



CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)

**Questionnaire for the preparation of the CCJE Opinion No. 16
on the relationship between judges and lawyers
and the concrete means to improve the efficiency and quality of judicial proceedings**

Replies from Lithuania

A. Professional ethics, conduct and responsibility of judges and lawyers

1. Does your country have a Code of Ethics or equivalent for judges? (please specify)

Yes, there is the Code of Ethics for judges in Lithuania.

2. Does your country have a Code of Ethics or equivalent for lawyers? (please specify)

Yes, there is the Code of Ethics for lawyers in Lithuania as well.

3. Does your country have any joint codes, rules and/or regulations concerning ethics of judges and lawyers? (please specify)

No, common rules concerning ethics for judges and lawyers are foreseen.

4. Does your country plan to establish codes, rules and/or regulations concerning professional ethics, conduct and responsibility of both judges and lawyers, or to develop the existing ones?

There are no real plans concerning rules of ethics for judges and lawyers to be revised.

5. Does your country have any rules and/or regulations dealing in any manner with the issues of relations between judges and lawyers or is there any intention to establish such instruments in a joint manner for both groups (judges and lawyers)? If yes, please specify

No, relations between judges and lawyers are mostly regulated by principals of law, established in legal acts.

6. In your opinion, what are the main principles which should govern the ethics of:
- judges ?

Principle of independence and impartiality as well as impeccable behavior;
- lawyers?

avoidance of conflict of interest; loyalty to the client; non-disclosure of clients confidentiality

B. Training of judges and lawyers

7. Which are, in your country, the training institutions:
- for judges ?

The Training Centre of the National Courts Administration
- for lawyers?

There is a training division within the BAR.

8. Which kind of training curricula (initial and continuous training), in brief, do these training institutions have:
- for judges ?

There are both initial and continuous training for judges.

- for lawyers?

There is no structured training scheme for lawyers

9. What is the duration of the initial training:

- for judges ?

From few weeks to a month.

- for lawyers?

No initial training foreseen

10. Does the initial training include issues related to the professional ethics, conduct and responsibility of judges and lawyers, their relations with each other, as well as their co-operation with a view of fair and efficient conclusion of judicial proceedings?

Initial trainings are used to ensure the harmonious integration of newly appointed judges to the judicial system. In pursuance of providing the systemic information required for the work of newly appointed judges, the programme of initial training is formulated. It involves improvement of different abilities in the spheres of law, ethics, psychology and other areas needed for the judges. Continuous trainings are used to ensure the continuous improvement of judges' legal abilities different fields of law: civil law and civil procedure, criminal law and criminal procedure, constitutional law, family law, labour law, administrative law and forensics as well as judicial ethics, sociology, psychology etc.

11. Are there joint training courses for judges and lawyers?

If yes:

- what is their content and duration?
- are they mandatory for judges and lawyers?
- how are these courses funded?

If not, are they planned or discussed?

No, there are no joint courses for judges and lawyers.

C. Efficiency and quality of judicial proceedings

12. Are there any procedural instruments to facilitate the interaction between judges and lawyers during the proceedings? If yes, please specify.

The lawyers in the interests of their clients (parties) act according to the procedural rules. Judges always have procedural instruments (i.e. to set up the time limits for submission of certain procedural documents etc.)

13. If not, how are they planned?

14. How is the communication between judges and lawyers organised? Is it efficient? Are there computerised information systems to that end?

Currently the e-justice system is under the implementation. It is supposed that after that the lawyers will have better access to the relevant procedural documents.

15. Are there possibilities, procedures and mechanisms for judges and lawyers to come to an agreement concerning the judicial resolution of the case?

If the peaceful agreement is meant in civil cases, yes. For instance, in the civil procedure judges are supposed to arrange so called conciliation meetings before the court hearing. During this procedural step

the role of lawyers seems to be important as well as the communication between judges and lawyers. If the plea bargaining in criminal cases is meant, the answer would be “no”.

16. If yes, is such agreement compulsory?

N/a

17. Do they negotiate certain phases of the procedure?

No, they do not.

18. Are there any legal instruments (substantive or procedural) which potentially could be used by judges to ignore, to disregard or in any manner to avoid taking into consideration the claims, demands and arguments of lawyers?

Yes, there are such mechanisms. The demands of the lawyers should follow the procedural provisions. The arguments of the lawyers have never obligatory effect to a judge. Judge is supposed to reflect in the decision/judgement all main demands raised by the interested party in the claim/counter claim. The lawyer cannot request more than his/her client unless he/she is authorised to do so.

19. Are there any legal instruments (substantive or procedural) which potentially could be used by lawyers to delay the consideration of the case, or to affect in any way its fair and efficient resolution?

The lawyers always have such possibilities even though the procedural rules usually do not allow it. It depends on the concrete procedural situation whether a judge takes an action against such delays and declares it as an abuse of procedural rights.

20. To what extent does the successful interaction between judges and lawyers depend on objective factors such as legislation, structures and procedures? Are there any plans to improve them?

In most case the legislation (substantial and procedural) is correct. Mostly it depends on subjective factors.

21. To what extent does such interaction depends on subjective factors such as the patterns of behaviour of individual judges and lawyers, their understanding of their role and responsibility, and/or their wish to work together in order to improve the procedure, etc.?

As it has been stated above it mostly depends on subjective factors such as professionalism, responsibility and understanding the goals of the procedure (not only the given case in the narrow sense).

22. How would you assess the relationship between judges and lawyers in your country? Are there any plans to take steps to improve the legal culture and to foster co-operation between judges and lawyers?

In general there are no problems between the relations between judges and lawyers. Nevertheless the legal culture should always be developed for the building up the mutual understanding and co-operation between judges and lawyers.

D. Role of judges and lawyers in responding to the needs of parties
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23. Please give some examples of co-operation between judges and lawyers in specific categories of cases (e.g. those ending in the peaceful settlement in civil claims).

As it was mentioned before in Lithuania it is only possible in civil procedure in conciliation meeting before court hearing. Conciliation meetings should be called in all sorts of civil cases.

24. Do you have any possibility in your country for lawyers to become judges, and vice versa? If yes, is it frequent ?

Yes, there is such possibility. It is not that frequent judges become lawyers.

25. Can lawyers act, in your country, as deputy judges and if so, under what conditions ?

No, they can not.

E. Judges, lawyers and media

26. Have there been any reflections in the mass media as regards the relations between judges and lawyers and their co-operation?

No, there have not been any reflections in the mass media concerning relations between judges and lawyers.

27. To what extent lawyers and judges comment in the media on pending cases and on judgments?

Lawyers usually comment from the scope of their clients, but they usually do not disclosure case material. Judges usually keep off commenting about pending cases or judgements. Both lawyers and judges usually refrain commenting on each other.