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REPORT ABOUT THE COST OF JUSTICE AND THE LEGAL AID CONDITIONS

2017 - 11



ACCESS TO JUSTICE - COMMISSION

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Access to Justice

Abstract

Access to Justice.

Main topics of observation and study:

1. Costs of justice;
2. Time of justice;
3. Legal aid;
4. Systems of alternative dispute resolution (limits or aids?)
5. Effectiveness of Justice: due process and trial brief.

Project and vision

Access to justice has been defined as “an equal right to participate in every institution where law is debated, created, found, organized, administered, interpreted and applied”.

It doesn't simply mean access to lawyers and courts.

It means access to ombudsmen, advice agencies and the police law; it means public authorities behaving properly; it means everyone having some basic understanding of their rights; it means making law less complex and more intelligible.

Access to justice may mean ensuring physical accessibility to the courthouse, explaining what the law means on the internet, providing translations, finding alternative dispute resolution other than through the courts, offering legal aid and similar steps on order to remove barriers of various kinds.

It means being "treated fairly according to the law and if you are not treated fairly being able to get appropriate redress".

We must ensure equal rights and opportunities to the parties of the case guaranteeing that a FAIR TRIAL will be held in front of an independent and impartial Court.

"Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him".

"Fair Trial" includes:

the right to be heard by a competent, independent and impartial tribunal

- the right to a public hearing
- the right to be heard within a reasonable time
- the right to counsel
- the right to interpretation,
- the right to get a decision within a reasonable time.

In order to reach that goal, we must allow those who do not have sufficient financial resources to meet the costs of a court case or legal representation in order to have the parties right to be heard equally respected.

We must also pursue effective justice developing and amending our procedures in order to remove differences amongst procedural justice and real justice.

Sometimes an unfair decision can be however quick and formally correct in accordance with the provision of law: in this case we have to understand the reason why real justice has not been achieved and act to remove any obstacle which could jeopardize our effort.

All modern legal systems recognize the need to guarantee better access to justice for individuals and companies.

In our European systems different mechanisms exist to help citizens and companies to enforce their rights such as "alternative dispute resolution" and legal aid.

An important form of alternative dispute resolution is mediation ran by the mediator who assists the parties to negotiate a settlement which may concern a variety of domains, with a determined structure, timetable and dynamics.

Mediators use various techniques to open, or improve, dialogue and empathy between disputants, aiming to help the parties reach an agreement and depending on the mediator's skill and training.

According to Italian legal system, mediation is in certain cases compulsory and the procedure has been considered an obstacle to justice rather than a form of guarantee.

Several reasons have been brought to support such negative point of view: the citizen has got to face costs of the mediation procedure and later Court, mediators' background and quality and others.

Today, mediation valuation has changed and its success is really positive.

The FBE Commission will try to understand how our systems ensure effective access to justice - suggesting common solution to improve and guarantee fair trial - because rights and freedoms are vital checks and balances in any civilized society but meaningless without access to justice or the practical means of understanding and enforcing the law of the land.

ENGLAND & WALES

LEGAL AID in England & Wales

Law: Legal Aid, Sentencing, Punishment of Offenders 2012	RULE	SPECIFICATIONS	EXCLUSIONS	PROBLEMS
WHO	<p>Anyone subject to English law, resident in the country.</p> <p><u>Criminal</u> : Persons who are charged, convicted,</p> <p><u>Civil</u> Family: no legal aid except where domestic violence, forced marriage or need to protect a child from abuse.</p> <p>Housing: no legal aid except where proceedings may result in loss of the home.</p> <p><u>Administrative cases</u>:: No legal aid for administrative tribunals (Employment, Social Security and others) except at Upper Tribunal, Court of Appeal or Supreme Court,</p> <p><u>Public law</u>: Judicial Review.</p>	<p>All legal advice at police station is free. Free advice and representation at the magistrates' court If client did not get legal advice before case comes up at the magistrates' court, free legal advice and representation by the court duty solicitor.</p>		<p>Not after sentence.</p>

Law: Legal Aid, Sentencing, Punishment of Offenders 2012	RULE	SPECIFICATIONS	EXCLUSIONS	PROBLEMS
CONDITIONS	<p>Financial test: CIVIL: Gross monthly income (earnings and assets before tax)(all permanent members of the household) must be less than: Gross monthly income below £2,657 or less, followed by check of disposable income by solicitor (deductions for partner, dependent children. Full legal aid if resulting monthly income is less than: £733 People on social security benefit: full legal aid. Capital over £8000: no legal aid. Savings over £3,000 taken into account . Value of equity in the home is taken into account. Sliding scale between £3000 between £8,000 reduces the amount of legal aid, and client has to pay contribution.</p> <p>Further test: must be serious, and chance of success.</p> <p>CRIMINAL: A Representation Order covers representation by a solicitor and, if necessary, by a barrister in criminal cases. To qualify for a Representation Order in the magistrates' court, client must meet financial conditions. Clients in receipt of</p>	<p>Statutory charge. At the end of the case, the legal aid agency will take what has been spent on the solicitor and barrister out of the award and client gets what's left.</p> <p>Children under 18 qualify with no financial test.</p>		<p>Too low income level for people earning.</p> <p>Complicated calculation. Have to prove all earnings, with wage slips over a period of time. Any change must be reported.</p> <p>Contributions (payments) have to be collected from client.</p>

Law: Legal Aid, Sentencing, Punishment of Offenders 2012	RULE	SPECIFICATIONS	EXCLUSIONS	PROBLEMS
WHAT	<p>Legal Help – advice on rights and options and help with negotiating</p> <p>Help at Court – someone speaks at court, but does not formally represent (Duty scheme for housing possession cases)</p> <p>Family Mediation Helps to come to an agreement in a family dispute, resolve problems involving children, money, family home</p> <p>Family Help Representation in family disputes like drawing up a legal agreement</p> <p>Legal representation Representation at court by a solicitor or barrister</p> <p>Controlled Legal Representation Representation at mental health tribunal proceedings or before the First-tier Tribunal in asylum or immigration cases.</p> <p>Immigration and asylum Asylum applications, detention, application for indefinite leave to remain after relationship breakdown because of domestic violence; EC citizen applying to stay in the UK after relationship break down because of domestic violence: applications to stay in</p>	Fees are only paid by Legal Aid Agency to solicitor after the case has finished, and the file has been costed.		Reduced areas of scope, means that many people have to go to court with no representation.

Law: Legal Aid, Sentencing, Punishment of Offenders 2012	RULE	SPECIFICATIONS	EXCLUSIONS	PROBLEMS
HOW PROCEDURE	<p>First lawyer after arrest: duty advocate advises at police station or own solicitor, must have a contract with the Legal Aid Agency.</p> <p>Solicitor submits the form completed by the client, plus evidence of income.</p> <p>Client declaration on family composition and incomes, obligation to communicate variations during procedure</p>	No financial test on arrest, all help at police station is free.	<p>Revocation 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>Solicitors' firms have to submit a tender for contracts with the Legal Aid Agency. This is a competitive bid system.</p> <p>There is a limited number of contracts.</p>
EFFECTS	Fixed fees for lawyers in criminal cases. No allowance for travel expenses and time waiting at court.	<p>Choice of lawyer: only a solicitor working in a firm which has a contract with the Legal Aid Agency</p> <p>Technical experts on fixed fees only.</p>		<p>Low income for legal aid lawyers.</p> <p>Exclusive contracts means that Ministry of Justice has limited the number of Solicitors who can do legal aid. Fewer legal aid lawyers. Some areas of the UK have no legal aid solicitors available.</p>

FRANCE

LEGAL AID in France – AIDE JURIDICTIONNELLE

Law n°91-647 10/07/1991 Dec.n°91-1266 19/12/1991	RULE	SPECIFICATIONS	EXCLUSIONS	PROBLEMS
WHO	<p>FRENCH AND UE CITIZENS - EXTRA UE AND STATELESS CITIZENS ONLY IF CLEARLY IDENTIFIED</p> <p><u>CRIMINAL CASES</u>: charged, convicted, victims, injured, civil liability, injunctions and other preventative measures</p> <p><u>CIVIL FRAUD</u>.</p> <p><u>ADMINISTRATIVE CASES</u>: if not manifestly baseless claim, respondent</p> <p><u>IMMIGRATION</u>: as above;</p>	<p>Extra UE citizens: REQUIRED BIRTHPLACE CONSULAR AUTHORITY CERTIFICATE OF FOREIGN EARNINGS</p>	<p>EXTRA UE CITIZENS “SANS- PAPIERS” (except expulsion procedures)</p> <p>LITIGATIONS in EU Member States Courts</p> <p>FRENCH CITIZENS with legal protection contract (or included in insurance contract)</p>	<p>Persons unable to prove their identity</p> <p>Failure to obtain consular certificate</p>
CONDITIONS	<p><u>MONTHLY EARNINGS BEFORE TAXES LESS THAN € 1000</u> to 2087 depending of the number of persons in house (1 to 4) SUPPORT will be between 25% to 100% of the costs</p>	<p>WELFARE BENEFICIARIES: NO INCOME LIMITS</p> <p>VICTIMS OF CRIMINAL CASES: NO INCOME LIMITS</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>

<p>Law n°91-647 10/07/1991 Dec.n°91-1266 19/12/1991</p>	<p>RULE</p>	<p>SPECIFICATIONS</p>	<p>EXCLUSIONS</p>	<p>PROBLEMS</p>
<p>WHAT</p>	<p>CRIMINAL PROCEEDINGS ALTERNATIVE PUNISHMENT INJUNCTIONS</p> <p>Evidential issues in PRIVATE CLAIMS ADMINISTRATIVE JUDGMENT</p> <p>EVERY PROCEDURE REGARDING MINORS</p>	<p>LEGAL EXPENSES ACCORDING TO THE STATE SCHEDULE</p>		
<p>HOW PROCEDURE</p>	<p>FORM SEND with the requested documents in the Legal aid office of the relevant COURT</p>	<p><u>AUTOMATIC ADMISSION:</u> Office designation MINORS persons admitted to PROTECTION PROGRAM EXPULSION NOT UE CITIZENS persons formally declared UNTRACEABLE</p> <p>LEGAL EXPENSES AFTER JUDGMENT</p>		

