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1 - Getting legal advice

If there is a criminal procedure underway against you, you are entitled to be represented by a lawyer in every case. If you cannot pay the lawyer, and your income is under a certain level you are entitled to have a lawyer appointed for you by whichever authority is acting against you (the police, the prosecutor's office, the court). In such cases, the lawyer will be paid for by the state.

In certain cases a defence is mandatory (see [When must I have a lawyer?](#)). In these cases, if you do not hire a lawyer, the authority will appoint a defence counsel for you, and the state will pay his fees and expenses. However, if the court finds you guilty you will have to repay the costs of the lawyer.

If the authorities appoint a defence counsel for you because they see that it is necessary in your interest (for instance, the case is very complicated), the same rules apply. You can also request that a defence counsel be appointed, but the authorities are not obliged to do this.

Finding a lawyer

You can find the list of names and contact details of Budapest lawyers on the webpage of the [Budapest Chamber of Lawyers](#), and a list of names of lawyers outside Budapest is on the webpage of the [Hungarian Chamber of Lawyers](#).

If you are in custody and know a lawyer you can ask the police to notify him/her. If you do not know a lawyer, you can request that one be appointed for you. It is also possible for your next-of-kin to authorise a lawyer for your defence.

Paying for a lawyer

The lawyer's fees are different depending on whether the defence counsel was chosen by you or appointed by the court..

Lawyers' fees are not defined by law. The client and the lawyer are free to agree on a fee between themselves. Often, lawyers do not set their fees at an hourly rate but request particular amounts of money for every phase of the criminal process (investigation, first-instance procedure, appeal procedure).

The fee for defence counsels appointed by the court is defined by law and it is significantly lower than the market rate.

If it appears likely that you will not be able to pay the costs of criminal proceedings because of your income and financial circumstances, you can furnish proof of this fact. Prior to the formal indictment, this proof will enable the prosecutor to grant you a personal exemption from duties and charges.

Subsequently, you can request the exemption from the court by, using the form contained in the legal provisions. If an exemption is granted, you will not have to pay the fees and expenses of the defence counsel even if the court finds you guilty.

You can obtain such an exemption if your income is under the limit defined in the legal provisions and if you have no assets apart from your home and the furnishings, equipment etc. necessary for your subsistence

When must I have a lawyer?

You must have a lawyer during the court procedure in certain cases, even if you do not want to have one.

In what circumstances is it compulsory to have defending counsel during the investigation?

The participation of a defence counsel is required during the investigation if

- a sentence of 5 years or more could be imposed for the crime which you are accused of;
- you are in custody;
- you are deaf, mute, blind or mentally impaired;
- you do not speak Hungarian or the language of the procedure;
- you cannot defend yourself personally for some other reason;
- you are a minor.

In what circumstances is defence compulsory during the court hearing?

In addition to the circumstances listed above, the participation of a defence counsel is required at the court hearing

- if the case is heard at first instance in the county court rather than the local court;
- if a supplementary complainant appears;
- if the public prosecutor participates in the hearing and you did not previously have a defence counsel, but now ask for one.

In what other cases is it compulsory to assign a defence counsel?

A defence counsel may be assigned to you if the court or other authority considers this to be in your interests.

A defence is also required in certain extraordinary procedures, for example in the case of a procedure conducted in your absence.

If a defence counsel is assigned to me by the court, can I change my defence counsel?

If you have a good reason for doing so, you can ask the court for another defence counsel, however the court is not obliged to grant your request.

Related links

[The Criminal Procedures Law](#)

[Decree on the application of personal expense-free status](#)

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