EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

# SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2013

## Country: Lithuania

### National correspondent


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# 1. Demographic and economic data

## 1. 1. General information

### 1. 1. 1. Inhabitants and economic information

**1) Number of inhabitants (if possible on 1 January 2013)**

3 003 641

**2) Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €) - (If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP).**

| | Amount |
|---|---|
| State or federal level | 7 471 460 554 |
| Regional / federal entity level (total for all regions / federal entities) | 1 866 254 634 |

**3) Per capita GDP (in €)**

11 025

**4) Average gross annual salary (in €)**

7 381

**5) Exchange rate of national currency (non-Euro zone) to € on 1 January 2013**

3,4528

**A1. Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:**

http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&language=en&pcode=tps00001&tableSelection=1&footnotes=yes&labeling=labels&plugin=1/

http://www.lb.lt/exchange/default.asp
The exact figure of GDP- 11 024,882.
Figures for "Regional / federal entity level (total for all regions / federal entities)" is the budget of municipalities.

### 1. 1. 2. Budgetary data concerning judicial system

**6) Annual approved public budget allocated to the functioning of all courts, in € (if possible without the budget of the public prosecution services and without the budget of legal aid):**

| | | |
|---|---|---|
| TOTAL annual approved budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7) | ☑ Yes | 53 138 612 |
| 1. Annual public budget allocated to (gross) salaries | ☑ Yes | 46 314 146 |
| 2. Annual public budget allocated to computerisation (equipment, investments, maintenance) | ☑ Yes | 397 069 |
| 3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties. | ☑ Yes | 329 306 |
| 4. Annual public budget allocated to court buildings (maintenance, operating costs) | ☑ Yes | 1 644 012 |
| 5. Annual public budget allocated to investments in new (court) buildings | ☑ Yes | 1 013 670 |
| 6. Annual public budget allocated to training and education | ☑ Yes | 311 973 |
| 7. Other (please specify): | ☑ Yes | 3 128 436 |

**7) If you cannot separate the budget of the public prosecution services and the budget of legal aid from the budget allocated to all courts, please indicate it clearly. If "other", please specify:**

For question 6:
Taxes related to the salaries (insurance) paid by employer are included in 1. Finances for 2 (computerisation), also partly for 3 (expertise), 4 (building repair), 6 (training) are allocated to the budget of the National Courts Administration. Finances for 5 (investments in new buildings) in 2012 were allocated to the Ministry of Justice. "Other" includes other finances for expenses of the courts (telecommunications, post, transport, paper, etc.).

**8) Are litigants in general required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:**

- [ ] for criminal cases?
- [x] for other than criminal cases?

If yes, are there exceptions to the rule to pay court a tax or fee? Please provide comments on those exceptions:

According to the Article 83 of the Code of Civil Procedure of the Republic of Lithuania the following shall be released from the payment of the stamp duty (official fee) in cases which are heard by a court:
1) employees and consumers in cases concerning all claims arising from the legal relationships of employment and consumption;
2) plaintiffs in cases concerning the adjudication on maintenance;
3) plaintiffs in cases concerning compensation of material and non-material damages, connected with an incident of harm to a person's health, the loss of his life in an accident at work, or a professional illness;
4) plaintiffs in cases concerning compensation of material and non-material damages created by criminal act;
5) a prosecutor, State and municipal institutions, other persons when a claim or petition is lodged in order to defend public, State and/or municipal interests in that part of a case, in which it is sought to defend a public, State and/or municipal interest;
6) parties in cases concerning damages, which have arisen due to an unlawful conviction, unlawful arrest by the use of custodial measures, unlawful detention, unlawful use of coercion measures, or unlawful imposition of an administrative penalty - arrest, as well damages, which have arisen due to the unlawful actions of a judge or a court in hearing a civil case;
7) parties in cases concerning property loss in connection with political repressions;
8) an enterprise (establishment), against which a bankruptcy or restructuring case has been lodged or in which an extrajudicial bankruptcy procedure is being executed, or natural person, against whom the bankruptcy case has been lodged, or other participating persons in a case – for lodging appeals and cassation petitions in these cases;
9) plaintiffs and parties, lodging property claims - in bankruptcy or restructuring cases;
10) State and municipal institutions (establishments) when lodging claims on the recoverance of funds;
11) the Bank of Lithuania, the State enterprise Turto Bankas, and the State enterprise State Property Fund;
12) spouses when lodging petitions to dissolve a marriage by mutual consent and on petition of one of the spouses;
13) applicants when lodging applications by the procedure established in Part V, Chapter XXXIX of the Code of Civil Procedure, which regulates the hearings of cases on courts permissions or confirmation of facts, administration of property, the application of procedures of inheritance and other cases, which are heard by a simplified procedure established by the Civil Code and other law.
14) persons – in other circumstances, referred to in the Code of Civil Procedure and other law.

The Code of Civil Procedure establishes that by means of summary proceedings, taking into consideration the person's material situation, the court can partly release from payment of stamp duty. An application for partial release of the stamp duty must be reasoned. Proof providing the necessity of release of the stamp duty must be annexed to the application. The court decision on the application has to be motivated.

**8.1) Please briefly present the methodology of calculation of courts fees?**

Article 80 of the Code of Civil Procedure establishes the amounts of stamp duty (official fee). According to the system, established in this article, the stamp duty in non-property cases is an exact amount of money, though in property (pecuniary) cases the calculation of stamp duty is combined with proportional and ordinary value. In article 80 of the Code of Civil Procedure it is established:
1) in pecuniary disputes – depending on the claimed amount:
- for claims up to 100 000 Lt. (28 962 EUR) – 3 % of claimed amount, but not less than 50 Lt.(14,48 EUR).
- for claims from 100 000 Lt.(28 962 EUR) up to 300 000 Lt. (86 886 EUR) – 3000 Lt. (868,86 EUR) plus 2 % of claimed amount of the amount, exceeding 100 000 Lt.(28 962 EUR).

- for claims over 300 000 Lt. (86 886 EUR) – 7000 Lt. (2027,34 EUR) plus 1 % of claimed amount, exceeding 300 000 Lt. (86 886 EUR).
The maximum stamp-duty payable for one claim in pecuniary cases shall not be more than 30 000 Lt.(8688,6 EUR).
2) in disputes arising from a lease (except for recovery of money) the payment of the official fee of 200 Lt.(57,92 EUR).
3) claim concerning the modification (adjustment, termination, etc.) of a contract – stamp duty is 500 Lt.(144,8 EUR).
4) claim in disputes regarding investigation of a legal entity's activities and cases where decisions of public procurement are being contested - 1,000 Lt.(289,62 EUR).
5) in other disputes – 100 Lt.(28,96 EUR).
6) the request of the court order is equal to quarter of the stamp-duty payable for the claim, but not less than 10 Lt. (2,89 EUR).
7) the claim on the documentary process is equal to half of the stamp duty for the claim, but not less than 20 Lt.(5,79 EUR).
8) in contentious business cases – 100 Lt. (28,96 EUR), except the cases defined in the Code of Civil Procedure.

Stamp duty for separate appeals (when court orders of the 1st instance courts are appealed separately from the court decision (1st part of article 334 of the Code of Civil Procedure)) is not paid, except for separate appeals against a court orders on the imposition of provisional safeguards, for which the stamp duty is 100 Lt.(28,96 EUR).
For a petition for review of a default judgment, an official fee of 100 Lt.(28,96 EUR). shall be payable.
A request to impose provisional safeguards or measures of evidence safeguarding or collecting (before the date of a claim lodging to the court) shall require the payment of the official fee of 200 Lt.(57,92 EUR).
For a petition of an arbitration decision, an official fee of 1,000 Lt.(289,62 EUR) shall be payable.

It must be noted that according to the Code of Civil Procedure the stamp duty, except calculated in percents, the courts index by taking into consideration the quarter's consumer price index, if it is greater than 110. The applied index is calculated in the period of the law, where the stamp duty is defined and courts' fine, till every quarter. The institution, authorized by the Government, publishes the indexes applied once per quarter.

**8.2) Please indicate, if possible, the amount of court fees to commence an action for 3000€ debt recovery?**

310,75 Lt (~90 EUR)

**9) Annual income of court taxes or fees received by the State (in €)**

7 600 585

**12) Annual approved public budget allocated to legal aid, in €. - If one or several data are not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. (Question modified)**

**If your system enables to be granted legal aid for cases which are non litigious or not brought to court, please specify:**

| | Amount (in €) |
|---|---|
| Total annual approved public budget allocated to legal aid (12.1 + 12.2) | 4 543 826 |
| 12.1 Annual public budget allocated to legal aid for cases brought to court | 4030145 |
| 12.1.1 in criminal law cases | NA |
| 12.1.2 in other than criminal law cases | NA |
| 12.2 Annual public budget allocated to legal aid for non litigious cases or cases not brought to court (legal consultation, ADR, etc) | 513681 |

Comment :
mail CN 15/5/14: explanations concerning the legal aid in Lithuania:
Primary legal aid means the provision of legal information, legal advice and drafting of documents to be submitted to state and municipal institutions, with the exception of judicial documents.
Secondary legal aid means the state-guaranteed lawyer's assistance in judicial proceedings: drafting of documents, defence and representation in proceedings, including enforcement proceedings, as well as representation of your interests in dispute resolution out-of-court.
In question 10 we have shown the budget of both primary legal aid and secondary (in total).

****

Annual approved public budget for primary legal aid (free legal advice) – 513 681,15 €
Annual approved budget for secondary legal aid (free legal representation) – 4 030 144,9 €
According to the types of cases information about the amounts paid for lawyers who provide secondary legal aid is available:
a) In civil and administrative cases – 1 350 333,83 €
b) In criminal cases – 1 955 879,07 €.

These numbers include the remuneration for lawyers and excludes other state-guaranteed legal aid expenses (e.g. costs related to collection of evidence, interpretation and etc.)

**13) Total annual approved public budget allocated to the public prosecution services (in €). Please indicate in the "comment" box below any useful information to explain the figures provided .**

. ☑ Amount 26 101 135

Comment :

**14) Authorities formally responsible for the budgets allocated to the courts (multiple options possible) :**

| | Preparation of the total court budget | Adoption of the total court budget | Management and allocation of the budget among the courts | Evaluation of the use of the budget at a national level |
|---|---|---|---|---|
| Ministry of Justice | No | No | No | No |
| Other ministry | Yes | No | No | Yes |
| Parliament | No | Yes | No | No |
| Supreme Court | No | No | No | No |
| High Judicial Council | No | Yes | Yes | No |
| Courts | Yes | No | No | No |
| Inspection body | No | No | No | Yes |
| Other | Yes | No | No | No |

**14.1) If any other Ministry and/or inspection body and/or other, please specify (considering question 14):**

Other ministry- the Ministry of Finance;
Inspection body – National Audit Office of Lithuania, Division of Internal Audit of National Courts Administration;
Other – National Courts Administration.
The courts are the budget appropriation managers. Management and allocation of the budget among the individual courts cannot be interpreted as one under the laws of Lithuania. Allocation of the budget among the individual courts belongs to the initial stage of the budget preparation process and the management of budgets is the responsibility of each court individually.

**A.2 You can indicate below:**
**- any useful comments for interpreting the data mentioned in this chapter**
**- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years**
**- if available, an organisation scheme with a description of the competencies of the different authorities responsible for the budget process**

**Please indicate the sources for answering questions 6, 9, 12 and 13.**

Ministry of Finance, General Prosecutors Office, National Courts Administration.

### 1. 1. 3. Budgetary data concerning the whole justice system

**15) The following data would be useful for information**

**15.1) (Former question 10) Annual approved public budget allocated to the whole justice system, in € (this global budget does not include only the court system as defined under question 6, but also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.)**

. ☐ NA 179756697

**15.2) (Former question 11) Please indicate the budgetary elements that are included in the whole justice system. If "other", please specify in the "comment" box below.**

| | |
|---|---|
| Court (see question 6) | Yes |
| Legal aid (see question 12) | Yes |
| Public prosecution services (see question 13) | Yes |
| Prison system | Yes |
| Probation services | No |
| Council of the judiciary | No |
| Constitutional court | Yes |
| Judicial management body | No |
| State advocacy | No |
| Enforcement services | No |
| Notariat | No |
| Forensic services | No |
| Judicial protection of juveniles | No |
| Functioning of the Ministry of Justice | Yes |
| Refugees and asylum seekers services | No |
| Other | Yes |

Comment :
Other – National Courts Administration

# 2. Access to justice

## 2. 1. Legal aid

### 2. 1. 1. Principles

**16) Does legal aid apply to:**

| | Criminal cases | Other than criminal cases |
|---|---|---|
| Representation in court | Yes | Yes |
| Legal advice | Yes | Yes |

**17) Does legal aid include the coverage of or the exemption from court fees?**

- (•) Yes
- ( ) No

If yes, please specify:

According to paragraph 4 of the Article 14 of the Law on State-guaranteed Legal Aid, in civil and administrative actions as well as in civil actions brought in criminal matters, persons eligible for secondary legal aid shall be exempt from the stamp duty and other litigation costs, the costs of the proceedings and procedural costs in the criminal matters.

**18) Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?**

- (•) Yes
- ( ) No

If yes, please specify:

The costs of secondary legal aid shall comprise the costs of the execution process. The costs of state-guaranteed legal aid shall not cover the costs incurred by the debtor in the execution process.

**19) Can legal aid be granted for other costs (different from questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc ? If yes, please specify it in the "comment" box below).**

| Criminal cases | Other than criminal cases |
|---|---|
| Yes | Yes |

Comment :

The costs of secondary legal aid from which the applicant shall be exempted are: litigation costs incurred in civil proceedings, the costs incurred in administrative proceedings, the costs related to the hearing of a civil action brought in a criminal matter, the costs related to defence and representation in court (including the appeal and cassation proceedings, irrespective of the initiator) as well as the costs of the execution process, the costs related to the drafting of procedural documents and collection of evidence, interpretation, representation in the event of preliminary extrajudicial consideration of a dispute, where such a procedure has been laid down by laws or by a court decision.
The costs of state-guaranteed legal aid shall also cover the costs of interpretation of communication between the lawyer and the applicant where, in the cases provided for in treaties of the Republic of Lithuania, it is impossible to ensure that a person providing state-guaranteed legal aid communicates with the applicant in the language which the latter understands.
Where the physical presence of an applicant is required by the law or by the court, the travel costs to be borne by an applicant shall be borne by the State-guarantee legal aid services from the state budget finds allocated for that purpose.

**20) Number of cases referred to the court for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**
**----------**
**Please specify in the "comment" box below, when appropriate.**

**[This question concerns only the annual number of cases for which legal aid has been granted to those referring a case to a court. It does not concern legal advice provided for cases that are not brought before**

**the court.]**

| | Number |
|---|---|
| Total | 49692 |
| in criminal cases | 35311 |
| other than criminal cases | 14381 |

Comment :
The number of criminal cases provided above indicates cases where legal aid was granted by a decision of a pre-trial investigation officer (17853 cases), prosecutor or the court (15312 cases) (when the presence of a defence lawyer is mandatory) and where legal aid was granted in a criminal case by a decision of state-guaranteed legal aid services (where defence is not mandatory or the person is an aggrieved party) (2146 cases).

The number of other than criminal cases provided above indicates cases where legal aid was granted in civil (13595) or administrative (786) cases by a decision of state-guaranteed legal aid services.

**20.1) Number of cases not brought to court (see 12.2 above) for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

| Number of cases |
|---|
| 44195 |

Comment :
The number provided above indicates the number of matters when primary legal aid (legal information, legal advice, drafting of the documents to be submitted to state and municipal institutions, with the exception of procedural documents, advice on the out-of-court settlement of a dispute, actions for the amicable settlement of a dispute and drafting of a settlement agreement) was granted.

**21) In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?**
**----------**
**Please specify in the "comment" box below.**

| | |
|---|---|
| Accused individuals | Yes |
| Victims | Yes |

Comment :
In criminal cases individuals who do not have sufficient financial means can be assisted by a free of charge lawyer if his/her property and annual income do not exceed the property and income levels established by the Government of the Republic of Lithuania for the provision of legal aid under the Law on State-guaranteed Legal Aid.

The following individuals shall be eligible for secondary legal aid regardless of the property and income levels established by the Government of the Republic of Lithuania for the provision of legal aid:
- the persons eligible for legal aid in criminal proceedings according to Article 51 of the Republic of Lithuania Code of Criminal Procedure and in other cases specified by laws when the physical presence of a defence lawyer is mandatory;
- the aggrieved parties in the cases concerning compensation for the damage incurred through criminal actions, including the cases when the issue of compensation for damage is heard as part of a criminal matter.

**22) If yes, are individuals free to choose their lawyer within the framework of the legal aid system**

- [x] Yes
- [ ] No

**23) Does your country have an income and assets evaluation for granting legal aid to the applicant ? If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.**
**----------**
**Please provide in the "comment" box below any information to explain the figures provided.**

| | amount of annual income (if possible for one person) in € | amount of assets in € |
|---|---|---|
| for criminal cases | 2782,6 | NA |
| for other than criminal cases? | 2956,5 | NA |

Comment :
Initialement dans la réponse Q 23:
for criminal cases: Till 01-08-2012 less than 1855,1 € or less than 2782,6 € From 01-08-2012 less than 1971 € or less than 2956,5 €

for other than criminal cases: Till 01-08-2012 less than 1855,1 € or less than 2782,6 € From 01-08-2012 less than 1971 € or less than 2956,5 €

mail CN 17/01/14: the costs of secondary legal covered by the State are 100 percent or 50 percent. Therefore, two amounts of annual income are applicable. If the amount of annual income of the applicant was less than (did not exceed) 1855,1 € he had the right to receive 100 percent covered legal aid. If the amount of annual income of the applicant exceeded 1855,1 € but was less than (did not exceed) 2782,6 € he had the right to receive 50 percent covered legal aid (he had to cover 50 percent of legal costs by himself).

