

Court Organization Act

Amended December. 27, 2007(Act No. 8794)

PART I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to set forth the organization of the courts exercising judicial power as prescribed by the Constitution.

Article 2 (Jurisdiction of Courts)

(1) Except as otherwise set forth by the Constitution, courts shall adjudicate all legal controversies and have the powers vested in them by this and other Acts.

(2) The provisions of paragraph (1) shall not prohibit prior administrative adjudication by administrative agencies.

(3) Courts shall administer and supervise matters concerning property and commercial registration, family register, deposit, enforcement officer, and judicial scrivener.
[Amended July 27, 1994, December 6, 1995, and May 17, 2007]

Article 3 (Categories of Courts)

(1) Courts shall be classified into the following six categories:

1. Supreme Court;
2. High Court;
3. Patent Court;
4. District Court;
5. Family Court; and
6. Administrative Court

(2) In each district, a branch court, family branch court, municipal court in a *si* or *gun* (hereinafter "*si/gun* court"), or registration office may be established to assume part of the district court and family court's responsibilities. However, a district branch court and family branch court may be combined as a single branch court.

[Amended January 29, 2001]

(3) The establishment, abolition, and territorial jurisdiction of a high court, patent court, district court, family court, administrative court, branch court of a district court or family court, and *si/gun* court shall be set forth by other acts, whereas the establishment, abolition and territorial jurisdiction of registration offices shall be prescribed by the Supreme Court Rules. [Amended January 29, 2001]

Article 4 (Justices of the Supreme Court)

(1) There shall be appointed Justices to the Supreme Court.

(2) There shall be fourteen Justices, including the Chief Justice. *[Amended December 14, 2005 and December 27, 2007]*

Article 5 (Judges)

(1) Judicial officers other than the Chief Justice and Justices shall serve as judges.

(2) There shall be judges appointed to the high court, patent court, district court, family court and administrative court. *[Amended July 27, 1994]*

(3) The number of judges shall be prescribed by a separate act, whereas the the number of judges appointed to each of paragraph (2) courts shall be prescribed by the Supreme Court Rules. *[Amended July 27, 1994]*

Article 6 (Acting Judge)

(1) The Chief Justice may appoint a judge as an acting judge to a high court, patent court, district court, family court or administrative court.

(2) The chief judge of a high court or district court shall have corresponding paragraph (1) power to appoint a judge as an acting judge to courts within the territorial jurisdiction. Where the period of appointment exceeds six months, the appointing chief judge shall obtain the approval of the Chief Justice.

Article 7 (Exercise of Judicial Power)

(1) The exercise of the Supreme Court's judicial power requires a panel comprised of two-thirds of the justices with the Chief Justice presiding. If, however, a case is first reviewed by a panel of three or more Justices and if their opinions concur, the case may be tried by the concerned panel except for the following cases:

1. Where it is deemed that any order or rule is unconstitutional;
2. Where it is deemed that any order or rule is unlawful;
3. Where it is deemed necessary to modify the Supreme Court's previous opinion on the interpretation and application of the Constitution, statutes, orders or rules;
4. *Deleted; and [August 5, 1988]*
5. Where it is deemed that trial by panel is inappropriate.

(2) The Chief Justice may, as deemed necessary, appoint a panel dedicated to certain types of cases such as cases pertaining to public administration, tax, labor, military affairs, and patents.

(3) The judicial power of a high court, patent court, or administrative court shall be exercised by a panel of three judges. However, when a administrative court panel rules that a single judge shall preside over the case, the case shall be heard by a single judge. *[Amended July 27, 1994 and December 31, 1999]*

(4) A single judge shall exercise judicial power in a district court and family court and its

branch court, family branch court, and *si/gun* court. *[Amended July 27, 1994 and January 29, 2001]*

(5) Where a panel of judges is required for cases in a district court, family court and its branch courts, judicial power shall be exercised by a panel of three judges. *[Amended January. 29, 2001]*

Article 8 (Binding Power of Judgment by a Higher Court)

A decision made at a higher court shall be binding on lower courts with respect to the case in question.

Article 9 (Judicial Administration)

(1) The Chief Justice shall exercise general control over the administrative affairs of the judiciary and shall direct and supervise officials in charge of judicial administration. *[Amended July 27, 1994]*

(2) Pursuant to the provisions of relevant statutes or Supreme Court Rules, or as an order by the Chief Justice, the Chief Justice may delegate part of his or her executive and supervisory authority over judicial administrative affairs to the Minister of National Court Administration, chief judges of the lower courts, the President of the Judicial Research and Training Institute, the President of the Training Institute for Court Officials, or the President of the Court Library.

(3) The Chief Justice may, as deemed necessary, submit to the National Assembly a written opinion on the enactment or revision of acts pertaining to the organization, personnel management, court operation, trial procedures, registration, family register, and other court affairs. *[Newly Inserted July 27, 1994 and May 17, 2007]*

Article 9-2 (Judges' Council)

(1) There shall be appointed a Judges' Council as an advisory body on judicial administrative affairs in the high court, patent court, district court, family court, administrative court, and such branch courts as prescribed by the Supreme Court Rules.

(2) The Judges' Council shall be comprised of judges. The organization and operation of the Council shall be prescribed by the Supreme Court Rules.

Article 10 (Court Secretariats and Other Offices)

(1) The high court, patent court, district court, family court, administrative court, and such branch courts as prescribed by the Supreme Court Rules shall have a secretariat. The high court and district court designated by the Supreme Court Rules may establish a bureau other than the secretariat. *[Amended July 27, 1994]*

2) A branch court or family branch court without a secretariat or bureau, or without a secretariat as provided in paragraph (1) may establish a division of which the establishment and responsibilities shall be prescribed by the Supreme Court Rules.

[Amended July 27, 1994 and January 29, 2001]

(3) The secretary-general of a high court, patent court, and such district courts as described in paragraph (1), shall be appointed from among court public officials of Grade II or III. The bureau director-generals of a high court, the secretary-general or bureau director-generals of a district court, the secretary-general of a family court, the secretary-general of an administrative court, the secretary-general of such branch courts as prescribed by the Supreme Court Rules, shall be appointed from among court public officials of Grade III or IV. The section directors shall be appointed from among court public officials of Grade III, IV or V, or registry public officials of Grade V. *[Amended July 27, 1994, December 12, 1996, and January 29, 2001]*

(4) The secretary-general, director-generals, and directors shall, under the direction of superior officials, oversee the administration and staffs in the secretariat, bureau, or section. *[Amended July 27, 1994]*

PART II SUPREME COURT

Article 11 (Highest Court)

The Supreme Court shall be the highest court.

Article 12 (Location)

The Supreme Court shall be located in Seoul Metropolitan City.

Article 13 (Chief Justice of the Supreme Court)

(1) There shall be appointed a Chief Justice of the Supreme Court.

(2) The Chief Justice shall have supervisory power over all matters of the Supreme Court, direct and oversee the staffs of the Supreme Court, lower courts, and ancillary organizations with respect to judicial administrative affairs.

(3) In case of a vacancy in the office of Chief Justice, or where the Chief Justice is unable to perform the duties of his or her office due to unforeseen events, the senior Justice shall act on his or her behalf.

Article 14 (Judicial Power)

The Supreme Court shall be the court of last resort in the following cases: *[Amended July 27, 1994]*

1. Appeal against a decision of a high court, appellate court, or patent court;
2. Re-appeal against a decision or order of a court reviewing the appeal against decision, of a high court, of an appellate court, or of a patent court; and
3. Cases falling under the jurisdiction of the Supreme Court pursuant to other relevant statutes.

Article 15 (Indication of Justice's Opinion)

Opinions of all Justices who participated in the judgment shall be indicated in the judgment made by the Supreme Court.

Article 16 (Composition and Decision-Making Method of the Council of Justices)

(1) The Council of Justices shall consist of the Justices and be chaired by the Chief Justice.

(2) A quorum of two-thirds of the Justices and an affirmative vote **by** a majority of the Justices present shall be required for a decision.

(3) The chair shall have a vote in a decision, and shall have the casting vote if the members of the Council are equally divided.

Article 17 (Decisions by the Council of Justices)

The following matters shall be decided by the Council of Justices: *[Amended March 24, 2005]*

1. Consent to the appointment and reappointment of a judge;
2. Matters concerning the enactment, revision, etc. of the Supreme Court Rules;
3. Matters concerning collection and publication of judicial opinions;
4. Matters concerning the request for the budget, expenditure of reserve fund, and settlement of accounts;
5. Matters falling under the jurisdiction of the Council of Supreme Court Justices pursuant to other statutes; and
6. Matters deemed to be of particular importance referred to by the Chief Justice.

Article 18 (Delegated Matters)

Matters on the operation of the Council of Justices shall be prescribed by the Supreme Court Rules.

Article 19 (National Court Administration)

(1) There shall be established the National Court Administration in the Supreme Court for the purpose of conducting general administrative affairs of the court.

