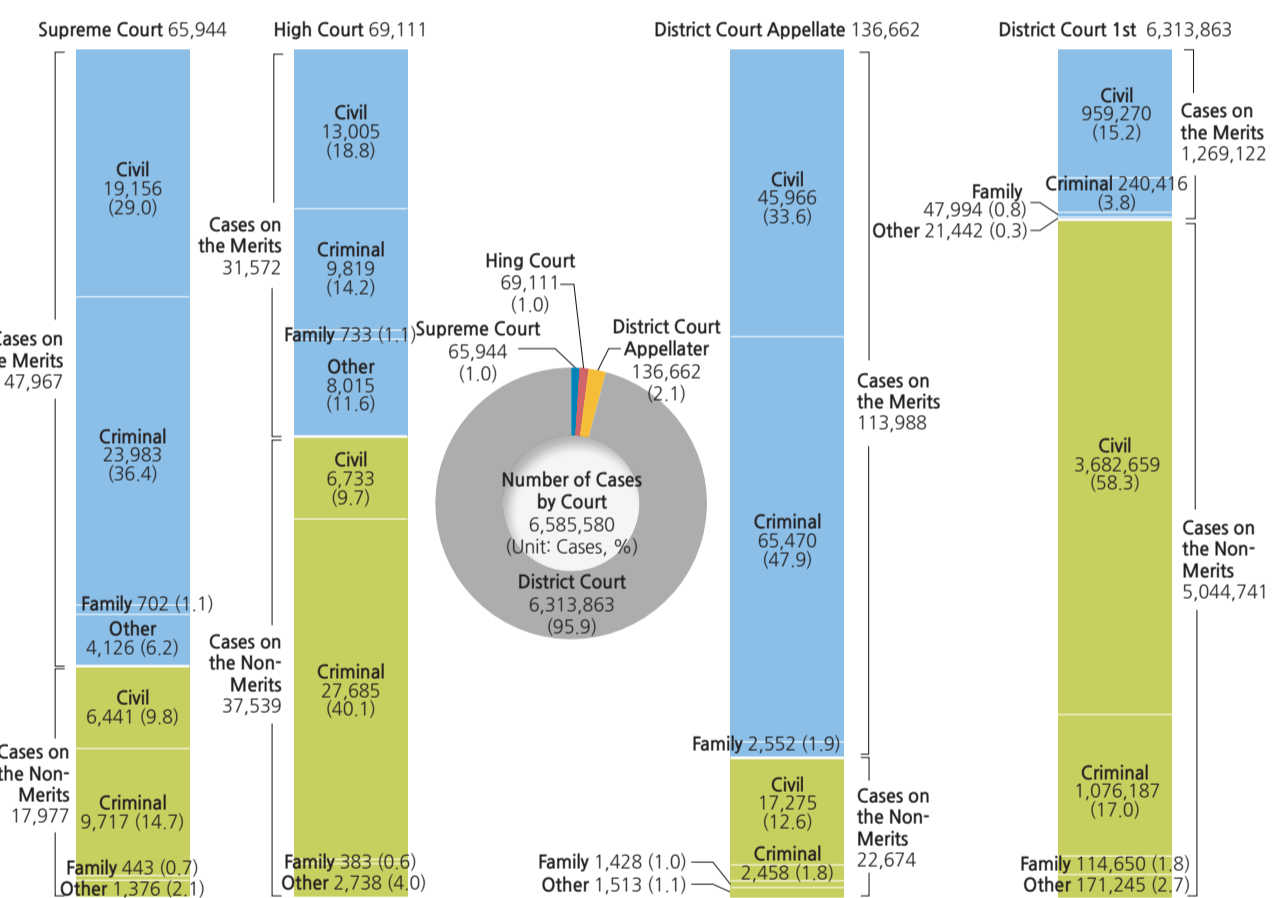
court. It handled 136,662 contentious cases. Of these cases, 114,041 cases (83.4%) were cases on the merits. The district courts at the first-trial level handled 6.31 million contentious cases. Of these cases, 1.27 million cases (20.1%) were cases on the merits. The proportion of cases on the merits among the contentious cases handled by the district court at the first-trial level is lower than that of appeal courts.