<p>Law n°91-647 10/07/1991 Dec.n°91-1266 19/12/1991</p>	<p>RULE</p>	<p>SPECIFICATIONS</p>	<p>EXCLUSIONS</p>	<p>PROBLEMS</p>
<p>EFFECTS</p>	<p>LAWYER AND BAILIFF FEES AND EXPENSES</p>	<p><u>FREE CHOICE OF LAWYER</u> possible or LAWYER appointed by the Legal aid office of the relevant Court</p> <p>TECHNICAL EXPERT when Judge requires technical study or if later considered relevant</p>	<p>COSTS paid before the decision of the Legal aid office</p> <p>DAMAGES and COMPENSATION</p>	<p>Single phase of proceedings can last several years</p> <p><u>Months</u> waiting for a judicial decision</p> <p><u>Months</u> waiting for an effective payment by the MINISTRY OF JUSTICE</p>

GERMANY

§§ 114 ff ZPO civil §§ 140 ff StPO criminal	RULE	SPECIFICATIONS	EXCLUSIONS	PROBLEMS
FOR WHAT	<ul style="list-style-type: none"> - <u>Civil cases (+)</u> - <u>Insolvency proceeding:</u> only to avert bankruptcy, not for the proceedings itself, process costs are deferred - <u>Criminal:</u> only for necessary defence, that is: imminent occupational ban, indictable offence (the law provides more than one year prison minimum penalty), trial at higher court, investigative custody - <u>victim of a crime:</u> if allowed to accessory prosecution - <u>Family (+)</u> - <u>Administrative cases (+)</u> - <u>Public law (+)</u> 	<u>Criminal:</u> It is not relevant if the client is needy, he will get a assigned counsel; after conviction the convict has to reimburse the fees of court and lawyer		

§§ 114 ff ZPO civil §§ 140 ff StPO criminal	RULE	SPECIFICATIONS	EXCLUSIONS	PROBLEMS
HOW PROCEDURE	<ul style="list-style-type: none"> - For extrajudicial legal advice: the county court at the residence decides about the application; - legal advice for a lawsuit: the responsible judge for the case decides, especially about chances of success; - criminal: the court appoints a duty counsel, if the defendant doesn't choose his own; 	<ul style="list-style-type: none"> - extrajudicial legal advice: the lawyer can only refuse the case if he has an important reason, otherwise he has to take the case; the client pays a lump sum of 15 €; - Every lawyer can give legal aid; - In a civil case normally the lawyer files the application for the client 		<p>If legal aid is not granted the client has to pay the lawyer</p>
EFFECTS	<p>In my estimation the system gives a good range to get legal assistance also for people with low or no income</p>			<p>The costs for the legal aid are paid by the federal state;</p> <p>Because of the high costs of the legal aid, it is very difficult to adapt the legal table of fees for the lawyers. For the last adaptation we had to wait for around 20 years</p>

Costs of Justice in Germany

Costs of civil procedure in Germany

Value until	500,00 €	1.000,00 €	2.000,00 €	3.000,00 €	4.000,00 €	5.000,00 €	22.000,00 €	110.000,00 €	500.000,00 €	1.000.000,00 €	2.000.000,00 €	4.000.000,00 €	8.000.000,00 €
1st Instance													
1 Lawyer	157,00 €	262,00 €	470,00 €	622,00 €	774,00 €	925,00 €	2.231,00 €	4.495,00 €	9.582,00 €	14.045,00 €	22.970,00 €	40.820,00 €	76.520,00 €
Court Fee	105,00 €	159,00 €	267,00 €	324,00 €	381,00 €	438,00 €	1.035,00 €	3.078,00 €	10.608,00 €	16.008,00 €	26.808,00 €	48.408,00 €	91.608,00 €
Risk in total	420,00 €	683,00 €	1.207,00 €	1.568,00 €	1.929,00 €	2.288,00 €	5.497,00 €	12.068,00 €	29.772,00 €	44.098,00 €	72.748,00 €	130.048,00 €	244.648,00 €
2nd Instance													
1 Lawyer	174,00 €	290,00 €	524,00 €	694,00 €	863,00 €	1.033,00 €	2.496,00 €	5.032,00 €	10.730,00 €	15.728,00 €	25.724,00 €	45.716,00 €	85.699,00 €
Court Fee	140,00 €	212,00 €	356,00 €	432,00 €	508,00 €	584,00 €	1.380,00 €	4.104,00 €	14.144,00 €	21.344,00 €	35.744,00 €	64.544,00 €	122.144,00 €
Risk in total	488,00 €	792,00 €	1.404,00 €	1.820,00 €	2.234,00 €	2.650,00 €	6.372,00 €	14.168,00 €	35.604,00 €	52.800,00 €	87.192,00 €	155.976,00 €	293.542,00 €
3rd Instance													
1 Lawyer	227,00 €	385,00 €	702,00 €	933,00 €	1.163,00 €	1.394,00 €	3.379,00 €	6.820,00 €	14.553,00 €	21.336,00 €	34.902,00 €	62.034,00 €	116.298,00 €
Court Fee	175,00 €	265,00 €	445,00 €	540,00 €	635,00 €	730,00 €	1.725,00 €	5.130,00 €	17.680,00 €	26.680,00 €	44.680,00 €	80.680,00 €	152.680,00 €
Risk in total	629,00 €	1.035,00 €	1.849,00 €	2.406,00 €	2.961,00 €	3.518,00 €	8.483,00 €	18.770,00 €	46.786,00 €	69.352,00 €	114.484,00 €	204.748,00 €	385.276,00 €

Risk in total means that you loose the case and pay 2 lawyers and the court fees.
After the value of 5.000 € we have more single steps that are not shown to keep it more clearly.

Arbitration costs in Germany

Arbitration Rules from the The German Institution of Arbitration (in force as of 1 March 2016)

1) Amount in **dispute up to 5,000.00 €**

The fee for the chairman of the arbitral tribunal or for a sole arbitrator shall amount to 1,365.00 € and for each co-arbitrator 1,050.00 €

2) Amounts in dispute **from 5,000.00 € to 50.000,00 €**

Amount in dispute	Fee for chairman of arbitral tribunal/ sole arbitrator	Fee for each co-arbitrator
up to 6.000,00 EUR	1.560,00 EUR	1.200,00 EUR
up to 7.000,00 EUR	1.755,00 EUR	1.350,00 EUR
up to 8.000,00 EUR	1.950,00 EUR	1.500,00 EUR
up to 9.000,00 EUR	2.145,00 EUR	1.650,00 EUR
up to 10.000,00 EUR	2.340,00 EUR	1.800,00 EUR
up to 12.500,00 EUR	2.535,00 EUR	1.950,00 EUR
up to 15.000,00 EUR	2.730,00 EUR	2.100,00 EUR
up to 17.500,00 EUR	2.925,00 EUR	2.250,00 EUR
up to 20.000,00 EUR	3.120,00 EUR	2.400,00 EUR
up to 22.500,00 EUR	3.315,00 EUR	2.550,00 EUR
up to 25.000,00 EUR	3.510,00 EUR	2.700,00 EUR
up to 30.000,00 EUR	3.705,00 EUR	2.850,00 EUR
bis 35.000,00 EUR	3.900,00 EUR	3.000,00 EUR
up to 40.000,00 EUR	4.095,00 EUR	3.150,00 EUR

up to 45.000,00 EUR	4.290,00 EUR	3.300,00 EUR
up to 50.000,00 EUR	4.485,00 EUR	3.450,00 EUR

In the case of amounts in **dispute exceeding 50.000,00 €**, the fee for each co-arbitrator is calculated as follows:

- 3) For amounts more than 50,000.00 € up to 500,000.00 €
a fee of 3,450.00 € plus 2% of the amount exceeding 50.000,00 €;
- 4) For amounts more than 500,000.00 € up to 1,000,000.00 €
a fee of 12,450.00 € plus 1.4% of the amount exceeding 500,000.00 €;
- 5) For amounts more than 1,000,000.00 € up to 2,000,000.00 €
a fee of 19,450.00 € plus 1% of the amount exceeding 1,000,000.00 €;
- 6) For amounts more than 2,000,000.00 € up to 5,000,000.00 €
a fee of 29,450.00 € plus 0.5% of the amount exceeding 2,000,000.00 €;
- 7) For amounts more than 5,000,000.00 € up to 10,000,000.00 €
a fee of 44,450.00 € plus 0.3% of the amount exceeding 5,000,000.00 €;
- 8) For amounts more than 10,000,000.00 € up to 50,000,000.00 €
a fee of 59,450.00 € plus 0.1% of the amount exceeding 10,000,000.00 €;
- 9) For amounts more than 50,000,000.00 € up to 100,000,000.00 €
a fee of 99,450.00 € plus 0.06% of the amount exceeding 50,000,000.00 €;
- 10) For amounts more than 100,000,000.00 €
a fee of 129,450.00 € plus 0.05% of the amount exceeding 100,000,000.00 € up to an amount of 650,000,000.00 €; any amount exceeding the additional 650,000,000.00 € shall not affect the calculation of the fee.
- 11) If more than two parties are involved in the arbitral proceedings, the amounts of the arbitrators' fees pursuant to this schedule are increased by 20% for each additional party. The arbitrators' fees are increased by no more than 50% in total;
- 12) Upon filing of a counterclaim, the Appointing Committee of the DIS, if so requested by the arbitral tribunal and after having consulted the parties, may determine that the arbitrators' fees pursuant to Nos. 1) - 11) shall be calculated separately on the basis of the value of the claim and counterclaim.