The amount of annual income depends on minimum monthly wage, which has been changed from 01-08-2012.

Till 01-08-2012 the first level of income was established when annual income of an applicant did not exceed 1855,1 € (695,6 € was added to the sum for each dependant) and the value of his property did not exceed property normative determined in legal acts.
The second level of income was established when annual income of an applicant did not exceed 2782,6 € (1043,5 € was added to the sum for each dependant) and the value of his property did not exceed property normative determined in legal acts.

From 01-08-2012 the first level of income was established when annual income of an applicant did not exceed 1971 € (793,1 € was added to the sum for each dependant) and the value of his property did not exceed property normative determined in legal acts.
The second level of income was established when annual income of an applicant did not exceed 2956,5 € (1108,7 € was added to the sum for each dependant) and the value of his property did not exceed property normative determined in legal acts.

Applicant‘s assets must not exceed the value of assets ratio which was stated for the family (single person) in 14 article of the Law on Cash Social Assistance for Residents with Low-Income of the Republic of Lithuania. The amount of assets differs accordingly to the applicant’s personal estate, place of residence, number of dependants and etc.

The costs of secondary legal covered by the State are:
1) 100 per cent – where the first level of property and income is established;
2) 50 per cent – where the second level of property and income is established.

The following persons shall be eligible for secondary legal aid regardless of the property and income levels established by the Government of the Republic of Lithuania for the provision of legal aid under the Law on State-guaranteed legal aid:
1) the persons eligible for legal aid in criminal proceedings according to Article 51 of the Republic of Lithuania Code of Criminal Procedure (mandatory defence) and in other cases specified by laws when the physical presence of a defence lawyer is mandatory;
2) the aggrieved parties in the cases concerning compensation for the damage incurred through criminal actions, including the cases when the issue of compensation for damage is heard as part of a criminal matter;
3) the persons receiving a social allowance under the Law on Cash Social Assistance for Residents with Low-Income of the Republic of Lithuania;
4) the persons maintained in stationary care institutions;
5) the persons who have been established a severe disability or for whom incapacity for work has been recognised or who have reached the pensionable age and for whom the level of considerable special needs has been established, also guardians (custodians) of these persons, where State-guaranteed legal aid is required for the representation and defence of rights and interests of a ward (foster-child);
6) the persons who have presented a proof that they cannot dispose of their property and funds for objective reasons and that for these reasons, their property and annual income which they can freely dispose of do not exceed the property and income levels established by the Government of the Republic of Lithuania for the provision of legal aid under the Law on State guaranteed legal aid;
7) the persons suffering from serious mental disorders, when issues of their forced hospitalisation and treatment are being considered according to the Republic of Lithuania Law on Mental Health Care, and their guardians (custodians), where State guaranteed legal aid is required for the representation of rights and interests of a foster-child (ward);
8) debtors in execution proceedings, when a recovery is levied against the last housing wherein they reside;

9) parents or other legal representatives of minor children, when the issue of their eviction is being considered;
10) minor children, when they independently apply to a court for the defence of their rights or interests protected under law in the cases specified by laws, with the exception of those who have entered into a marriage in accordance with the procedure laid down by laws or have been recognised by the court as legal capable (emancipated);
11) the persons who it is requested to recognise as legally incapable in the matters concerning recognition of a natural person as legal incapable;
12) persons in the matters concerning registration of birth;
13) other persons in the matters provided for in treaties of the Republic of Lithuania.

**24) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?**

- (●) Yes
- ( ) No

If yes, please explain the exact criteria for denying legal aid:

Secondary legal aid shall not be provided where:
1) claims of an applicant are manifestly unfounded;
2) representation in a matter has no reasonable prospects of success;
3) an applicant is claiming non-pecuniary damage related to the protection of his honour and dignity, but has suffered no property damage;
4) the application concerns a claim arising directly out of an applicant's trade or selfemployed profession;
5) an applicant can receive required legal services without resorting to State-guaranteed legal aid;
6) an applicant applies with respect to the violation of the rights other than his own, with the exception of the cases of representation under the law;
7) the claim for which an application for secondary legal aid is filed has been passed to the applicant for the purpose of receiving State-guaranteed legal aid.
8) an applicant abuses State-guaranteed legal aid and his substantive or procedural rights;
9) an applicant to whose property and income the second level is established does not agree to pay 50 per cent of the costs of secondary legal aid.
A service shall have the right to refuse to provide secondary legal aid where:
1) upon examination of the merits of a request, it establishes that the possible costs of secondary legal aid would significantly exceed the amount of property claims (property interests) of the applicant;
2) upon examination of the merits of a request, it establishes that the non-pecuniary claim of the applicant lacks merit;
3) it establishes that the applicant is able to independently, without a lawyer's assistance exercise or defend his rights or interests protected under law;
4) the applicant is provided secondary legal aid in more than 3 matters.

**25) In other than criminal cases, is the decision to grant or refuse legal aid taken by:**

- [ ] the court?
- [x] an authority external to the court?
- [ ] a mixed authority (court and external bodies)?

**26) Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?**

- (●) Yes
- ( ) No

If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

The possibility of legal expense insurance is established in legislation, however, it is not used in practice.

**27) Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared, in:**

| | |
|---|---|
| criminal cases? | Yes |
| other than criminal cases? | Yes |

**B.1 You can indicate below:**
**- any useful comments for interpreting the data mentioned in this chapter**
**- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years**

As regards question number 22, according to the Law on state-guaranteed legal aid of the Republic of Lithuania, a list of lawyers who continuously provide secondary legal aid only to the persons eligible for it and a list of lawyers who provide secondary legal aid in case of necessity are drawn up. An applicant may propose a specific lawyer from these lists to provide him legal aid, however, this proposal is not binding to state-guaranteed legal aid services, which also take into account the place of residence of the applicant, the place of employment of the lawyer, the workload of the lawyer and other circumstances significant for the provision of secondary legal aid.

The Law on state-guaranteed legal aid of the Republic of Lithuania has been amended and from the 1st of January 2014, an applicant will have a possibility to request that legal aid is provided by any lawyer of his choice, not only by the one, who is in the lists mentioned above.

**Please indicate the sources for answering questions 20 and 23:**

Law on state-guaranteed legal aid of the Republic of Lithuania;
Law on Cash Social Assistance for Residents with Low-Income of the Republic of Lithuania;
Ruling of the Government of the Republic of Lithuania "On the establishment of property and income levels for the provision of secondary legal aid";
Statistical data about the provision of state guaranteed legal aid which is gathered annually by the Ministry of Justice of the Republic of Lithuania.

## 2. 2. Users of the courts and victims

### 2. 2. 1. Rights of the users and victims

**28) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for which the general public may have free of charge access to the following:**
**----------**
**The websites mentioned could appear in particular on the internet website of the CEPEJ. Please specify in the "comment" box below what documents and information the addresses for "other documents" include:**

| | | |
|---|---|---|
| legal texts (e.g. codes, laws, regulations, etc.)? Internet address (es): | ☑ Yes | http://www3.lrs.lt/dokpaieska/forma_l.htm; www.litlex.lt |
| case-law of the higher court/s? Internet address (es): | ☑ Yes | http://liteko.teismai.lt/viesasprendimupaieska/detalipaieska.aspx?detali=2 |
| other documents (e.g. downloadable forms, online registration)? Internet address (es): | ☑ Yes | http://www.teismai.lt/lt/gyventojams/ ; www.teisinepagalba.lt |

Comment :
Downloadable forms may be found at internet address(es): http://www.teismai.lt/lt/gyventojams/ ; www.teisinepagalba.lt

**29) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?**

- ○ Yes
- ○ No
- ◉ Yes only in some specific situations

If yes only in some specific situations, please specify:

For example, if a person is invited to the questioning by the police or to any other act of criminal investigation, to the court hearing etc. he/she is always informed about the date when the current act will be held.

**30) Is there a public and free-of-charge specific information system to inform and to help victims of crime?**

(•) Yes

( ) No

If yes, please specify:

Prosecutors are obliged to inform victims of crimes about a possibility to receive a compensation from a public fund for victims of crimes. An electronic application form can be found on the official site of the Ministry of Justice: http://www.tm.lt/paslaugos/prasymai.

**31) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons. If "other vulnerable person" and/or "other special arrangements", please specify it in the "comment" box below.**

**[This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences, which are addressed under questions 32 to 34.]**

| | Information mechanism | Special arrangements in court hearings | Other |
|---|---|---|---|
| Victims of sexul violence/rape | No | Yes | No |
| Victims of terrorism | No | No | No |
| Children (witnesses or victims) | No | Yes | No |
| Victims of domestic violence | Yes | Yes | No |
| Ethnic minorities | No | Yes | No |
| Disabled persons | No | Yes | No |
| Juvenile offenders | No | Yes | No |
| Other (e.g. victims of human trafficking, forced marriage, sexual mutilation) | No | No | No |

Comment :
It should be noted that according to article 194 of the Code of Civil Procedure (Interview (interrogation) of a juvenile witness) the representatives by law are called in, also pedagogue or a representative of the State child rights protection institution can be called in to participate in the interview of a witness juvenile younger than 16 and by a decision of a court – younger than 18. The chairman of the hearing explains duty of a witness younger than 16 to tell everything he/she knows in a case, but such a witness does not swear according to the procedure laid down in the Code of Civil Procedure. In exceptional cases, in order to identify the truth or not to harm the interests of a witness, by the court decision some participant in a case can be eliminated from the court-room during the interrogation of a juvenile witness. After the participant returns to a court-room, the content of indications of a juvenile witness has to be reported and the possibility of questioning the witness has to be provided. Witness, younger than 16, has to leave the court-room after the interrogation, except the cases, when the court acknowledges that it is necessary that the witness should stay in a court-room.

According to the Code of Criminal Procedure, Art. 9, the closed hearing may be arranged in cases of criminal acts, where defendants are under the age of 18, also the cases for crimes and misdemeanors against freedom of a person's sexual self-determination and inviolability, other cases where it is necessary to prevent publication the information about the private life of the participants of the process or where the witness or victim to whom anonymity is applied are interrogated.

There is special protection guaranties for children in Code of Criminal Procedure during pretrial investigation as well as during the court hearings (special procedures for interrogation, protection from possible criminal influence, participation of psychologist or other persons in order to protect the child from emotional shock, participation of the legal representatives during the process, etc.).

Additional procedural guaranties for protection in criminal procedure are stipulated for victims/witnesses, to whom the anonymity or partial anonymity is applied.

According to the Code of Criminal Procedure, Art. 8, par. 2, participants of criminal procedure, who do not know lithuanian, have right to give evidence, explanations, applications and complaints, to speak in their native language or other language they know. In all these cases, also when knowledging with the case, participants of the process have a right for

translator/interpreter under the regulation of the Code of Criminal Procedure. Documents of the case, which are presented to the suspect, defendant or convicted person, other participants of the process, shall be translated into their native language or other language they know (the Code of Criminal Procedure, Art. 8, par.3)

**31.1) Is it possible for minors to be a party to a judicial proceedings :**

- (●) Yes
- ( ) No

If yes, please specify which procedure can be concerned (civil, criminal, administrative/normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.) :

Article 38 the Code of Civil Procedure establishes that the rights and interests, protected by the law, of juveniles younger than 14 defend their representatives by the law – accordingly parents, adoptive parents, tutors (according to cases, established in article 39 of the Code of Civil Procedure the tutor can be appointed). Therefore the juveniles, younger than 14 the legal capacity is not typical, their representatives by law replace them in the process.
Representatives of juveniles from 14 till 18 years by the law are their parents, adoptive parents or foster-parents (the tutor can be appointed according to art. 39 of the Code of Civil Procedure). Such juveniles, whom civil capacity has been restricted and who are parties to the proceedings have to be informed about the start of court process with proposal to participate in it.

Juveniles of 14 years shall have the right to apply to a court to defend his/her rights on his/her own, if the conflict is about the relationships where they have full civil capacity (e.g. on minor domestic transactions).

A child can be a victim in criminal proceedings (victim is considered to be one of the party in criminal proceedings). According to the Article 28 of the Code of Criminal Procedure of the Republic of Lithuania (hereinafter – CCP), a natural person is considered to be a victim when he/she has suffered harm (physical, psychological or material). If a child has suffered harm, he/she can be approved to be a victim by a decision of the competent officer. However, minors in the criminal proceedings are represented by their representatives (parents, guardians etc.) (Article 53 of CCP). Also, they can be represented by a legal adviser (lawyer) (Article 55 of CCP).

**32) Does your country allocate compensation for victims of crime?**

- (●) Yes
- ( ) No

If yes, for which kind of offences

The Law on compensation of damages caused by violent crimes determines the compensation of the adjudged property and (or) moral damages caused by violent crimes and compensation of the adjudged property and (or) moral damages caused by violent crimes in advance.

'Violent crime' means an act of the nature of crime within the meaning of the Criminal Code resulting in an intentional killing or serious or moderate human health impairment, or an act of the nature of minor crime, serious crime or very serious crime against human liberty, the right to sexual self-determination or inviolability. An act of the nature of crime within the meaning of the Criminal Code resulting in physical pain to a person, minor injury or temporary health impairment of a person shall not be considered a violent crime. The list of violent crimes causing damage subject to compensation shall be drawn up by a body authorized by the Government of the Republic of Lithuania.

**33) If yes, does this compensation consist in:**

- [x] a public fund?
- [ ] damages to be paid by the responsible person (decided by a court decision)?
- [ ] a private fund?

**34) Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?**

- ( ) Yes
- (●) No

If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

**35) Do public prosecutors have a specific role with respect to the victims (protection and assistance)?**

- (•) Yes
- ( ) No

If yes, please specify:

According to Criminal Procedure Code of the Republic of Lithuania the victim is the person who, as a result of a crime, sustains physical, property or moral damage. The person shall be recognized as the victim by the decision of the pre-trial investigation officer, prosecutor or court ruling.
Prosecutors can also submit claims on recovery of damages (e.g. when juveniles, persons having psychological disability are victims).

**36) Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case?**
**----------**
**Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge".**

- (•) Yes
- ( ) No
- ( ) NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed).

If necessary, please specify:

Under the Code of Criminal Procedure, Art. 168, the appeal for the the decision of inspector of pretrial investigation to refuse to begin the pretrial investigation can be provided to the prosecutor, and the decision of the prosecutor - to the judge of pretrial investigation. If the prosecutor does not abrogate the decision to refuse to begin the pretrial investigation, his decision can be appealed to the judge of pretrial investigation. The decision of the judge of pretrial investigation can be appealed to the regional court under the regulation set out in the Code of Criminal Procedure.

### 2. 2. 2. Confidence of citizens in their justice system

**37) Is there a system for compensating users in the following circumstances:**

- [x] excessive length of proceedings?
- [ ] non execution of court decisions?
- [x] wrongful arrest?
- [x] wrongful condemnation?

Where appropriate, please give details on the compensation procedure, the number of cases, the result of the procedures and the existing mechanism for calculating the compensation (e.g. the amount per day for unjustified detentions or convictions):

Under the Civil Code and the Law on the Compensation of the Harm Caused by Illegal Actions of Public Authorities and Representation of the State the damage resulting from the unlawful condemnation, unlawful arrest, unlawful detention, unlawful application of procedural coercive measures, illegal application of administrative penalty – arrest has to be reimbursed by the state in full, regardless of pre-trial investigation officers, prosecutors and court officials' fault.
Compensations for unlawful arrest and unlawful condemnation are paid from separate budgetary program on compensation of damages operated by the Ministry of Justice. These compensations may be paid according to court decisions on damages as well as through out-of-court procedure.
Damages can be compensated after court trial and without court trial (the property damage may be no exceed 5 000 Lt. (1448,1 EUR), the moral damage may be no exceed 10 000 Lt. (2896,2 EUR)).

**38) Does your country have surveys aimed at legal professionals and court users to measure their trust and/or satisfaction with the services delivered by the judicial system? (multiple options possible)**

- [x] (Satisfaction) surveys aimed at judges
- [x] (Satisfaction) surveys aimed at court staff

☑ (Satisfaction) surveys aimed at public prosecutors

☐ (Satisfaction) surveys aimed at lawyers

☐ (Satisfaction) surveys aimed at the parties

☐ (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)

☐ (Satisfaction) surveys aimed at victims

If possible, please specify their titles, object and websites where they can be consulted:

National Courts Administration of Lithuania once a year are calculating ratings of courts clients to measure their trust ant satisfaction with the services delivered by courts.
Survey agency "Vilmorus" every month are calculating ratings of courts and prosecutor's offices clients to measure their trust with the services delivered by courts and prosecutors.

