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Legal aid

Finland

**1 What costs are involved in legal proceedings and who normally has to bear them?**

The costs of legal proceedings vary according to the nature and scope of the case. Legal costs include, for example, the fees and expenses of legal assistance, costs arising from the cost of compensating witnesses and of providing interpretation and translation services, handling charges and document charges collected by authorities, and enforcement fees payable to the state. Legal assistance fees account for most of the costs involved in legal proceedings. As a rule, each party bears its own legal costs. However, the court may order the losing party to pay the costs incurred by the opposing party.

**2 What exactly is legal aid?**

Legal aid is made available at the state's expense to persons who need expert assistance in a legal matter but who are unable to meet the costs of proceedings owing to their financial situation. Legal aid covers legal advice, the necessary measures and representation before courts and other authorities, as well as exemption from the costs of proceedings. Means-testing is not required when minor legal advice is made available to the applicant by telephone or other electronic means of communication.

**3 What are the requirements for legal aid to be granted?**

Legal aid is made available in matters within the Finnish jurisdiction to persons with a municipality of residence in Finland and to persons domiciled or habitually resident in another Member State of the European Union (EU) or the European Economic Area (EEA). In addition, legal aid is made available if the matter is to be heard before a Finnish court or if there are special reasons for legal aid. In cases considered abroad, legal aid covers the provision of general legal advice.

Legal aid is not made available to a company or a corporation. Legal aid is made available to an entrepreneur in a business matter other than a court case only if there are special reasons for doing so.

Legal aid is made available on application, free of charge or against a deductible, on the basis of the applicant's financial status. The applicant's financial situation is assessed on the basis of the funds available to them per month (available means) and their assets. As a general rule, the available means are calculated on the basis of the monthly income, necessary expenses, and maintenance liability of the applicant and their spouse or cohabitant. Legal aid is made available to persons whose available means and assets do not exceed the amount determined by government decree. Further provisions on the income and expenses to be taken into account, the impact of maintenance liability on the calculation of available means, the consideration of assets, and the criteria for determining the deductible of the legal aid recipient are laid down by government decree.

Legal aid is not made available if the applicant has legal expenses insurance that covers the matter at hand. However, in a matter heard by a court, the court may grant legal aid to the extent that the costs of proceedings exceed the maximum cover stated in the insurance policy. Where the applicant is entitled to legal aid without payment on the basis of their financial status, legal aid may also be granted to cover the deductible stated in the insurance policy.

**4 Is legal aid granted for all types of proceedings?**

Legal aid is available in cases heard before a court, as well as in legal matters outside court.

Legal aid is not made available if:

- (1) the matter is of minor importance to the applicant;
- (2) it would be manifestly pointless in proportion to the benefit to the applicant;
- (3) pleading the case would constitute an abuse of process; or
- (4) the case is based on an assigned right and there is reason to believe that the purpose of the assignment was to receive legal aid.

As a rule, legal aid does not cover representation in:

- (1) a petitionary matter handled in a general court;
- (2) a simple criminal case;
- (3) a matter concerning taxation or a public charge; or
- (4) a matter where the right to request a rectification or the right of appeal is based on membership of a municipality or another public corporation.

Even then, a public legal counsel may provide legal advice and draw up any required documents, if necessary.

**5 Are there special procedures in cases of need?**

The legal-aid applicant must inform the legal-aid office [*oikeusaputoimisto*] if the matter is urgent.

**6 Where can I obtain a legal aid application form?**

The legal-aid application form can be obtained from <https://oikeus.fi/oikeusapu/fi/index/asiointi/lomakkeet.html>

The legal-aid application form is also available from the legal-aid office. Contact information for the offices is available at <https://oikeus.fi/oikeusapu/fi/index/yhteystiedot.html>

Legal aid can also be applied for via the electronic service at <https://oikeus.fi/oikeusapu/fi/index/asiointi/oikeusavunsahkoinenasiointi.html>

**7 Which documents need to be submitted with the legal aid application form?**

In the legal-aid application, the applicant must provide information concerning their financial circumstances and the matter for which legal aid is being applied, as well as concerning legal-expenses insurance (see Question 6 on the legal-aid application forms). At the legal-aid office's request, the applicant must also provide a statement of their income and expenses, as well as of their assets and liabilities. Notwithstanding any provisions on confidentiality, the legal-aid office has the right to obtain any information that is necessary to establish whether the applicant is entitled to legal aid on the basis of their financial status and whether the applicant has legal-expenses insurance that covers the matter at hand.