(2) The National Court Administration shall handle administrative matters pertaining to personnel administration, budget, accounting, court facilities, statistics, litigation affairs, registration, family register, deposit, enforcement officer, and judicial scrivener, as well as research on legislations and judicial system. *[Amended December 12, 1996 and May 17, 2007]*

Article 20 (Judicial Research and Training Institute)

There shall be established a Judicial Research and Training Institute in the Supreme Court for the purpose of conducting judicial education of judges and training of judicial trainees. *[Amended Jul. 27, 1994 and May 1, 2007]*

Article 21 (Training Institute for Court Officials)

There shall be established a Court Officials Training Institute in the Supreme Court for the purpose of conducting training and education of court staffs, enforcement officers, and other personnels. *[Amended July 27, 1994 and December 6, 1995]*

Article 22 (Court Library)

There shall be established a Court Library in the Supreme Court for the purpose of supporting judicial proceedings and advancing the practice of law through research, collection, publication, management, and sharing of information including court decisions, statutes, literature, and historical data.

Article 23 (Secretarial Office of Chief Justice)

(1) There shall be established a Secretarial Office of the Chief Justice in the Supreme Court.

(2) The Secretarial Office of the Chief Justice shall consist of a chief secretary who shall be appointed from among judges or elected public officials and shall, by order of the Chief Justice, be responsible for the administration of the Secretarial Office, and direct and supervise the officials in the Secretarial Office. *[Amended July 27, 1994]*

(3) Matters on the organization and operation of the Secretariat of the Chief Justice shall be prescribed by the Supreme Court Rules.

(4) There shall be appointed secretaries to the Justices.

(5) Secretaries of the Justices shall be appointed from among court officials of Grade IV or public officials in extraordinary service with a rank equivalent to Grade IV. *[Amended July 27, 1994 and December 14, 2005]*

Article 24 (Judicial Research Officers)

(1) There shall be appointed judicial research officers in the Supreme Court.

(2) Judicial research officers shall, by order of the Chief Justice, examine cases and conduct judicial research in the Supreme Court.

(3) The judicial research officers shall be appointed from among the judges. Non-judges may be appointed for a specified term not exceeding three years. *[Amended December 14, 2005]*

(4) Judicial research officers who are not judges shall be employed as public officials in

special service or contractual service with a rank equivalent to Grade II or III. Organization and qualifications of the judicial research officers shall be prescribed by the Supreme Court Rules. *[Newly Inserted December 14, 2005]*

(5) The Chief Justice may request government agencies, public organizations, educational institutions, research institutes, and other relevant entities to second officials or staff members to the Supreme Court to serve as judicial research officers.

[Newly Inserted December 14, 2005]

(6) Judicial research officers seconded by other organizations pursuant to paragraph (5) may be paid a stipend set forth in the Supreme Court Rules. *[Newly Inserted December 14, 2005]*

Article 25 (Judicial Policy Advisory Committee)

(1) The Chief Justice may, as deemed necessary, establish a Judicial Policy Advisory Committee to serve as an advisory body to the Chief Justice.

(2) The Judicial Policy Advisory Committee shall be composed of seven or less members appointed by the Chief Justice from among persons with good moral standings and knowledge of judicial policies. Matters on the organization and operation of the Committee shall be prescribed by the Supreme Court Rules.

Article 25-2 (Judicial Personnel Committee)

(1) A Judicial Personnel Committee shall be established as an advisory body to the Chief Justice for the purpose of establishing and implementing a basic framework for personnel management of judges.

(2) The Judicial Personnel Committee shall be composed of members appointed or commissioned by the Chief Justice. Matters on the organization and operation of the Committee shall be prescribed by the Supreme Court Rules. *[Amended March 24, 2005]*

PART III COURTS

CHAPTER I HIGH COURT

Article 26 (Chief Judge of the High Court)

(1) There shall be appointed a chief judge of the high court.

(2) The chief judge of the high court shall be appointed from among judges.

(3) The chief judge of the high court shall manage the judicial administration of the court, and direct and supervise court officials under his or her supervision.

(4) In case of a vacancy in the office of the Chief Judge, or in cases where the Chief Judge is unable to perform the duties of his or her office due to unforeseen events, his or her duties shall be performed by the chief presiding judge and senior presiding judge, in that order.

(5) There shall be a secretary to the chief judge of the high court.

(6) The secretary of the chief judge of the high court shall be appointed from among the court officials of Grade V or public officials in extraordinary civil service with a rank equivalent to Grade V. *[Amended July 27, 1994]*

Article 27 (Divisions)

(1) There shall be established divisions in the high court. *[Amended July 27, 1994]*

(2) There shall be appointed a division chief judge to each division.

(3) The division chief judge shall be the presiding judge in the proceedings of the division, and shall, under the the direction of the chief judge of the high court, supervise the administration of the division.

(4) The Chief Justice may, when necessary, have a division of the high court conduct business in the seat of the district court in the jurisdiction of the high court. *[Newly Inserted July 27, 1994]*

Article 28 (Judicial Power)

The high court shall adjudicate the following cases: *[Amended December 31, 1990, July 27, 1994, and January 29, 2001]*

1. An appeal against a judgment or an appeal against a ruling issued by a panel in a district court or administrative court as a court of first instance;

2. An appeal against a judgment, adjudication, ruling or order given by a single judge in a district court or family court as the court of first instance, other than criminal cases, as provided by the Supreme Court Rules; and.

3. Cases falling under the jurisdiction of the high court under other Acts.

CHAPTER II PATENT COURT

Article 28-2 (Chief Judge of Patent Court)

(1) There shall be appointed a chief judge of the patent court.

(2) The chief judge of the patent court shall be appointed from among the judges.

(3) The chief judge of the patent court shall manage the judicial administration of the

court, and direct the court officials under his or her supervision.

(4) The provisions of Article 26, paragraphs (4) through (6) shall apply *mutatis mutandis* to the patent court. *[Newly Inserted July 27, 1994]*

Article 28-3 (Divisions)

(1) There shall be established divisions in the patent court.

(2) The provisions of Article 27, paragraphs (2) and (3) shall apply *mutatis mutandis* to the patent court.

Article 28-4 (Judicial Power)

The patent court shall adjudicate the following cases: *[Amended September 23, 1998, December 31, 2004, and March 3, 2006]*

1. Cases of first instance as provided in Article 186 (1) of the Patent Act, Article 33 of the Utility Model Act, Article 75 of the Design Protection Act, and Article 86, paragraph (2) of the Trademark Act; and
2. Cases falling under the jurisdiction of the patent court under other Acts.

CHAPTER III DISTRICT COURTS

Article 29 (Chief Judge of the District Court)

(1) There shall be appointed a chief judge of the district court.

(2) The chief judge of the district court shall be appointed from among judges.

(3) The chief judge of the district court shall manage the judicial administration of the court, its branch court, *si/gun* court, and registration office, and direct the court officials under his or her supervision. *[Amended July 27, 1994]*

(4) The provisions of Article 26, paragraphs (4) through (6) shall apply *mutatis mutandis* to the district court. *[Amended July 27, 1994]*

Article 30 (Divisions)

(1) There shall be established divisions in the district court. *[Amended July 27, 1994]*

(2) The provisions of Article 27, paragraphs (2) and (3) shall apply *mutatis mutandis* to the district court.

Article 31 (Branch Court)

(1) There shall be appointed a chief judge of the branch court of the district court and the

family branch court. *[Amended January 29, 2001]*

(2) The chief judge of the branch court shall be appointed from among judges.

(3) The chief judge of the branch court shall, under the direction of the chief judge of the district court to which the branch court belongs, manage the judicial administration of the branch court and the *si/gun* court located in its jurisdiction, and direct the court officials under his or her supervision. *[Amended July 27, 1994]*

(4) The chief judge of the branch court in which a secretariat is established shall manage the registration offices located in its jurisdiction, under the direction of the chief judge of the district court to which the branch court belongs, and direct the court officials under his or her supervision. *[Newly Inserted July 27, 1994]*

(5) Divisions may be established in the branch court of the district court and the family branch court. *[Amended January 29, 2001]*

(6) The provisions of Article 27, paragraphs (2) and (3) shall apply *mutatis mutandis* to the branch court of the district court and the family branch court in which divisions are established pursuant to paragraph (5). *[Amended July 27, 1994, and January 29, 2001]*

Article 31-2 (Jurisdiction of Family Branch Court)

The family branch court shall exercise jurisdiction over matters falling under the jurisdiction of a family court in areas where no family court is established. However, cases of appeal against a judgment, adjudication, decision, or order given by a single judge in a family court shall be excluded.