**39) If possible, please specify:**

| | Surveys at a regular interval (for example annual) | Occasional surveys |
|---|---|---|
| Surveys at national level | Yes | No |
| Surveys at court level | Yes | No |

**40) Is there a national or local procedure for making complaints about the functioning of the judicial system(for example the handling of a case by a judge or the duration of a proceeding)?**

◉ Yes

○ No

**41) Please specify which authority is responsible for dealing with such complaints and inform whether there is or not a time limit to respond and/or a time limit for dealing with the complaint (multiple options possible). Please give information concerning the efficiency of this complaint procedure in the "comment" box below.**

| | Time limit to respond (e.g. to acknowledge receipt of the complaint, to provide information on the follow-up to be given to the complaint, etc.) | Time limit for dealing with the complaint |
|---|---|---|
| Court concerned | Yes | Yes |
| Higher court | Yes | Yes |
| Ministry of Justice | No | No |
| High Council of the Judiciary | Yes | Yes |
| Other external bodies (e.g. Ombudsman) | Yes | Yes |

Comment :
According to paragraph 4 Article 103 and Article 104 of Law on Courts, the Chairperson of the court shall organise and supervise administration at the court, control compliance with the requirements of the Code of Judicial Ethics. The Chairperson of the court shall review complaints of the persons in respect of the non-procedural actions unrelated to the administration of justice, also in respect of the acts of the court staff and shall report to the interested parties the results of the review, shall eliminate the established shortcomings of the court, and perform other functions of court administration assigned to him.
Supervision of administrative activities in accordance with the Regulations of administration in courts shall be exercised:
1) of district courts – by the Chairperson of the relevant regional court;
2)of regional administrative courts – by the Chairperson of the Supreme Administrative Court;
3)of regional courts – by the Chairperson of the Court of Appeal;
4)of the Court of Appeal – by the Chairperson of the Supreme Court of Lithuania;
5) of all courts – the Judicial Council.
All these subjects in performing the functions of supervision of administrative activities, can also perform investigations of courts' administrative action or judges' performance not associated with the administration of justice. For this purpose the commission of inquiry may be composed, which may include judges of several courts or other officials, as well as the specialists, academics of other institutions, agency's, society representatives. These persons are involved in the implementation of judicial administration functions based on transparency, impartiality and voluntary principals.
Review of complaints is administrative procedure which shall comprise mandatory actions performed pursuant to Law on Public Administration by an entity of public administration (in this case – court) while considering a person's complaint or notification about a violation, allegedly committed by acts, omissions or administrative decisions of the entity of public

administration, of the rights and legitimate interests of the person referred to in the complaint or notification and adopting a decision on administrative procedure (paragraph 1 Article 19 of Law on Public Administration). Time Limits for the Administrative Procedure: the administrative procedure shall be completed and the decision on the administrative procedure shall be adopted within 20 working days from the beginning of the procedure. Where, due to objective reasons, the administrative procedure cannot be completed within the set time limit, the entity of public administration that has initiated the administrative procedure may extend it for a period not longer than 10 working days. A person shall be notified about the extension of the time limit for the administrative procedure in writing or by e-mail (where the complaint has been received by e-mail) and the reasons for the extension (Article 31 of Law on Public Administration).
Other – Judicial Court of Honour and Judicial Ethics and Discipline Commission.
A disciplinary action may be brought against a judge at the Judicial Court of Honour. A disciplinary action may be brought against a judge for an action demeaning the judicial office; for violation of other requirements of the Code of Ethics of Judges; for non-compliance with the limitations on the work and political activities of judges provided by law. An act demeaning the judicial office shall be an act incompatible with the judge's honour and in conflict with the requirements of the Code of Ethics of Judges whereby the office of the judge is discredited and the authority of the court is undermined. Any misconduct in office - negligent performance of any specific duty of a judge or omission to act without a good cause shall also be regarded an act demeaning the office of a judge (Article 83 Law on Courts).
A disciplinary action may be instituted against a judge immediately after at least one of the violations specified in paragraph 2 of Article 83 of Law on Courts (action demeaning the judicial office, violation of other requirements of the Code of Ethics of Judges, non-compliance with the limitations on the work and political activities of judges provided by law) comes to light but not later than within three months from the day when this violation came to the notice of the Judicial Ethics and Discipline Commission which has the right to institute a disciplinary action. Excluded from this time period shall be the time when the judge was absent from work due to ill health or a vacation.
A disciplinary action may not be instituted after a lapse of more than three years from the moment of commission of the violation.
A disciplinary action may be instituted against a member of the Judicial Council or the Judicial Court of Honour only subject to the consent of the Judicial Council.
The Judicial Council, the Judicial Ethics and Discipline Commission and the Chairman of the court where a judge is employed or the Chairman of any court of a higher level or any person knowledgeable of the action provided for in paragraph 2 of Article 83 of Law on Courts shall have the right to make a motion for instituting a disciplinary action. The party having the right to make a motion for instituting a disciplinary action shall submit a reasoned petition for bringing a disciplinary action against the judge to the Judicial Ethics and Discipline Commission.
A disciplinary action against Chairmen, Deputy Chairmen of courts, Chairmen of court divisions and other judges may be instituted by the Judicial Ethics and Discipline Commission. If a motion for instituting a disciplinary action is made by a member of the Judicial Ethics and Discipline Commission, the issue in respect of instituting a disciplinary action shall be considered by the Judicial Ethics and Discipline Commission without participation of this member.
The instituted disciplinary action shall be transferred to the Judicial Court of Honour. Refusal to institute a disciplinary action shall be communicated to the party that has made a motion to institute a disciplinary action.
Where a disciplinary action is instituted against a judge in respect of a concrete case he is hearing, he shall be disqualified from the hearing

**41.1) Please indicate the number of complaints that are upheld and the amount of compensation given to users in 2012 for complaints about the functioning of the judicial system**

NA

# 3. Organisation of the court system

## 3. 1. Functioning

### 3. 1. 1. Courts

**42) Number of courts considered as legal entities (administrative structures) and geographic locations. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

| | Total number |
|---|---|
| 42.1 First instance courts of general jurisdiction (legal entities) | 59 |
| 42.2 First instance specialised Courts (legal entities) | 5 |
| 42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts) | 67 |

**43) Number (legal entities) of first instance specialised courts (or specific judicial order). If data is not available, please indicate NA.**
**----------**
**If the situation is not applicable in your country, please indicate NAP.**

| | Number |
|---|---|
| Total (must be the same as the data given under question 42.2) | 5 |
| Commercial courts (excluded insolvency courts) | 0 |
| Insolvency courts | 0 |
| Labour courts | 0 |
| Family courts | 0 |
| Rent and tenancies courts | 0 |
| Enforcement of criminal sanctions courts | 0 |
| Fight against terrorism, organised crime and corruption | 0 |
| Internet related disputes | 0 |
| Administrative courts | 5 |
| Insurance and / or social welfare courts | 0 |
| Military courts | 0 |
| Other specialised 1st instance courts | 0 |

Comment :

**44) Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?**

☑ Yes

☐ No

If yes, please specify:

In 2012 there was established a legal basis for reorganization of courts, which stated that Vilnius City 1st, 2nd, 3rd and 4th District Courts should be integrated into Vilnius City District Court; Kaunas City District Court and The District Court of Kaunas Region should be integrated into Kaunas District Court; Šiauliai City District Court and The District Court of Šiauliai should be integrated into Šiauliai District Court. The reform came into force on 1st January 2013 and the total number of district courts was reduced from 54 to 49.

The Ministry of Justice is currently reviewing draft legislation concerning the possible change on the court system. The above mentioned proposals have been prepared and furnished by the Judicial Council, which is an autonomous judicial authority ensuring the independence of judiciary (Article 119 paragraph 1 of the Law on Courts). The draft legal acts contain proposals to restructure the existing 49 district courts into 12 district courts by aggregating them and matching their areas of operation to those of the law enforcement authorities. It should be noted, that although it is foreseen to have only 12 district courts, each of them would contain a number of courthouses'. Therefore, the current courthouses' would not be physically closed and would remain at the same geographical place. The reform is thus aimed at concentrating the administration of the district courts and cutting down on administrative expenses. Another aim of the proposed reform is to even out the caseload among different district court houses and to stimulate specialization of district court judges. The reform foresees that the caseload could be evened out among the different courthouses of the same district court; that judges may hold hearings in any courthouse of the same court, which would also allow specialization of the district court judges.
The proposals also suggest restructuring 5 existing administrative regional courts into 1 administrative regional court. The proposed regional administrative court would therefore contain 5 courthouses.
It should be noted that the above mentioned proposals are currently being scrutinized and the provided information should not be regarded as definitive.

**45) Number of first instance courts (geographic locations) competent for the following cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

| | Number |
|---|---|
| a debt collection for small claims | 54 |
| a dismissal | 59 |
| a robbery | 54 |

**Please give the definition for small claims and indicate the monetary value of a small claim:**
Under Article 441 of the Lithuanian Code on Civil Procedure small claims are monetary claims up to 5000 Lt. (1448 EUR).

**Please indicate the sources for answering questions 42, 43 and 45:**
The Constitution, the Law on Courts, the Code of Civil Procedure

### 3. 1. 2. Judges, court staff

**46) Number of professional judges sitting in courts (if possible on 31 December 2012) (please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Please provide in the "comment" box below any useful comment for interpreting the data above.**

**********
**[Please make sure that public prosecutors and their staff are excluded from the following figures (they will be part of questions 55-60). If a distinction between staff attached to judges and staff attached to prosecutors cannot be made, please indicate it clearly.**

**Please indicate the number of posts that are actually filled at the date of reference and not the theoretical budgetary posts.]**

| | | | | |
|---|---|---|---|---|
| Total number of professional judges (1 + 2 + 3) | 768 | 315 | 453 | |
| | | | | |

| | | | | |
|---|---|---|---|---|
| 1. Number of first instance professional judges | 684 | 259 | 425 | |
| 2. Number of second instance (court of appeal) professional judges | 51 | 31 | 20 | |
| 3. Number of supreme court professional judges | 33 | 25 | 8 | |

Comment :
The regional courts of Lithuania have both the functions of first instance courts as well as of court of appeal. Therefore the number of judges in these courts (159) was put in the 1st section.
In should be pointed out, that the Supreme Administrative Court has not only the function of appeal, but also forms the practice of administrative courts. Nevertheless, the number of its judges (18) was included in the number of the judges of the court of appeals.

**47) Number of court presidents (professional judges). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

| | Total | Males | Females | NAP |
|---|---|---|---|---|
| Total number of court presidents (1 + 2 + 3) | 59 | 28 | 31 | |
| 1. Number of first instance court presidents | 56 | 25 | 31 | |
| 2. Number of second instance (court of appeal) court presidents | 2 | 2 | 0 | |
| 3. Number of supreme court presidents | 1 | 1 | 0 | |

**48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2012).**
**----------**
**Please provide in the "comment" box below any information to explain the answer under question 48.**

| | |
|---|---|
| Gross figure | NAP |
| If possible, in full-time equivalent | NAP |

Comment :
Question 47: 8 courts didn‘t have court presidents and judges of these courts temporary served as court presidents according to the Law on Courts. Among the number of the courts presidents, these judges (acting presidents) were not included.

**49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2012) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury):**
**----------**
**If such non-professional judges exists in your country, please specify it in the "comment" box below:**

| | |
|---|---|
| Gross figure | NAP |

Comment :

**50) Does your judicial system include trial by jury with the participation of citizens?**

- ○ Yes
- ◉ No

If yes, for which type of case(s)?

**51) Number of citizens who were involved in such juries for the year of reference:**
NAP

**52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2012) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled). If "other non-judge staff", please specify it in the "comment" box below.**

| | |
|---|---|
| Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5) | ☑ Yes (among which women) 2 61 9 ( 2 2 43) |
| 1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having | |

| | | |
|---|---|---|
| autonomous competence and whose decisions could be subject to appeal | | NAP |
| 2. Non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) such as registrars | ☑ Yes (among which women) | 1 34 8 ( 1 2 43) |
| 3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management) | ☑ Yes (among which women) | 7 7 6 ( 6 65) |
| 4. Technical staff | ☑ Yes (among which women) | 4 2 5 ( 2 68) |
| 5. Other non-judge staff | ☑ Yes (among which women) | 70 |

Comment :
Other staff - translators

5. Other non-judge staff-70 (among which 67 women).

**53) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and duties:**

mail CN 15/5/14: There are no rechtspflegers in Lithuania.

**54) Have the courts delegated certain services, which fall within their powers, to private providers (e.g. IT services, training of staff, security, archives, cleaning)?**

☑ Yes
☐ No

If yes, please specify:

Several courts have delegated cleaning and security services to private providers, but this is rather an exception.

**C1 You can indicate below:**
**- any useful comments for interpreting the data mentioned in this chapter**
**- the characteristics of your judicial system and the main reforms that have been implemented over the last two years**

**Please indicate the sources for answering questions 46, 47, 48, 49 and 52**

National Courts Administration

### 3. 1. 3. Public prosecutors and staff

**55) Number of public prosecutors (if possible on 31 December 2012) (please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.**

| | Total | Males | Females | NAP |
|---|---|---|---|---|
| Total number of prosecutors (1 + 2 + 3) | 767 | 397 | 370 | |
| 1. Number of prosecutors at first instance level | 692 | 354 | 338 | |
| 2. Number of prosecutors at second instance (court of appeal) level | NAP | NAP | NAP | |
| 3. Number of prosecutors at supreme court level | 75 | 43 | 32 | |

Comment :
Number of public prosecutors on 31 December 2012.

mail CN 14/04/14 : After reorganization of the prosecution service in 2011 the first and the second instances have merged. Currently, two instances exist instead of three, therefore blank spaces mean NAP. This reorganization lead to a decreased number of heads within prosecution service, some of them also became ordinary prosecutors.
Total number of prosecutors has decreased because prosecutors have left the service, but no new prosecutors have been recruited.

**56) Number of heads of prosecution offices. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**
**----------**
**Please provide in the "comment" box below any useful information for interpreting the data.**

| | Total | Males | Females | NAP |
|---|---|---|---|---|
| Total number of heads of prosecution offices (1 + 2 + 3) | 14 | 12 | 2 | |
| 1. Number of heads of prosecution offices at first instance level | 12 | 10 | 2 | |
| 2. Number of heads of prosecution offices at second instance (court of appeal) level | NAP | NAP | NAP | |
| 3. Number of heads of prosecution offices at supreme court level | 2 | 2 | 0 | |

Comment :
Number of heads (and their deputies) of prosecution offices on 31 December 2012.

mail CN 14/04/14 : After reorganization of the prosecution service in 2011 the first and the second instances have merged. Currently, two instances exist instead of three, therefore blank spaces mean NAP. This reorganization lead to a decreased number of heads within prosecution service, some of them also became ordinary prosecutors.
Number of heads of prosecution offices (and deputies) on 31 December 2012. Number of heads of the departments of the prosecution offices is not included

**57) Do other persons have similar duties to public prosecutors?**

- ○ Yes
- ◉ No
- ○ NA

Number (full-time equivalent)

**58) If yes, please specify their title and function:**

**59) If yes, is their number included in the number of public prosecutors that you have indicated under question 55?**

- ☐ Yes
- ☐ No

**59.1) Do all prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?**

- ☑ Yes

**60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2012) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).**

| | | |
|---|---|---|
| Number | ☐ NA | 524 |
| Among which women | ☐ NA | 373 |

**C2 You can indicate below:**
**- Any useful comments for interpreting the data mentioned in this chapter**
**- The characteristics of your judicial system and the main reforms that have been implemented over the**

**last two years**

A complicated managerial system with 56 territorial prosecutor's offices being directly accountable to Prosecutor General's Office has been changed in 2012 – 56 territorial prosecutor's offices have been reorganised into 5 regional prosecutor's offices with 10 district prosecutor's offices functioning inside them. This reorganization allowed reducing number of heads of prosecution from 193 to 91.

**Please indicate the sources for answering questions 55, 56 and 60.**

General Prosecutors Office

### 3. 1. 4. Management of the court budget

**61) Who is entrusted with responsibilities related to the budget within the court?**
**----------**
**If "other", please specify it in the "comment" box below.**

| | Preparation of the budget | Arbitration and allocation | Day to day management of the budget | Evaluation and control of the use of the budget |
|---|---|---|---|---|
| Management Board | No | No | No | No |
| Court President | Yes | Yes | No | Yes |
| Court administrative director | No | No | No | No |
| Head of the court clerk office | No | No | No | No |
| Other | No | No | Yes | No |

Comment :
The Chairmen of the courts (Court Presidents) are the budget appropriation managers and are responsible for the budgets of their courts.
Other – accountants of the courts.