- 13) In cases of high legal and/or factual complexity and in particular with regard to the time spent, the Appointing Committee of the DIS, if so requested by the arbitral tribunal and after having consulted the parties, may determine an appropriate increase of the arbitrators' fees of up to 50% of the fee pursuant to Nos. 1) - 12);
- 14) If a request for an interim measure of protection has been made to the arbitral tribunal pursuant to section 20, the arbitrators' fee shall be increased by 30% of the fee at the time of the request;
- 15) For the chairman of the tribunal and the sole arbitrator, fees are calculated by adding 30% to the fees pursuant to 3) to 14);
- 16) Reimbursement of expenses pursuant to Sec. 40 sub. 1 is calculated on the basis of such guidelines as are issued by the DIS in force at the time of commencement of the arbitral proceedings;
- 17) The amount of the provisional advance for the arbitral tribunal levied by the DIS Secretariat upon filing of the statement of claim pursuant to section 7 sub. 1 corresponds to the fees for a co-arbitrator pursuant to this schedule;
- 18) a) In the case of an amount in dispute up to 50,000.00 € the DIS administrative fee amounts to 2% of the amount in dispute; in case of an amount in dispute more than 50,000.00 € and up to 1,000,000.00 € the DIS administrative fee amounts to 1,000.00 € plus 1% of the amount exceeding 50,000.00 € in the case of the amount in dispute exceeding 1,000,000.00 €, the administrative fee amounts to 10,500.00 € plus 0,5% of the amount exceeding 1,000,000.00 €. The minimum DIS administrative fee is 350.00 €; the maximum fee is 40,000.00 €;
- b) Upon filing a counterclaim, the amounts in dispute of claim and counterclaim are added for the purpose of assessing the DIS administrative fee. The DIS administrative fee for a counterclaim is calculated by deducting the DIS administrative fee from the administrative assessed according to the increased overall amount in dispute;
- c) The minimum administrative fee for a counterclaim is 350.00 €, the maximum fee for claim and counterclaim is 60,000.00 €;
- d) If more than two parties are involved in the arbitral proceedings, the DIS administrative fee set forth in Nos. 18 a) – c) is increased by 20% for each additional party. The additional fee shall not exceed €15,000.00. The sum of the administrative fee calculated pursuant to Nos. 18 a) - c) and the additional fee to this No. 18 d) shall be the DIS administrative fee.
- e) Where the arbitral proceedings are terminated prior to the constitution of the arbitral tribunal, the DIS may, at its own discretion, decrease the DIS administrative fee calculated pursuant to Nos. 18 a) - d) by a maximum of 50% of such fee.
- 19) If a statement of claim, a counterclaim or any other written pleadings is submitted to the DIS in any language other than German, English or French, the DIS may arrange for a translation. The costs for such translation may be added to the DIS administrative fee levied by the DIS pursuant to 15).

The German Institution of Arbitration (die Deutsche Institution für Schiedsgerichtsbarkeit e.V.) advises all parties wishing to select a dispute resolution procedure for future disputes and for this purpose wishing to agree upon conducting the conflict management proceedings pursuant to the DIS Conflict Management Rules already at the conclusion of the contract, to use the following conflict management agreement:

"With respect to all disputes arising out of or in connection with the contract (... description of the contract ...) and for whose resolution the parties have not yet agreed on a dispute resolution procedure, conflict management proceedings pursuant to the Conflict Management Rules of the German Institution of Arbitration (DIS) (DIS-KMO) shall be conducted with the purpose of selecting a dispute resolution procedure."

It shall be noted that an agreement on the conflict management proceedings pursuant to the DIS Conflict Management Rules may be concluded any time, also with regard to already existing disputes.

Note:

In Germany you do not have fees for Arbitration in the German Civil Code.

If Parties decide to have recourse to arbitration they also have to decide for the rules of arbitration. Either they develop them themselves or they select a dispute resolution procedure, for example from the German Institution of Arbitration (die Deutsche Institution für Schiedsgerichtsbarkeit e.V.). This is registered society and they provide the parties with Conflict Management Rules and also with a table for the fee for the chairman of the arbitral tribunal. Enclosed please find the example for this. But there are also other societies that provide different rules.

In the German Civil Code provides the parties with additional rules for the procedure if the parties didn't regulated single items.

ITALY

The Costs of Justice in Italy

The costs of justice are determined by the following items:

1. Costs of introducing the cause or process;
2. Lawyer's fees;
3. Taxation of the economic transaction determined by the judgment (for example: transfer of property, payment of sums, determination or termination of contract, etc.).

Costs of introducing the cause or process

Proceeding costs (such as Court fees, bailiff fees, expertises, costs for enforcing the judgement) are provided by law (Presidential Decree of 30 May 2002, No. 115).

In order to introduce a litigation, one has to pay a pre-determined amount - proportionate to the value of the claim - called "Contributo Unificato" (C.U.), ruled by Article 9 of Decree 115/02.

It has replaced since then all the other costs which were requested for criminal, civil and administrative procedures. It includes the payment of all stamp taxes, registration taxes, chancery taxes and the expenses for the designation of a public officer during a trial.

The payment of the Contributo Unificato is required before the case is filed and it has to be paid by the party who enters the case, lodges the initial appeal or, in enforcement proceedings, or submits an application for assignment or sale.

Some particular proceedings, relating to the following subjects, are **exempted**:

- Judicial separations (provisions related to minors and proprietary relations between spouses)
- preventive proceedings;
- land registry proceedings,
- proceedings to enforce delivery and release,
- proceedings related to child maintenance payments,
- all proceedings concerning children (e.g. proceedings regarding parental responsibility)
- rules on competence and jurisdiction.

Lawyer's fee

In the past, the lawyer's fee was determinate by law in an equal way for each of the parties.

This was a guarantee of the pair position of the parties in front of the Judge.

The fixed price system has been demolished to pursue liberalization.

Today the lawyer's compensation is determined by contract and influenced by the client's economic strength.

The result was to weaken the parity of the parties in the process:

- the strong part becomes stronger because it can pay less for its defender;
- the weak side becomes even weaker because it has no contractual strength with its defender.

Attorneys have become workers without pay security and they have lost economic and contractual power and jeopardized their independence.

There is a government bill to prevent excessive differences in the determination of the compensation compared to the parameters applied to the losing party's condemnation in the trial (D.M. 55/2014 - <http://www.consigionazionaleforense.it/documents/20182/42522/DECRETO+10+marzo+2014%2C+n+55/f8a098ec-12f2-4989-9c5a-ec79b2db0a44>)

- Law Decree 27 November 1933, No. 1578, regarding the regulation on lawyers' profession;
- Italian Civil Code (articles 2229-2231);
- Italian Civil Procedure Code (articles 91-98);
- Ministry Decree 8 April 2004 No. 127;
- Lawyers Ethic Code/self-regulation Code adopted by the Lawyers National Association called CNF (Consiglio Nazionale Forense);
- Law 4 August 2006 No. 248.
- D.M. No. 55/2014.

Taxation of the economic transaction determined by the judgment

To understand the registration tax and therefore also the registration of judicial documents it is useful to remember that it is a tax of a LEGAL DOCUMENT, which goes to tax the transferred wealth.

This means that it is necessary to analyze in detail the effects of the DOCUMENT and we must consider with the same principle the nature of judgments and judicial acts, in order to ascertain whether the sentence is merely an assessment or if it has a certain effect of transfer of the wealth or goods.

So, according to Italian law a tax is due in order to register the Court decision.

It also concerns judicial authorities that only partially define the judgment, including executive injunctions, awarding and awarding orders.

The registration obligation applies to all parts of the process in solidarity, without any distinction between the losing party or the victorious party.

In the relations between the parties, however, things are different: at the end of the trial the costs are imposed by the Judge with a sentence against the losing party who must reimburse the winner for the anticipated expenses, including any payment of the tax register.

Depending on the procedural events, the judge can order the total or partial compensation of the expenses, as it can impose sanctions.

Next, there are tables with the costs of process, defense and taxation.

Civil process costs

	Justice of Peace			Court								
Value until	1.100,00 €	5.200,00 €	20.000,00 €	26.000,00 €	52.000,00 €	260.000,00 €	520.000,00 €	1.000.000,00 €	2.000.000,00 €	4.000.000,00 €	8.000.000,00 €	
Defense fee												
Case study	65,00 €	225,00 €	405,00 €	875,00 €	1.620,00 €	2.430,00 €	3.375,00 €	4.388,00 €	5.704,00 €	7.415,00 €	9.640,00 €	
Introduction of the case	65,00 €	240,00 €	335,00 €	740,00 €	1.147,00 €	1.550,00 €	2.227,00 €	2.895,00 €	3.764,00 €	4.893,00 €	11.450,00 €	
Handling of the case	65,00 €	335,00 €	540,00 €	1.600,00 €	1.720,00 €	5.400,00 €	9.915,00 €	12.890,00 €	16.757,00 €	21.784,00 €	56.638,00 €	
Determination of the case	135,00 €	405,00 €	710,00 €	1.620,00 €	2.767,00 €	4.050,00 €	5.870,00 €	7.631,00 €	9.920,00 €	12.896,00 €	30.177,00 €	
Total	330,00 €	1.205,00 €	1.990,00 €	4.835,00 €	7.254,00 €	13.430,00 €	21.387,00 €	27.804,00 €	36.145,00 €	46.988,00 €	107.905,00 €	
Injunction and precautionary	165,00 €	602,50 €		2.417,50 €	3.627,00 €	6.715,00 €	10.693,50 €	13.902,00 €	18.072,50 €	23.494,00 €	53.952,50 €	
Forced sale of movable property	180,00 €	525,00 €		816,00 €	1.290,00 €	1.810,00 €	2.395,00 €	3.114,00 €	4.048,00 €	5.262,00 €	6.841,00 €	
forced sale of real estate	212,00 €	715,00 €		1.080,00 €	1.645,00 €	2.300,00 €	3.026,00 €	3.926,00 €	5.104,00 €	6.636,00 €	8.626,00 €	
	The justice of peace has jurisdiction over cases involving movable assets with a value not exceeding € 5,000.00, when the law are not attributed to the competence of other court The justice of the peace is also competent for cases of compensation for damage caused by the circulation of vehicles and boats, provided that the amount in dispute does not exceed € 20,000.00.											
Introduction fee												
Civil trial - 1st Degree	43,00 €	98,00 €	237,00 €	237,00 €	518,00 €	759,00 €	1.214,00 €	1.686,00 €	1.686,00 €	1.686,00 €	1.686,00 €	
Civil trial – Appeal	64,50 €	147,00 €	355,50 €	355,50 €	777,00 €	1.138,50 €	1.821,00 €	2.529,00 €	2.529,00 €	2.529,00 €	2.529,00 €	
Civil trial - Court of Cassation	86,00 €	196,00 €	474,00 €	474,00 €	1.036,00 €	1.518,00 €	2.428,00 €	3.372,00 €	3.372,00 €	3.372,00 €	3.372,00 €	