**8 Where do I submit my application for legal aid?**

Legal aid can be applied for from any legal-aid office. Contact information for the offices is available at <https://oikeus.fi/oikeusapu/fi/index/yhteystiedot.html>

Legal aid can also be applied for via the electronic service at <https://oikeus.fi/oikeusapu/fi/index/asiointi/oikeusavunsahkoinenasiointi.html>

**9 How do I find out whether I am entitled to legal aid?**

The legal aid office decides on the granting of legal aid. The decision is sent to the contact address notified by the applicant.

#### **10 What should I do, if I am entitled to legal aid?**

In order to establish their right to legal aid, the applicant or their representative should contact the legal aid office.

#### **11 Who chooses my lawyer, if I am entitled to legal aid?**

Legal aid is made available by public legal counsels. However, in matters to be considered by a court, a private legal counsel who has consented to the task may also be appointed to give legal assistance. Only a lawyer or a licensed legal counsel may be appointed as a private legal counsel. Where the legal-aid recipient has proposed a qualified person to be their legal counsel, that person must be appointed, unless specific reasons require otherwise. In their task, the legal counsel is obliged to comply with proper conduct as lawyer.

#### **12 Does legal aid cover all the costs of the proceedings?**

Legal aid covers the legal counsel's fees or dues, either in full or in part, depending on the recipient's available funds and savings. Legal aid covers the services of a legal counsel for a maximum of 80 hours, unless the court decides to extend the legal aid for specific reasons. In a legal matter outside court, the 80-hour ceiling is absolute. Legal aid also covers interpretation fees and translation costs, fees for giving evidence in court and costs of producing necessary evidence, such as medical evidence.

If the applicant has legal-expenses insurance and has been granted legal aid free of charge, the State may pay the legal-expenses insurance deductible.

Costs exceeding the insurance ceiling may also be paid for particular reasons. The amount to be paid is indicated in the legal-aid decision.

From the court and other authorities the legal-aid recipient receives free-of-charge the documents necessary for dealing with the case, copies of official documents, service, etc., and notices in the Official Gazette and enforcement attempts.

An applicant who is entitled to free legal aid on the basis of their available funds and who is not deemed to be in need of a legal counsel may be exempted from the above-mentioned fees.

The State does not pay the other party's costs in the event that the legal-aid recipient loses the case.

#### **13 Who bears the other costs, if I am entitled only to limited legal aid?**

The legal-aid recipient's deductible from the costs of legal proceedings is determined on the basis of their financial situation. If legal aid has been made available by a public legal counsel, the legal-aid recipient must pay the deductible to the legal aid office. If legal aid has been made available by a private legal counsel, the legal-aid recipient must pay the deductible to the legal counsel in question.

#### **14 Does legal aid also cover appeals?**

Yes. Legal aid covers all the applicant's necessary legal costs, as required by the case. The legal-aid recipient's deductible from the costs of legal proceedings is determined on the basis of their financial situation.

#### **15 Can legal aid be withdrawn before the proceedings are concluded (or even revoked after the proceedings have terminated)?**

If it is found that the prerequisites for granting legal aid did not exist, or if circumstances have changed or ceased to exist, the legal-aid office or the court may amend the legal-aid decision or decide that the provision of legal aid is to cease. When a legal-aid recipient's deductible is amended, a decision is made on whether the amendment is to be applied retroactively. When it is decided that the legal aid should cease, a decision is made on whether the recipient must compensate the State for legal aid received and the amount of that compensation is determined.

#### **16 Can I contest a refusal to give legal aid?**

If legal aid is not granted in accordance with the application, the applicant may submit the question of legal aid to a court for a decision. The legal-aid office's decision is accompanied by instructions on submitting that decision to a court for reconsideration (submission). The reconsideration shall be made in writing and forwarded to the legal-aid office that took the decision. The legal-aid office may also amend its decision itself. If the legal aid office considers there to be no need for amendment, it shall refer the request for a decision to a court for review. The court may also modify the legal-aid office's reconsideration to the detriment of the applicant.

#### **17 Does the request for legal aid have the effect to suspend the limitation period?**

With a legal-aid application, legal aid is sought for a specific matter. A legal-aid application does not bring a case before a court or postpone the expiry of the statute of limitations.

#### **Further information**

In criminal proceedings, the court may appoint a public defender for the suspect and a legal counsel and a support person for the victim for the pre-trial investigation and the trial. Only a public legal counsel, a lawyer or, for a special reason, a licensed legal counsel may be appointed as the defender or as the legal counsel of the victim. The support person must be qualified for the task. If the court finds the suspect guilty of the criminal offence for which they were assigned a defender for the pre-trial investigation and the trial, they are obliged to reimburse the state for the compensatory amounts paid from state funds. If the suspect meets the financial prerequisites for legal aid, the amount of reimbursement may not exceed that made available by legal aid.

Further information on legal aid is available at <https://oikeus.fi/oikeusapu/fi/index.html>

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