



**LITHUANIAN BAR  
ASSOCIATION**

**46<sup>th</sup> EUROPEAN PRESIDENTS'  
CONFERENCE 2018**

**COUNTRY REPORT**

# LITHUANIAN BAR ASSOCIATION COUNTRY REPORT

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## **I. General information**

As of 2<sup>nd</sup> January 2018, the Lithuanian Bar Association had 3132 members, including 2207 advocates, 925 advocate assistants, 1148 law firms, and 99 professional law partnership.

## **II. Lithuanian Law on the Bar**

The Parliament has adopted amendments to the Lithuanian Law on The Bar, which came into force on 1 January 2018. Amended Law on the Bar improved legal regulation which was in many cases ineffective and not compatible with the principles of advocates' activities.

Under new provisions, individual who seeks to become an advocate or an advocate's assistant shall have to meet stricter standards and requirements for professional ethics and conduct. In addition, one of the most important amendments – strengthening of advocate's right to access information from governmental institutions, registries and ect. These and many other new provisions have ensured advocates/advocate's assistants as well as Lithuanian Bar Association more right and independence from the Government.

## **III. Changes on State-guaranteed legal aid procedures and remuneration**

The Lithuanian Bar Association for a several years has tried to achieve the increase of the base salary for the advocates, ensuring State-guaranteed legal aid, by providing the Ministry of Justice and the Government with detailed reasoning and justification. Lithuanian average wage, minimum monthly salary, as well as civil servants' salaries has been rapidly increasing, however base salary of the advocates, providing State-guaranteed legal aid services was the same since January 2008, with hourly rate of 11,58 EUR. According to the European Commission for the Efficiency of Justice (CEPEJ) report results for the year 2016 - in 2014 Lithuania was among the countries, which had one of the lowest case rate (63 EUR per case) for the advocates providing State-guaranteed legal aid, while, for example, the rate in Bulgaria equaled 123 EUR, and in Portugal – 180 EUR. It can be noted, that this situation makes the provision of State-guaranteed legal aid highly unattractive for the advocates and lowers general quality level of State-guaranteed legal aid services.

The Government has responded to the arguments of the Lithuanian Bar Association and as of 1 September 2017 the base salary for the advocates, providing State-guaranteed legal aid, was increased from 11,58 EUR to 13 EUR per hour.

## **IV. Standing for guarantees of advocate's activities and professional secrecy principle**

In 2017 Lithuanian Bar Association was actively involved in legislation process regarding proposed amendments to the Law on the Prevention of Money Laundering and Terrorist Financing, which aimed at strengthening the requirements for money laundering prevention. The draft law provided the obligation of the advocates to notify Financial Crime Investigation Service of suspicious

transactions of their clients, as well as the right of the Financial Crime Investigation Service to inspect the advocate's premises and to take confidential documents related to their clients. Above mentioned proposals significantly affected the principle of non-disclosure of the client's secret and, although the nature of these amendments originated from the means to implement the directive of the European Union (2015/849), it appeared to have provided too harsh provisions and have interfered with the concept of the fair trial. As a result, Lithuanian Bar Association managed to change the amendments of the Law on the Prevention of Money Laundering and Terrorist Financing that contradicted to the guarantees of the advocate's activities and professional secrecy principle.

## **V. The noticeable participation of the Bar in the legislative processes**

On 21st of June 2017, the Committee of Legal Affairs of the Parliament considered proposed amendments to the Law on the Criminal Intelligence, according to which officials should have been given the right to use information, collected by methods and means of criminal intelligence, against a person, even though this person has not committed any crime. These new provisions would have enabled the pre-trial investigation authorities to use information gathered during criminal intelligence investigations, against any person for an indefinite period of time and it would have also allowed the information collected by criminal intelligence authorities (Financial Crime Investigation Service, Special Investigation Service, etc.) to be used to investigate even administrative or disciplinary offenses, such as violations of economic, commercial, financial, or professional activities, etc. Lithuanian Bar Association was able to stop the adoption of amendments, which otherwise would have set a green light for establishment of extreme rights to use information of criminal intelligence.

## **VI. New lawyers' certificates**

Lithuanian Bar Association introduced new standard certificates for advocates and advocate's assistants in cooperation with CCBE. New certificates are now two-sided: one side of the card provides national certificate, the other side – CCBE identity card, which allows to use card related services across EU member states. New certificates have also integrated electronic chips with digital data, which verifies identity and activity of an advocate or advocate's assistant and give them access to special services and facilities (courtrooms, advocate's chambers, etc.)