Administrative process costs

Value until	1.100,00 €	5.200,00 €	26.000,00 €	52.000,00 €	260.000,00 €	520.000,00 €	1.000.000,00 €	2.000.000,00 €	4.000.000,00 €	8.000.000,00 €
Cost of defense										
Case study	170,00 €	605,00 €	1.080,00 €	1.955,00 €	3.240,00 €	4.185,00 €	5.441,00 €	7.073,00 €	9.195,00 €	11.954,00 €
Introduction of the caus	170,00 €	540,00 €	875,00 €	1.350,00 €	1.820,00 €	2.430,00 €	3.159,00 €	4.107,00 €	5.339,00 €	6.941,00 €
Handling of the case	100,00 €	605,00 €	945,00 €	1.550,00 €	2.160,00 €	2.970,00 €	3.861,00 €	5.019,00 €	6.525,00 €	8.483,00 €
Determination of the ca	270,00 €	1.010,00 €	1.820,00 €	3.305,00 €	4.790,00 €	6.950,00 €	9.035,00 €	11.746,00 €	15.270,00 €	19.851,00 €
use of pre-trial	200,00 €	540,00 €	1.010,00 €	1.820,00 €	2.630,00 €	3.780,00 €	4.914,00 €	6.388,00 €	8.304,00 €	10.795,00 €
Sub total	910,00 €	3.300,00 €	5.730,00 €	9.980,00 €	14.640,00 €	20.315,00 €	26.410,00 €	34.333,00 €	44.633,00 €	58.024,00 €
lump-sum refund exper	136,50 €	495,00 €	859,50 €	1.497,00 €	2.196,00 €	3.047,25 €	3.961,50 €	5.149,95 €	6.694,95 €	8.703,60 €
Total	1.046,50 €	3.795,00 €	6.589,50 €	11.477,00 €	16.836,00 €	23.362,25 €	30.371,50 €	39.482,95 €	51.327,95 €	66.727,60 €

Introduction fee	
Administrative Complaints	Contributo
Administrative litigation concerning the right of citizenship, residence, and entry into the territory of the State	300,00 €
Administrative appeals against the refusal of access to environmental information set forth in Legislative Decree no. 195/2005	0,00 €
Administrative complaints to enforce sentence or compliance of the sentence	300,00 €
Court actions to the Regional Administrative Courts and the Council of State	650,00 €
Proceedings provided for in Title V, Book IV of D'LGS n. 104/2010 (abbreviated rites related to special dispute)	1.800,00 €
Proceedings under Articles. 116 and 117 of the D'DECREE n.104 / 2010 (access to the records and administration silence)	300,00 €
Extraordinary appeals to the President of the Republic	650,00 €
Appeals pursuant to Art. 119 co. 1 letter. a) and b) of Legislative Decree no. 104/10	
when the value of the dispute is equal to or less than € 200,000	2.000,00 €
when the value of the dispute is between € 200,000 and € 1,000,000	4.000,00 €
when the amount in dispute exceeds € 1 million	6.000,00 €

Tax process costs

		Provincial Court (1° grade)									
Value until		1.100,00 €	5.200,00 €	26.000,00 €	52.000,00 €	260.000,00 €	520.000,00 €	1.000.000,00	2.000.000,00	4.000.000,00	8.000.000,00
Defense fee											
	Case study	170,00 €	540,00 €	945,00 €	1.685,00 €	2.430,00 €	3.510,00 €	4.563,00 €	5.932,00 €	7.712,00 €	10.026,00 €
	Introduction of the cause	100,00 €	340,00 €	540,00 €	810,00 €	1.145,00 €	1.485,00 €	1.931,00 €	2.510,00 €	3.263,00 €	4.242,00 €
	Handling of the case	85,00 €	270,00 €	470,00 €	945,00 €	1.350,00 €	1.955,00 €	2.542,00 €	3.305,00 €	4.297,00 €	5.586,00 €
	Determination of the case	170,00 €	875,00 €	1.350,00 €	2.090,00 €	3.970,00 €	4.115,00 €	5.350,00 €	6.955,00 €	9.042,00 €	11.755,00 €
	Total	525,00 €	2.025,00 €	3.305,00 €	5.530,00 €	8.895,00 €	11.065,00 €	14.386,00 €	18.702,00 €	24.314,00 €	31.609,00 €
		Regional Court (2 grade)									
Value until		1.100,00 €	5.200,00 €	26.000,00 €	52.000,00 €	260.000,00 €	520.000,00 €	1.000.000,00	2.000.000,00	4.000.000,00	8.000.000,00
Defense fee											
	Case study	170,00 €	605,00 €	1.080,00 €	1.955,00 €	2.900,00 €	4.185,00 €	5.441,00 €	7.073,00 €	9.195,00 €	11.954,00 €
	Introduction of the cause	100,00 €	405,00 €	605,00 €	1.010,00 €	1.350,00 €	1.820,00 €	2.366,00 €	3.076,00 €	3.999,00 €	5.199,00 €
	Handling of the case	85,00 €	405,00 €	740,00 €	1.350,00 €	1.955,00 €	2.900,00 €	3.770,00 €	4.901,00 €	6.371,00 €	8.282,00 €
	Determination of the case	170,00 €	875,00 €	1.350,00 €	2.360,00 €	3.105,00 €	4.320,00 €	5.616,00 €	7.301,00 €	9.491,00 €	12.338,00 €
	Total	525,00 €	2.290,00 €	3.775,00 €	6.675,00 €	9.310,00 €	13.225,00 €	17.193,00 €	22.351,00 €	29.056,00 €	37.773,00 €

Introduction fee	
Tax Process - provincial and regional tax commission	
Value	Introduction fee
Value of up to € 2,582.28ino a € 2.582,28	30,00 €
Value of more than € 2,582.28 and up to € 5,000.00	60,00 €
Value of more than € 5,000.00 and up to € 25,000.00	120,00 €
Value of more than € 25,000.00 and up to € 75,000.00	250,00 €
Value of more than € 75,000.00 and up to € 200,000.00	500,00 €
Value greater than € 200,000.00	1.500,00 €

Criminal process costs

	Justice of Peace	Preliminary investigations	Defense investigations	Preliminary hearing	Court	Member Court	Assizes	Court of Appeal	Court of Cassation
Defense fee									
Study of the case	405,00 €	810,00 €	225,00 €	810,00 €	450,00 €	450,00 €	720,00 €	450,00 €	900,00 €
Introduction of the cause	335,00 €	630,00 €	240,00 €	720,00 €	540,00 €	720,00 €	1.350,00 €	900,00 €	2.520,00 €
Evidentiary phase	540,00 €	990,00 €	335,00 €	990,00 €	1.080,00 €	1.350,00 €	2.250,00 €	1.350,00 €	0,00 €
Determination of the case	710,00 €	1.170,00 €	405,00 €	1.350,00 €	1.350,00 €	1.350,00 €	2.700,00 €	1.350,00 €	2.610,00 €
Total	1.990,00 €	3.600,00 €	1.205,00 €	3.870,00 €	3.420,00 €	3.870,00 €	7.020,00 €	4.050,00 €	6.030,00 €

No Costs of introduction.

Arbitration costs

		Arbitration										
Value until		€ 1.100,00	€ 5.200,00	€ 20.000,00	€ 26.000,00	€ 52.000,00	€ 260.000,00	€ 520.000,00	€ 1.000.000,00	€ 2.000.000,00	€ 4.000.000,00	€ 8.000.000,00
Defense fee (The lawyer)												
	Case study	€ 65,00	€ 225,00	€ 405,00	€ 875,00	€ 1.620,00	€ 2.430,00	€ 3.375,00	€ 4.388,00	€ 5.704,00	€ 7.415,00	€ 9.640,00
	Introduction of the case	€ 65,00	€ 240,00	€ 335,00	€ 740,00	€ 1.147,00	€ 1.550,00	€ 2.227,00	€ 2.895,00	€ 3.764,00	€ 4.893,00	€ 11.450,00
	Handling of the case	€ 65,00	€ 335,00	€ 540,00	€ 1.600,00	€ 1.720,00	€ 5.400,00	€ 9.915,00	€ 12.890,00	€ 16.757,00	€ 21.784,00	€ 56.638,00
	Determination of the case	€ 135,00	€ 405,00	€ 710,00	€ 1.620,00	€ 2.767,00	€ 4.050,00	€ 5.870,00	€ 7.631,00	€ 9.920,00	€ 12.896,00	€ 30.177,00
	lump-sum refund expenses	€ 49,50	€ 180,75	€ 298,50	€ 725,25	€ 1.088,10	€ 2.014,50	€ 3.208,05	€ 4.170,60	€ 5.421,75	€ 7.048,20	€ 16.185,75
	Total	€ 379,50	€ 1.385,75	€ 2.288,50	€ 5.560,25	€ 8.342,10	€ 15.444,50	€ 24.595,05	€ 31.974,60	€ 41.566,75	€ 54.036,20	€ 124.090,75
	Injunction and precautionary				€ 2.780,13	€ 4.171,05	€ 7.722,25	€ 12.297,53	€ 15.987,30	€ 20.783,38	€ 27.018,10	€ 62.045,38
	Forced sale of movable property				€ 816,00	€ 1.290,00	€ 1.810,00	€ 2.395,00	€ 3.114,00	€ 4.048,00	€ 5.262,00	€ 6.841,00
	forced sale of real estate				€ 1.080,00	€ 1.645,00	€ 2.300,00	€ 3.026,00	€ 3.926,00	€ 5.104,00	€ 6.636,00	€ 8.626,00
Arbitration fee (The judgement)												
	each arbitrator fee				€ 1.620,00	€ 4.050,00	€ 7.085,00	€ 16.200,00	€ 21.060,00	€ 27.378,00	€ 35.591,00	€ 46.268,00
	reimbursement generic costs				€ 243,00	€ 607,50	€ 1.062,75	€ 2.430,00	€ 3.159,00	€ 4.106,70	€ 5.338,65	€ 6.940,20
	Total				€ 1.863,00	€ 4.657,50	€ 8.147,75	€ 18.630,00	€ 24.219,00	€ 31.484,70	€ 40.929,65	€ 53.208,20

