



**FEDERATION DES BARREAUX D'EUROPE**  
**EUROPEAN BARS FEDERATION**  
**VERBAND EUROPÄISCHER RECHTSANWALTSKAMMERN**  
**FEDERACION DE LOS COLEGIOS DE ABOGADOS DE EUROPA**  
**FEDERAZIONE DEGLI ORDINI FORENSI D'EUROPA**

**INTERMEDIATE MEETING**

**Cluj, October 19<sup>th</sup> 2013**

**Roberto BRIZIO**  
**Lawyer**

**Ordine Avvocati di Torino**

**ENGLISH VERSION**



## ITALIA – PATROCINIO A SPESE DELLO STATO

Law 30/07/1990 n. 217 D.P.R. 30/05/2002 n. 115	RULE	SPECIFICATIONS	EXCLUSIONS	PROBLEMS
<b>WHO</b>	<p>ITALIAN AND UE CITIZENS EXTRA UE AND STATELESS CITIZENS ONLY IF CLEARLY IDENTIFIED</p> <p><b>CRIMINAL CASES:</b> charged, convicted, victims, injured, civil liability, injunctions and other preventative measures</p> <p>CIVIL, FRAUD, ADMINISTRATIVE CASES: plaintiff with evidential issues, respondent</p>	<p>Extra UE citizens: REQUIRED BIRTHPLACE CONSULAR AUTHORITY CERTIFICATE OF FOREIGN EARNINGS</p>	<p>PREVIOUSLY SENTENCED FOR ORGANIZED CRIMES OR DECLARED BELONGING TO CRIMINAL ASSOCIATIONS, LARGE AMOUNT OF NARCOTICS</p> <p>Unless assessed without means</p>	<p>Persons unable to prove their identity</p> <p>Failure to obtain consular certificate</p>
<b>CONDITIONS</b>	<p>TOTAL EARNINGS BEFORE TAXES AND NOT DECLARED INCOMES OF THE WHOLE FAMILY (all permanent members of the household)</p> <p>LESS THAN € 10.766,33</p>	<p><b>CRIMINAL CASES:</b> Added € 1.032,91 FOR EVERY FURTHER PERSON OF THE FAMILY</p> <p>CRIMINAL CASES: THE INCOME OF ANY MEMBER OF THE FAMILY WITH A CONFLICT OF INTEREST IS NOT COUNTED</p>	<p>NO INCOME LIMITS FOR VICTIMS OF Sexual violence Genital mutilation Domestic violence Stalking</p>	<p>Significant undeclared earnings</p> <p>Too low income level (out single employment pension)</p> <p>Advantage for tax evasion and false residency declaration</p>
<b>WHAT</b>	<p>CRIMINAL PROCEEDINGS ALTERNATIVE PUNISHMENT INJUNCTIONS</p> <p>Evidential issues in PRIVATE CLAIMS ADMINISTRATIVE JUDGMENT TAX AND ACCOUNTING PROCEDURE VOLUNTARY JURISDICTION</p>	<p>LEGAL EXPENSES RECOGNIZED ONLY AFTER FILING</p>	<p>Persons Charged and Sentenced for tax and VAT crimes</p>	<p><b>EXCLUDED</b></p> <p>Legal counselling</p> <p>Legal assistance for detained persons</p> <p>Post judgment counselling</p>

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<b>HOW PROCEDURE</b>	<p>EVERY PROCEDURE REGARDING MINORS</p> <p><b>DEMAND TO THE PROCEEDING MAGISTRATE</b> Self declaration on family composition and incomes, obligation to communicate variations during procedure</p> <p><b>PRIVATE INITIATIVES:</b> <u>previous check</u> of not manifestly baseless claim of the demand by <u>the BAR</u></p>	<p><b>AUTOMATIC ADMISSION:</b> Office designation MINORS persons admitted to <b>PROTECTION PROGRAM</b> persons formally declared <b>UNTRACEABLE</b></p> <p><b>LEGAL EXPENSES ONLY AFTER JUDGMENT</b> Only if Court decides and if compulsory payment by the client proved unsuccessful</p>	<p><b>EXCLUSION OR REVOCATION:</b> If evidence shows a higher standard of living or not compatible with declared income</p> <p>Exceeding the income limits during the proceedings</p> <p>Second lawyer appointed</p>	<p>Extraordinary fees resulting from undue Revenue inspections</p>
<b>EFFECTS</b>	<p><b>ONLY LAWYER FEES AND EXPENSES, NO FEES OTHERWISE REQUIRED</b></p>	<p><b>FREE CHOICE OF LAWYER</b> previously registered in list "ad hoc" if more than 2 years experienced and without disciplinary sanctions</p> <p><b>TECHNICAL EXPERT</b> when Judge requires technical study or if later considered relevant</p>	<p><b>WHERE THE JUDGE ORDERS 50% REDUCED PAYMENT OF FEES</b> (in the future only 30%) Not recognized expenses outside County</p>	<p>Single phase of proceedings can last several years</p> <p>Months waiting for a judicial decision</p> <p>Years waiting for an effective payment by the <b>MINISTRY OF JUSTICE</b></p>