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Legal aid



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European Judicial Network
(in civil and commercial
matters)

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

Secondary legal aid (*antrinė teisinė pagalba*) costs are costs which the applicant is exempt from paying, namely: the costs of litigation in civil proceedings, the costs of constitutional proceedings, the costs of administrative proceedings, the costs of court cases relating to an administrative offence, the costs relating to hearing a civil action raised in a criminal case, defence and representation costs in proceedings (including appeal and cassation proceedings, irrespective of who initiates them), the costs of enforcement proceedings as set out in the Instructions for the enforcement of decisions, approved by the Minister for Justice, and the costs relating to the preparation of procedural documents, the collection of evidence, translation and representation in preliminary out-of-court dispute resolution procedures, where such a procedure is laid down by law or court decision. Travel costs are also paid where the applicant's presence is mandatory as laid down by law or recognised by the court.

In cross-border disputes in civil and commercial matters, state-guaranteed legal aid covers:

- 1) interpreting costs;
- 2) the costs of translating the application for legal aid and the supporting documents;
- 3) the costs of translating the essential procedural documents requested by the court or competent authority and submitted by the applicant;
- 4) the travel costs to be borne by the applicant where persons connected with the applicant's case are required to be present in court by Lithuanian law or by a court ruling and the court decides that the persons concerned cannot be heard to the satisfaction of the court by any other means.

In cross-border disputes where the applicant is domiciled or predominantly resident in the Republic of Lithuania, state-guaranteed legal aid covers costs relating to:

- 1) legal aid granted in Lithuania before an application for legal aid was received in another European Union Member State in which the case is being heard or the judgment is to be enforced;
- 2) translating the application for legal aid and the supporting documents.

If you are entitled to 100% state-funded secondary legal aid, you are exempt from paying these costs. If you are entitled to only partial legal aid, you should pay the remainder of the costs yourself.

2 What exactly is legal aid?

Primary legal aid (*pirminė teisinė pagalba*), secondary legal aid (*antrinė teisinė pagalba*) and state-guaranteed extrajudicial mediation (*valstybės užtikrinama neteisminė mediacija*) are provided in accordance with the procedure laid down in the Law of the Republic of Lithuania on state-guaranteed legal aid (*Lietuvos Respublikos*

valstybės garantuojamos teisinės pagalbos įstatymas).

You should apply for primary legal aid if you require legal information, legal advice, preparation of documents for state or municipal authorities, assistance with out-of-court dispute resolution, or preparation of a settlement agreement. Providers of primary legal aid also draw up petitions for divorce by mutual consent, divorce agreements, applications for a court order, objections to applications by creditors, applications for judicial authorisation to sell or mortgage immovable property, applications for judicial authorisation to accept an inheritance, and applications for prior judicial authorisation to enter into transactions involving the assets of a person who is legally incapacitated or has limited legal capacity in a certain field.

Primary legal aid is available in any Lithuanian municipality.

You should apply for secondary legal aid if you require preparation of procedural documents, defence or representation by a lawyer in legal proceedings, including enforcement proceedings, representation during the preliminary extrajudicial stage of a dispute, where such a procedure is required by law or court decision, or exemption from payment of lawyers' fees, procedural costs and other costs.

You should apply for state-guaranteed extrajudicial mediation if you are seeking amicable settlement of a civil dispute.

Decisions on the provision of secondary legal aid or state-guaranteed extrajudicial mediation are taken by the State-guaranteed Legal Aid Service (*Valstybės garantuojamos teisinės pagalbos tarnyba*).

All information on state-guaranteed legal aid can be found on the Legal Aid Services Information System (*Teisinės pagalbos paslaugų informacinės sistemos* – TEISIS) website: <https://teisis.lt/external/home/main>.

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

Primary legal aid is granted to Lithuanian citizens, citizens of a European Union Member State, persons lawfully resident in Lithuania or in another European Union Member State, and persons entitled to such aid under international agreements to which Lithuania is a party. All those listed above are entitled to a free one-hour consultation on the matter concerning them, regardless of their financial situation.

Providers of primary legal aid will give advice on settling a dispute out of court, provide information on the legal system, laws and other legal acts, help draw up a settlement agreement, help fill in an application for secondary legal aid where necessary, or prepare the procedural documents provided for by law. Primary legal aid is refused if: the applicant's claims are manifestly unfounded; the applicant has already been given extensive advice on the same matter; it is clear that the person is able to obtain a lawyer's advice without state-guaranteed legal aid; the application does not relate to the person's own rights and legitimate interests, except in cases of representation as laid down by law; or abuse is being made of state-guaranteed legal aid or substantive or procedural rights.

Secondary legal aid is granted to the same group of people, but is subject to an assessment of personal (or family) assets and personal income.

Secondary legal aid may be granted to persons whose personal (or family) assets and personal annual income over the last 12 months do not exceed the normative levels laid down by the Lithuanian Government for receiving legal aid. It should be noted that persons seeking secondary legal aid must provide details of their movable and immovable property and that of their spouse.

Irrespective of personal (or family) assets or personal annual income, free secondary legal aid may be granted to, for example: victims of criminal acts; recipients of social security benefits; persons who have a severe level of disability or are recognised as unfit for work or have reached pensionable age and for whom a level of considerable special needs has been established in accordance with the procedure laid down by law; and other persons listed in Article 12 of the Law on state-guaranteed legal aid.