Registration Tax of the final decision

Case	
transfer of property	judgments that transfer or constitute real rights on immovable property: the same taxes established for the corresponding contract apply and therefore if the transfer is subject to VAT, a fixed registration fee of Euro 200.00 will be due while, in case the transfer is not subject to VAT, we apply 2% first home, 9% in all remaining cases and 12% agricultural land and related appurtenances in favor of subjects other than farmers and professional agricultural entrepreneurs, registered in their social security and welfare management.
assessment of property	judgments of assessment of property rights: 1%
payment of sum	judgments condemning the payment of sums or values, other benefits or the delivery of goods of any kind: 3%
rejected claim	judgments that do not provide for the transfer, condemnation or assessment of rights with a patrimonial content: € 168,00
resolution	judgments declaring the nullity or pronouncing the annulment of a deed, even if they are condemnatory to the return of money or assets, or the resolution of a contract: € 168.00
divorce	judgments concerning the dissolution or termination of the civil effects of marriage or personal separation, even if they are condemned to the payment of checks or assignments of assets, already forming part of communion between spouses or modification of such convictions or attributions: euro 168,00

other	approval judgments: € 168.00
administrative	judgments of the Council of State and regional administrative tribunals that define, even partially, the judgment, including the executive injunction orders, which are condemned to the payment of sums of money other than court costs: 3%

LEGAL AID in Italy - PATROCINIO A SPESE DELLO STATO

Access to justice and Legal AID

The right of defense is considered by Italian legal system as a universally recognized right, irrespective of the nationality of the person concerned or the income he has earned.

In order to enforce this principle, Italian law has established a Legal AID System that allows people without financial resources to benefit equally from legal assistance.

The right to defense is recognized by two fundamental documents:

- the Italian Constitutional Charter;
- the Treaty for the Constitution of the European Union.

Italian Constitution, Art. 24, states that everyone can take legal action for the protection of their legitimate rights and interests.

Defense is inviolable right in every state and grade of the proceedings.

People are assured of the lack of resources, with special institutions, to act and defend themselves in front at any jurisdiction.

The law determines the conditions and the ways for the correction of judicial errors.

In addition to being constitutionally recognized, the right to defense is also constitutionally guaranteed to those who do not have sufficient income and is regulated in Part III of Law 30 May 2002, no. 115 (about Costs of Justice).

European Constitution, Article II-107, regulates the right to an effective remedy and to an impartial judge.

Everyone whose rights and freedoms - guaranteed by Union law - have been violated, has the right to an effective remedy in front of a judge.

Everyone has the right to have his case been examined fairly, publicly and within a reasonable time by an independent and impartial judge, pre-established by law.

Everyone has the right to be counseled, defended and represented.

Those who do not have sufficient means are granted patronage at the expense of the state, if this is necessary to ensure effective access to justice.

In Italian law, Legal AID is provided for the criminal process, civil proceedings, administrative process, accounting process, taxation process and voluntary jurisdiction.

Legal AID is also set for the enforcement process, review processes, revocation, third party opposition, in the processes of application of security or prevention measures, where the assistance of the defense counsel or technical consultant is provided.

Admission to Legal AID System is valid for each degree and process status, also for all those processes, derivatives and incidents.

With the introduction in Italy of the institutes of "mediation" and "assisted negotiation", in some cases, as a condition of legality, access to justice risks to be compromise, as the Legal AID System.

LEGAL AID in Italy - tables

Law 30/07/1990 n. 217 D.P.R. 30/05/2002 n. 115	RULE	SPECIFICATIONS	EXCLUSIONS	PROBLEMS
WHO	<p>ITALIAN AND UE CITIZENS - EXTRA UE AND STATELESS CITIZENS ONLY IF CLEARLY IDENTIFIED</p> <p><u>CRIMINAL CASES</u>: charged, convicted, victims, injured, civil liability, injunctions and other preventative measures</p> <p><u>CIVIL FRAUD</u>.</p> <p><u>ADMINISTRATIVE CASES</u>: if not manifestly baseless claim, respondent</p> <p><u>IMMIGRATION</u>: as above; always automatic only for expulsion procedures</p>	<p>Extra UE citizens: REQUIRED BIRTHPLACE CONSULAR AUTHORITY CERTIFICATE OF FOREIGN EARNINGS</p>	<p>EXTRA UE CITIZENS "SANS-PAPIERS" (except expulsion procedures)</p> <p>PREVIOUSLY SENTENCED FOR ORGANIZED CRIMES OR DECLARED BELONGING TO CRIMINAL ASSOCIATIONS, LARGE AMOUNT OF NARCOTICS Unless assessed without means</p>	<p>Persons unable to prove their identity</p> <p>Failure to obtain consular certificate</p>
CONDITIONS	<p><u>TOTAL EARNINGS BEFORE TAXES AND ALSO IF NOT DECLARED OR ILLICIT INCOMES OF THE WHOLE FAMILY</u> (all permanent members of the household) <u>LESS THAN € 11.528,41</u></p>	<p><u>CRIMINAL CASES</u>: Added € 1.032,91 FOR EVERY FURTHER PERSON OF THE FAMILY</p> <p><u>CRIMINAL CASES</u>: 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>

Law 30/07/1990 n. 217 D.P.R. 30/05/2002 n. 115	RULE	SPECIFICATIONS	EXCLUSIONS	PROBLEMS
WHAT	CRIMINAL PROCEEDINGS ALTERNATIVE PUNISHMENT INJUNCTIONS Evidential issues in PRIVATE CLAIMS ADMINISTRATIVE JUDGMENT TAX AND ACCOUNTING PROCEDURE VOLUNTARY JURISDICTION EVERY PROCEDURE REGARDING MINORS	LEGAL EXPENSES RECOGNIZED ONLY AFTER FILING	Persons Sentenced for organized crime	EXCLUDED Legal counselling Legal assistance for detained persons Post judgment counselling
HOW PROCEDURE	<u>DEMAND TO THE PROCEEDING MAGISTRATE</u> Self declaration on family composition and incomes, obligation to communicate variations during procedure PRIVATE INITIATIVES: <u>previous check</u> of not manifestly baseless claim of the demand <u>by the BAR</u>	<u>AUTOMATIC ADMISSION:</u> Office designation MINORS persons admitted to PROTECTION PROGRAM EXPULSION NOT UE CITIZENS persons formally declared UNTRACEABLE LEGAL EXPENSES ONLY AFTER JUDGMENT Only if Court decides and if compulsory payment by the client proved unsuccessful	<u>EXCLUSION OR REVOCATION:</u> If evidence shows a higher standard of living or not compatible with declared income Exceeding the income limits during the proceedings Second lawyer appointed	Extraordinary fees resulting from undue Revenue inspections

Law 30/07/1990 n. 217 D.P.R. 30/05/2002 n. 115	RULE	SPECIFICATIONS	EXCLUSIONS	PROBLEMS
EFFECTS	ONLY LAWYER FEES AND EXPENSES, NO FEES OTHERWISE REQUIRED	<u>FREE CHOICE OF LAWYER</u> previously registered in list “ <i>ad hoc</i> ” if more than 2 years experienced and without disciplinary sanctions <u>TECHNICAL EXPERT</u> when Judge requires technical study or if later considered relevant	<u>AMOUNT FEES</u> decided by proceeding Magistrate <u>REDUCED PAYMENT</u> of a third or the ordinary amount Not recognized expenses outside County	Single phase of proceedings can last several years <u>Months</u> waiting for a judicial decision <u>Years</u> waiting for an effective payment by the MINISTRY OF JUSTICE

THE NETHERLANDS

LEGAL AID in The Netherlands

Law: The Legal Aid Act ('Wet op de Rechtsbijstand') and additional regulations	RULE	SPECIFICATIONS	EXCLUSIONS	PROBLEMS
WHO	<p>In general legal aid is available for natural persons only.</p> <p>Anyone subject to Dutch law, resident in the country or with a legal problem which bears sufficient connexion with the Dutch legal order.</p> <p>Legal aid is available in criminal, immigration, asylum, administrative and certain categories of civil cases.</p> <p>Legal aid is available for judicial assistance in cases before courts, administrative tribunals and – depending on the severity of the case – disciplinary tribunals or certain complaints bodies. Legal aid may also be available for legal advice but only if legal proceedings are imminent.</p>		<p>In general legal aid in civil cases is not available for legal problems arising out of business-related activities by the person applying for legal aid (for example business-related contract disputes of self employed clients).</p> <p>Legal aid is not available for general legal advice (e.g. in a non-contentious situation, or is a situation in which there is not (yet) a legal conflict).</p> <p>Legal aid is not available if an applicant is deemed 'self-reliant' and/or the conflict may be solved without a lawyer's assistance (e.g. filling out social –security forms, writing simple complaints, etc.) – to be determined by the Legal Aid Board.</p>	<p>Confining legal aid to assistance in judicial proceedings misses the fact that many clients are not 'self-reliant' when it comes to solving their increasingly complex legal and bureaucratic problems. It also encourages litigation (which is compensated) in many situations that otherwise could have been solved with good legal advice on how to avoid litigation (which is not compensated).</p>

Law: The Legal Aid Act ('Wet op de Rechtsbijstand') and additional regulations	RULE	SPECIFICATIONS	EXCLUSIONS	PROBLEMS
CONDITIONS	<p><u>Clients</u> Gross monthly income of all permanent members of the household above the age of 18 years and capital.</p> <p>In 2017 the maximum income to apply for legal aid is € 25.600 for a single household, to € 36.100 for couples or singles with children.</p> <p>Children under 18 qualify with no financial test.</p> <p>Gross monthly income of all permanent members of the household above the age of 18 years and assets. The applicant's assets must not exceed € 21,330 (2017). Applicants over 65 years of age are allowed higher assets.</p> <p>The reference year lies two years before the year of application. A client can request te Board to change the reference year, if the applicant's income and/or assets in the year of application has decreased substantially compared to that in the reference year. This holds if the applicant's reference-year income and/or assets would not make him eligible for legal aid, whereas his present income and/or assets will.</p>	<p><u>Lawyers</u> To be entitled to accept legal aid cases, private lawyers need to be registered with the Legal Aid Board and to comply with a set of quality standards. These standards are set by the Bar. For some fields of law – criminal, mental health, asylum and immigration law, youth, family law – additional terms, set by the Legal Aid Board, apply. The lawyer must both have adequate expertise and sufficient experience in that particular field.</p> <p><u>Case</u> The case must be serous enough and there must be a reasonable chance of success.</p>		<p>The income threshold is widely viewed as too low, thus excluding a very large group of low to middle income who often cannot afford legal advice either.</p>