Article 32 (Judicial Power of the Panel)

(1) The district court and the panel of its branch court shall adjudicate the following cases in the first instance: *[Amended July 27, 1994 and December 31, 1999]*

1. Cases determined by the panel as cases for adjudication;
2. In the case of civil cases, those cases as prescribed by the Supreme Court Rules;
3. Cases related to offenses punishable by death penalty, life imprisonment, imprisonment of no less than one year, and imprisonment without labor, with the exclusion of the following cases:
 - (a) *Deleted; [December 31, 1999]*
 - (b) Cases falling under Articles 331 and 332 of the Criminal Act (limited to Article 331 repeat offenders) and attempted crimes thereof;
 - (c) Cases falling under Article 2, paragraphs (1) and (3), Article 3, paragraphs (1) and (2), Article 6 (limited to attempted crimes as prescribed by Article 2, paragraphs (1) and (3), Article 3, paragraphs (1) and (2)), and Article 9 of the Punishment of Violence Act;
 - (d) Cases on violation of the Military Service Act;
 - (e) Cases falling under Articles 5-3, paragraph (1) and Article 5-4, paragraphs (1), (4) and (5) (limited to paragraphs (1) and (4) crimes) of the Act on the Aggravated Punishment of Specific Crimes;

(f) Cases falling under Article 5 of the Act on Special Measures for the Control of Public Health Crimes; and

(g) Cases falling under Article 5 of the Illegal Check Control Act.

4. Cases of a co-offender tried concurrently with a paragraph (3) cases;

5. Cases challenging or moving for a recusal of a judge of the district court; and

6. Cases falling under the jurisdiction of the panel of the district court under other Acts.

(2) The panel of the district court and of the branch of a district court prescribed by any of the following paragraphs shall adjudicate as the court of second instance on appeal against judgment and appeal against a ruling made by a single judge in a district court, unless the case falls under Article 28, paragraph 2. *(Amended January 29, 2001)*

1. Deleted. *[March 24, 2005]*

2. *Gangneung* branch court of the *Chuncheon* district court.

Article 33 (*Si/gun* Court)

(1) The Chief Justice shall appoint a judge to a *si/gun* court from the district court or branch court to adjudicate cases under the jurisdiction of the *si/gun* court. The Chief Justice may appoint one judge to two or more *si/gun* courts.

(2) The judge of *si/gun* court shall manage the judicial administration of the *si/gun* court under the direction of the chief judge of the district court or the chief judge of the branch court with regional jurisdiction, and direct the court officials under his or her supervision. With respect to a family case, however, directions will be taken from the chief judge of the family court or its branch court with regional jurisdiction.

Article 34 (Jurisdiction of *Si/Gun* Court)

(1) The *si/gun* court shall have jurisdiction over the following cases: *[Amended July 27, 1994]*

1. Civil cases falling under the Trial of Small Claims Act;

2. Cases concerning reconciliation, demand, and mediation;

3. Criminal cases punishable by a fine of up to two hundred thousand won, detention, or minor fine; and

4. Confirmation of a divorce by mutual consent as provided in Article 79-2 of the Family register Act.

(2) If the cases as provided in paragraph (1), subparagraph 2 and 3 are pending in the court of the first instance due to a motion for reconsideration, the district court or its branch court with regional jurisdiction shall have jurisdiction. If, however, the case is subject to the Trial of Small Claims Act, the concerned *si/gun* shall have jurisdiction. *[Amended by July 27, 1994]*

(3) A summary trial shall be given to criminal cases falling under paragraph (1), subparagraph 3.

Article 35 (Request for Formal Trial over Summary Trial)

The defendant may request a formal trial over a summary trial made pursuant to Article 34, within seven days after receiving notification thereof.

Article 36 (Registration Office)

- (1) A registrar shall be appointed to each registration office.
- (2) The registrar shall be appointed from among the court officials of Grade IV or V, or the registry officials of Grade V. *[Amended Jan. 29, 2001]*
- (3) The registrar shall be in charge of affairs of the registration office under the direction of the chief judge of the district court to which he belongs, or the chief judge of the branch court in which the secretariat is established, and direct and supervise personnel under his or her control. *[Amended Jul. 27, 1994]*

Article 37 (Chief Judge of Family Court)

- (1) There shall be appointed a chief judge of the family court.
- (2) The chief judge of the family court shall be appointed from among judges.
- (3) The chief judge of the family court shall manage the judicial administration of the family court and its branch courts, and direct court officials under his or her supervision. If, however, only one branch court is established in accordance with the proviso of Article 3, paragraph (2), the chief judge of the family court shall manage matters concerning the family cases, juvenile protection, and family registers of such branch courts. *[Amended July 27, 1994]*
- (4) The provisions of Article 26, paragraphs (4) through (6) shall apply *mutatis mutandis* to the family court. *[Amended July 27, 1994]*

Article 38 (Divisions)

- (1) There shall be established Divisions in a family court.
- (2) The provisions of Article 27, paragraphs (2) and (3) shall apply *mutatis mutandis* to the family court.

Article 39 (Branch Court)

- (1) There shall be appointed a chief judge to each branch court of the family court.
- (2) The chief judge of the branch court shall manage the judicial administration of the branch court under the direction of the chief judge of the family court that has jurisdiction over the branch court, and direct the court officials under his or her supervision. *[Newly Inserted July 27, 1994]*
- (3) The provisions of Article 31, paragraphs (2) and (5) and Article 27, paragraphs (2) and (3) shall apply *mutatis mutandis* to the branch court of the family court. *[Amended July 27, 1994]*

Article 40 (Judicial Power of Family Court Panel)

(1) The panel of the family court and its branch court shall adjudicate in the first instance the following cases: *[Amended December 31, 1990]*

1. Family litigation cases and non-contentious family cases of E class of the Family Litigation Act, which are designated as falling under the jurisdiction of the family court by Supreme Court Rules;
2. Cases challenging or moving for a recusal of a judge of the family court; and
3. Cases falling under the jurisdiction of the panel of the family court under other Acts

(2) The panel of the family court and of the family branch court prescribed by any of the following subparagraphs shall adjudicate as the court of second instance cases of appeal against judgment and appeal against decision of a judgment, ruling, or order made by a judge sitting alone in a family court unless the case falls under Article 28, paragraph 2. *[Amended January 29, 2001]*

1. *Deleted. [March 24, 2005]*
2. *Gangneung* branch court of the *Chuncheon* family court.

CHAPTER V ADMINISTRATIVE COURT

Article 40-2 (Chief Judge of Administrative Court)

- (1) There shall be appointed a chief judge of the administrative court.
- (2) The chief judge of the administrative court shall be appointed from among judges.
- (3) The chief judge of the administrative court shall manage the judicial administration of the court, and direct the court officials under his or her supervision.
- (4) The provisions of Article 26, paragraph (4) through (6) shall apply *mutatis mutandis* to the administrative court.

Article 40-3 (Divisions)

- (1) There shall be established division in the administrative court.
- (2) The provisions of Article 27, paragraphs (2) and (3) shall apply *mutatis mutandis* to the administrative court.

Article 40-4 (Judicial Power)

The administrative court shall adjudicate as a court of first instance, such administrative cases as prescribed by the Administrative Litigation Act, and those cases over which the administrative court has jurisdiction under other Acts. *[Newly Inserted July 27, 1994]*

PART IV JUDICIAL OFFICERS

Article 41 (Appointment of Judicial Officers)

(1) The Chief Justice shall be appointed by the President with the consent of the National Assembly.

(2) The Justices shall be appointed by the President with the consent of the National Assembly upon recommendation of the Chief Justice.

(3) Judges shall be appointed by the Chief Justice with the consent of the Council of the Justices.

Article 42 (Qualification for Appointment)

(1) The Chief Justice and Justices shall be appointed from among those who are forty years of age or over, and have been in any of the following offices for not less than fifteen years:

1. Judge, public prosecutor, or lawyer;

2. A person who is qualified as a lawyer and has been serving as legal counsel in a government organ, local government, state-owned or public enterprise, government-invested institution, or other legal entity; and

3. A Person who is qualified as a lawyer, and has been a law faculty with a title of assistant professor or higher at an accredited college or university.

(2) Judges shall be appointed from among those falling under any of the following subparagraphs:

1. A person who has passed the national judicial examination and has completed the required courses at the Judicial Research and Training Institute; and

2. A person who is qualified as a lawyer.

(3) For a person who has held two or more positions described in paragraph (1), the sum of the years served in the different positions shall be applied.

Article 42-2

Deleted. [May 1, 2007]

Article 42-3 (Restrictions on Exercise of Judicial Power)

(1) No judge, whose service period including that as provided in the subparagraphs of Article 42, paragraph (1) is not more than five years, may independently preside over contested cases. *[Amended May 1, 2007]*

(2) No judge described in paragraph (1) may be a presiding judge of a panel.

(3) *Deleted.* *[May 1, 2007]*

Article 42-4 Deleted [December 31, 1999]

Article 43 (Causes for Disqualification)

No person falling under any of the following sections shall be appointed as a judicial officer:

1. A person who is disqualified as a public official under other Acts and subordinate statutes;
2. A person who has been sentenced to a penalty higher than imprisonment without labor; and
3. A person who has been removed from his or her office by impeachment, unless five years have elapsed since the removal.

