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## Costs

### Lithuania

This page provides you with information about the costs of justice in Lithuania.

[Family law - Divorce](#)

[Family law – custody of the children](#)

[Family law – alimony](#)

[Commercial law – contract](#)

[Commercial law – responsibility](#)

### Regulation of legal fees

#### 1. Solicitors

There is no such profession in Lithuania.

#### 2. Lawyers

Lawyers' fees are not regulated in Lithuania. They vary according to the level of complexity of the case and of the resources involved. However, fees may not be superior to the maximum amount established by recommendations approved by the **Minister for Justice** and the **Chairman of the Council of the Lithuanian Bar Association** (*Lietuvos advokatų tarybos pirmininkas*).

#### 3. Barristers

There is no such profession in Lithuania.

#### 4. Bailiffs

Bailiffs play a role only if the debtor does not comply with the judgment and legally enforceable documents have to be produced. The fees, their payment and exemption from enforcement costs are regulated by the **Instructions for executing judgements**. All enforcement costs must be paid by the judgment creditor.

The bailiff's fees are to be recovered from the debtor during or after the execution of the judgment.

The amount of the fees depends on the type of enforcement required and the number of times it is provided. Some enforcement costs are fixed: some cost LTL 60 per hour and some are determined based on a percentage of the value of the assets subject to enforcement.

### Fixed costs

#### Fixed costs in civil proceedings

##### Fixed costs for litigants in civil proceedings

In **civil proceedings**, litigation costs comprise stamp duty and other costs: legal representation, delivery of court documents, experts' or witnesses' fees, execution, etc. Stamp duty is, where applicable, defined in the Code of Civil Procedure and is fixed. Litigation costs are defined in section VIII of the **Code of Civil Procedure** (*Civilinio proceso kodeksas*).

##### Stage of the civil proceeding where fixed costs for litigants must be paid

Stamp duty is normally paid before presenting a claim to the court.

#### Fixed costs in criminal proceedings

##### Fixed costs for litigants in criminal proceedings

There are no fixed costs for litigants in criminal proceedings.

#### Fixed costs in constitutional proceedings

##### Fixed costs for litigants in constitutional proceedings

Constitutional proceedings are free of charge, but are not available to the general public.

### Prior information to be provided by legal representatives

There is no such direct obligation under law.

### Costs borne by the winning party

Costs in civil proceedings are defined in Section VIII of the Code of Civil Procedure.

### Cost sources

#### Where can I find information on cost sources in Lithuania?

More information is available in the attached [Lithuania's report of the Study on Transparency of costs](#)  (950 Kb) 

#### In what languages can I obtain information on cost sources in Lithuania?

Information is available in English.

#### Where can I find information on mediation?

More information is available on the website: [Court mediation procedure](#).

### Legal aid

#### Conditions for the granting of legal aid

According to Lithuanian legislation, there are two kinds of state-guaranteed legal aid:

**'Primary legal aid'** (*pirminė teisinė pagalba*) covers the provision of legal aid in line with the procedure laid down by the Law governing state-guaranteed legal aid, legal advice and the drafting of documents to be submitted to state and municipal institutions, with the exception of procedural documents. Legal aid also covers advice for the out-of-court settlement of a dispute, actions for the amicable settlement of disputes and drafting settlement agreements.

**'Secondary legal aid'** (*antrinė teisinė pagalba*) covers the drafting of documents, defence and legal representation in court. This includes the process of execution and representation during the preliminary extra-judicial stage of a dispute – where such a procedure is required by law or court decision. Such legal aid also covers litigation costs incurred in civil proceedings, the costs incurred in administrative proceedings, and costs related to hearing a civil action raised in a criminal case.

All citizens of the Republic of Lithuania, citizens of other member states of the European Union, other natural persons residing lawfully in Lithuania or member states, and other persons specified in international treaties to which Lithuania is signatory are eligible for **primary legal aid irrespective of their income**.

All citizens of the Republic of Lithuania, citizens of other member states of the European Union and other natural persons residing lawfully in the Republic of Lithuania and other member states may apply for secondary legal aid. To receive secondary legal aid, a person's property and annual income should not exceed the **property and income levels set by the government** in the Law governing state-guaranteed legal aid.

**Thus a common threshold system is used when assessing indigence (a maximum amount below which an applicant is considered indigent).**

#### **Right to legal aid**

The government has established **two property and income levels** that apply. The applicant's property and income should not exceed the first or second level defined by law. Moreover, the applicant's annual net income (over the last twelve months) should not exceed the first or second income levels defined in Lithuanian law.

Indigence is not the only criterion used to determine a person's ability to receive secondary legal aid.