Law: The Legal Aid Act ('Wet op de Rechtsbijstand') and additional regulations	RULE	SPECIFICATIONS	EXCLUSIONS	PROBLEMS
<p>WHAT</p>	<p>Legal aid covers lawyers' fees (in the great majority of cases in the form of a flat-rate compensation); in complex cases extra fees may be paid – mostly in complex and large criminal cases.</p> <p>Clients on legal aid pay significantly lower court fees;</p> <p>Legal aid also covers the bailiffs fees (e.g. when serving a writ or executing a judgement) and – subject to limitations – costs of translators.</p>	<p>Lawyers' fees are only paid by Legal Aid Board after the case has finished.</p>		<p>Court proceedings may take years, payment will however only take place after the end of the case.</p>

Law: The Legal Aid Act ('Wet op de Rechtsbijstand') and additional regulations	RULE	SPECIFICATIONS	EXCLUSIONS	PROBLEMS
HOW PROCEDURE	<p>The Legal Services Counters ('Juridisch Loket') act as what is commonly known as the 'front office' (primary help). Legal matters are being clarified to clients and information and advice given. Clients may be referred to a private lawyer or mediator, who act as the secondary line of legal aid. Clients may also apply for help from a subsidised lawyer or mediator directly. If necessary, clients can also be referred to other professionals or support agencies.</p> <p>Lawyers (and mediators) submit applications to the Legal Aid Board ('Raad voor Rechtsbijstand') on behalf of the client. The board is an independent governing body with a public task, instituted by the Minister of Security and Justice</p> <p>If legal aid is granted, a certificate is issued which allows the lawyer in question to deal with the case. Lawyers and mediators are paid by the LAB to provide their services to clients of limited means. Generally they</p>	<p>The costs of legal aid are partly covered by a contribution from the client. This personal contribution ('eigen bijdrage'). The height of this contribution depends on the income and capital of the client. In 2017, the lowest personal contribution is € 143, the highest € 823.</p> <p>In divorce related cases the personal contribution is higher, from € 340 to € 849.</p> <p>In case of relatively simple legal problems, lawyers receive a certificate for a standard three-hour legal advice fee, also encompassing a personal contribution. This is called a minor certificate ('lichte adviestoevoeging').</p> <p>Certain categories of clients are exempted from individual contributions. This applies to all cases where people have been deprived of their freedom against their will. 'Proven Have-nots' (e.g. homeless clients) and asylum seekers are also exempted from paying an individual</p>		<p>Personal contributions have to be collected from client by the lawyer. This poses a significant administrative burden and collection risk.</p>

POLAND

LEGAL AID in POLAND

HOW IS IT ORGANIZED ?

There is no unified system of legal aid in Poland and no specific legal aid legislation to address its provision in a systemic and organized manner. The decision to grant legal aid is always taken by a judge. The judge decides whether the request for legal aid should be granted and if so, which lawyer should be appointed. There is no separate or specialized group of lawyers acting in legal aid cases: the judge appoints a lawyer from a list provided by the local bar associations.

WHO IS ELIGIBLE FOR LEGAL AID ?

Exemption from court fees may be requested by an individual who submits a statement that he/she is unable to cover them without detriment to the support necessary for himself/herself and the family. The court may also grant exemption from court fees to a business entity if it has demonstrated that it does not have sufficient means to pay such costs. The costs of legal aid, incurred by the State Treasury, include regulated fees and essential, substantiated expenses.

A natural person may demand the exemption from court fees, after making a declaration, that it's unable to bear them without detriment to necessary maintenance for itself and a family.

A statement, covering detailed data on family situation, assets, income, regular source of income of a person applying for the exemption from court fees, should be also made and attached to the application for exemption from court fees.

The costs of Justice in POLAND

CIVIL

COURT FEES

The sources of court cost are not subject to the court's discretionary decision, but the rules of determination are stipulated in numerous legal acts. The most important legal act is the Act on Court Fees.

It is difficult to determine an average amount of the average court cost of a proceeding, because it depends on the type of a proceeding and on a particular case. The Act on Court Fees provides for the following sort of fees: permanent fee, proportional fee, basic fee.

A court fee should be paid upon filing a pleading. In general, the cost of bringing an action to the court depends on the type of proceeding. In litigation cases most often is a relative fee of 5% of the value of the subject of dispute, but not less than 30,00 zł and more than 100.000,00 zł.

Please note that, in principle, the fee for **appeal** is the same as for the first instance.

LAWYER FEES

There are regulations specifying rates for calculating the reimbursement of lawyers fees to the winning part, and for calculating remuneration for attorneys ex officio. Fees amount depend on the nature of litigation (look at the example below). The court sets mostly only minimum fees. In complex cases, the court may set higher fees. The Polish legal system does not provide any regulation determining the lawyer's fee above the minimum fee. The prices for legal service are calculated between a lawyer and his client, it is meant that the final lawyers fees depend also on experience and position of given lawyer.

Example:

When the lawyers fees depend on the amount in dispute, the lawyer fees is:

1) 120 zł - when the amount in dispute is below 500,00 zł;

- 2) 360 zł - when the amount in dispute is between 500,00 zł and 1500 zł;
- 3) 1200 zł - when the amount in dispute is between 1500,00 zł and 5000,00 zł;
- 4) 2400 zł - when the amount in dispute is between 5000,00 zł and 10000,00 zł;
- 5) 4800 zł - when the amount in dispute is between 10000,00 zł and 50000,00 zł;
- 6) 7200 zł - when the amount in dispute is between 50000,00 zł and 200000,00 zł;
- 7) 14400,00 zł - when the amount in dispute is above 200000,00 zł;

TAXES ON THE DECISION

There is no tax on the decision.

CRIMINAL

COURT FEES

The criminal proceedings cost are paid by State Treasury. However, the court determines who and what part of fee will pay. Some of these fees must be paid at the beginning of bringing a letter to the court, and some shall be specified in the decision closing the proceedings.

Entity liable to pay the costs of criminal proceedings can be charged, convicted, and in some cases the prosecutor.

Sentenced to imprisonment must pay from 60 to 600 zł depending on the judgment of the court . In case sentenced to 3 months imprisonment , the fee is 60 zł . Sentencing to imprisonment for 2 years – 300 zł for 5 years 400 zł and 600 PLN in case of conviction to imprisonment for 15 years or 25.

In the case of fines, convicted must pay a fee of 10 percent her height, but newer less than the amount of 30 zł . Costs increase to 20 percent high of fines if convicted at the same time he heard the sentence of imprisonment.

In the case of conditional discontinuance of the case , the defendant is obliged to pay from 60 to 100 zł .

In cases of private prosecution, in the case of an acquittal of the accused the court imposes private prosecutor fee in the amount of 60 zł to 240 zł . The court may refrain from imposing the penalty or reduce its size if the accused has not been acquitted of all charges against him .

It should be mentioned that the private indictment it must be paid charged 300 zł.

The proceeding fee for **appeal** is the same as for the first instance, with one exception - when the appeal is not unfounded the fee is 30 zł.

LAWYER FEES

The same regulation like in civil law, it is mean that legal system does provide only the minimum laweyrs fee and the final prices for legal service are calculate between a lawyer and his client.

The minimum laweyrs fees denends on the kind of court case. The lower fees is 360,00 zł and the highest is 1.200,00 zł.

TAXES ON THE DECISION

There is no tax on the decision.

ADMINISTRATIVE

COURT FEES

The cost of the proceedings in the administrative courts.

The relative or fixed fee from the writings of initiating proceedings in the administrative court depend on complaint. In case, the subject of appeal are amounts should be paid relative fee, in other cases is taken by the court fixed fee.

The relative fee is:

- to 10,000 zł - 4 % of the value of the disputed, but not less than 100 zł,
- from 10.000 zł to 50,000 zł - 3% of the value of the disputed, but not less than 400 zł,
- from 50,000 zł to 100,000 zł - 2% of the value of the disputed, but not less than 1,500 zł,
- from 100,000 zł to 1 % of the value of the disputed, but not less than 2,000 zł and not more than 100,000 zł,

Fixed fee is:

- 1)complaints against decisions issued in administrative proceedings, enforcement and security - 100 zł,
- 2)complaints of acts or activities of the public administration on the rights or obligations under the law - 200 zł,
- 3)complaints against acts of territorial self - government - 300 zł,
- 4)complaints about the inactivity of public administration - 100 zł,
- 5)complaint against the provincial administrative courts - 100 zł,
- 6)tax proceeding – 500 zł,
- 7)customs proceeding – 500 zł,

The proceeding fee for **appeal** against the decision is half fee as for the first instance.

LAWYER FEES

The same regulation like in civil law, it is mean that legal system does provide only the minimum laweyrs fee and the final prices for legal service are calculate between a lawyer and his client.

Example:

When the lawyers fees depend on the amount in dispute, the lawyer fees is:

- 1) 120 zł - when the amount in dispute is below 500,00 zł;
- 2) 360 zł - when the amount in dispute is between 500,00 zł and 1500 zł;
- 3) 1200 zł - when the amount in dispute is between 1500,00 zł and 5000,00 zł;
- 4) 2400 zł - when the amount in dispute is between 5000,00 zł and 10000,00 zł;
- 5) 4800 zł - when the amount in dispute is between 10000,00 zł and 50000,00 zł;
- 6) 7200 zł - when the amount in dispute is between 50000,00 zł and 200000,00 zł;
- 7) 14400,00 zł - when the amount in dispute is above 200000,00 zł;

TAXES ON THE DECISION

There is no tax on the decision.

