



## PECO Country Profile – Lithuania

### I. GENERAL INFORMATION

Lithuania has a population of 3 million, and has 2130 lawyers (as of February 2016).

**The Lithuanian Bar Association was set up in 1918**, and has been a full member of CCBE since 2004.

### II. TRAINING

**Initial training of lawyers:** Master's degree in law, or a lawyer's professional qualification degree (one-cycle university education in law).

The period of an apprenticeship as an advocate's assistant is two years. Upon completion of the apprenticeship, a candidate can take the bar exam. Alternatively, they can continue their apprenticeship as an advocate's assistant, until he/she takes a decision to take the bar exam.

**Continuous training:** Continuous training is mandatory and is organised by the Lithuanian Bar Association. There are also possibilities of continuous training outside the framework established by the Lithuanian Bar Association. Failure to undergo continuous training may lead to a disciplinary action against an advocate.

**Specialisation:** Advocates have a right to choose a field of law in which they would provide legal services.

### III. DISCIPLINE

The Disciplinary Committee conducts an initial investigation of disciplinary violations. The conclusions drawn by the Committee are submitted to the Bar Council. On the basis of its conclusions, the Bar Council decides if the disciplinary proceedings shall be initiated. Disciplinary actions against advocates are heard by the Court of Honour of Advocates which consists of five members accomplished with at least ten years of experience as an advocate.

### IV. LEGAL STATE AID

State-guaranteed legal aid is financed from the state budget. Legal aid is available on all legal issues and is organised by state-guaranteed legal aid services.

### V. CURRENT CONCERNS OF THE BAR:

#### **The national legal system: latest changes of the Law on the Bar**

One amendment was adopted and came into the force on the 17<sup>th</sup> of January 2016 - the Bar Council has been assigned a new function - the recognition of advocate's assistants practice under the Law on the Recognition of Regulated Professional Qualifications (article 60).



## **Laws / decisions related to the Bar**

### *Mediation*

The new Law on Conciliatory Mediation in Civil Disputes was drafted and discussed by the Government. Due to the efforts of the Lithuanian Bar Association, the Government has adopted the draft on Law on Conciliatory Mediation in Civil Disputes with the provision prescribing that advocates (who practice as an advocate for period longer than 5 years) have no obligation to pass a mediator exam. This draft legislation will be discussed in the committees of the Parliament.

### *Qualification Exam*

The draft law on the Common Qualification Exam for judges, prosecutors, notaries, and advocates is currently under consideration in the Committee of the Legal Affairs of the Parliament. The Lithuanian Bar Association is of the opinion that a special exam for advocates should be organised by the Lithuanian Bar.

### *Protection of clients' rights*

According to the article 51 of the Law on the Bar, the Lithuanian Bar Association is a pre-trial authority in the disputes arising between clients and advocates on standard unfair contractual terms of the contract for legal services. On the 29<sup>th</sup> of December 2015, the Bar Council adopted the "Work Regulations of the Commission of the standard unfair contractual terms of the contract for legal services", and nominated the members of this Commission.

### *State-guaranteed legal aid*

One of the most significant achievements that has been reached is the liquidation of the debt for advocates providing secondary legal aid. Debt has been eliminated for the first time since 2008. The Lithuanian Bar Association consistently seeks to raise the remuneration level for advocates providing secondary legal aid, because the fees they are paid are disproportionate in comparison with the fees paid for advocates providing non-state legal aid (services). Another objective is to solve the administrative problems related to appointment of the advocate to a particular case, etc.

The Lithuanian Bar Association participates in the project with other partners creating the new electronical platform for the state guaranteed legal aid.

Last April, the old legislation which limited the secondary legal aid to 80 hours per case was repealed.

### *Representation by advocates in the Courts*

On the 2<sup>nd</sup> of June 2016, the Parliament adopted amendments to the 'Law on Administrative Cases Proceedings' and to the 'Law on Administrative Disputes Commissions'. The



amendments will come into force on the 1<sup>st</sup> of January 2017. The new regulation foresees that only advocates can represent their clients in appeal processes, and only advocates and advocates assistants, in processes, where the case is renewed. The exception is made for legal entities who can be represented by an employee with a university degree in law. The monopoly of the advocates was also strengthened by adopted norms regulating that litigation costs incurred by the parties could be reimbursed only if litigants were represented by an advocate or his assistant, thus encouraging individuals to choose advocates (their assistants) as their representatives.