**First level legal aid** entitlement is established when a person's income per year does not exceed LTL 8 000 (€2 318.8) plus LTL 3 000 (€869.6) for each dependant. **Second level legal aid** entitlement is established when a person's income per year does not exceed LTL 12 000 (€3 478.2) plus LTL 4 400 (€1 275.3) for each dependant. The obligations of the applicant towards his or her dependants are not taken into account for the purpose of assessing indigence.

The extent of secondary legal aid, taking account of a person's property and income, shall be guaranteed and covered by the state as follows:

100 per cent – where the first level is established based on the person's property and income

50 per cent – where the second level is established based on the person's property and income.

The state must guarantee and cover 100 percent of the costs of the secondary legal aid provided to people specified in Article 12 of this Law (see below).

This is paid regardless of the person's property and income. The exception is individuals (referred to in subparagraph 6 of Article 12 of the Law) who can freely dispose of property and income. Such individuals are assigned to the second level. Here, the state will guarantee and cover 50 per cent of the costs of secondary legal aid.

Some groups of persons are eligible for secondary legal aid regardless of the **property and income levels** established by the government (under Article 12 of the Law on state-guaranteed legal aid):

persons in criminal proceedings (according to Article 51 of the Code of criminal procedure), and in other cases specified by law when the physical presence of a defence lawyer is mandatory;

the aggrieved parties in cases involving compensation for damage incurred through criminal actions, including cases where claims for compensation for damage are heard as part of a criminal matter;

persons receiving social assistance for low-income families (single residents) under Lithuanian law;

persons living in care institutions;

people who have reached pensionable age, and those for whom a level of considerable special needs has been established. This includes guardians (custodians) where state-guaranteed legal aid is required for the representation and defence of the rights and interests of a ward (foster-child);

persons who have presented proof showing that they cannot dispose of their property and funds for objective reasons and that, for these reasons, the property and annual income they can freely dispose of does not exceed the property and income levels set by the Lithuanian Government for receiving legal aid in accordance with the law governing legal aid;

persons suffering from serious mental disorders, where issues relating to their forced hospitalisation and treatment are being examined under the Lithuanian Law on mental health care, and custodians (carers) of the above where state-guaranteed legal aid is required for the representation of the rights and interests of the ward (person subject to care);

debtors in enforcement proceedings, where recovery is levied against the last place of residence;

parents or other legal representatives of minor children, where the issue of their eviction is being examined;

minor children, where they are applying independently to a court, in the cases specified by law, for the defence of their rights or legally protected interests, with the exception of those who have entered into marriage in accordance with procedures laid down by law or have been recognised by the court as having legal capacity;

persons in respect of whom recognition of incapacity is sought in matters involving a decision on the capacity of a natural person;

persons involved in cases concerning registration of birth;

other persons in cases specified in treaties signed by the Republic of Lithuania.

#### **Experts' fees**

The court must pay experts for loss of earnings – at work or from their usual occupation – for each day they are required to spend in court. They are paid for providing their expertise, and reimbursed for any expenses related to appearing in court, travelling and accommodation, together with a daily subsistence allowance. A party who files a petition to call in experts must pay a **surety** for an amount established by the court in advance. If both parties submit petitions for an expert(s), they shall pay the surety in equal parts. The surety is paid into the court's special account.

If, in cases provided by the Lithuanian **Civil Code (Lietuvos Respublikos civilinis kodeksas)** or other laws, **the court calls witnesses (liudytojai) and experts (ekspertai) on its own initiative, the expenses are payable from the state budget**. This may involve ordering an examination or performing an inspection of the scene of the event.

When establishing the size of the surety, the amount of future expenses must be taken into consideration. The court pays the amounts to the experts after they have performed their duties. The court must also pay expert institutions for carrying out an investigation in accordance with an invoice presented after the investigation has been completed. These amounts will be paid from the court's special account, opened in a bank according to the court's location. The amounts paid to experts and expert institutions must, when no surety has been collected, be charged to the court's special account and paid **by the party against whom judgment was made, or by the parties in proportion to the magnitude of the claims allowed and dismissed**. The Ministry of Justice establishes the maximum amounts of these expenses

#### **Translators' and interpreters' fees**

The court reimburses translators for loss of earnings – arising from their absence from work or usual daily occupation – for each day they are required to spend in court. Translators must be paid for their translation work, and reimbursed for any expenses they incur due to appearing in court, travelling, accommodation and a daily subsistence allowance. A party who submits documents to court and requires them to be translated into a foreign language must pay in advance a surety of the amount established by the court.

The court must pay translators from the state budget funds allocated for this purpose, except for amounts paid to translators for translation into a foreign language of court documents submitted by the parties. The cost of interpretation/ translation services during a court session must be **covered by the state budget**. The Ministry of Justice has established the maximum amount of this expenditure.

#### **Related attachments**

[Lithuania's report of the Study on Transparency of costs](#)  (950 Kb) 

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