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Estonian

Defendants (criminal proceedings)

Estonia

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 the legal advice.

Must I have a lawyer?

You must have a lawyer during the pre-trial procedure as of the point at which you have the opportunity to review the criminal file (see [Factsheet 2](#)). Before this stage you must have a lawyer in the following cases:

- if you were a minor when the crime was committed;
- if you cannot defend yourself because of a physical or mental disability, or if the defence is complicated for you due to such disability;
- if you are suspected of a crime which carries a sentence of life imprisonment;
- if your case conflicts with the case of another person who has a defence lawyer;
- if you have been in custody for at least six months;
- if the case is tried in an expedited procedure.

You must have a lawyer during the trial. The lawyer's participation in the trial is obligatory, unless the defendant does not want a defence lawyer, the court considers the defendant capable of representing his/her own interests and the defendant wishes to avoid involving a defence lawyer.

Finding a lawyer

You have the right to select your own lawyer, who agrees to represent you on the basis of a contract. The names and contact details of lawyers are available on the homepage of the [Estonian Bar Association](#).

If you do not have a contracted lawyer, or your lawyer cannot represent you, you have the right to request that a lawyer be appointed for you. In this case the Estonian Bar Association appoints a lawyer to represent you.

Your right to have a lawyer appointed for you by the Estonian Bar Association does not depend on your economic situation. You need not reveal details about your financial situation when applying for a lawyer.

If you want to have a lawyer appointed by the Estonian Bar Association, you must submit a request to the investigating agency, prosecution or the court. In certain proceedings, the lawyer's participation is obligatory. If in those proceedings you have not selected a lawyer for yourself, the investigating body, the Prosecutor's Office or the court will appoint one for you. You need not apply for a lawyer.

Paying for the lawyer

You must pay for the services provided by a lawyer you selected. The lawyer's fee and the conditions of payment are included in the client contract.

If you do not want to hire a lawyer yourself, you have the right to have a lawyer provided by the state. A lawyer appointed by the Estonian Bar Association will be paid by the state. You do not have to pay the lawyer. If the court finds you guilty, you will be obliged to reimburse the state for the lawyer's fees.

Can I replace my lawyer?

You have the right to replace the lawyer you selected. If a lawyer was appointed for you, you have the right to replace the lawyer if the original lawyer and the new lawyer agree. If the lawyer appointed for you has been incompetent or careless, you have the right to submit an application to the court asking for that lawyer to be removed and for the Estonian Bar Association to appoint a new one.

Related links:

[The Estonian Bar Association](#)

Last update: 01/10/2020

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