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## Defendants (criminal proceedings)

### Germany

Getting independent legal advice is very important if you are involved in some way in the criminal process. The factsheets tell you when and in what circumstances you are entitled to be represented by a lawyer. They also tell you what a lawyer will do for you. This general factsheet tells you how to find a lawyer and how the costs of the lawyer will be met if you cannot afford to pay for legal advice.

#### Finding a lawyer

When you learn that you are subject to a criminal investigation, you may search for specialist criminal lawyers on the Internet for example. Every lawyer (*Anwalt*) registered in Germany is authorised to act as a defence lawyer. If the matter is urgent, because you are about to be arrested or your premises are about to be searched, you can find a defence lawyer around the clock through a [criminal lawyer hotline](#). If you need someone with specific language skills or in a particular location, you can go to the [criminal lawyer search](#) function provided by the Criminal Department of the German Law Association (*Deutsches Anwaltverein*). You can also look up the regional bar association (*Rechtsanwaltskammer*). Since 1 January 2010, there have been regional lists of lawyers who are prepared to take on [court-appointed defence](#) work. You can find out where to get these lists and how to use them through your local bar association (including [here](#)).

If you have been arrested or are being held in [pre-trial custody](#) you will not be able to access this information. The police are obliged to provide you with a list of lawyers or a telephone directory if you ask for one. The police also know the [hotlines](#). If the police do not allow you to get in touch with a lawyer, you must tell this to the court as soon as you appear there. The courts also have lists of lawyers who are prepared to take on [court-appointed defence](#) work.

#### Paying for a lawyer

If you are acquitted, the state must pay the lawyer's costs. If the proceedings are [discontinued](#) at the investigation stage or if you are convicted, you will have to bear the costs yourself.

Even if you are on a low income or have no income at all, there is no basic right to financial support from the state in criminal proceedings. You can apply for [aid for initial legal advice](#) from your local court (*Amtsgericht*).

There are special rules on payment in the case of [court-appointed defence lawyers](#). Here the state pays the lawyer in the first place, but the statutory payment for a court-appointed lawyer is lower than what the lawyer would otherwise be able to charge. If you are convicted, you will be billed for the costs of the court-appointed lawyer at the end of the proceedings. You will then have to pay the legal costs back to the state, and in addition pay the lawyer the costs he or she would have been entitled to charge if he or she had not been appointed as your lawyer by the court, always supposing that you are in fact able to pay.

Last update: 18/09/2023

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