### 3. 1. 5. Use of Technologies in courts

**62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?**

| | |
|---|---|
| Word processing | 100% of courts |
| Electronic data base of caselaw | 100% of courts |
| Electronic files | 100% of courts |
| E-mail | 100% of courts |
| Internet connection | 100% of courts |

**63) For administration and management, what are the computer facilities used within the courts?**

| | |
|---|---|
| Case registration system | 100% of courts |
| Court management information system | +50% of courts |
| Financial information system | 100% of courts |
| Videoconferencing | +50% of courts |

**64) For the electronic communication and exchange of information between the courts and their environment, what are the computer facilities used by the courts ?**
**----------**
**Si "autres moyens de communication électronique", veuillez le préciser dans la boîte de commentaires ci-dessous.**

| | |
|---|---|
| Electronic web forms | 100% of courts |
| Website | 100% of courts |
| Follow-up of cases online | 100% of courts |
| Electronic registers | 100% of courts |
| | |

| | |
|---|---|
| Electronic processing of small claims | 100% of courts |
| Electronic processing of undisputed debt recovery | 100% of courts |
| Electronic submission of claims | 100% of courts |
| Videoconferencing | +50% of courts |
| Other electronic communication facilities | 100% of courts |

Comment :

**65) The use of videoconferencing in the courts (details on question 63).**
**----------**
**Please indicate in the "comment" box below any clarification on the legal framework and the development of videoconferencing in your country.**

| | |
|---|---|
| 65.1 In criminal cases, do courts or prosecution offices use videoconferencing for hearings in the presence of defendants or witnesses or victims? | Yes |
| 65.2 Can such court hearing be held in the police station and/or in the prison? | Yes |
| 65.3 Is there any specific legislation on the conditions for using videoconferencing in the courts / prosecution offices, especially in order to protect the rights of the defence? | Yes |
| 65.4 Is videoconferencing used in other than criminal cases? | Yes |

Comment :
It should be noted that the law on allowing questioning the witness by means of video conference will come into force on 1 January 2014. However, the prosecution service uses videoconferencing as an international cooperation tool, which is enabled to it by international agreements, to which Lithuania is a party.
Videoconferencing in cross-border proceedings: Lithuania is a party to the international treaties and EU legal acts (regulations, conventions) on the provision of legal assistance, which promote and encourage member states to use the videoconference for cross-border interrogations (where it is technically possible). Unfortunately, courts in Lithuania has no videoconferencing equipment yet. In such a case the videoconferences take place at the premises of the National Courts Administration (NCA), which has a stationery videoconferencing equipment and helps courts to organize such interrogations on the ground of legal requests received from judicial institutions of foreign countries or in cases when Lithuanian courts wants to interrogate person residing abroad.
In addition, it should be mentioned, that the NCA implements the project within Lithuanian-Swiss Cooperation programme which aims to create a system for arranging remote court sessions, recording and preserving materials of these sessions in the electronic form.

**C3 You can indicate below:**
**- any useful comments for interpreting the data mentioned in this chapter**
**- the characteristics of your judicial system and the main reforms that have been implemented over the last two years**

## 3. 2. Monitoring and evaluation

### 3. 2. 1. Performance and evaluation

**66) Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary?**

- [x] Yes
- [ ] No

If yes, please indicate the name and the address of this institution:
National Courts Adminsitration, L. Sapiegos st. 15, Vilnius

**66.1) Does this institution publish statistics on the functioning of each court on the internet:**

- [x] Yes
- [ ] No, only in an intranet website
- [ ] No

**67) Are individual courts required to prepare an annual activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?**

- [x] Yes
- [ ] No, only in an intranet website

**68) Do you have, within the courts, a regular monitoring system of court activities concerning:**
**----------**
**The monitoring system aims to assess the day-to-day activity of the courts (namely, what the courts produce) thanks in particular to data collections and statistical analysis (see also questions 80 and 81).**

- [x] number of incoming cases?
- [x] number of decisions delivered?
- [x] number of postponed cases?
- [x] length of proceedings (timeframes)?
- [x] other?

If other, please specify:
Lithuanian court information system LITEKO not only this data is recorded, but also other data, related to the case, its' process and parties to the proceedings.

**69) Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?**
**----------**
**The evaluation system refers to the performance of the court systems with prospective concerns, using indicators and targets. The evaluation may be of more qualitative nature (see questions 69-77). It does not refer to the evaluation of the overall (good) functioning of the court (see question 82).**

- (•) Yes
- ( ) No

If yes, please specify:
The National Courts Administration performs the analysis of the workload of courts, cases, which are heard longer than one year and so on.

Articles 102-104 of the Law on Courts establish that administration in courts consists of organizational activities of judicial officers (internal administration of the court) and the supervision of the administration activities performed by the officers provided under the Law on Courts (external administration of courts).
The Chairman, the deputy Chairman of the court and the Chairman of a division of the court are the officers of court, who direct the organizational work of the court. The supervision of administrative activities in accordance with the Regulations on Administration in Courts are exercised: 1) of district courts – by the Chairman of the relevant regional court; 2) of regional administrative courts – by the Chairman of the Supreme Administrative Court; 3) of regional courts – by the Chairman of the Courts of Appeals; 4) of the Court of Appeals – by the Chairman of the Supreme Court of Lithuania; 5) of all courts – the Judicial Council.

The measures of the internal administration, which implementation is also assessed during the supervision of the administrative activities include measures, which warrant the expeditiousness of cases and the process, transparency of activities of courts and openness to the society, the effectiveness of activities of court, judges and court personnel, compliance with the requirements of the Code of Judicial Ethics and high Professional culture of court personnel, related to questions on court finances and budget, the transparent use of material valuables and security, ensuring the permanent in-service trainings of judges and court personnel. The concrete measures are established in the Regulations of Administration in Courts.

**70) Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 72)**

- (•) Yes
- ( ) No

**71) Please select the 4 main performance and quality indicators that have been defined:**

- [x] incoming cases
- [x] length of proceedings (timeframes)
- [ ] closed cases
- [x] pending cases and backlogs
- [x] productivity of judges and court staff
- [ ] percentage of cases that are processed by a single sitting judge
- [ ] enforcement of penal decisions
- [ ] satisfaction of court staff
- [ ] satisfaction of users (regarding the services delivered by the courts)
- [ ] judicial quality and organisational quality of the courts
- [ ] costs of the judicial procedures
- [ ] other:

If other, please specify:

**72) Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?**

- (•) Yes
- ( ) No

**73) Who is responsible for setting the targets for each judge?**

- [ ] executive power (for example the Ministry of Justice)?
- [x] legislative power
- [x] judicial power (for example a High Judicial Council, Higher Court)
- [ ] President of the court
- [ ] other

If other, please specify:

**74) Are there performance targets defined at the level of the court (if no please skip to question 77)?**

- (•) Yes
- ( ) No

**75) Who is responsible for setting the targets for the courts?:**

- [ ] executive power (for example the ministry of Justice)?
- [x] legislative power
- [x] judicial power (for example a High Judicial Council, Higher Court)
- [ ] President of the court
- [ ] other

If other, please specify:

**76) Please specify the main targets applied to the courts:**

Functions of the court administration.

**77) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)**

- [x] High Council of judiciary

- [ ] Ministry of Justice
- [ ] Inspection authority
- [ ] Supreme Court
- [ ] External audit body
- [ ] Other

If other, please specify :

**78) Are quality standards determined for the whole judicial system (are there quality systems for the judiciary and/or judicial quality policies)?**

- ( ) Yes
- (•) No

If yes, please specify:

**79) Do you have specialised court staff that is entrusted with these quality standards?**

- ( ) Yes
- (•) No

**80) Do you monitor backlogs and cases that are not processed within a reasonable timeframe for ?**

- [x] in civil law cases
- [x] in criminal law cases
- [x] in administrave law cases

**81) Do you monitor waiting time during court procedures?**

- (•) Yes
- ( ) No

If yes, please specify:

The National Courts Administration analyses the reasons of prolonged hearings of cases and delivers the generalizations to the Judicial Council. Besides, the supervision of administrative activities in accordance with the Regulations on Administration in Courts are exercised: 1) of district courts – by the Chairman of the relevant regional court; 2) of regional administrative courts – by the Chairman of the Supreme Administrative Court; 3) of regional courts – by the Chairman of the Courts of Appeals; 4) of the Court of Appeals – by the Chairman of the Supreme Court of Lithuania; 5) of all courts – the Judicial Council (article 104 of the Law on Courts).

**82) Is there a system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan (plan of visits) agreed beforehand?**
**----------**
**This question does not concern the specific evaluation of performance indicators.**

- (•) Yes
- ( ) No

Please specify the frequency of the evaluation:

The subjects of the supervision of administrative activities establish annual plans of planned supervision of organizational and administrative activities of courts (art. 19 of the Regulations on Administration in Courts). The planned complex supervision of administrative activities of courts should be performed not less than once per 5 years (art. 20 of the Regulations on Administration in Courts).

**83) Is there a system for monitoring and evaluating the performance of the public prosecution service?**

- (•) Yes

No

If yes, please give further details:

The Prosecutor General of the Republic of Lithuania for the activities of the prosecution service is accountable to the President of the Republic of Lithuania and Seimas (the Parliament) of the Republic of Lithuania. The accountability to Seimas is executed by means of annual report on the activities of the prosecution service, which is also published on the official website of the prosecution service.

**C.4 You can indicate below:**
**- any useful comments for interpreting the data mentioned in this chapter**
**- the characteristics of your court monitoring and evaluation systems**

# 4. Fair trial

## 4. 1. Principles

### 4. 1. 1. General principles

**84) Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a lawyer)?**

NA

**85) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?**

- (•) Yes
- ( ) No

Number of successful challenges (in a year):

**86) Number of cases regarding Article 6 of the European Convention of Human Rights on duration and non-execution. If data is not available, please indicate NA.**

| | Cases declared inadmissible by the Court | Friendly settlements | Judgements establishing a violation | Judgements establishing a non violation |
|---|---|---|---|---|
| Civil proceedings - Article 6§1 (duration) | 0 | 0 | 0 | 0 |
| Civil proceedings - Article 6§1 (non-execution) | 0 | 0 | 2 | 1 |
| Criminal proceedings - Article 6§1 (duration) | 1 | 0 | 1 | 0 |

**Please indicate the sources:**

Ministry of Justice, representative of Government in ECHR.

**D.1 You can indicate below any useful comments for interpreting the data mentioned in this chapter**

## 4. 2. Timeframes of proceedings

### 4. 2. 1. General information

**87) Are there specific procedures for urgent matters as regards:**

- [x] civil cases?
- [x] criminal cases?
- [x] administrative cases?
- [ ] there is no specific procedure

If yes, please specify:

Article 423 (1)-423(10) (entered into force from 1st October, 2011), (Part IV „Peculiarities of hearing the cases of individual categories", Chapter XXI(1)) of the Code of Civil Procedure of the Republic of Lithuania, determine the peculiarities of the cases related to the public procurement, according to which disputes arising from legal relations related to public procurement shall be heard, with the exception of those requests for compensation, which have not been claimed together with the requests arising from legal relations of public procurement and which might protract the examination of the case. The means of extrajudicial dispute resolution, which is regulated by the Law of Public Procurement, shall be applied obligatorily for cases falling within this category.

Cases related to public procurement shall be examined in court under written procedure. In exceptional cases, the court considering that it is necessary, may decide to examine the public procurement case under the oral procedure. The court shall deliver all the procedural documents only by email, fax or other electronic communication means available for persons to whom these documents shall be delivered, except cases when there are no technical possibilities for this kind of delivery.

The question of accepting the claim shall be resolved by the court immediately, but no later than within three working days from the day when the claim was received in court. The court shall send the notice to the defendant and other interested persons regarding the submit of the responses to the claim to the court in accordance with the procedure laid down in the Code of Civil Procedure and set the period of no more than seven days for submitting the responses to the claim. In exceptional cases, considering the requests of the defendant or the third person and the complexity of the case, the court may prolong the term of submitting the responses to the claim to fourteen days.

The Code of Civil procedure also provides that preparation to examine the case in court must be finished no later than within 30 days from the day when the claim was accepted by court, and the decision regarding the case must be adopted no later than 60 days from the day when the claim was accepted by court. The shorter terms are provided for examining the case in an appellate instance: 14 days for the submission of the appeal and responses to the appeal; 45 days – for the adoption of decision in the case in the appellate instance. Therefore, according to the new regulation, not only courts, but the process participants also are obliged to take actions in order to accelerate the hearing of the case related to public procurement.

According to Article 273 of the Code of Criminal Procedure, in case the accused person, who is not accused with committing serious or grave crime, after announcing the incriminatory act, confess his / her guilty to the court and requests to testify immediately and agrees, that other evidence would not be examined, or such request has already been made by the accused in accordance with part 2 of Article 218 of the Code of Criminal Procedure, the examination of evidences after hearing the accused person and fulfilling the requirements provided in Article 291 of the Code of Criminal Procedure, might be terminated, if the circumstances of committing the crime do not raise any doubts and the prosecutor and the advocate agree with such shortened examination of the evidences.

According to Article 426 of the Code of Criminal Procedure, if the circumstances of committing the crime are clear and the case shall be examined in district court, on the day of starting criminal investigation or no later than within 14 days from the beginning of criminal investigation, the prosecutor might refer to the court where the case shall be examined with the request to examine the case under accelerated procedure.

According to Article 428 of the Code of Criminal Procedure, when the request of the prosecutor regarding the accelerated procedure is received in court, the court process shall be prepared immediately, or the court shall set up another date and inform the prosecutor. The first meeting, if it is not held on the same day, shall be held no later than within 14 days from the day the request from the prosecutor has been received in court. The prosecutor announces his/her request at the beginning of this meeting. After that, the judge asks the accused person if he/she understands the charge made by the prosecutor and if he/she agrees to be tried immediately, or wants that the case would be examined in court later. The request to examine the case later might be motivated only by the need of time to prepare for defense. By making such request the accused shall indicate how much time he/she needs to prepare for the defense.

According to Article 430 of the Code of Criminal Procedure, if the accused person motivating that he/she needs time to prepare for the defense does not agree that the case would be examined immediately, the judge must determine another day for hearing the case. In this case the examination in court shall be organized when the period that was asked by the accused to prepare for the defense expires, but no later than after 20 days. The concrete date shall be determined by the judge after he/she hears the opinions of all process participants.

Shorter than common period of two months is set in administrative cases concerning breaches of laws regulating elective or referendum relations. According to art. 21, part 3 of the Law on the Elections to the Seimas the complaints against a decision of the Central Electoral Committee has to be considered within 48 hours from its submission to the Supreme Administrative Court. Non-working days shall be included in this period.

**88) Are there simplified procedures for:**

- [x] civil cases (small disputes)?
- [x] criminal cases (small offences)?
- [ ] administrative cases?
- [ ] there is no simplified procedure

If yes, please specify:

Documentary process (Articles 424-430 of the Code of Civil Procedure of the Republic of Lithuania):
Monetary claim (arising from contracts, tort, labour relations, adjudging maintenance, etc.), adjudgement of movable thing, stocks or claims arising from lease contracts regarding the eviction of the tenant might be resolved, at the request of the plaintiff, under the documentary process if all the claims are justified by the permitted documentary evidences. If the claim has deficiencies, the court shall return the claim to the plaintiff to remedy the deficiencies of the claim within the term set up by the court or to pay an extra stamp duty in order the claim could be resolved under the general procedure in court (when the case is examined under the documentary process, the plaintiff must pay the sum equal to the half of the stamp duty applicable when the case is examined under the general procedure).
In case the documentary process is applied, and the court finds that according to the evidences provided, there is a ground to satisfy the claim, the court adopts the so-called preliminary decision. The preliminary decision shall be adopted no later than within 14 days from the day the claim was accepted by the court. Until the adoption of the preliminary decision the defendant is not informed about the claim. The preliminary decision is not subject to appeal or appeal in cassation. The copy of the preliminary decision together with the certified copies of the claim and its annexes shall be sent to the defendant no later than the next working day after the adoption of the preliminary decision. The objections to the claim and to the preliminary decision shall be submitted to the court by the defendant within 20 days from the day when the preliminary decision was presented to the defendant. If the defendant does not submit reasoned objections within the given time period, the preliminary decision becomes valid.

Cases regarding the issuance of court order (Articles 424-430 of the Code of Civil Procedure of the Republic of Lithuania):
Cases regarding the issuance of court order shall be examined in accordance with the monetary claims of the creditor (arising from contracts, tort, labour relations, adjudging maintenance, etc.). The question of acceptance of the creditor's claim shall be decided no later than the next working day after it's submission to the court. After the question of acceptance of the claim is resolved, the court immediately, no later than the next working day, issues the court order to the creditor. The court order shall meet the requirements of the executive document. The court order is not subject to appeal or appeal in cassation. The copy of the creditor's claim together with the certified copy of court order shall be sent to the debtor no later than the next working day after the day of issuance of court order. The debtor's objections to the creditor's claim shall be submitted in writing no later than within 20 days after the notice about the issuance of court order is served to the debtor. If the debtor does not submit the objections to the creditor's claim, the court order becomes valid.

Small claims disputes (Article 441 of the Civil Code of the Republic of Lithuania):
If the claim does not exceed 5.000 Lt, the court resolving the dispute has a right to decide by itself the form and procedure under which the case will be examined. In such a case, the court adopts the decision, consisting of introductory part and resolution as well as briefly explains the arguments (motives).

In criminal cases there are several possibilities for shortened procedure:
- Discontinuation of the case, if the person admits guilt and there are other grounds for release him from criminal liability (e.g. reconciliation with the victim of crime, under warrant, etc.) (Article 235 of the Code of Criminal Procedure).
- Procedure of penal order, if the sanction allows imposition of criminal fine (Articles 418-425 of the Code of Criminal Procedure).
- Expedited proceedings, if the circumstances of the case are clear and defendant does not request for more time to prepare for his defence (Articles 426-432 of the Code of Criminal Procedure).
- Expedited investigation.