FISCAL

FEES

Under Article 264 of the Act of August 29, 1997 . The Tax Ordinance Act (consolidated text Journal of Laws of 2005 . No. 8, pos. 60) hhe costs of the proceedings before the tax authorities (as a rule) shall be borne by the State Treasury, state, county or municipality. However, if costs have increased due to the fault of the taxpayer in which the proceedings are pending , the tax authority is entitled to charge him the additional costs.

LAWYER FEES

The legal system does not provide any regulation determining the lawyers fee. The prices for legal service are calculate between a lawyer and his client.

TAXES ON THE DECISION

There is no tax on the decision.

MEDIATION

THE COST OF MEDATION

The cost of mediation is borne by the parties. It is usually paid in half, unless the parties agree otherwise. In mediation proceedings initiated under a court order, the mediator's remuneration in non-property related cases is PLN 150 for the first mediation meeting, and PLN 100 for each subsequent meeting (in total: max. PLN 450). If the proceedings relate to property rights, the remuneration of a mediator is 1% of the amount in dispute (no less than PLN 150 and no more than PLN 2000 for the whole mediation). Mediator will also be reimbursed for expenses incurred in carrying out the mediation, including room rental fee of PLN 70 per meeting. The VAT will be added to costs of mediation. Regardless of result of the case, the court may order a party to pay costs caused by an unreasonable refusal to participate in the mediation previously agreed with the party.

If there is a settlement signed as a result of mediation, the party will be reimbursed for 75% of the court fee paid when bringing the case to court.

In the case of mediation initiated under a court order, the remuneration of a mediator and reimbursement of his/her expenses result from pricing of the mediation centre concerned or the parties agree on it together with the mediator before mediation.

LAWYER FEES

The legal system does not provide any regulation determining the lawyers fee. The prices for legal service are calculate between a lawyer and his client.

TAXES ON THE DECISION

There is no tax on the decision.

ARBITRATION

THE COST OF ARBITRATION

Arbitration may be more expensive and its price depends on the system chosen.

The proceeding before the **Arbitration Consumer Court** are free of charge, but the parties have to cover the costs of appointing an expert or ordering an expert's study. That fee reimbursed to the party that wins the case.

In the case of proceeding before the **Arbitration Consumer Court at the Office of Electronic Communications (UKE)** the fee is approximately 100 zł.

The Banking Arbitrator requires a fee for consumer is 250 zł and for non-consumer depend on the value of the subject of dispute.

The cost of proceeding before **Insurance Ombudsman** depend on the value of the subject of dispute and the fee is also determined by the arbitrator. It cannot be less than 100 zł if dispute is examined by one arbitrator or 350 zł when a dispute is examined by a panel of three arbitrators. There is no maximum fee.

LAWYER FEES

The legal system does not provide any regulation determining the lawyer's fee. The prices for legal service are calculated between a lawyer and his client.

TAXES ON THE DECISION

There is no tax on the decision.

ROMANIA

Legal AID in Romania

<p>Emergency Ordinance 21/04/2008 n. 51 and Law 07/06/1995 n. 51</p>	<p>RULE</p>	<p>SPECIFICATIONS</p>	<p>EXCLUSIONS</p>	<p>PROBLEMS</p>
<p>WHO</p>	<p>ANY INDIVIDUAL WHO HAS THE DOMICILE/HABITUAL RESIDENCE IN ROMANIA/ ANY EU MEMBER STATES</p> <p>INDIVIDUALS WITHOUT DOMICILE/HABITUAL RESIDENCE IN ROMANIA/EU MEMBER STATES – under specific conditions</p> <p>JUDICIAL PROCEDURES: CIVIL, COMMERCIAL, ADMINISTRATIVE, EMPLOYMENT AND SOCIAL INSURANCE CASES, OTHER CASES, <u>EXCEPTING CRIMINAL CASES</u></p> <p>EXTRAJUDICIAL PROCEDURES: before the public authorities and institutions, other than judicial.</p>	<p>INDIVIDUALS WITHOUT DOMICILE/HABITUAL RESIDENCE IN ROMANIA/EU MEMBER STATES –As long as a treaty is in effect, a treaty which contains legal stipulations concerning international access to justice, between Romania and the citizen’s state/state in which the individual inhabits.</p> <p>INDIVIDUALS WITHOUT DOMICILE/HABITUAL RESIDENCE IN ROMANIA/EU MEMBER STATES – in the absence of a treaty spoken above, the facilities of an international access to justice can be provided only by international courtesy subject to reciprocity.</p> <p>THE DOCUMENTS MUST BE TRANSLATED IN ROMANIAN</p> <p>The Dean may decide to grant free assistance by a lawyer even in criminal matters.</p>	<p>INDIVIDUALS WITHOUT DOMICILE/HABITUAL RESIDENCE IN ROMANIA/UE MEMBER STATES – in the absence of a treaty which contains legal stipulations concerning international access to justice and also in the absence of international courtesy subject to reciprocity</p>	<p>Encouraging for false residency declaration.</p> <p>The legal aid is not granted in criminal cases, excepting the legal aid provided by the lawyers under specific conditions.</p>

<p>Emergency Ordinance 21/04/2008 n. 51 and Law 07/06/1995 n. 51</p>	<p>RULE</p>	<p>SPECIFICATIONS</p>	<p>EXCLUSIONS</p>	<p>PROBLEMS</p>
<p>CONDITIONS</p>	<p>The individual doesn't afford/ doesn't have the necessary means to initiate a case law and to support his family simultaneous</p> <p>Amount of Legal Aid provided by year ≤ 10 total earnings before taxes</p>	<p>Earnings after taxes per family member 2 months before requesting legal aid < 66, (6) € (300 RON) [?] 100 % legal aid provided</p> <p>Earnings after taxes per family member 2 months before requesting legal aid < 133, (3) € (600 RON) [?] 50 % legal aid provided</p>	<p>NO INCOME LIMITS FOR CASES EXPRESS STIPULATED BY A SPECIAL LAW as a protection measure regarding special circumstances as minority, disability (handicap) and so on.</p>	<p>The limits of the earnings conditioning the legal aid are very low. The legal aid is granted in a few cases.</p> <p>Significant undeclared earnings</p> <p>The death of the applicant revokes the legal aid</p> <p>Exceeding the income limits during the proceedings</p> <p>Encouraging the tax evasion</p>

Emergency Ordinance 21/04/2008 n. 51 and Law 07/06/1995 n. 51	RULE	SPECIFICATIONS	EXCLUSIONS	PROBLEMS
WHAT	<p>The legal aid consists in granting consultations, formulation of applications, petitions, complaints and in assisting and representing the applicant before the courts and before the public authorities and institutions.</p>	<p>The legal aid can be granted separately or cumulatively in any of its forms.</p> <p>The beneficiary of the legal aid who lose the case can not be forced to return the judicial expenses paid for him by the state.</p>	<p>The legal aid will be rejected if the court finds that the applicant has hidden the truth in bad faith.</p>	<p>EXCLUDED</p> <p>Post judgment counselling</p> <p>The extrajudicial aid covers only the lawyer fees.</p>

<p>Emergency Ordinance 21/04/2008 n. 51 and Law 07/06/1995 n. 51</p>	<p>RULE</p>	<p>SPECIFICATIONS</p>	<p>EXCLUSIONS</p>	<p>PROBLEMS</p>
<p>HOW PROCEDURE</p>	<p>Addressing a petition to the Court (the same Court which hears the case in which the legal aid is requested)</p> <p>Written application [?] content: trial object, I.D. of applicants family and applicant incomes, providing documents proving the incomes</p> <p>Self declaration on any legal aid requested in the last 12 months</p> <p>The legal aid regarding the payment of the expert, translator, interpreter and bailiff fees and of the state fees is decided by the judge</p> <p>The legal aid regarding the payment of the lawyer fees is decided by the Dean of the Bar which belongs the lawyer</p>	<p>Legal aid is granted anytime before or during the trial</p> <p>The individual who is requesting legal aid can be exempt of paying expert, translator, interpreter, bailiff, lawyer fees and the state fees</p>	<p>EXCLUSION OR REVOCATION:</p> <p>If evidence shows a higher standard of living or not compatible with declared income</p> <p>If the cost of the trial is disproportionate towards the requested claims</p> <p>If the claims are contrary to public order</p> <p>Exceeding the income limits during the proceedings</p> <p>In the absence of mediation or other alternative solutions when they are mandatory</p> <p>When the applicant demands compensation for harms to the image, honor and reputation, in absence of material damage and when the demand results from</p>	<p>The abusive claims and the careless behavior towards the trial which ends up by losing the case will determine a total refund of the legal aid provided</p>

<p>Emergency Ordinance 21/04/2008 n. 51 and Law 07/06/1995 n. 51</p>	<p>RULE</p>	<p>SPECIFICATIONS</p>	<p>EXCLUSIONS</p>	<p>PROBLEMS</p>
<p>EFFECTS</p>	<p>COVERING:</p> <ul style="list-style-type: none"> - Lawyer fees - expert, translator, interpret fees - Bailiff fees - Exemptions, discounts, reschedules, delays in paying state fees <p>Extra coverage for EU citizens/ EU inhabitants</p> <ul style="list-style-type: none"> - Documents translations fees - interpret assistance during court hearing -traveling fees 	<p>UNFREE CHOICE OF THE LAWYER</p> <p>The lawyer can be chosen by the applicant in exceptional cases, with the approval of the dean.</p> <p>The legal aid cannot be granted by the lawyers with disciplinary sanctions, sentenced for common offenses, that broke the law of lawyers repeatedly or who gave a inferior legal assistance.</p> <p>FREE CHOICE OF THE BAILIFF</p> <p>UNFREE CHOICE OF THE EXPERT, TRANSLATOR AND INTERPRET</p> <p>The legal aid will be supported from the state funds.</p> <p>The legal aid is granted during the whole procedure requested through the initial claim.</p>	<p>Earnings after paying taxes per family member during 2 months before requesting legal aid < 133, (3) € (600 RON) ? 50%</p> <p>REDUCED PAYMENT OF FEES</p>	<p>INCOMPATIBILITY OF THE LAWYER</p> <p>The lawyer who provided extrajudicial assistance cannot provide judicial assistance to the same applicant in the same case.</p> <p>In case of losing the trial, the applicant must to pay the judicial expenses of the opposing party.</p> <p>If the application for legal aid from Romania is rejected by the competent authority of the requested State (EU member), the Romanian Central Authority will require to the applicant the reimbursement of the costs of translation.</p>