The regional distribution of contentious cases by the level of instance shows that the cases on the merits heard in the district court, the collegiate court of the district court, and the high court are concentrated in the Seoul Metropolitan area. The number of cases on the merits per 10,000 people for the trial court is significantly higher in the Seoul metropolitan area than that of other parts of the nation. It is because civil cases, which account for the largest proportion of the cases on the merits, are concentrated in the Seoul metropolitan area in which economic activity is high.

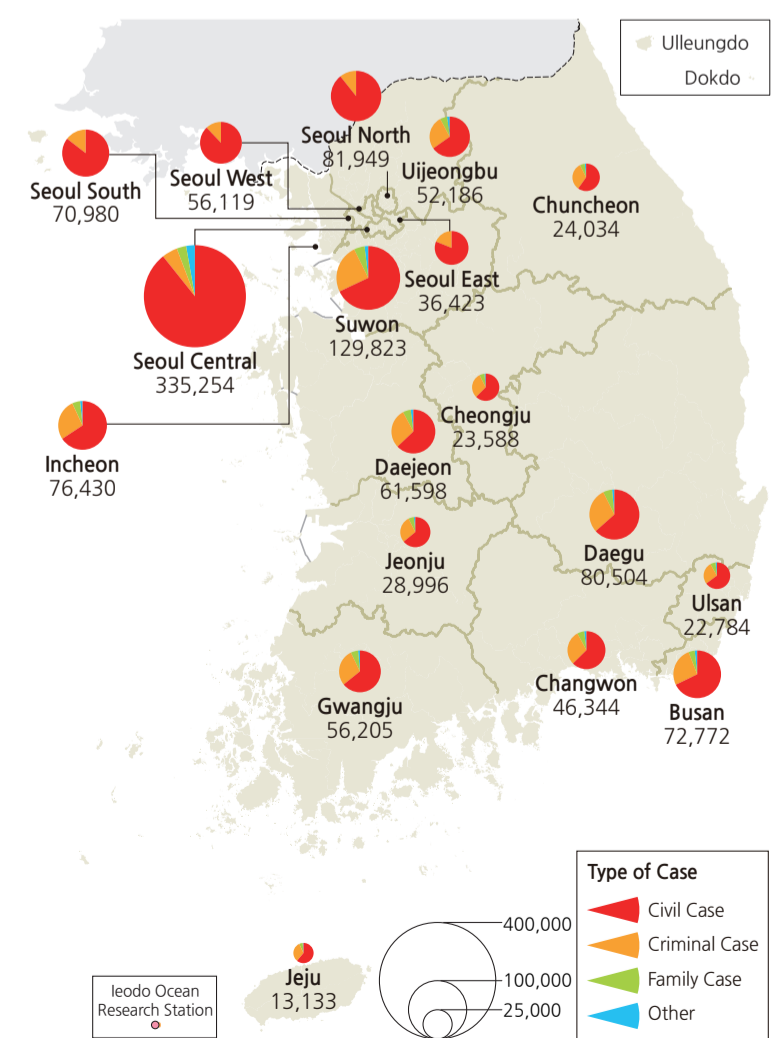
Breakdown of Cases



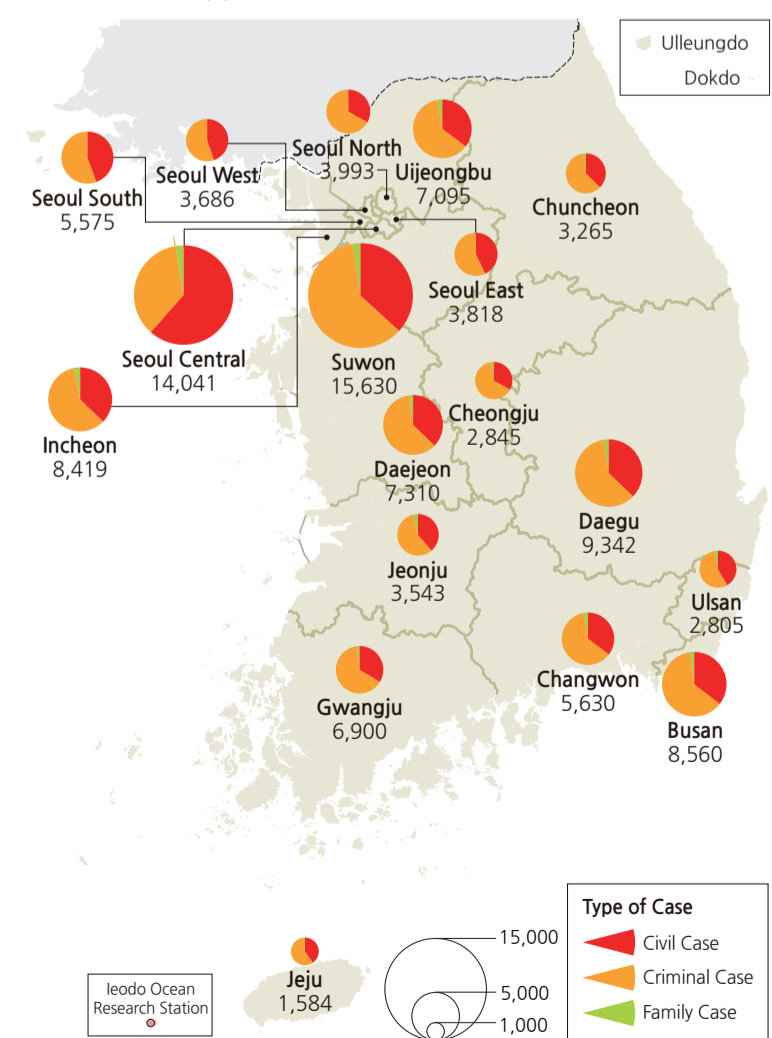
Number of Cases by Court



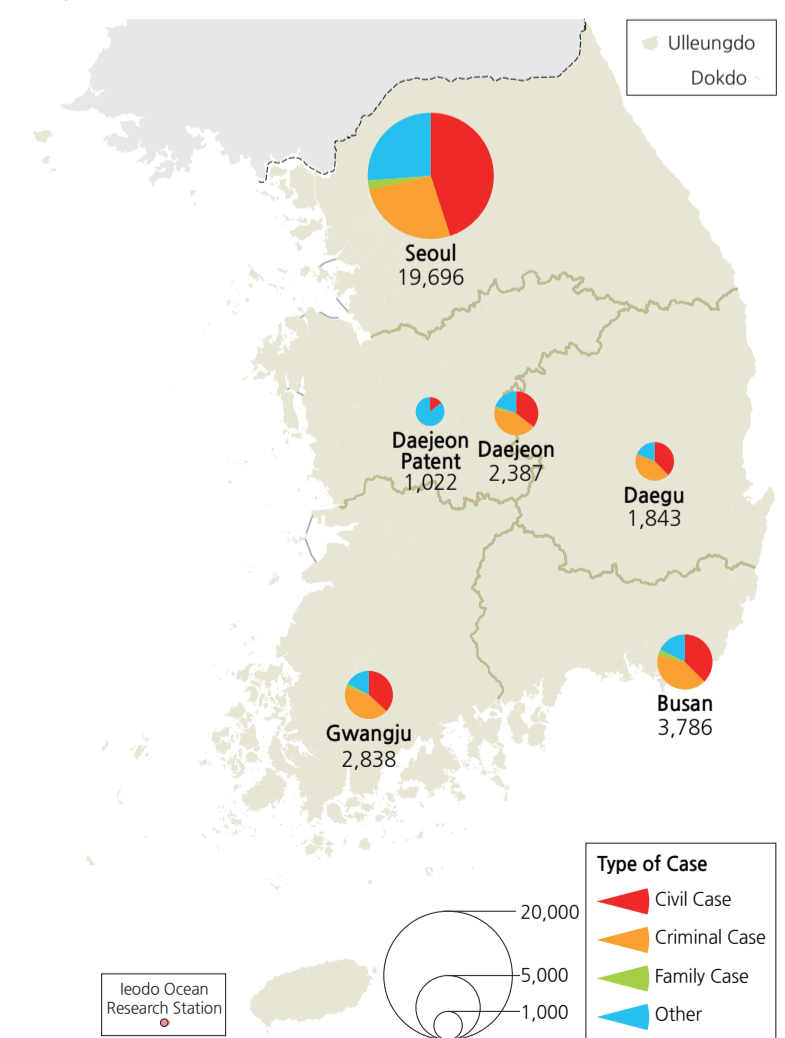
District Court 1st Merits Cases