In criminal proceedings, mandatory representation of an advocate (or advocate's assistants) is requested for the suspect or the accused person if he wishes to be represented. The national law also establishes the basis for the compulsory participation of the defence lawyer. In civil proceedings, advocates have a monopoly of representation only before the Supreme Court. In the first and second instance, litigants may be represented by persons with university degree in law if they are represented by their relatives or spouses (wives and husbands); trade unions if they represent their members in the labour cases; bailiffs' assistants with university degree in law and the authority to represent the bailiff in the cases related to the functions fulfilled by the bailiff etc. Litigation costs incurred by the parties can be reimbursed only if litigants were represented by an advocate or his assistant.

The Parliament is considering amendments of the norms of the Code of Civil Procedure that regulate representation in court. It is intended to amend the Code by enforcing that only advocates can be representatives in Courts of Appeal.

#### *Social security*

The Parliament has adopted the amendments to the Law on State Social Insurance. The amendments will come into force on the 1<sup>st</sup> of January 2017. The new regulation foresees that advocates and their assistants have medical insurance, and from the 1<sup>st</sup> of January 2017 will be entitled to medical benefits. Under current legislation advocates and their assistants are covered by pension, and maternity social insurance. From 2017, advocates and their assistants will be covered by all branches of the social insurance (including the possibility to participate in the pension funds).

#### **Internal legislation of Lithuanian Bar Association in 2016 and other changes**

On the 15<sup>th</sup> of April 2016, the General Meeting of the Advocates approved the new Code of Ethics. This Code, more clear than the old one, defines the principles of advocates practice, such as loyalty to the client and avoidance of any conflict of interests, non-disclosure of the client's secret (principle of confidentiality), lawfulness of the activities of advocates. The new Code also enshrines the highest ethical standards. The validity of the Code of Ethics is extended - it will be applied not only for practicing advocates and advocates assistants, but also for persons who are recognised as advocates and lawyers from member states of the



European Union who provide legal services in Lithuania. The new Code of Ethics came into force on the 1<sup>st</sup> of September 2016.

On the 15<sup>th</sup> of April 2016, the General Meeting of the Advocates has also approved the new regulation of disciplinary proceedings. The new regulation was adopted for more economic, operative, concentrated investigation of complaints regarding advocate's activities. This document will eliminate uncertainties regarding prescription terms, will ensure the preservation of the principle of non-disclosure of the client's secret (confidentiality principle) during the investigation and will provide faster proceedings. The new regulation came into force on the 1<sup>st</sup> of September 2016.

Lithuanian Bar Association has also created a new database for advocates and advocates assistants (including self-service portal for advocates and their assistants). The new database is integrated with judicial database and other databases. From now, the advocates have the possibility to upload documents which are required to provide to the Bar, administer their profiles, update information, etc. From 2015, all communication between advocates and their assistants is conducted in the electronic way.

## **VI. EVENTS AND INTERNATIONAL COOPERATION**

On the 3<sup>rd</sup> of December, 2015 (National Advocate's day), all advocates of Lithuania marched through the Central Avenue of Vilnius to honour people who died for justice ("The Flame of justice"). In addition, advocates held lectures on the profession, a conference, and an international basketball tournament was also organised.

## **VII. ORGANIZATION OF LITHUANIAN BAR ASSOCIATION**

1. The Lithuanian Bar Association is a public legal entity and may be legally characterised as an association.
2. Self-governing bodies of the Lithuanian Bar Association are: the General Meeting of the Advocates, the Bar Council of the Lithuanian Bar Association, the Court of Honour and the Audit Commission.
3. Committees: Disciplinary Committee; Committee of Civil Law and Law of Civil Procedure; Committee of Criminal Law and Law of Criminal Procedure; Information Technologies Committee; State Guaranteed Legal Aid Committee.
4. The Bar Council of the Lithuanian Bar Association is managed by the President of the Bar Council, who is elected by the General Meeting of Advocates for a four years' term, in accordance with the procedure specified in the Statute of the Lithuanian Bar Association.