Secondary legal aid is refused if: the applicant's claims are manifestly unfounded; representation in the case is not viable; the applicant is claiming non-material damage in relation to defamation, but no material damage has been incurred; the application relates to a claim arising directly from the applicant's commercial or self-

employment activities; the applicant is able to access the required legal services without the use of state-guaranteed legal aid; the application does not relate to violation of the applicant's own rights, except in cases of representation as laid down by law; the claim in respect of which secondary legal aid is being requested was transferred to the applicant with the aim of obtaining state-guaranteed legal aid; the applicant is abusing state-guaranteed legal aid or their substantive or procedural rights; the applicant refuses to pay part of the fixed secondary legal aid costs; examination of the merits of the claim reveals that the possible costs of secondary legal aid would exceed the size of the financial claim (financial interests); the applicant was granted secondary legal aid in another case but refused to pay the fixed secondary legal aid costs or part thereof by the specified deadline.

State-guaranteed extrajudicial mediation may take place if at least one of the parties to the dispute is entitled to secondary legal aid.

In cross-border disputes, where the personal (or family) assets and personal income of natural persons legally residing in another European Union Member State exceed the normative level laid down by the Government, but they indicate that they are unable to bear the costs of the proceedings, the State-guaranteed Legal Aid Service must establish whether the person in question is able to pay the costs of the proceedings, taking into account the cost of living in the other Member State in which that person is domiciled or predominantly resident, and may decide to grant secondary legal aid. In that case, whether the applicant is entitled to legal aid, in view of their personal (or family) assets and personal income, is assessed in accordance with the legislation of the place where they are domiciled or predominantly resident.

4 Is legal aid granted for all types of proceedings?

Yes, except in cross-border disputes. In cross-border disputes, state-guaranteed legal aid is granted in civil and commercial matters.

5 Are there special procedures in cases of need?

Yes. Where the presence of a defence lawyer or authorised representative is mandatory in criminal proceedings, the lawyer providing secondary legal aid services is appointed by the pre-trial investigation officer, public prosecutor or court hearing the case.

6 Where can I obtain a legal aid application form?

The application form for secondary legal aid, along with the supplementary documents, and the application form for state-guaranteed extrajudicial mediation, along with the supplementary documents, can be found on the website on state-guaranteed legal aid: <https://vgtpt.lrv.lt/en/links/requests>

For cross-border disputes, the application form to be submitted can be found on the e-Justice portal (https://e-justice.europa.eu/157/EN/legal_aid_forms?clang=en)

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

The documents to be submitted can be found on the website on state-guaranteed legal aid: <https://vgtpt.lrv.lt/en/links/requests>

For cross-border disputes:

1. The legal aid application form (which must be signed by the person applying for legal aid or their authorised representative, who must provide evidence of authorisation).
2. Proof of identity: passport, identity card, permit of permanent or temporary residence in Lithuania / a European Union Member State.
3. Documents supporting the claim (e.g. the court rulings already issued in your case, the contract, if your claims relate to the performance of a contract, etc.).
4. A certificate (or attestation) issued by the competent authority of your state of residence, stating that you

are entitled to receive free legal aid in your own state in accordance with the laws of that state.

8 Where do I submit my application for legal aid?

To the State-guaranteed Legal Aid Service:

Odminių g. 3, 01122 Vilnius
Tel. 8 700 00 211
Fax 8 700 35 004
Email: teisinepagalba@vgtpt.lt

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

Apply to the State-guaranteed Legal Aid Service.

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

Submit an application, together with the necessary documents, to the State-guaranteed Legal Aid Service.

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

The State-guaranteed Legal Aid Service.

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

If you are granted legal aid with the state funding 100% of legal aid expenses, you are exempted from paying lawyers' fees and litigation costs. If you are granted legal aid with the state funding expenses, you will have to bear the remaining share of expenditure on lawyers' fees and litigation costs. It should be noted that there is no exemption from paying the litigation costs incurred by the other party to the dispute, so if a person initiates court proceedings and the claim is dismissed by the court, the court may order that person to bear the litigation costs incurred by the other party to the dispute. In such cases, the state does not exempt you from paying the litigation costs incurred by the other party.

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

The costs are borne by the person receiving the partial legal aid.

14 Does legal aid also cover appeals?

Yes, secondary legal aid is also available for preparing an appeal and for representation at the court of appeal. It should be noted that, if secondary legal aid was granted at first instance, a new application must be submitted, along with all the necessary documents, to obtain secondary legal aid for the appeal process, and the State-guaranteed Legal Aid Service will assess whether you are eligible for legal aid in appeal.

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

Yes, if it transpires that the person to whom legal aid was granted withheld information or provided false information in order to obtain state legal aid. Legal aid may also be withdrawn at the person's own request, or if it transpires that the person is misusing the legal aid, not cooperating with the lawyer, etc.

16 Can I contest a refusal to give legal aid?

Yes. A decision taken by the State-guaranteed Legal Aid Service may be appealed before the Lithuanian Administrative Disputes Commission (*Lietuvos administracinių ginčų komisija*) (Vilniaus g. 27, Vilnius) or Vilnius Regional Administrative Court (*Vilniaus apygardos administracinis teismas*) (Žygimantų g. 2, Vilnius) within one

month of receipt of the decision.

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

No.

■ Last update: 14/12/2023

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