**88.1) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?**

- [ ] Yes
- [x] No

**89) Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?**

- (•) Yes
- ( ) No

If yes, please specify:

### 4. 2. 2. Case flow management and timeframes of judicial proceedings

**90) Comment:**
**The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.**

**91) First instance courts: number of other than criminal and criminal law cases.**
**Number of other than criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note 1: cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. Cases mentioned in category 6 (administrative law) should also be separately mentioned for the countries which have specialised administrative courts or separate administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.**
**Note 2: check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means: "(pending cases on 1 January 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should r**

| | Pending cases on 1 Jan. '12 | Incoming cases | Resolved cases | Pending cases on 31 Dec. '12 |
|---|---|---|---|---|
| Total of other than criminal law cases (1+2+3+4+5+6+7)* | 35363 | 280708 | 282163 | 33908 |
| 1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)* | 26545 | 107559 | 108099 | 26005 |
| 2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)* | 1285 | 73362 | 73778 | 869 |
| 3. Non litigious enforcement cases | 176 | 4307 | 4273 | 210 |
| 4. Non litigious land registry cases** | NA | NA | NA | NA |
| 5. Non litigious business registry cases** | NA | NA | NA | NA |
| 6. Administrative law cases | 2974 | 8068 | 7914 | 3128 |
| 7. Other cases (e.g. insolvency registry cases) | 4383 | 87412 | 88099 | 3696 |

**92) If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:**

**93) If "other cases", please indicate the case categories included:**
Cases of administrative offences and administrative offences cases in the process of execution. The later were not been counted in earlier years of the report, therefore total number of cases may differ from presented for the year of 2010.

**94) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not**

**applicable in your country, please indicate NAP.**

**Note: please check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means that: "(pending cases on 1 January 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.**

| | Pending cases on 1 Jan. '12 | Incoming cases | Resolved cases | Pending cases on 31 Dec. '12 |
|---|---|---|---|---|
| Total of criminal cases (8+9) | 5488 | 29208 | 29010 | 5686 |
| 8. Severe criminal cases | NA | NA | NA | NA |
| 9. Misdemeanour and / or minor criminal cases | NA | NA | NA | NA |

**95) To differentiate between misdemeanour / minor offenses and serious offenses and ensure the consistency of the responses between different systems, the CEPEJ invites to classify as misdemeanour / minor all offenses for which it is not possible to pronounce a sentence of privation of liberty. Conversely, should be classified as severe offenses all offenses punishable by a deprivation of liberty (arrest and detention, imprisonment). If you cannot make such a distinction, please indicate the categories of cases reported in the category "serious offenses" and cases reported in the category "minor offenses":**

According to the Lithuanian criminal law: the misdemeanour is an offense for which it is not possible to pronounce a sentence of privation of liberty (prison), whereas minor offenses and serious offenses are offenses punishable by a deprivation of liberty.

**96) Comments on questions 90 to 95 (specific situation in your country e.g. NA-answers and the calculation of the total number of other than criminal law cases, differences in horizontal consistency etc.)**

The criminal cases in the execution process are also counted in question 94. This was not the case in earlier years, therefore total number of cases may differ from presented for the year of 2010.

Q 94: Mail CN 14/04/14 : is there a particular explanation to the increase of the number of incoming and resolved criminal cases? The situation could be explaned by the Law on Domestic Violence, which came into force on 15 December 2011. See also the answer to question 107 (1st para: "Increased number of criminal investigations and larger workload of the prosecution service is influenced by Lithuanian economic situation as well as national economic priorities. Increased unemployment during the downturn and other negative social phenomena presumed larger number of all kinds of criminal cases. Furthermore, increased number of criminal investigations has direct correlations with the Law on Domestic Violence, which came into force on 15 December 2011. The Law obligates to start criminal investigation regarding every single incident of domestic violence.")

**97) Second instance courts: total number of cases**
**Number of "other than criminal law" cases.**
**If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

| | Pending cases on 1 Jan. '12 | Incoming cases | Resolved cases | Pending cases on 31 Dec. '12 |
|---|---|---|---|---|
| Total of other than criminal law cases (1+2+3+4+5+6+7) | 8 765 | 23 324 | 24 579 | 7 510 |
| 1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)* | 5 164 | 14 623 | 13 999 | 5 788 |
| 2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)* | NA | NA | NA | NA |
| 3. Non litigious enforcement cases | NA | NA | NA | NA |
| 4. Non litigious land registry cases | NA | NA | NA | NA |
| 5. Non litigious business registry cases | NA | NA | NA | NA |
| 6. Administrative law cases | 2 100 | 3 482 | 4 312 | 1 270 |
| 7. Other cases (e.g. insolvency registry cases) | 1 501 | 5 219 | 6 268 | 452 |

**98) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

| | Jan. '12 | | | Dec. '12 |
|---|---|---|---|---|
| Total of criminal cases (8+9) | 1165 | 10345 | 10371 | 1139 |
| | | | | |

| | | | | |
|---|---|---|---|---|
| 8. Severe criminal cases | NA | NA | NA | NA |
| 9. Misdemeanour and/or minor criminal cases | NA | NA | NA | NA |

Comment :
Mail CN 14/04/14 : is there a particular explanation to the increase of the number of criminal cases (especially the number of pending cases)? The situation could be explaned by the Law on Domestic Violence, which came into force on 15 December 2011. See also the answer to question 107 (1st para: "Increased number of criminal investigations and larger workload of the prosecution service is influenced by Lithuanian economic situation as well as national economic priorities. Increased unemployment during the downturn and other negative social phenomena presumed larger number of all kinds of criminal cases. Furthermore, increased number of criminal investigations has direct correlations with the Law on Domestic Violence, which came into force on 15 December 2011. The Law obligates to start criminal investigation regarding every single incident of domestic violence.")

**99) Highest instance courts: total number of cases**
**Number of "other than criminal law" cases:**
**If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

| | Pending cases on 1 Jan. '12 | Incoming cases | Resolved cases | Pending cases on 31 Dec. '12 |
|---|---|---|---|---|
| Total of other than criminal law cases (1+2+3+4+5+6+7) | 244 | 825 | 739 | 330 |
| 1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6) | 230 | 687 | 605 | 312 |
| 2. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7) | NA | NA | NA | NA |
| 3. Non litigious enforcement cases | NA | NA | NA | NA |
| 4. Non litigious land registry cases** | NA | NA | NA | NA |
| 5. Non litigious business registry cases | NA | NA | NA | NA |
| 6. Administrative law cases | NA | NA | NA | NA |
| 7. Other cases (e.g. insolvency registry cases) | 14 | 138 | 134 | 18 |

**99.1) At the level of the Higher court, is there a procedure of manifest inadmissibility?**

(•) Yes. If yes, please indicate the number of cases closed by this procedure?

( ) No

Number
2317

**100) Number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

| | Pending cases on 1 Jan. '12 | Incoming cases | Resolved cases | Pending cases on 31 Dec. '12 |
|---|---|---|---|---|
| Total of criminal cases (8+9) | 177 | 681 | 678 | 180 |
| 8. Ssevere criminal cases | NA | NA | NA | NA |
| 9. Misdemeanour and/or minor criminal cases | NA | NA | NA | NA |

Comment :

**101) Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases and intentional homicide cases received and processed by first instance courts. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

| | Pending cases on 1 January 2012 | Incoming cases | Resolved cases | Pending cases on 31 December 2012 |
|---|---|---|---|---|
| Litigious divorce cases | 946 | 7831 | 8275 | 502 |
| Employment dismissal cases | 146 | 394 | 477 | 63 |
| Insolvency | 4253 | 3717 | 3618 | 4352 |
| Robbery cases | 366 | 768 | 833 | 301 |
| Intentional homicide | 140 | 172 | 205 | 107 |

**102) Average length of proceedings, in days (from the date the application for judicial review is lodged). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**----------**

**[The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.]**

| | % of decisions subject to appeal | % pending cases more than 3 years | Average length in 1st instance (in days) | Average length in 2nd instance (in days) | Average length in 3rd instance (in days) | Average total length of the total procedure (in days) |
|---|---|---|---|---|---|---|
| Litigious divorce cases | NA | 0,6 | 50 | NA | NA | NA |
| Employment dismissal cases | NA | 4,8 | 144 | NA | NA | NA |
| Insolvency | NA | 20,1 | 355 | NA | NA | NA |
| Robbery cases | NA | 8 | 165 | NA | NA | NA |
| Intentional homicide | NA | 6,5 | 256 | NA | NA | NA |

**103) Where appropriate, please inform about the specific procedure as regards divorce cases (litigious and non-litigious):**

The divorce cases are decided according to a special procedure, established in the Code of Civil Procedure (375-386). It should be noted that disputes concerning issues arising from the family relations are dealt with in the closed court sessions if at least one of the parties ask for. When any question related to child is dealt with, a child, who is capable to formulate his/her view, has to be heard directly, and if not possible – through the representative. In taking the decision, the court has to take into account an opinion of a child, unless this is not in his/her interests. According to article 384 of the Code of Civil Procedure when a claimant, who was served with summons, without important reasons defaults (does not arrive to a court) the court leaves the claim without examination. When the defendent, who was served with summons and not requested to hear the case in his/her absence, without important reasons defaults, the court hears the case. Although the court may acknowledge the necessity of his/her participation. In this case he/she is informed and in this situation, when he/she doesn‘t attend the court hearing for reasons, which the court establshes as not important, he gets a fine up to 1000 Lt. (289,2 EUR) and may be brought to the court hearing.
In the process of hearing a divorce case, the court undertakes measures to reconcile the spouses and has the right to establish the term for reconciliation. This term has to be not longer than 6 months.
Until the judicial decision the court, considering the interests of spouses, children, also one of the spouses may establish the interim measures of protection.

**104) How is the length of proceedings calculated for the five case categories? Please give a description of the calculation method.**

The length of proceedings is calculated from the date of a case is received in a court until the court delivers a decision.

**105) Role and powers of the public prosecutor in the criminal procedure (multiple options possible):**

- [x] to conduct or supervise police investigation
- [x] to conduct investigations
- [x] when necessary, to request investigation measures from the judge
- [x] to charge
- [x] to present the case in the court
- [x] to propose a sentence to the judge
- [x] to appeal
- [x] to supervise the enforcement procedure
- [x] to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)
- [ ] to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- [x] other significant powers

If “other significant powers”, please specify:

To protect public interest presenting the claims; to examine, within its competence, petitions, applications and complaints submitted by individuals; to participate in the drawing up and implementation of national and international criminal acts prevention programmes; to participate in the legislative procedure.

**106) Does the public prosecutor also have a role in civil and/or administrative cases?**

- (•) Yes
- ( ) No

If yes, please specify:

The prosecutor's right to initiate the civil proceedings is established in Art. 49 of Civil Procedure Code of the Republic of Lithuania and Law of Prosecution Service of the Republic of Lithuania, which says that "The prosecutors shall protect the public interest, upon establishing a violation of a legal act, by which the rights and lawful interests of a person, society or the State are violated, and such a violation shall be treated as the violation of public interest, and state or municipal institution or agency, who is under the obligation to protect the said interest, failed to take any measures to rectify the violation, or in cases where there is no such a competent institution". The prosecutor has also a right to initiate administrative proceedings, as it is prescribed in respective legal acts.

**106.1) Does the public prosecutor also have a role in insolvency cases?**

- (•) Yes
- ( ) No

If yes, please specify:

When it is related with criminal bankruptcy.

**107) Case proceedings managed by the public prosecutor**
**Total number of 1st instance criminal cases.**
**If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

| | Received by the public prosecutor | Cases discontinued by the public prosecutor (see 108 below) | Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor | Cases charged by the public prosecutor before the courts |
|---|---|---|---|---|
| Total number of 1st instance criminal cases | 103966 | 37596 | NAP | 23954 |

**107.1) Among cases charged by the public prosecutor before the courts, how many were brought to court under a guilty plea procedure or similar ?**

| | Before the court case: | During the court case: |
|---|---|---|
| If possible, please distinguish the number of guily plea procedure: | 14154 | |

**108) Total cases which were discontinued by the public prosecutor. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

| | Number |
|---|---|
| Total cases which were discontinued by the public prosecutor (1+2+3) | 37 596 |
| 1. Discontinued by the public prosecutor because the offender could not be identified | 15 092 |
| 2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation | 18 299 |
| 3. Discontinued by the public prosecutor for reasons of opportunity | 4 205 |

**109) Do the figures include traffic offence cases?**

- [x] Yes
- [ ] No

**D.2 You can indicate below:**
**any useful comments for interpreting the data mentioned in this chapter**
**the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years**

Comments regarding question 97: 6. Administrative law cases: all cases of the Supreme Administrative Court of Lithuania (petitions of appeal, also first and the last instance, cases on jurisdiction and etc. In earlier years only appeal cases were delivered, therefore the total number of cases may differ from presented for the year of 2010. 7. Other cases: administrative cases of regional administrative courts, the Supreme Administrative Court of Lithuanial, regional courts and Court of Appeal. In earlier stages of CEPEJ reports, only the administrative cases of the regional

administrative courts were counted, therefore the total number of cases may differ from presented for the year of 2010.

Comments regarding question 107 (4th box) "Cases charged by the public prosecutor before the courts": this number also includes cases discontinued by the court on the prosecutor's request, when the measures of criminal effect can imposed on the persons concerned.
Comments regarding question 107.1.: This number does not include criminal cases that were brought before court with the bill of indictment. However, it includes cases that were brought before court with the criminal order under a simplified procedure, and also cases that were discontinued by court on non-rehabilitating grounds that are mentioned in comment regarding question No. 107 (4th box) (as this is considered by us as a plea of guilty by the accused).
Comments regarding question No. 108.1. "Discontinued by the public prosecutor because the offender could not be identified": the figures include cases discontinued due to expiry of limitation period, because the time limit usually expires when the suspect is not identified (Article 3.1.2. of the Code of Criminal Procedure of the Republic of Lithuania).
Comments regarding question No.109: Traffic offence is qualified as criminal when it causes health impairment to another person, or the offender has been driving under influence of alcohol, narcotic, psychotropic of other psychoactive substances and his driving resulted in health impairment to or death of another person. Other traffic offences are qualified under Administrative Law.

*****

Q 107: mail CN 14/04/14 : is there a particular explanation to the increase of the number of "cases received by the public prosecutor" and the "cases charged by the public prosecutor before the courts" and the decrease of the number of "cases discontinued by the public prosecutor"?

1. Increased number of criminal investigations and larger workload of the prosecution service is influenced by Lithuanian economic situation as well as national economic priorities. Increased unemployment during the downturn and other negative social phenomena presumed larger number of all kinds of criminal cases. Furthermore, increased number of criminal investigations has direct correlations with the Law on Domestic Violence, which came into force on 15 December 2011. The Law obligates to start criminal investigation regarding every single incident of domestic violence.
2. Decreased number of discontinued cases (comparing to 2010) may be a result of the following:
- larger percentage of solved cases (from 44 % up to 52% in 2011);
- smaller percentage of cases with the identified suspect (from 5 % in 2008-2009 up to 0.9 % in 2012) discontinued due to expiry of time limitation period.
- over the last few years the prosecution service has been seeking to finish criminal investigations under economy procedures - imposing penal or reformative measures, deciding the case with the Penal Order or using the accelerated process.

**Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107 and 108.**

The source for answering questions 107 and 108 is Information System of the Prosecution Service of the Republic of Lithuania as on date 2013-10-11. Numbers of cases do not include cases that were connected to other investigations. Figures refer to year 2012.
National Courts Administration.

# 5. Career of judges and public prosecutors

## 5. 1. Recruitment and promotion

### 5. 1. 1. Recruitment and promotion

**110) How are judges recruited?**

- [ ] Mainly through a competitive exam (for instance, following a university degree in law)
- [ ] Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- [x] A combination of both (competitive exam and working experience)
- [ ] Other

If "other", please specify:

**110.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?**

- [ ] Yes
- [x] No

If "yes", please specify:

**111) Authority(ies) in charge: are judges initially/at the beginning of their carrier recruited and nominated by:**

**[This question strictly concerns the authority entrusted with the decision to recruit (not the authority formally responsible for the nomination if different from the former)].**

- [ ] An authority made up of judges only?
- [ ] An authority made up of non-judges only?
- [x] An authority made up of judges and non-judges?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

A judge of the Supreme Court shall be appointed by the Seimas on the nomination of the President of the Republic.
A judge of the Court of Appeals shall be appointed by the President of the Republic from among the persons entered in the register of persons seeking judicial office, with the concurrence of the Seimas.
A judge of a regional court and of a regional administrative court as well as a judge of the Supreme Administrative Court shall be appointed by the President of the Republic from among the persons entered in the register of persons seeking judicial office.
A judge of a district court shall be appointed by the President of the Republic from the list of candidates to judicial vacancies at a district court.
Judicial Council shall give a motivated advice to the President of the Republic in respect of the appointment of judges, their promotion, transfer and removal from office.
For considering the issues of appointment to vacancies at a district court the President of the Republic shall compose the Selection Commission of Candidates to Judicial Offices (hereinafter the Selection Commission) and establish the working procedure of the Commission and the criteria of selection of candidates to judicial office.
The conclusions of the Selection Commission concerning the candidates to judicial vacancies shall not be binding to the President of the Republic (they are recommendatory). The President of the Republic before the appointing the person as a judge or before the promotion of the judge according to the Constitution should appeal to the special judicial institution – the Judicial Council – which is an executive body of the self-governance of courts ensuring the independence of courts and judges.

**112) Is the same authority competent for the promotion of judges?**

- (•) Yes

No

If no, which authority is competent for the promotion of judges ?

**112.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?**

Yes

No

If "yes", please specify:

**113) Which procedures and criteria are used for promoting judges? Please specify.**

The career of the judges is regulated by the Law on Courts and the regulations of the Judicial Council on Entering the Candidates in the Register of Persons Seeking Judicial Promotion, Regulations of the Selection of Candidates for Judicial Appointments, the Assessment Criteria for Candidates for Judicial Office, the Regulations of Selection of the Persons Seeking Promotion in Judicial Office and the Assessment Criteria for Persons Seeking Promotion in Judicial Office.