Article 44 (Assignment to Post)

(1) The judge shall be assigned to a post by the Chief Justice. *[Amended May 31, 2007]*

(2) The President of the Judicial Research and Training Institute, the chief judge of a high court or patent court, the Vice President of the National Court Administration, the chief judge of a district court, family court or administrative court, and the presiding judge of a high court or patent court shall be appointed from among those who have served in any one of the offices described in subparagraphs of Article 42, paragraph (1) for no less than ten years.

(3) The provisions of Article 42, paragraph (3) shall apply *mutatis mutandis* to the calculation of the service period as provided in paragraph (2). *[Amended Jul. 27, 1994]*

Article 44-2 (Performance Evaluation)

(1) The Chief Justice may evaluate the performance of the judges and reflect the results in personnel management.

(2) Matters concerning the evaluation of performance as provided in paragraph (1) shall be prescribed by the Supreme Court Rules.

Article 45 (Term of Office, Reappointment, and Age Limit)

(1) The Chief Justice shall be appointed for a six-year term of office, and may not be reappointed.

(2) Justices shall be appointed for a six-year term of office, and may serve successive terms.

(3) Judges shall be appointed for a ten-year term of office, and may serve successive terms.

(4) The age limit of the Chief Justice shall be seventy years of age; the Justices, sixty-five years of age; and the judges, sixty-three years of age. *[Amended July 27, 1994]*

Article 45-2 (Reappointment of Judges)

(1) Judges whose term has been expired shall be reappointed, with the consent of the Council of the Justices, by an official order of reappointment by the Chief Justice.

(2) The Chief Justice shall not issue an official order of reappointment to the judges who are deemed to fall under any one of the following subparagraphs:

1. Where it is impossible to perform the normal duties as a judge due to physical or mental disability;
2. Where it is impossible to perform the normal duties as a judge due to apparent poor performance; and
3. Where it has become apparent that the dignity of judge will be difficult to maintain.

(3) Procedures required for a judge's reappointment shall be set forth in the Supreme Court Rules.

Article 46 (Guarantee of Judicial Officer's Status)

(1) No judicial officer shall be dismissed, unless there is a decision of impeachment or he or she is criminally punished heavier than imprisonment without labor, nor shall a judicial officer be subject to suspension from office, reduction of salary, or other disadvantageous disposition unless he or she is subject to disciplinary action. *[Amended January 21, 1999]*

(2) Remuneration of judicial officers shall be set forth separately by another Act to be commensurate with their duties and positions. *[Amended July 27, 1994]*

Article 47 (Retirement due to Mental or Physical Disability)

If a judicial officer is unable to perform his or her duties due to serious mental or physical disabilities, the President, in case of a justice, or the Chief Justice, in case of a judge, may order a resignation.

Article 48 (Discipline)

(1) There shall be established a Judges Disciplinary Committee in the Supreme Court.

(2) Matters concerning the discipline of judicial officers shall be determined separately by other Acts. *[Amended July 27, 1994]*

Article 49 (Prohibitions)

No judicial officer shall engage in the following acts during his or her term of office.

1. To become a member of the National Assembly or local council;
2. To become a public official in any administrative body;
3. To participate in a political campaign;
4. To engage in a paid job without the authorization of the Chief Justice;
5. To engage in work for the purpose of a pecuniary profit;
6. To assume the post, regardless of extent of compensation, as an advisor, officer, or employee of a corporation, organization, or other entities that are not government bodies, without the authorization of the Chief Justice; and
7. To engage in other acts as prohibited by the Supreme Court Rules.

Article 50 (Secondment of Judicial Officers)

When a government organ requests the secondment of a judicial officer, the Chief Justice shall, if he or she deems the nature of the work is proper and if the concerned officer consents, authorize such an assignment for a specified period of time. *[Amended July 27, 1994]*

Article 51 (Leave of Absence)

(1) If a judicial officer petitions for a leave of absence for reasons such as military conscription or draft, as prescribed by the Military Service Act, training at a legal research institute, university, or other domestic or overseas organizations, or treating a medical condition, the Chief Justice may, if he deems the petition to be well substantially reasoned, authorize the leave for a specified length of time insofar as it does not exceed two years (in case of conscription or draft as prescribed by the Military Service Act, until the term of service expires).

(2) In the case as provided in paragraph (1), matters concerning the payment of remuneration during the period of temporary retirement shall be prescribed by the Supreme Court Rules.

Article 52 (Concurrent Office, etc.)

(1) The Chief Justice may appoint a judicial officer to a non-judge position (including a judicial research officer), or appoint the officer to hold such a position concurrently. *[Amended July 27, 1994]*

(2) A judicial officer assigned to a non-judge position or concurrent office as provided in paragraph (1) shall not take part in case adjudications or be included as one of the judges subject to assignment as provided in Article 5, paragraph (3).

(3) The number of judges described in paragraph (1) shall be prescribed by the Supreme Court Rules. In the case of concurrent office, remuneration shall be the higher of the two.

PART V COURT OFFICIALS AND STAFF

Article 53 (Court Staff)

Court officials, other than judicial officers, shall be appointed by the Chief Justice. The number of court officials shall be as prescribed by the Supreme Court Rules.

Article 54 (Judicial Assistant Officers)

(1) There may be appointed judicial assistant officers to the Supreme Court and lower courts.

(2) Judicial assistant officers may carry out the duties set forth in the Supreme Court Rules from among the following duties:

1. Duties of the court in the procedures for determining litigation expenses and execution

expenses, and in the procedures for issuing demand notices and public notices under the Civil Procedure Act (including the cases to which the said Act is applied *mutatis mutandis*);

2. Duties of the court in the procedures for order to render executory notices, those for registration on the list of defaulted debtors, those for property inquiry, those for compulsory sale by auction of immovables, those for compulsory sale by auction of automobiles and construction machinery, those for compulsory sale by auction of movables, those for auctions held to execute security rights, those for orders for a lawsuit, and those for application for cancellation of execution of provisional attachment and provisional disposition under the Civil Execution Act (including the cases to which the said Act is applied *mutatis mutandis*); and

3. Duties of the court in the procedures for registration orders for lease rights under the Housing Lease Protection Act and the Commercial Building Lease Protection Act.

(3) The judicial assistant officers shall perform their duties under the supervision of judicial officers, and any objections to the dispositions of judicial assistant officers may be raised against the judicial officers under the provisions of the Supreme Court Rules.

(4) The judicial assistant officers shall be selected as prescribed in the Supreme Court Rules from among the persons who have served for not less than 5 years in the post class of court's junior administrative officer or junior administrative officer for registration, or higher, and those who have served for not less than 10 years in the post class of court's assistant junior official or the assistant junior official for registration, or higher.

(5) The organization and the number of judicial assistant officials, and other necessary matters, shall be as prescribed by the Supreme Court Rules.

Article 54-2 (Technical Examiner)

(1) There shall be appointed technical examiners to the patent court.

(2) If it is deemed necessary, the court may, by decision, have a technical examiner take part in a trial hearing pursuant to Article 186, paragraph (1) of the Patent Act, Article 33 of the Utility Model Act, and Article 75 of the Design Protection Act. *[Amended September 23, 1998, December 31, 2004 and March 3, 2006]*

(3) Any technical examiner who participates in the trial hearing under paragraph (2) may, with the permission of the presiding judge, question the litigants on any technical matters, and state his or her opinion at a trial before a panel.

(4) The Chief Justice may request the related government organs, such as the Korean Intellectual Property Office, to second officials who will serve as technical examiners. *[Amended March 24, 2005]*

(5) The qualifications, positions, and number of the technical examiners, and other necessary matters shall be prescribed by the Supreme Court Rules.

Article 54-3 (Investigation Officers)

- (1) There may be appointed investigation officers in the Supreme Court and lower courts.
- (2) Investigation officers shall, under the direction of judicial officers, be responsible for collecting and investigating material required for the judgment of cases specified by other Acts or the Supreme Court Rules.
- (4) The Chief Justice may request other government agencies to externally assign members to serve as investigation officers.
- (5) The qualifications, positions and number of the investigation officers, and other necessary matters shall be prescribed by the Supreme Court Rules.
(Newly Inserted March 24, 2005)

Article 55 (Enforcement Officers)

- (1) There shall be appointed enforcement officers to the district court and its branch court, by the chief judge of the district court to which they belong, pursuant to provisions of other Acts. *[Amended July 27, 1994 and December 6, 1995]*
- (2) Enforcement officers shall perform the execution of judgment, the service of documents and other affairs under the provisions of Acts and subordinate statutes. *[Amended December 6, 1995]*
- (3) In order to guarantee faithful performance of duties, enforcement officers shall pay security deposit to the district court to which they belong. *[Amended December. 6, 1995]*
- (4) Matters concerning the security deposit as provided in paragraph (3) and the fees payable to the enforcement officers shall be prescribed by the Supreme Court Rules. *[Amended December 6, 1995]*

Article 55-2 (Court Security Unit)

- (1) There shall be a court security management unit established in the Supreme Court and lower courts for the purpose of maintaining dignity and order in the courts and to guard the court building. Matters regarding the establishment, organization and responsibilities of the court security unit shall be provided by the Supreme Court Rules.
- (2) When any of the following persons is in the court building, a member of the court security unit may employ physically tangible force to restrain such persons, or use security equipment such as a baton or gas spray. In such a case, the use of tangible force shall be kept to a minimum. :
 1. A person inflicting or attempting to inflict harm to another person's life, body, or property;
 2. A person committing acts or attempting to commit acts that harm the dignity and order

of the court;

3. A person obstructing or attempting to obstruct the lawful duties of a judicial officer or court staff; and

4. A person engaged or attempting to engage in acts that will disrupt order in the court building.

(3) A member of the court security unit may search persons entering the court building in order to screen them for possession of weapons or other dangerous articles or items that hinder the maintenance of order in the court building.