Prof. Dr. Ignas Vėgėlė ([ignas.vegele@advokatura.lt](mailto:ignas.vegele@advokatura.lt)) is current President of the Bar Council (elected on 16 May 2014 for the period 2014-2018). Dr. Audrius Bitinas ([audrius.bitinas@advokatura.lt](mailto:audrius.bitinas@advokatura.lt)) is current Secretary General (from October 2014).



## VIII. STRATEGIC GOALS

- Development of the information technologies, participation in the digitalization process of state guaranteed legal aid and better integration of the databases;
- Better communication with the other legal professions, and to strength the advocate's representation institute in the Courts;
- Development of continuous training procedures for advocates and their assistants;
- Strengthening the self-governance and the independence of Lithuanian Bar;
- Better administration, communication and management.

## IX. MAIN STATISTICS 2016

<p><u>FREE LEGAL PROFESSIONALS</u>  Advocates: 2130  Bailiffs: 126  Notaries: 133</p>	<p><u>CIVIL SERVANTS</u>  Judges: 779  Prosecutors: 717  Statutory police officers, investigators (some with legal education): 9500</p>
<p><u>ADVOCATES: 2130</u>  Female: 813  Male: 1317  Advocates practising in Vilnius: 1288  The oldest practicing advocate is currently 95 years old.  The youngest practicing advocate is currently 27 years old.  The average age of advocates is 47.5 years.</p>	<p><u>ASSISTANT ADVOCATES: 868</u>  Female: 466  Male: 402  Assistant advocates practising in Vilnius: 542</p>
<p><u>LAW FIRMS</u>  Total number of law firms: 1134  Number of solo practitioners (law firms with one practitioner): 826  Number of law firms (31-60 lawyers): 3  <u>DISCIPLINARY COMMITTEE</u>  Number of submitted conclusions: 294</p>	<p><u>MEMBERSHIP FEE (per year)</u>  Entrance fee (one-time fee): €500  Fee for practicing advocates: €360 (from 2016-05-01)  Fee for practicing advocates' assistants: €252 (from 2016-05-01)  Fee for persons who are recognised as advocates, but are not in the list of practicing advocates: €132 (from 2015-06-18)  <u>COURT OF HONOUR</u>  Number of received disciplinary proceedings: 38</p>



## **X. SELF-GOVERNING BODIES OF THE LITHUANIAN BAR ASSOCIATION**

The self-governing bodies of the Lithuanian Bar Association include the General Meeting of Advocates, the Bar Council, the Court of Honour and the Auditing Commission:

### *General Meeting of Advocates*

The General Meeting of the Advocates is the supreme management body of the Lithuanian Bar Association. The General Meeting of the Advocates is legitimate if it is attended by more than half of its practicing advocates that are on the list of practitioners in Lithuania.

### *Bar Council*

The Bar Council is a collegial combining body of the Lithuanian Bar Association consisting of 11 representatives, elected by the advocates, for a term of four years. Advocates having a record of at least ten years of practice as an advocate are eligible to become members of the Bar Council.

### *Court of Honour*

The Court of Honour of the advocates examines disciplinary cases according to the procedure specified by the Lithuanian Bar Association. The Court of Honour consists of five members who are advocates that have a record of at least 10 years. The Court of Honour is concluded as follows: three members are elected from among the advocates in the General Meeting of Advocates, and two advocates are appointed by the Minister of Justice.

### *Auditing Commission*

The Audit Commission is the supervisory body of the Lithuanian Bar Association reviewing the financial activities of the Lithuanian Bar Association. Its members (3 elected advocates) are elected for a four years' term among advocates having a record of at least five years of practice as an advocate.

## **IX. MEMBERSHIP OF THE LITHUANIAN BAR ASSOCIATION IN INTERNATIONAL ORGANISATIONS**

Since 1992, the Lithuanian Bar Association has been a member of the International Bar Association (IBA).

Since 2004, the Lithuanian Bar Association has been an official member of The Council of Bars and Law Societies of Europe (CCBE).

Since 2008, the Lithuanian Bar Association has actively participated in the Nordic Baltic Bar Associations Presidential meetings.

Since 2009, the Lithuanian Bar Association has been a member of the Chief Executives of European Bar Associations (CEEBA).