Article 65. Register of Persons Seeking Judicial Office and databases
1. A person seeking judicial office at a court of a higher level shall be included in the register of persons seeking judicial office. A judge who wishes to be moved to another court of the same level or another jurisdiction of the same level shall be included in the database of judges wishing to be moved to another court of the same level or another jurisdiction of the same level database. A judge who is seeking a career in the courts of the same level shall be included in the database of the judges seeking a career in the courts of the same level.
2. The register of persons seeking judicial office, the databases of personal files of persons seeking judicial office at a court of a higher level shall be administered by the National Courts Administration.
3. The procedure of including persons in the register of persons seeking judicial office and databases mentioned in paragraph 1 of this Article shall be approved by the Judicial Council.
4. The National Courts Administration shall communicate the information about the persons who have been included in the register of persons seeking judicial office and databases mentioned in the 1 section of this Article to the President of the Republic of Lithuania, the Judicial Council and the Selection Commission.

Article 66. Requirements for a Person Seeking Judicial Office at the Regional Administrative Court or the Regional Court
A judge entered in the register of persons seeking judicial office, of at least five years standing as a judge of a district court as well as a person having Doctor or Habil. Doctor of Social Sciences (Law) degree and of at least five years' standing as a university lecturer in law who has submitted a health certificate may be appointed a judge of a regional administrative court or a regional court.

Article 67. Requirements of a Person Seeking Judicial Office of the Supreme Administrative Court or the Court of Appeals
1. A judge entered in the register of persons seeking judicial office, of at least four years standing as a judge of a regional administrative court or a regional court as well as a person having Doctor or Habil. Doctor of Social Sciences (Law) degree and of at least eight years' standing as a university professor of law who has submitted a health certificate may be appointed a judge of the Supreme Administrative Court or the Court of Appeals.
2. A judge of the Court of Appeals may be appointed a judge of the Supreme Administrative Court, and a judge of the Supreme Administrative Court may be appointed a judge of the Court of Appeals without regard to his record of work at the Court of Appeals or at the Supreme Administrative Court.

Article 68. Requirements for a Person Seeking Judicial Office of the Supreme Court
A judicial office of the Supreme Court may be filled by:
1) a judge of a regional administrative court, a judge of a regional court with a record of at least eight years of work as a judge;
2) a judge of the Supreme Administrative Court and a judge of the Court of Appeals with a record of at least five years of work as a judge in any of these courts;
3) a person having Doctor or Habil. Doctor of Social Sciences (Law) degree and a record of at least 10 years of work as a university professor of law who has submitted a health certificate.

Article 69(1). Selection of Persons Seeking Judicial Office
1. Selection to judicial vacancies of persons seeking judicial office shall be carried out according to the regulations of Selection of persons seeking judicial office approved by the Judicial Council. Selecting the persons seeking judicial office, the quality of work of every candidate to judicial office, subject and personal qualities, organisational capacities and priority giving advantages shall be evaluated. The assessment criteria of persons seeking judicial office shall be established by the Judicial Council.
2. When persons having a degree of Doctor or Habil. Doctor of Social Sciences (Law) seek to become judges of regional administrative court, regional court, judges of Supreme administrative court and judges of Court of Appeal, only their personal qualities and key competencies shall be evaluated.
3. The persons seeking judicial office shall be selected by the Selection Commission specified in paragraph 1 of Article

55(1) of this Law. The requirements set in Article 55(1) of this Law shall be applied.

Article 55(1) Selection of Candidates to Judicial Office and the Selection Commission
1. The candidates to judicial vacancies at a district court shall be appointed by way of selection. For considering the issues of appointment to vacancies at a district court the President of the Republic shall compose the Selection Commission of Candidates to Judicial Offices (hereinafter the Selection Commission) and establish the working procedure of the Commission and the criteria of selection of candidates to judicial office. The Selection Commission shall be composed of seven persons for three years. Three members of Selection Commission shall be judges and four – members of the public. The President of the Republic shall appoint the Chairman of the Commission from the members of the Selection Commission. Members of the Judicial Council may not be appointed members of the Selection Commission. Work payment procedure of the members of the Selection Commission, except judges, determined by the Government.
2. The meeting of the Selection Commission shall be valid if attended by at least five members of the Commission. The decisions shall be adopted by the majority vote of all the Commission members.
3. Selection of candidates to judicial vacancies at a district court shall be announced and organised according to the procedure established by the President of the Republic by the Office of the President of the Republic and the National Courts Administration. The selection and organization procedure, harmonized by the Judicial Council, is approved by the President of the Republic.
4. Selection of candidates to judicial vacancies at a district court may be started when judicial vacancy at a district court emerges unexpectedly or at least 6 months before the planned emergence of a judicial vacancy at a district court.
5. Preference to the judicial vacancy at a district court and emergence of vacancies at a district court have judges seeking to be appointed to another court according to the procedure established in Article 64 of this Law or the former judge seeking to be appointed according to the procedure established in Article 61 of this Law. If where are not such candidates, according to the procedure established in the paragraph 3 of this Article, in the selection process, participate judges seeking to be appointed to another court according to the procedure established by paragraph 1 of Article 63 of this Law and the candidates to judges.
6. During the selection the Selection Commission shall examine the documents of the candidates to judicial vacancies at a district court and afterwards the selection will be oral (the interview). During the interview with each candidate to judicial vacancies at a district court participating in the selection the Selection Commission shall establish which candidates to judicial vacancies at a district court are most suitable to be district court judges and shall submit to the President of the Republic their conclusion about the candidates to judicial vacancies at a district court.
7. When selecting the candidates to judicial vacancies at a district court the professional knowledge and skills, the capacity to apply in practice theoretical knowledge and skills, the length of service as a judge, other quantitative and qualitative indicators of legal activity, observance of ethical requirements in professional and other activities, scientific and pedagogical work of every candidate shall be evaluated, in addition the opinion of the court where the judge works and where he is a candidate may be taken into account.
8. In its conclusion about the judicial vacancies at district courts the Selection Commission shall indicate to the President of the Republic one or several persons who are most suitable to be district court judges.
9. If the candidates to the judicial vacancies at district courts disagree with the conclusions of the Selection Commission, within 10 days of the Selection Commission meeting they have a right to inform the President of the Republic with the motivated letter.
10. The conclusions of the Selection Commission concerning the candidates to judicial vacancies at the district court shall not be binding to the President of the Republic.

**114) Is there a system of qualitative individual assessment of the judges' activity?**

- (●) Yes
- ( ) No

If yes, please indicate the frequency

**115) Is the status of prosecution services:**

- [x] Independent?
- [ ] Under the authority of the Minister of justice ?
- [ ] Other?

Please specify:

**116) How are public prosecutors recruited?**

- [ ] Mainly through a competitive exam (for instance, following a university degree in law)
- [ ] Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- [x] A combination of both (competitive exam and working experience)

☐ Other

If "other", please specify:

The Law on Prosecution Service of the Republic of Lithuania establishes that a person can be appointed as prosecutor if he/she:
1. Passes the exam for candidates for a prosecutor's position or is exempt from such exam;
2. Meets the criteria set for candidates for a prosecutor's position and is included in the Register of Career;
3. Passes the selection procedure before the Selection Commission.

**117) Authority(ies) in charge: are public prosecutors initially/at the beginning of their carrier recruited by:**

**[This question concerns the authority entrusted with the responsibility to recruit only (not the authority formally responsible for the nomination if different from the former).)**

☐ An authority composed of public prosecutors only?

☐ An authority composed of non-public prosecutors only?

☑ An authority composed of public prosecutors and non-public prosecutors?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

Each candidate for a prosecutor must take part in the selection procedure before the Selection Commission, which is composed of public prosecutors and non-public prosecutors. Commission evaluates whether candidate meets criteria set by the Prosecutor General. After the selection procedure the Selection Commission gives to the Prosecutor General a recommended Priority List of candidates, which does not bind the Prosecutor General. The Prosecutor General may appoint any candidate from that List.

**117.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?**

○ Yes

◉ No

If "yes", please specify:

**118) Is the same authority formally responsible for the promotion of public prosecutors?**

◉ Yes

○ No

If no, please specify which authority is competent for promoting public prosecutors:

**119) Which procedures and criteria are used for promoting public prosecutors? Please specify:**

A prosecutor seeking higher position must be included in the Register of Career, which means that they meet formal criteria set for a higher position (e.g. required length of service in certain positions, absence of disciplinary sanctions). A selection procedure is initiated when a higher position becomes vacant. During interview the Selection Commission evaluates professional knowledge, competency, experience, personal qualities and motivation of a candidate

**119.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?**

○ Yes

◉ No

If "yes", please specify:

**120) Is there a system of qualitative individual assessment of the public prosecutors' activity?**

- (●) Yes
- ( ) No

**121) Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**
**---------**
**If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below**

| | |
|---|---|
| Yes. If yes, please indicate the compulsory retirement age | 65 |
| No | |

Comment :
The judge shall be dismissed in the following cases:
1) upon his resignation;
2) when his term of office expires or when he reaches the retirement age under law;
3) by reason of health;
4) when the judge has been elected to another post or when he has been transferred to another job subject to his consent;
5) when he engages in conduct discrediting the office of judge;
6) when a judgement of his conviction becomes effective.

**121.1) Can a judge be transferred to another court without his consent:**

- [ ] For disciplinary reasons
- [x] For organisational reasons
- [ ] For other reasons. Please specify modalities and safeguards

Please specify modalities and safeguards
After the statement of the Judicial Council about the need, judge of the district court, regional administrative court or regional court without his consent can be transferred on constant basis to the court of the same level or to the court of the same level of other jurisdiction in the same locality and when there is no judge who consents to be transferred according to paragraph 4 of 63 Article of Law of Courts. In this case the judge with the lowest seniority from the court with the lowest workload is transferred. The consent of a judge shall not be necessary for a temporary transfer of a judge to another court of the same level or the court of another jurisdiction of the same level in order to ensure the functioning of the court (the judge is ill, there is a vacancy in the court or where the judge of this court is not able to carry out his functions for other reasons). By the procedure laid down in this paragraph a judge can be temporary transferred to the other court of the same level or to a court of another jurisdiction of the same level, a judge of the regional court to the district court, a judge of the Court of Appeal – to the regional court, a judge of the Supreme Administrative Court – to the regional administrative court, a judge of the Supreme Court – to the Court of Appeal. After such a transfer the earlier salary should be paid to him. Such a transfer of a judge may not last longer than one year and may not occur more frequently than once every three years. When deciding on the transfer of the judge in such cases, the length of service of the judge being transferred, the specialisation, family situation, the distance to the locality where there is the court with a vacancy in judicial office, the judge's opinion and arguments concerning possible transfer and other essential facts shall be evaluated.
The President of the Republic shall be advised by the Judicial Council in respect of the transfer of the judge.
The judge shall be considered transferred to another court of the same level or to the court of different jurisdiction of the same level from the day of entry into force of the decree of the President of the Republic of Lithuania on the transfer of the judge.

**122) If there is a probation period for judges (e.g. before being appointed "for life"), how long is this period? If the situation is not applicable in your country, please indicate NAP.**

| | |
|---|---|
| Yes | |
| | |

| | |
|---|---|
| No | NO |
| NAP | |

**123) Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**
**--------**
**If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below:**

| | |
|---|---|
| Yes. If yes, please indicate the compulsory retirement age | 65 |
| No | |

Comment :

**124) Is there a probation period for public prosecutors? If yes, how long is this period? If the situation is not applicable in your country, please indicate NAP.**

| | Duration of the probation period (in years) |
|---|---|
| Yes | 2 |
| No | |
| NAP | |

**125) If the mandate for judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)? Is it renewable?**

NAP

**126) If the mandate for public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)? Is it renewable?**

NAP

**E.1 You can indicate below:**
**- any useful comments for interpreting the data mentioned in this chapter**
**- the characteristics of the selection and nomination procedure of judges and public prosecutors and the main reforms that have been implemented over the last two years**

Q 118 : mail CN 14/04/14 : Before July 2010 there was no formal procedure for promoting public prosecutors – the Prosecutor General could appoint any person without conducting selection procedure. Therefore only the Prosecutor General has been responsible for the promotion of public prosecutors. In July 2010 a mandatory selection procedure before Selection Commission has been established. The Commission selects most suitable candidates and provides prosecutor general with the recommended priority list of candidates. The Prosecutor General is bound by list of candidates, but not their priority, i.e. only candidate from that list can be appointed, but the Prosecutor General is free to choose any candidate.

## 5. 2. Training

### 5. 2. 1. Training

**127) Training of judges**

| | |
|---|---|
| Initial training (e.g. attend a judicial school, traineeship in the court) | Compulsory |
| General in-service training | Compulsory |
| In-service training for specialised judicial functions (e.g. judge for economic or administrative issues) | Compulsory |
| In-service training for management functions of the court (e.g. court president) | Compulsory |
| In-service training for the use of computer facilities in courts | Optional |

**128) Frequency of the in-service training of judges:**

| | |
|---|---|
| General in-service training | Annual / Regular (e.g. every 3 months) |
| In-service training for specialised judicial functions (e.g. judge for economic or administrative issues) | Annual / Regular (e.g. every 3 months) |
| In-service training for management functions of the court (e.g. court president) | Annual / Regular (e.g. every 3 months) |
| In-service training for the use of computer facilities in courts | Occasional (e.g. at times) |

**129) Training of public prosecutors**

| | |
|---|---|
| Initial training | Compulsory |
| General in-service training | Optional |
| In-service training for specialised functions (e.g. public prosecutor specialised on organised crime) | Compulsory |
| In-service training for management functions of the court (e.g. Head of prosecution office, manager) | Optional |
| In-service training for the use of computer facilities in office | No training proposed |

**130) Frequency of the in-service training of public prosecutors**

| | |
|---|---|
| General in-service training | Occasional (e.g. at times) |
| In-service training for specialised functions (e.g. public prosecutor specialised on organised crime) | Annual / Regular (e.g. every 3 months) |
| In-service training for management functions of the court (e.g. Head of prosecution office, manager) | Occasional (e.g. at times) |
| In-service training for the use of computer facilities in office | No training proposed |

**131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate the budget of such institution(s) in the "comment" box below.**
**----------**
**If your judicial training institutions do not correspond to these criteria, please specify it:**

| | Initial training only | Continuous training only | Initial and continuous training | 2012 budget of the institution, in € |
|---|---|---|---|---|
| One institution for judges | No | No | No | Yes |
| One institution for prosecutors | No | No | No | No |
| One single institution for both judges and prosecutors | No | No | No | No |

Comment :
There is no training institution for prosecutors. Prosecutor are invited to join judges at their training institution.
The answers to 127-128 questions only the information about the trainings of judges (according to the special programmes approved for judges) is provided. Courts can also provide training of judges (as court empolyees) at their (courts') own expenses. In this case the topics of trainings and periodicity depends on financial possibilities.
The assignations of the State budget to the Training Center of the National Courts Administration - 263 843,837 EUR.

**131.1) If there is no initial training for judges and/or prosecutors in such institutions, please indicate briefly how these judges and/or prosecutors are recruited and trained ?**

There isn't one training institution for prosecutors. Prosecutors are invited to join judges at their training institution.

**E.2 You can indicate below:**
**any useful comments for interpreting the data mentioned in this chapter**
**comments regarding the attention given in the curricula to the European Convention on Human Rights and the case law of the Court**
**the characteristics of your training system for judges and public prosecutors and the main reforms that have been implemented over the last two years**

Q 129 et 130 : mail CN 14/04/14 : Due to limited funds, the priority is given to training in a professional field,

therefore no computer skills training is offered.

## 5. 3. Practice of the profession

### 5. 3. 1. Practice of the profession

**132) Salaries of judges and public prosecutors.**

| | Gross annual salary, in €, on 31 December 2012 | Net annual salary, in €, on 31 December 2012 |
|---|---|---|
| First instance professional judge at the beginning of his/her career | 18614 | 14149 |
| Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President) | 29103 | 22118 |
| Public prosecutor at the beginning of his/her career | 14551 | 11059,14 |
| Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Public prosecutor General) | 23741,87 | 18043,83 |

Comment :

**133) Do judges and public prosecutors have additional benefits?**

| | Judges | Public prosecutors |
|---|---|---|
| Reduced taxation | No | No |
| Special pension | Yes | Yes |
| Housing | No | No |
| Other financial benefit | No | No |

**134) If other financial benefit, please specify:**

**135) Can judges combine their work with any of the following other functions ?**

| | With remuneration | Without remuneration |
|---|---|---|
| Teaching | Yes | Yes |
| Research and publication | Yes | Yes |
| Arbitrator | No | No |
| Consultant | No | No |
| Cultural function | No | No |
| Political function | No | No |
| Other function | No | No |

**136) If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify.**

**137) Can public prosecutors combine their work with any of the following other functions ?**

| | With remuneration | Without remuneration |
|---|---|---|
| Teaching | Yes | Yes |
| Research and publication | Yes | Yes |
| Arbitrator | No | No |
| Consultant | No | No |
| Cultural function | No | No |
| Political function | No | No |
| Other function | No | No |

**138) Please specify existing rules (e.g. authorisation to perform the whole or a part of these activities). If "other function", please specify:**

Upon permission given by the Prosecutor General, the prosecutor can teach or do research at universities, as well as work in groups or commissions which are drafting legal acts.