(4) In making the dispositions under the provisions of paragraph (2), a warning shall be given in advance to the concerned person. This, however, does not apply in cases when there is insufficient time to give warning.

PART VI TRIAL

CHAPTER I COURTROOM

Article 56 (Venue of Sessions)

(1) Public trials shall be held in courtrooms.

(2) The chief judge of a court may, if necessary, give a permission to hold a session at a venue outside the courthouse.

Article 57 (Opening of Trials to the Public)

(1) The hearing and ruling of a trial shall be open to the public. However, if a public hearing is perceived to potentially harm national security, public order, or social morality, it may be decided to close the trial to the public.

(2) The decision of the proviso in paragraph (1) shall be announced with the reasoning stated.

(3) Even the case where a decision as stated in the proviso of paragraph (1) is made, the presiding judge may permit the presence in the court of those deemed appropriate.

Article 58 (Maintenance of Order in a Courtroom)

(1) Order in the courtroom shall be maintained by the presiding judge.

(2) The presiding judge may prohibit any person who could potentially cause harm to the dignity and order of the court from entering the courtroom, expel such a person from the courtroom, or issue other orders necessary for maintaining order in the courtroom.

Article 59 (Prohibition of Videotape Recording, etc.)

No person shall, unless permitted by the presiding judge, engage in acts such as videotaping, photographing, or broadcasting in the courtroom.

Article 60 (Request for Dispatch of National Police Officers)

(1) When it is deemed necessary for keeping order in the court, the presiding judge may request the chief of the competent police station to dispatch police officers, before or after the opening of a court session. *[Amended February 21, 2006]*

(2) National police officers dispatched upon a request under paragraph (1) shall take directions from the presiding judge with respect to the maintenance of order inside the courtroom and its peripheries. *[Amended February 21, 2006]*

Article 61 (Detention in Custody, etc.)

(1) If a person acts, inside or outside of the court, in violation of an order issued under Article 58, paragraph (2) or the provisions of Article 59, obstructs court proceedings through verbal assaults, or by causing a commotion, etc. or is clearly in contempt of court, the court may, by its decision, place the person in detention for up to twenty days, impose a fine of up to one million won, or both.

(2) In order to execute the detention penalty under paragraph (1), the court may have the court staff, prison officers, or national police officers detain the subject immediately. In such a case, the court shall hold a trial to sentence the subject to detention within twenty-four hours of placing him into detention, otherwise shall immediately order the release of the person. *[Amended February 21, 2006]*

(3) The detention in custody shall be executed by detaining the offender at a detention room of a police station or correctional facility.

(4) The detention in custody shall be executed prior to confinement and punishment due to other cases against the detainee, and the execution of a confinement and punishment due to other cases against the detainee shall be suspended during the execution of detention in custody. The procedure of the original case to which the detainee is a party shall also be suspended. If there is a valid reason, the court may order continuation of the legal proceedings.

(5) The judgment as provided in paragraph (1) may be subject to any appeal or special appeal. *[Amended July 27, 1994]*

(6) The procedure for a judgment as provided in paragraph (1) and other necessary matters shall be prescribed by the Supreme Court Rules.

Article 62 (Language in Court)

(1) Korean shall be the language used in court.

(2) When any person involved in the litigation does not understand Korean, an interpreter shall be used.

Article 63 (Mutatis Mutandis Application)

The provisions of Articles 57 through 62 shall apply *mutatis mutandis* to a case where a judicial officer performs his or her duties at a place other than the court.

Article 64 (Court Guard)

(1) Court guards shall be assigned to the Supreme Court and the lower courts. [*Amended July 27, 1994 and December 14, 2005*]

(2) Court guards shall carry out duties by direction of the judicial officer in the court, and other duties as prescribed by the Chief Justice. [*Amended July 27, 1994 and December 14, 2005*]

(3) If it is deemed that there are difficult circumstances in which to use enforcement officers, the court may have court guards serve documents of litigation. [*Amended July 27, 1994 and December 6, 1995 and December 14, 2005*]

CHAPTER II CONFERENCE

Article 65 (Non-Opening of Conference to Public)

No conference of the court shall be open to the public.

Article 66 (Method of Conference)

(1) Except as otherwise provided by the Constitution and Acts, any panel judgment shall be made by a majority.

(2) If the opinions in a conference are separated into three or more parts, and each part does not reach the majority, the following opinion shall prevail:

1. With regard to judgment amount, the number of opinions for the largest amount shall be added with that for the next largest amount until a majority is reached. The final amount shall be the smaller of the two; and
2. In a criminal case, the number of opinions most favorable to the defendant shall be added with that for the next favorable opinions until a majority is reached.

(3) When the panel is divided on a matter that is to be decided by the majority as provided in Article 7, paragraph (1), and each opinion does not reach the majority, the original judgment may not be altered.

PART VII ORGANS OF THE SUPREME COURT

Article 67 (Minister of National Court Administration)

(1) There shall be appointed a Minister and Vice Minister of the National Court Administration.

(2) The Minister shall, under the direction of the Chief Justice, oversee the administrative affairs of the National Court Administration, direct and supervise subordinate officials, and supervise judicial administration and personnel of the courts.

(3) The Vice Minister shall assist the Minister in managing the affairs of the National Court Administration. In case where the Minister is unable to perform the duties of his office due to unforeseen events, the Vice Minister shall act on his or her behalf.

(4) The Minister may delegate part of his or her responsibilities to the Vice Minister, a chief of office or a chief of bureau pursuant to the Supreme Court Rules or by the direction of the Chief Justice.

(5) There shall be assigned to the National Court Administration secretaries for the Minister and the Vice Minister. *[Amended July 27, 1994]*

(6) The secretary to the Minister of National Court Administration shall be appointed from among the court officials of Grade IV or public officials in special service with a rank equivalent to Grade IV, and the secretary to the Vice Minister of National Court Administration, from among the court officials of Grade V, or public officials in special service with a rank equivalent to Grade V. *[Amended July 27, 1994]*

Article 68 (Appointment)

(1) The Minister of National Court Administration shall be appointed by the Chief Justice from among the Justices. *[Amended December 27, 2007]*

(2) The Vice Minister of National Court Administration shall be appointed by the Chief Justice from among the judges.

Article 69 (Right to Attend the National Assembly)

The Minister and the Vice Minister of National Court Administration may attend the National Assembly or the State Council and speak on judicial administrative matters.

Article 70 (Defendant of Administrative Litigation)

The defendant in an administrative litigation against a disposition made by the Chief Justice shall be the Minister of the National Court Administration.

Article 71 (Organization)

(1) There shall be established offices, bureaus, and sections in the Court Administration Office. The establishment and responsibilities of such units shall be prescribed by the Supreme Court Rules.

(2) There shall be appointed chiefs to offices; director-generals to bureaus; and directors to sections.

(3) Deputy director-generals may be appointed to assist the Minister, Vice Minister, Chiefs and Director-generals in the National Court Administration for the purpose of assisting in policy planning, introducing plans, conducting research and study, examination, evaluation, and public relations, etc. Their official titles and responsibilities shall be prescribed by the Supreme Court Rules. *[Amended March 30, 1995]*

(4) The chief of office shall be appointed from among judges or court administrators; the director-generals, from among judges, court officials of Grade II, public officials of Grade II in equipment, or public officials of Grade II in industrial service; the director-generals from among judges, court officials of Grade II, III or IV, public officials of Grade II, II or IV in equipment, or public officials of Grade III or IV in industrial service; and directors, from among court officials of Grade III or IV, public officials of Grade III or IV in equipment, public officials of Grade III or IV in industrial service. *[Amended Jul. 27, 1994; Mar. 30, 1995]*

(5) Chiefs of offices, director-generals, and directors shall be in charge of the business of offices, bureaus and sections, under the direction of their superior officers, and shall direct and supervise the staff in the respective units.

CHAPTER II JUDICIAL RESEARCH AND TRAINING INSTITUTE

Article 72 (Judicial Trainees)

(1) Judicial trainees shall be appointed by the Chief Justice from among those who have passed the national judicial examination, and be a public official in special service. *[Amended December 12, 1996]*

(2) The training period of judicial trainees shall be two years. If, however, it is necessary, the training period may be changed as prescribed by the Supreme Court Rules.