District Court Appellate Cases

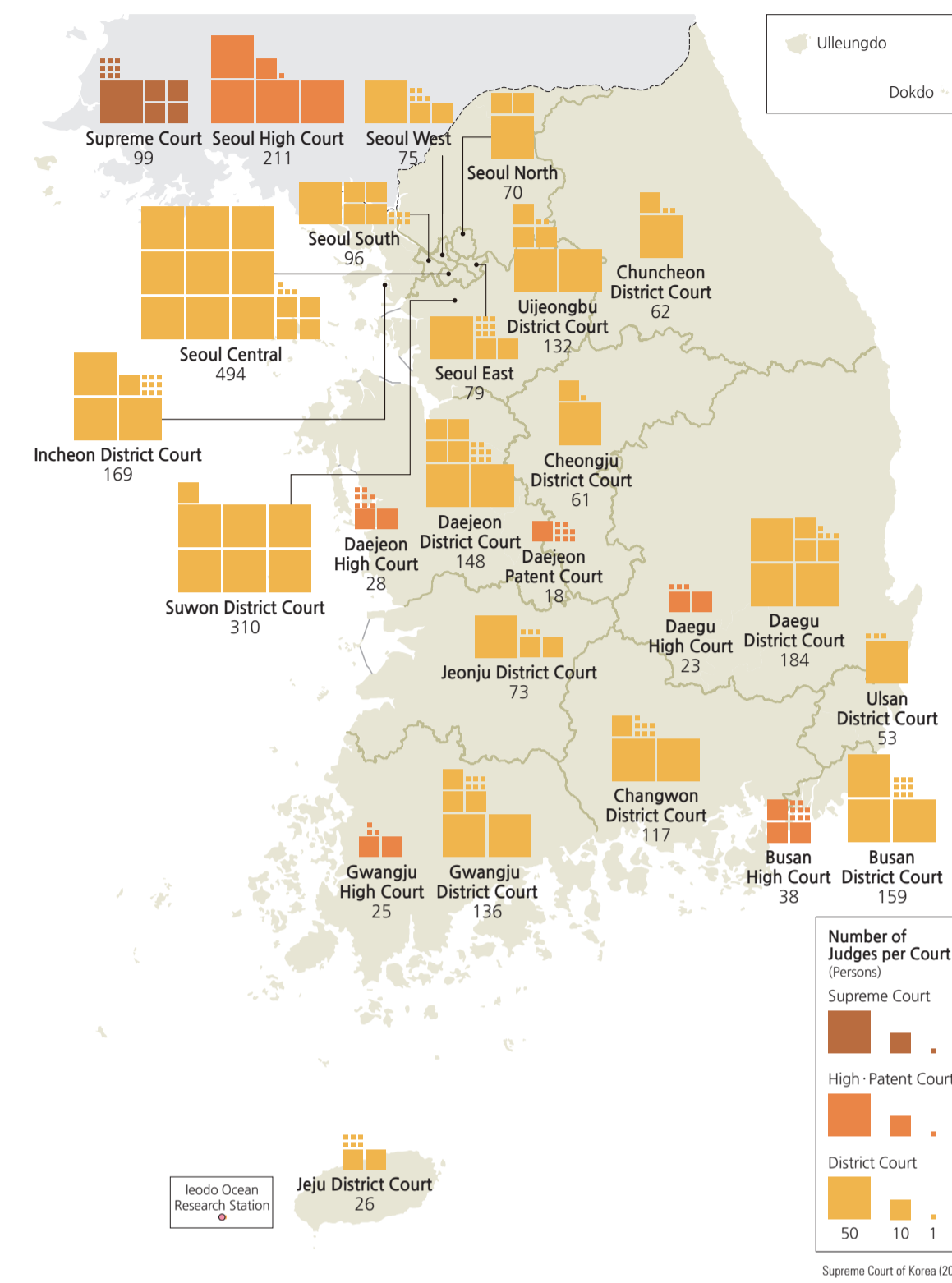


High Court Merits Cases

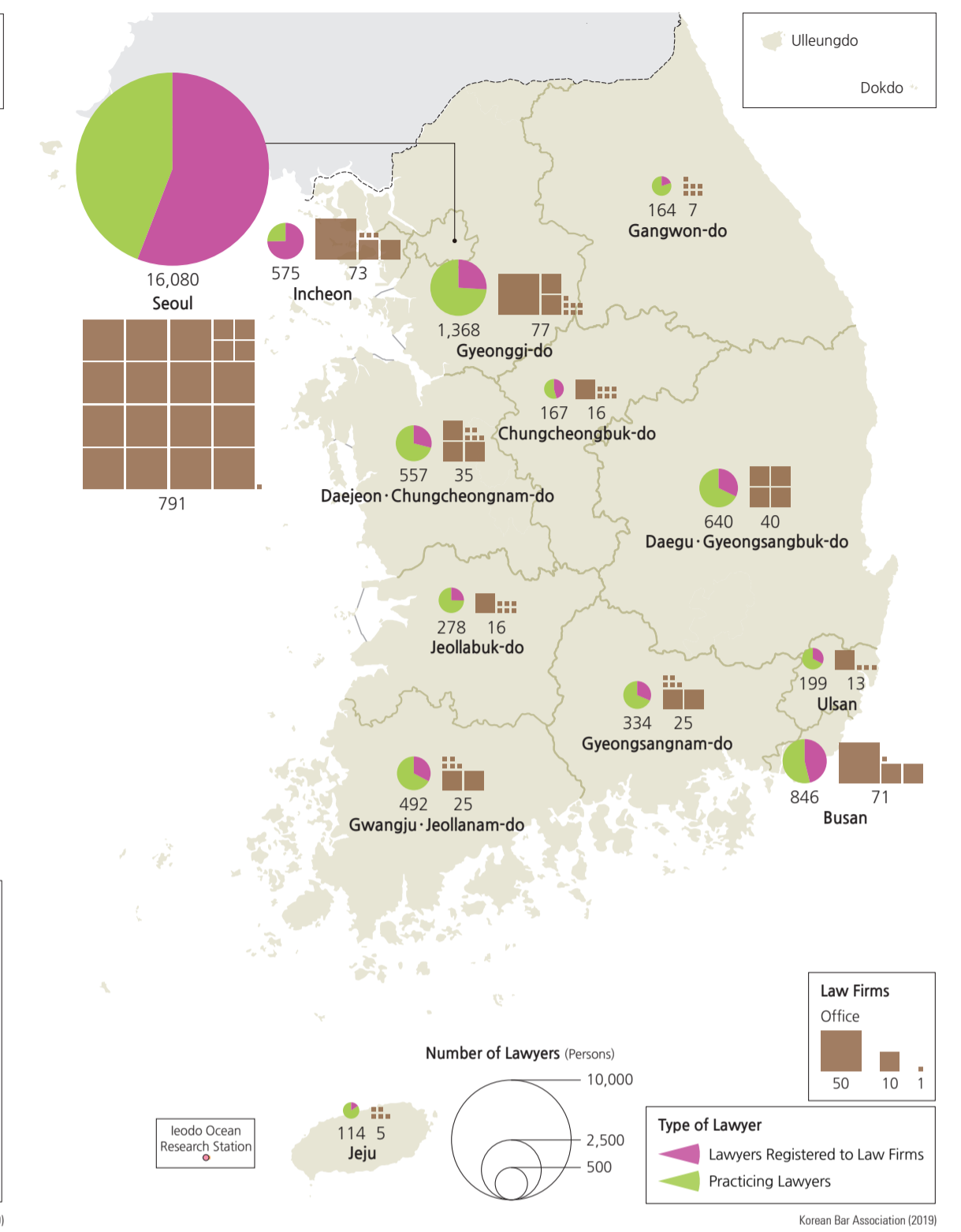


Legal Service

Number of Judges



Number of Law Firms and Lawyers by Si-Do



Previously, judges were appointed from among the candidates who passed the bar exam and completed training at the Judicial Research and Training Institute. A new judge appointment system is in place, in which judges are appointed from among those who have a judicial career of three or more years of experience, depending on the new appointment period. Judges recently appointed are lawyers who have passed a legal education eligibility test after completing one of 25 law schools nationwide under the Law School System introduced in 2009. As of 2018, the number of judges appointed is 2,886.