Costs of Justice in Romania

ROMANIA	CIVIL	CRIMINAL	ADMINISTRATIVE
acces before a court	paying a state fee	free	paying a state fee
costs (negative aspects)	The state fees are big in comparison with the minimum income of a Romanian citizen. Usually the state fees are bigger than the attorneys fees. The state fees are regulated by the Government Ordinance no. 80/2013.	The state fees supported by the delinquent are acceptable.	The state fees are acceptable.
costs (positive aspects)	In some situations the applicant can obtain refunds, reductions, rescheduling or deferral for the payment of state fees		In some situations the applicant can obtain refunds, reductions, rescheduling or deferral for the payment of state fees
acces to law	Basic and free acces to law by internet at http://legislatie.just.ro		
acces to jurisprudence	Free acces to jurisprudence of all courts by internet at http://portal.just.ro/SitePages/jurisprudenta.aspx http://www.scj.ro/736/Cautare-jurisprudenta http://www.rolii.ro		
acces before a bailiff	The bailiff fees are big in comparison with the minimum income of a Romanian citizen and must be paid an advance.		
legal aid	The legal aid is regulated by the Government Emergency Ordinance no. 51/2008. The legal aid is granted in civil, commercial, administrative, labor and social security, as well as other causes, except criminal. The legal aid is granted rarely because of very restrictive conditions provided by law. The judges don't grant easily the legal aid. The legal aid can be granted as assistance by a lawyer, as the payment of the expert, translator or interpreter fee, as the payment of the executor fee or facilities to pay the court fees. The ordinance provides special rules for granting legal aid citizens of European Union Member States other than Romania.		

SPAIN

LEGAL AID in Spain

LAW 1996, JANUARY 10 TH , n. 10	RULE	SPECIFICATIONS	EXCLUSIONS	PROBLEMS
<p>WHO</p>	<p>spanish citizens, eu citizens and foreigners in spain; management institutions and common social security services, always;</p> <p>public utility associations and foundations registered in the public registry;</p> <p>spanish red cross;</p> <p>association of consumers and users. (art 2.2 of the law for the defense of consumers and users).</p>	<p>individuals: when they demonstrate having insufficient resources according to the requirements of article 3 of this law;</p> <p>public utility associations and foundations registered in the public registry when they demonstrate having insufficient resources to litigate, regardless of their resources to litigate for associations which purpose is the promotion and defense of victims of terrorism;</p> <p>victims of violence against women, terrorism and human trafficking, children, and people with mental disabilities (in proceedings that are related to, arise from or are consequences of their victim status), without the need to demonstrate having insufficient resources as long as they maintain their victim status;</p> <p>workers and beneficiaries of social security before labour courts, without the need to demonstrate having insufficient financial resources;</p> <p>accident victims with permanent damages without the need to demonstrate having insufficient resources.</p>	<p>when having financial means exceeding the limitset by the law;</p> <p>legal persons other than those mentioned in the previous table;</p> <p>it will not be granted after lodging a claim, or after lodging the statement of defense, except if it is desmonstrated that the requirements to be entitled to legal aid have originated subsequently.</p>	<p>the recognition of the right to legal aid is not retroactive</p>

<p>CONDITIONS</p>	<p>maximum values to access:</p> <p>twice the multiplier for the public income index (iprem)* for persons who do not belong to a family unit;</p> <p>twice the iprem for persons who belong to a family unit of less than 4 members;</p> <p>3 times the iprem for family units of 4 or more members, or who have had their “large-family” status legally recognized.</p> <p>*public income index (iprem) year: 2017 daily: 17.75€ /day monthly: 532.51€/month annual (12 fee): 6390.13€/year annual (14 fee): 7455.14€/year</p>	<p>14,910.28 € for persons who do not belong to a family unit;</p> <p>18,637.85 € for persons who belong to a family unit of less than 4 members;</p> <p>22,365.42€ for families of 4 or more members;</p> <p>37,275.70€ when the exceptional circumstances referred to in article 5 of law 1/96 are demonstrated.</p>		<p>when the applicant belongs to a family unit, all the incomes received by its members will be taken into account.</p> <p>may be excluded, regardless that the thresholds requirements to apply for a legal aid lawyer are met, the cases established in article 4 of this law.</p>
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<p>WHAT</p>	<p>Pre-trial legal advice and guidance;</p> <p>Lawyer's legal assistance to detainee or prisoner;</p> <p>free defense and legal representation by alawyer in judicial proceedings;</p> <p>free placement of communications and notices;</p> <p>exemption from payment of court fees andof deposits for the appeal;</p> <p>free expert assistance;</p> <p>obtaining copies, testimonies, instruments and notarial acts without costs;</p> <p>reduction of 80% of the fees of notary actions;</p> <p>reduction of 80% of the commercial properties registers fees;</p> <p>exemption from payment of the costs of the proceedings if ordered to bear them by the court.</p>			<p>The right to legal aid must be recognized in each judicial proceedings. when the proceedings ends, the benefit is exhausted.</p>
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<p>HOW PROCEDURE</p>	<p>Attend to the legal orientation service of the corresponding bar association.</p> <p>Fill out the application form, attaching the information required. the legal orientation services of the bar associations will study the submitted documentation.</p> <p>The application may also be submitted to the judicial body corresponding to the applicants domicile, which will forward it to the competent bar association</p>			<p>if it is considered that the application is insufficient or that there are deficiencies, a period of 10 business days is granted to the applicant to rectify defects</p>
<p>EFFECTS</p>	<p>The legal aid beneficiary only have to bear 20% of the amount of fees corresponding to the issue of public deeds, and to obtain copies and notarial testimonies.</p>		<p>shall not be paid by the applicant when it is demonstrated that the income is below the iprem</p>	<p>if the rightholder wins the case, obtaining financial benefits, and the judgment does not include an express ruling on the costs, he shall bear the costs incurred for his defense, without exceeding the third part of the benefit obtained</p>

COURT ORDER TO BEAR THE COSTS OF THE PROCEEDINGS: Art. 36 of the Law on LEGAL AID(LAJG) states that: "When the Court decision that ends the proceedings orders the person who had obtained the recognition of the right to legal aid, or who had this right legally recognized, to bear the costs, this person will be bound to pay the costs incurred for their defense and those of the opposing party, if, within three years of the end of the proceedings, that person's financial situation improves.

WHEN THE LEGAL AID BENEFICIARY IS ORDERED BY THE COURT TO BEAR THE COSTS OF THE PROCEEDINGS, THEY WILL HAVE THE OBLIGATION TO PAY THEM IF WITHIN THE FOLLOWING THREE YEARS THEIR FINANCIAL SITUATION IMPROVES.

The Legal AID costs in Spain. Civil Process costs.

Defense fee payed by the State	
JUICIO ORDINARIO	270,46
COMPLETO DE FAMILIA	400
MUTUIO ACUERDO	162,27
EJECUCIÓN SENTENCIA DE FAMILIA	216,36
FILIACIÓN, PATERNIDAD CAPACIDAD	270,45
MENORES	270,45
VERBAL	216,36
MONITORIO	162,27
DIVISIÓN JUDICIAL DE PATRIMONIOS	270,45
EJECUCIÓN DE TÍTUTLOS JUDICIALES	270,45
CAMBIARIO	270,45
JURISDICCIÓN VOLUNTARIA	216,36

The Legal AID costs in Spain. Criminal Process costs.

TRIBUNAL DEL JURADO		405,68 €
PENAL ESPECIAL "Macro procesos"		405,68 €
	Por cada mil folios	27,05 €
	A partir de 5 compareencias ante el Juzgado, por cada 5	27,05 €
	A partir de 2 días de vista, por cada día	54,09 €
PENAL GENERAL		324,55 €
PROCEDIMIENTO ABREVIADO		
	Cuando el enjuiciamiento corresponda a la Audiencia Provincial	400,00 €
	Cuando el enjuiciamiento corresponda al Juzgado de lo Penal	360,00 €
	Cuando finalice por sobreseimiento tras la declaración judicial	200,00 €
ENJUICIAMIENTO RÁPIDO		
	Sin conformidad	360,00 €
	Con conformidad o sobreseimiento	200,00 €
MENORES		270,46 €
EXPEDIENTE DE VIGILANCIA PENITENCIARIA		135,23 €
JUICIO DE FALTAS		108,18 €
SALIDAS A CENTROS DE PRISIÓN		
	Si distan menos de 25 kilómetros desde el domicilio del Letrado	10,82 €
	Si distan más de 25 kilómetros desde la residencia del Letrado	27,05 €

The Legal AID costs in Spain

PROCEDIMIENTO CONTENCIOSO-ADMINISTRATIVO	
VÍAS PREVIA CONTENCIOSO-ADMINISTRATIVA	108,18 €
RECURSO CONTENCIOSO-ADMINISTRATIVO	270,45 €
PROCEDIMIENTO LABORAL	
PROCEDIMIENTO LABORAL	200,00 €
RECURSO DE SUPPLICACIÓN	135,23 €
JURISDICCIÓN MILITAR	
PROCEDIMIENTO MILITAR	270,45 €
RECURSO DE CASACIÓN	
ANUNCIO RECURSO DE CASACIÓN	37,87 €
RECURSO DE APELACIÓN	
RECURSO DE APELACIÓN	135,23 €
NORMAS GENERALES	
TRANSACCIÓN EXTRAJUDICIAL	0,75 €
INFORME MOTIVADO DE LA INSOSTENIBILIDAD DE LA PRETENSIÓN	150,00 €
ASISTENCIA AL DETENIDO O PRESO	
ASISTENCIA INDIVIDUALIZADA	81,14 €
SERVICIO DE GUARDIA	162,27 €
GASTOS DE FUNCIONAMIENTO POR EXPEDIENTE TRAMITADO	27,05 €