(3) A judicial trainee that is subject to any of the following may be dismissed:

1. Violation of any of the subparagraphs of Article 33 of the State Public Officials Act;
2. For conduct unbecoming a judicial trainee;
3. Poor academic results due to a lack of commitment; and
4. Ailment which renders the trainee unable to continue training

(4) The court may *ex officio* assign a judicial trainee as a defense attorney.

Article 72-2 (Purposes of Legal Training of Judicial Trainees)

The purpose of the training of judicial trainees shall be to engage trainees in theoretical and practical research and learning; to instill in them high moral standards and a sense of duty to serve the public; and to cultivate legal professionals who will contribute to the establishment of rule of law and advancement of democracy.

Article 73 (Organization)

(1) There shall be appointed a President, a Vice President, professors, and lecturers at the Judicial Research and Training Institute.

(2) The President shall oversee the administrative affairs of the Judicial Research and Training Institute under the direction of the Chief Justice, and direct and supervise the staffs of the Judicial Research and Training Institute.

(3) The Vice President shall assist the president to administer the affairs of the Judicial Research and Training Institute. In the case of vacancy in the office of President, or if the President is unable to carry out his duties due to unforeseen events, the Vice President shall act on his or her behalf.

(4) There shall be assigned secretaries to the President and the Vice President of the Judicial Research and Training Institute. *[Amended July 27, 1994]*

(5) The secretaries to the President and the Vice President of the Judicial Research and Training Institute shall be appointed from among court officials of Grade V, or from public officials in special service with a rank equivalent to Grade IV. *[Amended July 27, 1994]*

Article 74 (President of Judicial Research and Training Institute)

(1) The Chief Justice shall appoint the President of the Judicial Research and Training Institute from among judges, and the Vice President from among public prosecutors. *[Amended December 12, 1996]*

(2) The Chief Justice shall, *ex officio* or upon the recommendation of the President of the Judicial Research and Training Institute, assign or appoint to the faculty those persons falling under one of the following subparagraphs: *[Newly Inserted December 12, 1996]*

1. A judge;
2. A public prosecutor;
3. A lawyer;
4. A person with a bachelor's or master's degree and recognized as having the competence or experience as prescribed by the Supreme Court Rules; and
5. A person with a doctorate degree.

(3) Instructors shall be commissioned by the President of the Judicial Research and Training Institute from among those who have extensive knowledge and experience. *[Amended December 12, 1996]*

(4) Judges and public prosecutors who are in full-time service in the Judicial Research and Training Institute shall not be counted in the number of judges as prescribed in Article 5, paragraph (3) or the number of public prosecutors as provided by the Fixed Number of Public Prosecutors Act.

Article 74-2 (Status of Faculty)

(1) The faculty of the Judicial Research and Training Institute who do not hold offices of judges or public prosecutors (hereinafter referred to as "full-time faculty") shall be public officials in special service.

(2) The term of the full-time faculty shall be ten years and shall be renewable. However, the newly employed faculty may be employed for specified terms of three years or less as prescribed by the Supreme Court Rules.

(3) The retirement age for the full-time faculty is the same as that of judges. With regard to sanctions or penalties, the Discipline of Judicial Officers Act shall apply *mutatis mutandis*. In these circumstances, references to "judicial officers" in the aforementioned Act shall be construed to refer to "full-time faculty."

(4) Matters regarding job titles of faculty and their employment shall be as prescribed by the Supreme Court Rules.

Article 74-3 (Visiting Professors)

(1) Any person who is qualified as a lawyer (including those qualified in foreign countries), or who is recognized as having expert knowledge and experiences in a specialized area, may be appointed as a visiting professor.

(2) Matters regarding the employment procedures, terms, and services of visiting professors as provided in paragraph (1) shall be as prescribed by the Supreme Court Rules.

Article 74-4 (Secondment of Personnel as Faculty)

(1) The Minister of the National Court Administration may, at the request of the President of the Judicial Research and Training Institute, submit a request to government organs, public organizations, educational institutions, research institutes, or other related organizations to second its members to serve as faculty at the Judicial Research and Training Institute.

(2) A stipend may be paid to those seconded as faculty members to the Judicial Research and Training Institute as provided in paragraph (1) of the Supreme Court Rules.

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Article 74-5 (Executive Council of Judicial Research and Training Institute)

(1) There shall be an executive council at the Judicial Research and Training Institute to deliberate on the basic directions of training, curriculum, or other matters determined by the Supreme Court Rules to be important for the administration and training of the Judicial Research and Training Institute.

(2) The executive council shall consist of members of not less than ten and not more than

fifteen, whose terms shall be two years and shall be renewable.

(3) Matters on the organization and operation of the executive council shall be prescribed by the Supreme Court Rules.

Article 75 (Secretariat)

(1) There shall be established a Secretariat in the Judicial Research and Training Institute. The Secretariat shall have sections of which the establishment and responsibilities shall be as prescribed by the Supreme Court Rules.

(2) There shall be appointed director-generals to bureaus and directors to sections.

(3) The director-general of a bureau shall be appointed from among court officials of Grade II or III. The director of a section shall be appointed from among court officials of Grade III, IV or V. *[Amended December 12, 1996]*

(4) The director-generals and directors shall administer the affairs of bureaus and sections respectively under the direction of superior officers, and shall direct and supervise the personnel in the bureau or section.

Article 76 (Delegated Matters)

Matters pertaining to the appointment, training and remuneration of the judicial trainees of the Judicial Research and Training shall be as prescribed by the Supreme Court Rules. At the same time, educational autonomy and neutrality of the Judicial Research and Training Institute should be guaranteed to the fullest extent.

CHAPTER III TRAINING INSTITUTE FOR COURT OFFICIALS

Article 77 (Organization)

(1) There shall be appointed one President, professors, and lecturers to the Training Institute for Court Officials.

(2) The President shall administer the affairs of the Training Institute for Court Officials under the direction of the Chief Justice, and direct and supervise the personnel therein.

Article 78 (President, etc.)

(1) The President of the Training Institute for Court Officials shall be appointed among the judges or public officials in political service. *[Amended December 31, 1999 and March 24, 2005]*

(2) In the case where the person who is not a judicial officer becomes the President of the Court Officials Training Institute, his or her remunerations shall be the same as that of a Vice Minister. *[Newly Inserted March 24, 2005]*

(3) Faculty members shall be appointed among court officials of Grade III or IV, or among public officials in special service with a rank equivalent to Grade III or IV.

(4) Instructors shall be commissioned by the President of the Training Institute for Court Officials from among those who have extensive knowledge and experience.

Article 79 (Mutatis Mutandis Applications)

The provisions of Article 75 shall apply *mutatis mutandis* to the Training Institute for Court Officials.

Article 80 (Delegated Matters)

Matters necessary for the operation, etc. of the Training Institute for Court Officials shall be as prescribed by the Supreme Court Rules.

CHAPTER IV COURT LIBRARY

Article 81 (Organization)

(1) There shall be appointed a President to the Court Library.

(2) The President shall be appointed among judges or among court officials of Grade II or III.

(3) The President shall be in charge of affairs of the Court Library under the direction of the Chief Justice, and direct and supervise members of the staff.

(4) Matters necessary for the organization and operation of the Court Library shall be as prescribed by the Supreme Court Rules

PART VIII SENTENCING COMMISSION [Newly Inserted January 26, 2007]

Article 81-2 (Establishment of Sentencing Commission)

(1) There shall be established a Sentencing Commission (hereinafter “Commission”) in the Supreme Court for the purpose of reflecting the constructive view of the public and enabling fair and objective sentencing.

(2) The Commission shall establish and revise sentencing guidelines, and may research and deliberate on sentencing policies.

(3) The Commission shall have independence in carrying out the works that fall in the scope of its authority.

Article 81-3 (Composition of Commission)

(1) The Commission shall be composed of thirteen members including one Chair. One member other than the Chair shall serve as a standing Commissioner.

(2) The Chair of the Commission shall be appointed or commissioned by the Chief Justice among persons that served for not less than fifteen years in any one of the following capacities:

1. A judge, public prosecutor, or lawyer;
2. A person who worked on legal affairs in the government, local government, state or public enterprise, government invested institution pursuant to Article 2, paragraph (1) of the Framework Act on the Management of Government-Invested Institutions, or other legal entities; and
3. A person who has been a law faculty with a title of assistant professor or higher at an accredited college or university.

(3) Commissioners shall be appointed or commissioned by the Chief Justice and shall be composed as follows:

1. Four judicial officers;
2. Two public prosecutors recommended by the Minister of Justice;
3. Two lawyers recommended by the president of the Korean Bar Association;
4. Two professors of law; and
5. Two persons with significant knowledge and experience.

(4) The Chair and Commissioners shall serve two year terms, and may serve successive terms.