**139) Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time)?**

- ○ Yes
- ◉ No

If yes, please specify the conditions and possibly the amounts:

## 5. 4. Disciplinary procedures

### 5. 4. 1. Disciplinary procedures

**140) Who has been authorised to initiate disciplinary proceedings against judges (multiple options possible)?**

- ☑ Citizens
- ☑ Relevant Court or hierarchical superior
- ☑ High Court / Supreme Court
- ☑ High Judicial Council
- ☐ Disciplinary court or body
- ☐ Ombudsman
- ☐ Parliament
- ☐ Executive power
- ☐ Other
- ☐ This is not possible

If "executive power" and/or "other", please specify:

**141) Who has been authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):**

- ☑ Citizens
- ☑ Head of the organisational unit or hierarchical superior public prosecutor
- ☑ Prosecutor General /State public prosecutor
- ☐ Public prosecutorial Council (and Judicial Council)
- ☐ Disciplinary court or body
- ☐ Ombudsman
- ☐ Professional body
- ☐ Executive power
- ☐ Other
- ☐ This is not possible

If "executive power" and/or "other", please specify:

mail CN 14/04/14 : citizens are authorized to initiate disciplinary proceedings against public prosecutors (it was not possible in the previous exercise), is there a particular explanation to this change?

The amended Article 41 Paragraph 2 Part 4,5 of the Law on Prosecution Service came into force in 2012. The Article allows applying to the Prosecutor's Ethics Commission:
- by parties to criminal proceedings or other persons regarding prosecutorial activity, if violation committed by the prosecutor has been determined by a valid court decision;
- by any person regarding misconducts damaging reputation of the prosecution service or any other violations of the Code of Prosecutor's Ethics, that are not related to prosecutorial activity.

**142) Which authority has disciplinary power on judges? (multiple options possible):**

- [ ] Court
- [ ] Higher Court / Supreme Court
- [ ] Judicial Council
- [ ] Disciplinary court or body
- [ ] Ombudsman
- [ ] Parliament
- [ ] Executive power
- [x] Other

If "executive power" and/or "other", please specify:

The Judicial Ethics and Discipline Commission shall be an institution of judicial self-governance deciding the issues of instituting disciplinary actions against judges. The Judicial Court of Honour shall be the body of judicial self-governance hearing disciplinary cases of judges and petitions of judges against defamation.

**143) Which authority has the disciplinary power on public prosecutors? (multiple options possible):**

- [ ] Supreme Court
- [ ] Head of the organisational unit or hierarchical superior public prosecutor
- [x] Prosecutor General /State public prosecutor
- [ ] Public prosecutorial Council (and Judicial Council)
- [ ] Disciplinary court or body
- [ ] Ombudsman
- [ ] Professional body
- [ ] Executive power
- [ ] Other

If "executive power" and/or "other", please specify:

**144) Number of disciplinary proceedings initiated against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.**

**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

| | Judges | Public prosecutors |
|---|---|---|
| Total number (1+2+3+4) | 60 | 87 |
| 1. Breach of professional ethics | 18 | 20 |
| 2. Professional inadequacy | 42 | 62 |
| 3. Criminal offence | NA | 5 |
| 4. Other | 0 | 0 |

Comment :
Judicial Ethics and Discipline Commission which instituted 9 disciplinary actions (4 disciplinary actions were instituted because of breach of professional ethics and 5 disciplinary actions were instituted because of professional inadequacy).

**145) Number of sanctions pronounced in 2012 against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

| | Judges | Public prosecutors |
|---|---|---|

| | | |
|---|---|---|
| Total number (total 1 to 9) | 3 | 9 |
| 1. Reprimand | 0 | 1 |
| 2. Suspension | 0 | 0 |
| 3. Removal of cases | 0 | 0 |
| 4. Fine | 0 | 0 |
| 5. Temporary reduction of salary | 0 | 0 |
| 6. Position downgrade | 0 | 2 |
| 7. Transfer to another geographical (court) location | 0 | 0 |
| 8. Resignation | 0 | 2 |
| 9. Other | 3 | 4 |

Comment :
Disciplinary sanctions that may be imposed on prosecutor (starting from least severe):
1. Admonition (4 sanctions pronounced in 2012);
2. Reprimand (1 sanction pronounced in 2012) ;
3. Qualification rank downgrade (0 in 2012);
4. Position downgrade (2 in 2012)
5. Resignation (2 in 2012)
There were 8 decisions of the Judicial Court of Honour concerned with sanctions against judges in 2012:
3 decisions – to impose a disciplinary sanction (censure)
3 decisions – to limit itself to the review of a disciplinary action
2 decisions – to dismiss a disciplinary action

**E.3 You can indicate below:**
**- any useful comments for interpreting the data mentioned in this chapter**
**- the characteristics of your system concerning disciplinary procedures for judges and public prosecutors and the main reforms that have been implemented over the last two years**

**Please indicate the sources for answering questions 144 and 145**
National Courts Administration, Annual Activity Report of the Prosecutor's Office of the Republic of Lithuania

# 6. Lawyers

## 6. 1. Status of the profession and training

### 6. 1. 1. Status of the profession and training

**146) Total number of lawyers practising in your country.**

1796

**147) Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?**

- ( ) Yes
- (•) No

**148) Number of legal advisors who cannot represent their clients in court:**

NA

**149) Do lawyers have a monopoly on legal representation in (multiple options are possible):**

- [ ] Civil cases?
- [x] Criminal cases - Defendant?
- [ ] Criminal cases - Victim?
- [ ] Administrative cases?
- [ ] There is no monopoly

If there is no monopoly, please specify the organisations or persons that may represent a client before a court (for example a NGO, a family member, a trade union, etc) and for which types of cases:

In criminal cases advocate may act as a counsel for the defense. An assistant of an advocate with an authorisation of the advocate may act as a counsel for the defense provided that there is no objection of the accused. The assistant may not take part in the trial involving grave or very grave criminal offense.
The representative of a victim, the plaintiff or the defendant in a civil action may be an advocate or an assistant of an advocate with an authorisation of the advocate or any other person holding a university degree in law with the permission of the pre-trial investigation officer, the prosecutor or the judge. The head of an institution, enterprise or an organisation or a person authorised by him may act as a representative of a legal entity.

In civil cases these organisations or persons may represent a client before a court:
1) advocates;
2) assistants of advocates holding a written consent of the advocate supervising the assistants' internship to represent a party in a specific case;
3) one litigant with the authorisation of other litigants;
4) persons holding university degree in law if they represent their close relatives or a spouse (partner);
5) trade unions, if they represent members of trade unions in labour cases;
6) associations or other public legal entities, if one of the objective of their activity is defense and representation of a certain group of persons in court.
7) assistants of bailiffs holding university degree in law and a written consent of the bailiff to represent him in cases related to his functions in enforcement procedures.

Legal entities may be represent by:
1) advocates;
2) assistants of advocates holding a written consent of the advocate supervising the assistants' internship to represent a party in a specific case;
3) one litigant with the authorisation of other litigants;
4) employee or civil servant of a respective legal entity holding university degree in law.

In civil cases only advocates may draw up a cassation appeal of a natural person, however, if a cassator himself holds university degree in law, he is entitled to draw up the cassation appeal. A cassation appeal of a legal entity may be drawn up by its employees holding university degree in law.

Although lawyers do not have monopoly of representation in administrative cases, usually advocate or assistant of an advocate shall act as attorneys in the court.

**150) Is the lawyer profession organised through? (multiple options possible)**

- [x] a national bar?
- [ ] a regional bar?
- [ ] a local bar?

**151) Is there a specific initial training and/or examination to enter the profession of lawyer?**

- [x] Yes
- [ ] No

If not, please indicate if there are other specific requirements as regards diplomas or university degrees :

**152) Is there a mandatory general system for lawyers requiring in-service professional training?**

- [x] Yes
- [ ] No

**153) Is the specialisation in some legal fields tied with specific training, levels of qualification, specific diploma or specific authorisations?**

- [ ] Yes

☑ No

If yes, please specify:

**Please indicate the sources for answering questions 146 and 148:**
Lithuanian Bar Association

**F1 Comments for interpreting the data mentioned in this chapter:**

## 6. 2. Practising the profession

### 6. 2. 1. Practising the profession

**154) Can court users establish easily what the lawyers' fees will be (i.e. do users have easy access to prior information on the foreseeable amount of fees, is the information transparent and accountable)?**

☐ Yes
☑ No

**155) Are lawyers' fees freely negotiated?**

☑ Yes
☐ No

**156) Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?**

☑ Yes laws provide rules
☐ Yes standards of the bar association provide rules
☐ No, neither laws nor bar association standards provide rules

**F2 Useful comments for interpreting the data mentioned in this chapter:**
Article 50 para. 3 of the Law on the Bar provides that "When determining the advocate's fee for legal services, account must be taken of the complexity of the case, the qualification and experience of the advocate, the financial status of the client and other relevant circumstances".

## 6. 3. Quality standards and disciplinary proceedings

### 6. 3. 1. Quality standards and disciplinary proceedings

**157) Have quality standards been determited for lawyers?**

◉ Yes
○ No

If yes, what are the quality criteria used?
Article 5 of the Law on the Bar provides basic principles governing the practice of advocates, including:
1) freedom and independence of the advocate's activities;
2) democracy, collegiality of relations and fair competition between advocates;
3) lawfulness of the activities of advocates;
4) non-disclosure of the client's secret;
5) loyalty to the client and avoidance of any conflict of interests;
6) irreproachable behaviour.

**158) If yes, who is responsible for formulating these quality standards:**

☑ the bar association?

☑ the Parliament?

☑ other?

If "other", please specify:

The main principles governing the activities of advocates are established in the Law on the Bar (Article 5). However, they are also stated in more detail in the Code of Professional Ethics for Lawyers, which was adopted in the General Meeting of Advocates on 8 April 2005.

**159) Is it possible to file a complaint about :**

☑ the performance of lawyers?

☑ the amount of fees?

Please specify:

A complaint regarding the performance of the lawyer or amount of fee could be filed with the Lithuanian Bar Association or the court. If a client chooses to submit complaint to the Bar, it is examined in accordance with the standard disciplinary procedure established by the Order of Disciplinary Procedure (Drausmės bylų nagrinėjimo tvarka). Disciplinary Committee adopts decision whether disciplinary case should be initiated. If decision is taken it is further examined by the Court of Honour of Advocates.

**160) Which authority is responsible for disciplinary procedures?**

☐ the judge

☐ the Ministry of justice

☑ a professional authority

☐ other

If other, please specify:

**161) Disciplinary proceedings initiated against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.**
**----------**

**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

| | Number |
|---|---|
| Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4) | 113 |
| 1. Breach of professional ethics | NA |
| 2. Professional inadequacy | NA |
| 3. Criminal offence | NA |
| 4. Other | 84 |

Comment :
In 2012 Advocates Court of Honor received 113 disciplinary cases for consideration from which 84 were initiated for failure to pay Lithuanian Bar Association membership fee, for not having valid advocates' professional liability insurance and/or health medical certificate.

Q 161 : mail CN 14/04/14 : In 2012 Advocates Court of Honor received 113 disciplinary cases for consideration from which 84 were initiated for failure to pay Lithuanian Bar Association membership fee, for not having valid advocates' professional liability insurance and/or health medical certificate.
The increase on the number of disciplinary proceedings can be explained by the increase of number of advocates in Lithuania.

**162) Sanctions pronounced against lawyers.**
**----------**
**If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment"**

**box below.**

| | Number |
|---|---|
| Total number of sanctions (1 + 2 + 3 + 4 + 5) | 33 |
| 1.Reprimand | 33 |
| 2. Suspension | 0 |
| 3. Removal | 0 |
| 4. Fine | 0 |
| 5. Other (e.g. disbarment) | 0 |

Comment :
The total number of 33 reprimands includes reprimands and public reprimands.

**F3 You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

The types of disciplinary sanctions that may be imposed by the Court of Honour of Advocates in compliance with Article 53 of the Law on Bar consist of:
- Censure;
- Reprimand;
- Public reprimand; and
- Invalidation of the decision of the Lithuanian Bar Association to recognize the person as an advocate.

# 7. Alternative Dispute Resolution

## 7. 1. Mediation and other forms of ADR

### 7. 1. 1. Mediation and other forms of ADR

**163) Does the judicial system provide for judicial mediation procedures? If no skip to question 168**
**---**
**Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).**

- (●) Yes
- ( ) No

**163.1) In some fields, does the judicial system provide for mandatory mediation procedures?**
**---**
**If there are mandatory mediation procedures, please specify which fields are concerned in the "comment" box below.**

- [ ] Before going to court
- [ ] Ordered by a judge in the course of a judicial proceeding

If there are mandatory mediation procedures, please specify which fields are concerned:

**164) Please specify, by type of cases, the organisation of judicial mediation:**

| | Court annexed mediation | Private mediator | Public authority (other than the court) | Judge | Public prosecutor |
|---|---|---|---|---|---|
| Civil and commercial cases | Yes | Yes | No | Yes | No |
| Family law cases (ex. divorce) | Yes | Yes | Yes | Yes | No |
| Administrative cases | No | No | No | No | No |
| Employment dismissals | Yes | Yes | No | Yes | No |
| Criminal cases | No | No | No | No | No |

**165) Is there a possibility to receive legal aid for judicial mediation procedures?**

- ( ) Yes
- (●) No

If yes, please specify:

The Law amending the Law on State-Guaranteed Legal Aid shall enter into force on the 1st of January, 2014, which establishes that the lawyer, who delivers the secondary legal aid, considering the concrete circumstances of the case, shall have the possibility to initiate the resolution of the conflict by conciliation (mediation) and to propose the service to adopt the decision on conciliation. The lawyer has to deliver the consents of both conflict parties to solve their conflict using the conciliation (mediation).

mail CN 10/1/14: rules on mediation, using the free legal aid, will come into force from the 1 July, 2014.

**166) Number of accredited or registered mediators who practice judicial mediation:**
47

**167) Number of judicial mediation procedures.**
**---**
**Please indicate the source in the "comment" box below:**

Total number of cases (total 1+2+3+4+5) NA

| | |
|---|---|
| 1. civil cases | NA |
| 2. family cases | NA |
| 3. administrative cases | NAP |
| 4. employment dismissals cases | NA |
| 5. criminal cases | NAP |

Comment :
There is no possibility to deliver precise statistical data about cases in courts, in which the mediation was applied in 2012 as the courts were asked to deliver information on the question, but the answers to questions have sent 44 courts out of 67. According to the data, presented by the courts, in 17 cases the mediation procedure has been started in 2012. It should be noted that some of the courts have actively reconciled the parties in the civil cases during the hearing: according to the data of the survey, there were signed 397 peace treaties in 2012 (not during the mediation procedure).

**168) Does the legal system provide for the following ADR :**

**If "other", please specify it in the "comment" box below:**

| | |
|---|---|
| Mediation other than judicial mediation? | Yes |
| Arbitration? | Yes |
| Conciliation? | Yes |
| Other alternative dispute resolution? | No |

Comment :

**G.1 You can indicate below:**
**- any useful comments for interpreting the data mentioned in this chapter**
**- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years**

**Please indicate the source for answering question 166:**
National Courts Administration

# 8. Enforcement of court decisions

## 8. 1. Execution of decisions in civil matters

### 8. 1. 1. Functioning

**169) Do you have enforcement agents in your judicial system?**

- (●) Yes
- ( ) No

**170) Number of enforcement agents**

117

**171) Are enforcement agents (multiple options are possible):**

- [ ] judges?
- [x] bailiffs practising as private professionals under the authority (control) of public authorities?
- [ ] bailiff working in a public institution?
- [ ] other enforcement agents?

Please specify their status and powers:

Professional rights and duties of bailiffs are regulated by the Law on Bailiffs (No. IX-876). Bailiffs are appointed and dismissed by the Minister of Justice. In carrying out their functions bailiffs are independent.
Bailiffs are empowered to perform the functions of enforcement of writs of execution, to make findings of fact, to serve proceedings and carry out any other functions provided by law. A bailiff may also provide the services set forth in the Law on Bailiffs unless this interferes with the performance of the bailiff's functions. Article 21 of the Law on Bailiffs stipulates that a bailiff must enforce the instruments permitting enforcement prescribed by laws, state the factual background, transmit and serve, by court order, documents on natural and legal persons in the Republic of Lithuania and perform any other duty prescribed by law.
As it was mentioned before, the Law on Bailiffs allows bailiffs to provide services set forth in the law. These services are:
1) to keep/administer property during the process of execution;
2) to make material ascertainment, serve written proceedings issuing out of court on natural and legal persons in the Republic of Lithuania without court order;
3) to provide legal assistance other than representation in courts and in relations with third parties;
4) to sell pledged movable property as collateral in auction;
5) to act as an agent in the performance of property obligations.

**172) Is there a specific initial training or examination to become an enforcement agent?**

- (●) Yes
- ( ) No

**173) Is the profession of enforcement agents organised by?**

- [x] a national body?
- [ ] a regional body?
- [ ] a local body?
- [ ] NAP (the profession is not organised)

**174) Are enforcement fees easily established and transparent for the court users?**

- [x] Yes
- [ ] No

**175) Are enforcement fees freely negotiated?**

- [ ] Yes
- [x] No

**176) Do laws provide any rules on enforcement fees (including those freely negotiated)?**

- [x] Yes
- [ ] No

**Please indicate the source for answering question 170:**

list of bailiffs, published officially by the Bailiffs Chamber of Lithuania
http://www.antstoliurumai.lt/index.php/pageid/992/bailiffs/1

### 8. 1. 2. Efficiency of enforcement services

**177) Is there a body entrusted with supervising and monitoring the enforcement agents' activity?**

- (•) Yes
- ( ) No

**178) Which authority is responsible for supervising and monitoring enforcement agents?**

- [x] a professional body
- [x] the judge
- [x] the Ministry of justice
- [ ] the public prosecutor
- [ ] other

If other, please specify:

**179) Have quality standards been determined for enforcement agents?**

- (•) Yes
- ( ) No

If yes, what are the quality criteria used?