The prosecution, an executive organization responsible for criminal cases, is closely related to the courts. Therefore, the prosecution has an organization composed of the Supreme Prosecutor's Office, Higher Prosecutor's Office, District Prosecutor's Office, and Branch Prosecutor's Office, in accordance with the court system. The spatial distribution of lawyers who defend the defendants in criminal cases or conduct litigations on behalf of the parties in civil lawsuits and administrative litigations are closely related to the number and size of the respective courts. Lawyers and law firms are concentrated in the Seoul metropolitan area where

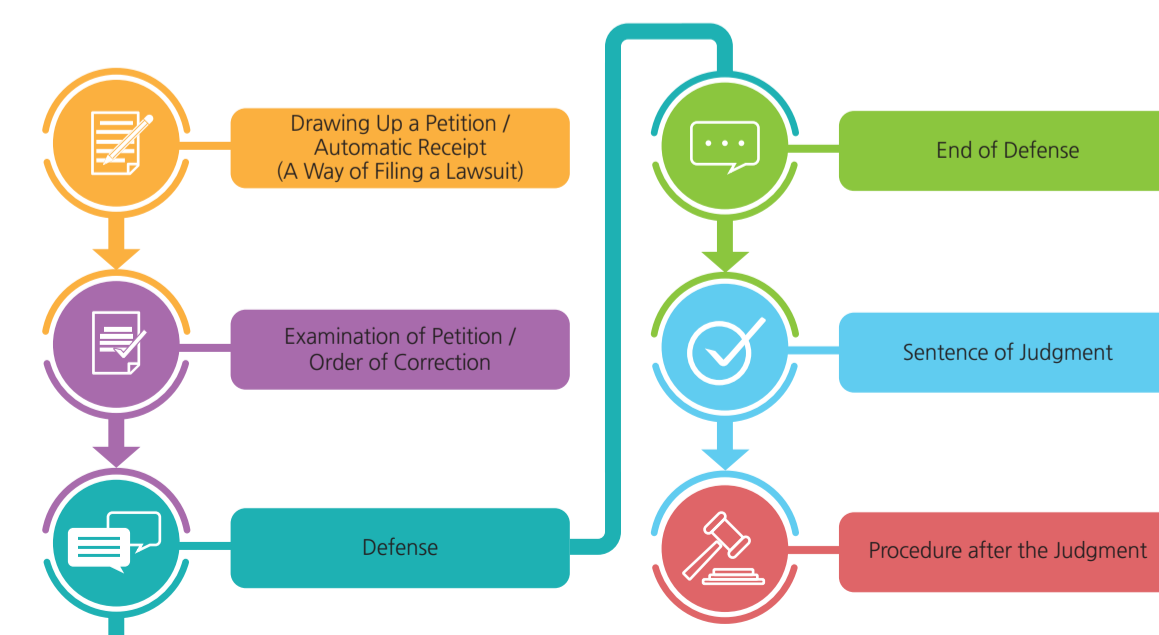
many courts are located. Most court trials are civil and criminal trials. Civil trials handle disputes regarding property rights and juristic relations of everyday life. The law describes in detail the trial procedure for not only the trial and subsequent levels of appeal, but also the trial procedures for small claims cases, the procedures for civil conciliation, civil execution proceedings, property description and property inquiry, and the procedures for provisional attachment and injunction. Criminal trials determine guilt or innocence of the accused under indictment and impose a punishment in the case of a guilty verdict. With respect to criminal trials, the law describes in detail the procedures of investigation, prosecution, trial, appeal, and a summary trial.

The courts are a national organization that exercises the power to administer and supervise extra-judicial matters such as immovable and movable properties, secured claim registration, and family relations registration. District courts and branches of district courts provide the registration service because registration is, unlike simple works of administrative, civil affairs, a quasi-judicial process

wherein the complex interests of different groups are interwoven. District courts have a registration office as an affiliated organization to handle part of the administration of registration within their jurisdiction. A registration office handles commercial, real-estate, and ship registrations, and issues registration certificates, authentication certificates of seal, and date-fixed stamps on private documents.

The courts are responsible for the administration of the family-relation registration that replaces the patriarchal family system. Family-relation registration, is the system that registers citizen's status individually to the family-relation registration record and officially certifies the record. It is completely different from the patriarchal family system that classified a citizen's status relation by the head of the family. Family-relation registration (previously patriarchal family registration work) is administrated nationally, and the Supreme Court is appointed to act as the responsible unit to handle family-relation registration. The Supreme Court delegates the authority of registration to the head of administrative units (si/gu/eup/myeon), for the citizen's convenience.

Civil Proceedings



Criminal Proceedings