(5) In the case that a commissioner is deemed incapable of carrying out his or her duties due to inevitable reasons, or when a commissioner is deemed unqualified due to actions such as non-compliance of job obligations, the Chief Justice may dismiss or relieve the person. When a commissioner who is serving as a judicial officer or public prosecutor resigns from such positions, the person is deemed dismissed from the Commission.

Article 81-4 (Duties of the Chair)

(1) The Chair shall represent the Commission and direct its business.

(2) In the case that the Chair is deemed incapable of carrying out his or her duties due to inevitable reasons, the above duties shall be performed by the standing commissioner and a commissioner who has been preappointed by the Chair, in that order.

Article 81-5 (Commission Meetings)

(1) The Chair shall convene and preside over Commission meetings.

(2) Decisions of the Commission shall be made by an affirmative vote of a majority of the members then serving.

Article 81-6 (Establishment Sentencing Guidelines)

(1) The Commission shall establish or revise sentencing guidelines which will serve as a

specific and objective reference for judges to give appropriate sentences.

(2) The Commission shall adhere to the following principles in establishing or revising sentencing guidelines:

1. Sentences shall reflect the nature and circumstances of the crime and the degree of responsibility of the offender;
2. Sentences shall take into account the general deterrence effect on crime, prevention of a repeat offense, and rehabilitation of the offender;
3. Unwarranted disparity among offenses of the same type or similar characteristics shall be avoided, unless there are different factors for sentencing; and
4. Sentencing shall not discriminate for reasons of nationality, religion, conscience, social status, etc.

(3) The Commission shall consider the following in establishing or revising sentencing guidelines:

1. The type of crime and prescribed sentence;
2. Circumstances that aggravate or mitigate the gravity of the crime;
3. Age, character, conduct, intelligence and environment of the offender;
4. The relationship with the victim;
5. Motive, method, and consequences of the criminal conduct;
6. The situation after the criminal conduct;
7. Prior criminal history; and
8. Other relevant factors for reasonable sentencing

(4) The Commission shall publish the sentencing guidelines.

Article 81-7 (Legal Force of Sentencing Guidelines)

(1) Judges shall consider the sentencing guidelines when deciding on the type and gravity of punishment. However, the sentencing guidelines are not binding.

(2) When the court makes a judgment that departs from the sentencing guideline, the reason for the departure must be stated. This, however, shall not be the case in summary proceedings, or summary trials.

Article 81-8 (Cooperation of Relevant Organizations)

(1) The Commission may invite pertinent public officials or experts to a meeting and solicit their opinions. The Commission may request related government organs, research institutes, organizations, and experts, etc. for cooperation such as submission of material or opinion.

(2) The Commission may, when deemed necessary, make a request to the heads of related government agencies, research institutes, and organizations to second its officials or staffs.

Article 81-9 (Administrative Body)

The Commission shall have an administrative body to assist in its work and provide administrative support.

Article 81-10 (Publishing of Reports)

The Commission shall publish annual reports containing the achievements of that year as well as implementation plans for the upcoming year, and present the report to the National Assembly.

Article 81-11 (Duty of Confidentiality)

The Chair, members, officers and staff in the administrative body, shall not reveal confidential information that they have come to know in the process of work. The duty of confidentiality shall remain after they leave their posts.

Article 81-12 (Rules of Delegation)

- (1) Matters that are not prescribed by this Act but necessary for the organization of the Commission shall be prescribed by the Supreme Court Rules.
- (2) Matters that are not prescribed by this Act but necessary for the operation of the Commission shall be decided by a vote of the Commission.

PART VIII EXPENSES OF COURTS

Article 82 (Expenses of Courts)

- (1) Expenses of courts shall be appropriated independently in the national budget.
- (2) The autonomy and independence of the Judiciary shall be respected in making the budget of the courts. *[Newly Inserted July 27, 1994]*
- (3) A reserve fund shall be made available for the expenses as provided in paragraph (1).

ADDENDUM [No.3992, December 4, 1987]

Article 1 (Enforcement Date)

This Act shall enter into force on February 25, 1988.

Article 2 (Amendment of Other Acts)

(1) Parts of the Act on the Establishment and Jurisdiction of Courts of Various Levels shall be amended as follows:

"of Article 4, paragraph (1)" in Article 1 shall be amended to "of Article 3, paragraph (3)."

(2) Parts of the Act on the Establishment and Jurisdiction of Courts of Various Levels shall be amended as follows:

"of Article 5, paragraph (2)" in Article 1 shall be amended to "of Article 5, paragraph (3)."

(3) Parts of the Remuneration of Judges, etc. Act shall be amended as follows:

"of Article 44" in Article 1 shall be amended to "Article 46, paragraph (2)," and "Supreme Court Judge" in the attached table shall be amended to "justice."

(4) Parts of the Discipline of Judges Act shall be amended as follows:

"Supreme Court Judge" in Article 7, paragraph (1) shall be amended to "Justice".

(5) Parts of the Bailiffs Act shall be amended as follows:

"Article 47 and Article 48" in Article 1 shall be amended to "Article 55."

(6) Parts of the Attorney-at-Law Act shall be amended as follows:

"Supreme Court Judge" in Article 10, paragraph (2) shall be amended to "Justice" and "Article 33" in Article 35 shall be amended to "Article 42."

(7) Parts of the Act on the Proceedings for Summary Trial shall be amended as follows:

"in Article 31" in Article 1 shall be amended to "in Article 34," and "in Article 30" Article 2 shall be amended to "in Article 33."

(8) Parts of the Act on Special Cases concerning the Settlement of Civil Disputes by Summary Proceedings shall be amended as follows:

"Article 33" in Article 9, paragraph (2) shall be amended to "Article 42."

(9) Parts of the Constitutional Committee Act shall be amended as follows:

"of the Supreme Court Judge" in Article 10, paragraph (2) shall be amended to "of the Justice" and "Supreme Court Judge" in Article 15, paragraph (3) shall be amended to "Justice."

"of Article 54, paragraph (2), Article 54-2, and Article 54, paragraph (3)" in Article 47, paragraph (4) shall be amended to "of Article 58, paragraph (2), Article 59 and Article 60."

Article 3 (Relationship with Other Acts and Subordinate Statutes)

In cases where the provisions of the previous Court Organization Act are cited in Acts and subordinate statutes other than those amended under Article 2 of the Addendum at the time when this Act enters into force, if there are provisions corresponding to them in this Act, such corresponding provisions of this Act shall be considered to be cited in lieu of the previous provisions.

ADDENDUM (Constitutional Court Act) [Act No. 4017, Aug. 5, 1988]

Article 1 (Enforcement Date)

This Act shall enter into force on September 1, 1988. (*Proviso Omitted.*)

Articles 2 through 8 Omitted.

Article 8 (Amendment of Other Acts)

(1) Parts of the Court Organization Act shall be amended as follows:

Article 7, paragraph (1), subparagraph 4 *Deleted.*

Subparagraphs (2) through (11) *Omitted.*

ADDENDUM (Family Litigation Act) [Act No. 4300, Dec. 31, 1990]

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 1991.

Article 2 through Article 8 *Omitted.*

Article 9 (Amendment of Other Acts)

(1) Parts of the Court Organization Act shall be amended as follows:

"adjudication" in Article 28, paragraph (1) shall be amended to "judgment," and "decision, or order" in paragraph (2) shall be amended to "adjudication, decision, or order,"

Article 40, subparagraph (1) shall be amended as below while "adjudication, decision, or order" in paragraph (2) shall be amended to "judgment, adjudication, decision, or order," and "appeal case against adjudication, decision, or order" shall be amended to "appeal against a judgment, adjudication, decision, or order".

1. Family litigation cases and non-contentious family cases of E class as prescribed by the Family Litigation Act, which are as prescribed by the Supreme Court Rules.

(2) *Omitted.*

Article 10 *Omitted.*

ADDENDUM [Act No. 4765, Jul. 27, 1994]

Article 1 (Enforcement Date)

(1) This Act shall enter into force on March 1, 1995. However, amended provisions regarding the si/gun courts in Articles 3, 7, 29 and 31, the amended provisions of Articles 33 and 34, and the provisions of Article 4 of the Addenda shall enter into force on September 1, 1995. Amended provisions regarding deputy judges in Articles 20, 44 and 44-2, and amended provisions of Articles 42-2 and 42-3 shall enter into force on March 1, 1997. Amended regarding the patent court and its president in Articles 3, 5 through 7, 9-2, 10, 14, 28 and 44, and the amended provisions of Chapter II of Part III (Articles 28-2 through 28-4), Chapter V of Part III (Articles 40-2 through 40-4) and Article 54-2 shall enter into force on March 1, 1998.

(2) Deleted. [*March 24, 2005*]

Article 2 (Transitional Measures Concerning Administrative Cases)

Any case falling under the jurisdiction of the administrative court in any area where no administrative court is established at the time when matters concerning the administrative court as provided for in the proviso of Article 1 (1) of the Addenda enter into force, shall be under the jurisdiction of the district court concerned and the *Gangneung* branch court of the *Chuncheon* district court until the administrative court is established. [*Amended March 24, 2005*]

Article 3 (Transitional Measures Concerning *Si/Gun* Court)

Any case pending in the circuit tribunal, at the time when matters concerning the *Si/Gun* court as provided for in the proviso of in Article 1 (1) of the Addenda enter into force, shall be considered to be pending in the *Si/Gun* court concerned under this Act.