The Law on Bailiffs sets criteria for a person who is willing to become a bailiff.
A person may be appointed a bailiff if he is a national of the Republic of Lithuania, a person of high moral character, the holder of a university degree in law, has served as an assistant bailiff after winning a public tender or has practiced law for at least five years after winning a public tender.
Furthermore, certain rules regarding ethics and work principles are established by the Bailiffs' Code of Professional Ethics.

**180) If yes, who is responsible for establishing these quality standards?**

- [x] a professional body
- [ ] the judge
- [ ] the Ministry of Justice
- [x] other

If "other", please specify:

The Parliament of the Republic of Lithuania
Bailiffs Meeting adopts the Bailiffs' Code of Professional Ethics.

**181) Is there a specific mechanism for executing court decisions rendered against public authorities, including for supervising such execution?**

- ○ Yes
- ◉ No

if yes, please specify

**182) Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?**

- ◉ Yes
- ○ No

If yes, please specify

According to art. 27 of the Law on Bailiffs, art. 510 of the Code of Civil Procedure of the Republic of Lithuania the procedural actions of bailiffs, their legitimacy are verified by a court upon a claim of a party of the enforcement case. But there is no system, where the institution, which controls the activities of bailiffs, could connect via information system and check the activities of bailiffs in the enforcement cases.

**183) What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.**

- ☐ no execution at all
- ☐ non execution of court decisions against public authorities
- ☑ lack of information
- ☐ excessive length
- ☑ unlawful practices
- ☐ insufficient supervision
- ☑ excessive cost
- ☐ other

If "other", please specify:

**184) Has your country prepared or established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?**

- ○ Yes
- ◉ No

If yes, please specify:

**185) Is there a system measuring the length of enforcement procedures:**

- ☐ for civil cases?
- ☐ for administrative cases?

**186) As regards a decision on debts collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits:**

- ☑ between 1 and 5 days
- ☐ between 6 and 10 days
- ☐ between 11 and 30 days
- ☐ more

If more, please specify

**187) Number of disciplinary proceedings initiated against enforcement agents.**
**If other, please specify it in the "comment" box below.**
**----------**
**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

| | | |
|---|---|---|
| Total number of initiated disciplinary proceedings (1+2+3+4) | ☑ number: | 11 |
| 1. for breach of professional ethics | ☑ number: | 1 |
| 2. for professional inadequacy | ☑ number: | 10 |
| 3. for criminal offence | ☑ number: | 0 |
| 4. Other | ☑ number: | 0 |

Comment :

**188) Number of sanctions pronounced against enforcement agents.**

**If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings initiated and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

| | | |
|---|---|---|
| Total number of sanctions (1+2+3+4+5) | ☑ number: | 7 |
| 1. Reprimand | ☑ number: | 3 |
| 2. Suspension | ☑ number: | 0 |
| 3. Dismissal | ☑ number: | 0 |
| 4. Fine | ☑ number: | 0 |
| 5. Other | ☑ number: | 4 |

Comment :
Four disciplinary sanctions – cautions were imposed.

One disciplinary proceeding has been discontinued because the violation has not been established.
Three disciplinary proceedings have been discontinued due to the marginal nature of the committed disciplinary violation.

**H.1 You can indicate below:**
**any useful comments for interpreting the data mentioned in this chapter**
**the characteristics of your enforcement system of decisions in civil matters and the main reforms that have been implemented over the last two years**

**Please indicate the sources for answering questions 186, 187 and 188:**
Ministry of Justice, Chamber of Bailiffs

## 8. 2. Execution of decisions in criminal matters

### 8. 2. 1. Functioning

**189) Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)**

- ☐ Judge
- ☑ Public prosecutor
- ☑ Prison and Probation Services
- ☐ Other authority

Please specify his/her functions and duties (initiative or monitoring functions). If "other authority", please specify:

One of the prosecutor's functions prescribed by the law is to supervise the submission of the judgements for enforcement and the enforcement thereof.
The process of providing the decision for enforcement and enforcement process itself is controlled by the prosecutor. Prosecutor has the right to demand the criminal case where the court decision is enforced.
Under the article 342 of the Code of Criminal Procedure, the judge shall write the order to execute the decision in criminal matter and send it to the enforcement service together with the decision. If the court decision is amended by the appellate court, later decision is also added. The particular enforcement service is determined by the law and depends on the kind of crime performed.

**190) Are the effective recovery rates of fines decided by a criminal court evaluated by studies?**

- ○ Yes
- ◉ No

**191) If yes, what is the recovery rate?**

- ☐ 80-100%
- ☐ 50-79%
- ☐ less than 50%
- ☐ cannot be estimated

Please indicate the source for answering this question:

**H.2 You can indicate below:**
**any useful comments for interpreting the data mentioned in this chapter**
**the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years**

# 9. Notaries

## 9. 1. Statute

### 9. 1. 1. Functionning

**192) Do you have notaries in your country? If no please skip to question 197.**

- (•) Yes
- ( ) No

**193) Are notaries:**
**---------**
**If other, please specify it in the "comment" box below.**

| | | |
|---|---|---|
| private professionals (without control from public authorities)? | [ ] number | |
| private professionals under the authority (control) of public authorities? | [x] number | 268 |
| public agents? | [ ] number | |
| other? | [ ] number | |

Comment :

**194) Do notaries have duties (multiple options possible):**

- [ ] within the framework of civil procedure?
- [x] in the field of legal advice?
- [x] to certify the authenticity of legal deeds and certificates?
- [x] other?

If "other", please specify:

Notaries shall perform the following notarial acts:
1) attest transactions;
2) issue certificates of succession;
3) issue certificates of title to a share in community property;
4) authenticate copies and extracts of documents;
5) authenticate signatures on documents;
6) authenticate the translation of documents from one language into another;
7) attest to the fact that a natural person is alive and at a particular place;
8) accept into custody wills which are equivalent to official wills, and personal wills;
9) attest to the time of the submission of documents;
10) hand statements of natural and legal persons over to other natural and legal persons;
11) accept sums of money into the deposit account;
12) accept sea protests;
13) protest bills of exchange and cheques;
14) make executive inscriptions on protested or non-protestable bills of exchange and cheques;
15) make executive inscriptions on enforced recovery of the debt upon the mortgage (pledge) creditor's request;
16) draft or attest documents on the authenticity of data submitted to the Register of Legal Entities and attest that the legal person can be registered because the obligations set out by laws or the incorporation transaction have been fulfilled and the circumstances provided for by laws or incorporation documents have occurred;
17) attest to the compliance of incorporation documents of legal persons with the requirements of the laws;
18) perform other notarial acts provided for by laws.

It shall be recognized that facts contained in notarized documents are established and not subject to proof unless these documents (or parts thereof) have been invalidated in accordance with the procedure laid down by laws.

*****

Q 194 : mail CN 14/04/14 : From the 1st January 2012 the reform of the mortgage took place in the Republic of Lithuania (after the amendments of Civil Code, Civil Code of Procedure and Law on the Notariat).

Having attested the mortgage (pledge) transaction, the end of mortgage (pledge), having established enforced mortgage (pledge), a public notary forwards the data on the mortgage (pledge) to the Mortgage Register for registration in accordance with the provisions of the Mortgage register regulations. A notary, having received the creditor’s request regarding execution of the executive inscription and having considered the data provided by the mortgage (pledge) creditor and the borrower, the notary shall either execute the executive inscription or on a reasoned basis shall refuse to do so. The notary shall have the right to cancel the validity of the executive inscription in cases provided for in the laws.

### 9. 1. 2. Supervision

**195) Is there an authority entrusted with supervising and monitoring the notaries’ activity?**

- (●) Yes
- ( ) No

**196) Which authority is responsible for supervising and monitoring notaries:**

- [x] a professional body?
- [x] the judge?
- [x] the Ministry of justice?
- [ ] the public prosecutor?
- [ ] other?

If other, please specify:

**I.1 You can indicate below:**
**any useful comments for interpreting the data mentioned in this chapter**

**the characteristics of your system of notaries and the main reforms that have been implemented over the last two years**

Les changements et les amendements des actes juridiques qui concernent le notariat:

• A partir de 1 juillet 2012 les changements des Codes Civil et de la Procédure Civile, de la loi du Notariat (26 art., 43 art., 46 art. and 491 art.) et des autres lois suivants sont entrés en vigueur. La réforme du droit des hypotheques et le refus de l'institut des juges des hypothèques en Lituanie ont eu lieu. La Chambre de notaires de Lituanie a beaucoup travaillé pour l'unification de la pratique notariale dans le domaine de l'hypotheque.
• A partir de 9 janvier 2013 les changements de la loi de la Construction ont introduit le devoir au notaire de vérifier le Certificat de performance énergetique dans les cas des transactions immobiliers ou de bail de l'immobilier.

**Please indicate the sources for answering question 193:**

Law on the Notarial Profession: http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=421701.

# 10. Court interpreters

## 10. 1. Court interpreters

### 10. 1. 1. Functionning

**197) Is the title of court interpreters protected?**

- (•) Yes
- ( ) No

**198) Is the function of court interpreters regulated by legal norms?**

- (•) Yes
- ( ) No

**199) Number of accredited or registered court interpreters:**

NA

**200) Are there binding provisions regarding the quality of court interpretation within judicial proceedings?**

- (•) Yes
- ( ) No

If yes, please specify (e.g. having passed a specific exam):

The provisions of civil, criminal, administrative process law and internal rules of courts (local) regulate the issue.

**201) Are the courts responsible for selecting court interpreters?**

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**If no, please indicate in the "comment" box below which authority selects court interpreters.**

- Yes [x] for recruitment and/or appointment for a specific term of office
- Yes [ ] for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
- No [ ] .

Comment :

**J.1 You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

Besides the courts' interpreters, the courts can also apply for interpretation services to the private establishments.

**Please indicate the sources for answering question 199:**

National Courts Administration.

# 11. Judicial experts

## 11. 1. Judicial experts

### 11. 1. 1. Judicial experts

**202) In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):**

- [x] "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation,
- [x] "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal,
- [ ] "law experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).

**203) Is the title of judicial experts protected?**

- (•) Yes
- ( ) No

**204) Is the function of judicial experts regulated by legal norms?**

- (•) Yes
- ( ) No

**205) Number of accredited or registered judicial experts (technical experts)**

385

**206) Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?**

- (•) Yes
- ( ) No

If yes, please specify, in particular the given time to provide a technical report to the judge:

Under the articles 84-88 of the Code of Criminal Procedure the expert in criminal case may be only a person, who has special knowledge and is included in the list of the experts of the Republic of Lithuania. In case there is no particular expert needed in the list, the expert not included into the list may be appointed. If needed, a person who is as expert in European Union member state or in the state with which Lithuania has concluded the agreement on mutual legal assistance. Expert has a right: 1. To get acknowledged with the case material, related to the object of the examination; 2. To ask to provide additional information, necessary for the examination conclusion; 3. To take part in the actions during pre trial investigation or judicial procedure actions related to the object of the examination. The expert may refuse to give the conclusion, if the data is not enough or does not meet his special knowledge. If this is the case, expert draws up the statement that the examination conclusion is not possible to be made. The expert is obliged to show up in the court if summoned and to provide impartial conclusion on the questions given. If the expert does not show in the court without the serious reason or refuses to execute his duties without legal reason, the procedural coercive measures indicated in the article 163 of Code of Criminal Procedure may be applied. In case of perjury expert bears the liability under the article 235 of Criminal Code. When necessary research is made, the expert draws up the conclusion. The conclusion consists of introduction, analysis and inferences. In the introductory part the date and place, the decision to set the examination, data and questions provided for the examination, the personal data of the expert – name, surname, education, profession, qualification, length of service; dates of the beginning and the end of the examination, persons involved are provided. In the analytical part of the conclusion the state of the objects of the examination, the results of their review, analyses carried out, methods and means used, results and their evaluation are provided. The conclusions of the expert cannot exceed limits of his special knowledge.
There is also a possibility to use a specialist in criminal procedure – a person, who has special knowledge and who may work in the institution of pre-trial investigation or not (articles 89-90 of the Code of Criminal Procedure), whose rights and duties are also regulated by law.

**207) Are the courts responsible for selecting judicial experts?**
**---------**
**If no, please specify in the "comments" box below which authority selects judicial experts?**

Yes ☐ for recruitment and/or appointment for a specific term of office

Yes ☑ for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No ☐ .

Comment :
Under the articles 285-286 of the Code of Criminal Procedure, if the examination was carried out during the pretrial investigation and the examination conclusion provided to the court is clear and comprehensive, the conclusion may be read in the court hearing without the presence of the expert. The expert is summoned to court in case the court decides that expert's testimony is necessary to explain or supplement the examination conclusions.

Also, the court has a right to appoint the examination upon the request of the participants of the court hearing or its own initiative.

The participants of the court hearing provide the questions to the expert in writing. The chairman of the hearing reads these questions loudly and listens to the opinion of the participants of the court hearing. The court decision regarding the question for the expert is taken in the deliberation room. The judge shall reject the questions that are not related to the case or does not fall within the competence of the expert, if needed the judge shall formulate new questions to the expert. The decision to set the examination shall be announced by the chairman of the hearing and shall be presented to the expert. In case the expert does not participate in the court hearing, the courts shall send the decision to the examination institution or to the person, who is entrusted with execution of the examination. The data necessary while carrying the examination shall be transferred or sent to the expert together with the court decision. If needed, the court shall entrust the prosecutor with the collection of the data necessary for the examination. When presented with the court decision and necessary data, the expert shall execute the examination and draw up the conclusion. In the event the expert thinks that the data he has is not enough to make the conclusion or that the questions given are not within his province, he shall state that the examination conclusion is not possible to be made. If the expert determines the circumstances important for the case which he was not questioned about, he shall have a right to indicate them in the examination conclusion. If the court finds the examination conclusion not comprehensive or reasonable enough, it shall have the right to set the new examination and entrust with it the same or other expert. If this is the case, the expert is provided with the court decision to set the examination and with the previous examination conclusion.

**You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

**Please indicate the sources for answering question 205:**
Ministry of Justice

# 12. Foreseen reforms

## 12. 1. Foreseen reforms

### 12. 1. 1. Foreseen reforms

**208) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. If possible, please observe the following categories:**
**1. (Comprehensive) reform plans**
**2. Budget**
**3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)**
**3.1 Access to justice and legal aid**
**4. High Judicial Council**
**5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.**
**6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities**
**6.1 Personal status**
**7. Enforcement of court decisions**
**8. Mediation and other ADR**
**9. Fight against crim**

3. Procedure of strategic planning is established and constantly improved with the view to guide activities of the prosecution service towards results (performance indicators are set, such as a certain numbers of cases to be solved or timeframe of pre-trial investigation, etc.), information technologies are developed with the view to simplify collection and processing of statistical data which is essential for a prosecutor when supervising investigations, as well as to increase integrity with other legal institutions.
3.1. The possibility of conciliatory mediation to solve a dispute and reach a conciliation agreement is to be applicable form the 1st July 2014. The Law on State-guaranteed Legal Aid of the Republic of Lithuania states that a lawyer providing state guaranteed legal aid may propose state guaranteed legal aid service that a decision on conciliatory mediation should be taken and provide consents of both parties of the dispute. Additional legal acts for the implementation of conciliatory mediation are under preparation.
5. Concept of a single and common examination for judges, prosecutors, lawyers, notaries and enforcement agents is under discussion.

Les propositions des changements et des amendements des actes juridiques concernant le notariat:

• Les propositions des changements des lois pour limiter le paiement en especes dans les transactions ainsi que pour l'introduction de la forme notariale obligatoire pour toutes les transactions qui dépassent la somme de 50 000 LTL (15 000 EUR).
• Les propositions des changements de la Loi du Notariat de la République Lituanienne pour déleguer aux notaires la fonction d'approber les documents par l'Apostille. Actuellement, c'est la fonction du Minstere des Affaires Etrangères.
• Les propositions des changements du Code Civil – de déleguer aux notaires la fonction du divorce lorsqu'il n'y a pas de conflits entre les époux et pas d'enfants mineurs.
• Les propositions de confier aux notaires la fonction de la médiation.

New amendments on the Law on the Bar entered into force from 1st September 2013 and introduced several important changes among which are:
- Enlarged scope of practising lawyers activities embracing also possibility to act as: translator (as long as it is connected with the provision of legal services); mediator; be a member of supervising or governing body; take part in election and referendum commissions, be a member of a Municipal Council and member of the commission when lawyer is delegated by the Parliament, President or Government and a member of the working group preparing legislative amendments, provide legal expert knowledge for the draftment of legal act amendment.
- Provided possibility even for one lawyer to establish a professional partnership of advocates;
- Provision of possibility for advocates to represent close relatives;
- Established requirement after formal recognition as advocate for a person to begin legal practice within 5 years, in case of failure advocates will be authomatically deleted from the list;
- Estalished requirement to have master of law degree (L.L.M.) as a prerequisite for a person wishing to become a practising advocate.
7. Possible disposing of the function allocated to the Prosecution Service – to supervise the submission of the judgements for enforcement and the enforcement thereof – is under discussion.