Article 4 (Amendment of Other Acts)

Parts of the Act on the Proceedings for Summary Trials shall be amended as follows: “pursuant to Article 34 of the Court Organization Act” in Article 1 shall be repealed. “circuit judge of district court or branch court” in Article 2 shall be amended to “judge of district court, branch court, or *Si/Gun* court,” and “one hundred thousand won” shall be amended to “two hundred thousand won.”

Article 3-2 shall be amended as follows.

Article 3-2 (Special Regulation on Jurisdiction)

The judge of district court or its branch court may, upon the order of the chief of the district court to which the judge belongs, adjudicate summary trials regardless of the judge’s court assignment.

Article 5 (Relationship with Other Acts)

(1) The circuit tribunals as prescribed by other Acts and subordinate statutes at the time when matters concerning the *si/gun* court provided for in the proviso of Article 1 (1) of the Addenda enter into force, shall be considered as the *si/gun* courts as prescribed by this Act.

(2) The investigators as prescribed by other Acts and subordinate statutes at the time when the revised provisions of Articles 42-4 and 54 as provided in Article 1 (2) of the Addendum enter into force, shall be considered as the judicial assistant officers as prescribed by this Act.

(3) The court clerks as prescribed by other Acts and subordinate statutes at the time when this Act enters into force, shall be considered as the court guards as prescribed by this Act.

Article 6 (Transitional Measures concerning Pending Cases)

Notwithstanding the revised provisions of Article 32, paragraph (1), any penal cases pending in the court at the time when this Act enters into force, shall be governed by the previous provisions.

ADDENDUM [Act No. 4945, March 30, 1995]

This Act shall enter into force on the date of its promulgation.

ADDENDUM (Enforcement Officers Act) [Act No. 5002, December 6, 1995]

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Article 2 *Omitted.*

Article 3 (Amendment of Other Acts)

(1) Parts of the Court Organization Act shall be amended as follows:

“bailiff” in Article 2, paragraph (3), Article 19, paragraph (2), Article 21, the title of the Article 55 and its paragraph (1) through (4), and Article 64, paragraph (3) shall each be

amended to “enforcement officer.”

(2) *Omitted*

Article 4 *Omitted*

ADDENDUM [Act No. 5181, December 12, 1996]

This Act shall enter into force on the date of its promulgation.

ADDENDUM (Utility Model Act) [Act No. 5577, September 23, 1998]

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 1999. (*Proviso Omitted.*)

Articles 2 through 5 *Omitted.*

Article 6

(1) *Omitted.*

(2) Parts of the Court Organization Act shall be amended as follows:

"Utility Model Act Article 35" in Article 28-4, subparagraph (1) and Article 54-2, paragraph (2) shall be each amended to " Utility Model Act Article 55."

ADDENDUM (Discipline of Judges Act) [Act No. 5642, January 21, 1999]

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.

(2) *Omitted.*

(3) (Amendment of Other Acts) Parts of the Court Organization Act shall be amended as follows.

"disciplinary action of the Judge Disciplinary Committee" in Article 46 paragraph 1 shall be amended to “disciplinary action”

ADDENDA [Act No. 6084, Dec. 31, 1999]

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation. [*Amended by Act No. 7402, Mar. 24, 2005*]

(2) (Transitional Measures) With respect to the President of the Training Institute for Court Officials in office at the time when this Act enters into force, the amended provisions of Article 78 (1) shall not apply.

ADDENDUM [Act No. 6408, Jan. 29, 2001]

(1) (Enforcement Date) This Act shall enter into force on March 1, 2001: *Provided*, That the amendments to Articles 32, Paragraph (2), Subparagraph (1) and Article 40, Paragraph (2), Subparagraph (1) shall enter into force on March 1, 2003.

(2) (Transitional Measures on Jurisdiction) In the area in which no family court has been established at the time of enforcement of this Act, the collegiate panel of the relevant district branch court shall, in applying the amendments to Article 40, Paragraph (2), be regarded as the collegiate panel of the family branch court until a family court is established.

(3) (Relationship with Other Acts and Subordinate Statutes) In case where other Acts and subordinate statutes have cited a family court at the time of enforcement of this Act, it

shall be considered to have cited it with the family branch court of the district court.

ADDENDUM [Act No. 7289, Dec. 31, 2004]

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Articles 2 through 4 Omitted.

Article 5 (Amendment of Other Acts) Paragraphs (1) through (15) omitted

(16) Parts of the Court Organization Act shall be amended as follows:

“Trademark Act” in Article 28, paragraph (4), subparagraph (1) and Article 54, paragraph (2), subparagraph (2) shall each be amended to “Design Protection Act”

ADDENDUM [Act No. 7402, Mar. 24, 2005]

(1) (Enforcement Date) This Act shall enter into force on July 1, 2005

(2) (Transitional Measures on Disposition of Cases belonging to Scope of Assistant Juridical Officers' Duties) The cases under Article 54, Paragraph (2) which have been accepted prior to the enforcement of this Act shall be disposed of by the judges, notwithstanding the amended provisions of Article 54.

(3) (Transitional Measures on Investigation Officers) The court investigation officers, the family investigation officers and the juvenile investigation officers at the time of the enforcement of this Act shall be deemed to be the investigation officers under this Act.

(4) (Transitional Measures on Jurisdiction) The administrative cases under the jurisdiction of *Gangneung* branch court of the *Chuncheon* district court under the amended provisions of Article 2 of the Addenda to the amended Act of the Court Organization Act, Act No. 4765, which are pending to the *Chuncheon* district court as of June 30, 2005, shall be under the jurisdiction of the court whereto they are pending.

ADDENDUM [Act No. 7725, Dec. 14, 2005]

This Act shall enter into force on the date of its promulgation.

ADDENDUM [Act No. 7730, Dec. 23, 2005]

This Act shall enter into force on January 1, 2006.

ADDENDUM (Special Act on the Establishment of Jeju Special Self-governing Province and Jeju Free International City) [Act No. 7849, February 21, 2006]

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 2006. (*Proviso Omitted.*)

Articles 2 through 39 Omitted.

Article 40 (Enactment of Other Acts)

(1) through (14) *Omitted.*

(15) Parts of the Court Organization Act shall be amended as follows:

“police officers” in the title of Article 60 and its paragraph (1), (2), and Article 61, paragraph (2) shall be each amended to “national police officers.”

(16) through (47) *Omitted.*

Article 41 *Omitted.*

ADDENDUM (Utility Model Act) [Act No. 7872, March 3, 2006]

Article 1 (Enforcement Date)

This Act shall enter into force on October 1, 2006. (*Proviso Omitted.*)

Articles 2 through 5 Omitted.

Article 5 (Amendment of Other Acts)

(1) Parts of the Court Organization Act shall be amended as follows.

“Article 55 of the Utility Model Act” in Article 28-4, paragraph (1) and Article 54-2, paragraph (2) shall be amended to “Article 33 of the Utility Model Act.”

ADDENDUM [Act No.8270, January 26, 2007]

(1) (Enforcement Date)

This Act shall enter into force three months after its promulgation. Preparations for organization of the commission, however, may be started prior to the enforcement date.

(2) (Initial Sentencing Guideline Formation) The commission shall publish a sentencing guideline in accordance with the amended Article 81, paragraph (6) within two years after this Act goes into effect, giving due consideration to the public’s interest and crime rate.

ADDENDUM [Act No.8411, May 1, 2007]

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Article 2 (Transitional Measures on Deputy judges)

(1) Former rules shall apply to deputy judges in service at the time this Act enters into force. However, deputy judges who have not yet served for two years after being appointed may be appointed as a judge.

(2) The service period of deputy judges appointed before this Act entered into force shall be included in the calculation of service period of judges as prescribed by this Act and other statutes.

ADDENDUM (Family register Act) [Act No.8435, May 17, 2007]

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2008. (*Proviso Omitted.*)

Article 2 through Article 7 *Omitted.*

Article 8 (Amendment of Other Acts)

(1) through (10) *Omitted.*

(11) Parts of the Court Organization Act shall be amended as follows:

Previous “Family register (*hojeok*)” in Article 2, paragraph (3), Article 9, paragraph (3), Article 19, paragraph (2), and the proviso in Article 37 paragraph (3) shall each be amended to the “Family register (*gajok gwangye deungrok*).”

“Article 70, paragraph (2) of the Family register (*hojeok*) Act” in Article 34, paragraph (1), subparagraph (4) shall be amended to “Article 75 of the Family register (*gajok gwangye deungrok*) Act.”

(12) through (39) *Omitted.*

Article 9 *Omitted.*

ADDENDUM [Act No.8794, December 17, 2007]

This Act shall enter into force on the date of its promulgation.

