

LEGAL AID IN NATIONAL LAWS: Italy

Italy

<p>Is legal aid available?</p> <p>Who is eligible for it?</p>	<p>In Italy, legal aid is called “advocacy in court paid by the state” (<i>patrocinio a spese dello Stato</i>).</p> <p>Anyone who has insufficient income is entitled to legal aid. An estimate of more than half of the legal gender recognition cases in Italy are decided with legal aid. Legal aid is available to Italian citizens, but also to foreign nationals residing in Italy and stateless people (<i>apolidi</i>), as well as to non-profit organisations or associations not involved in commercial activities.</p>
<p>What is the criteria to be eligible for legal aid?</p>	<p>If living alone, the person must have a yearly taxable income of not more than approximately €11,500, in their latest tax return (this was updated in August 2015 and is adjusted regularly by the Ministry of Justice, taking into account variations in the Italian National Statistics (<i>ISTAT</i>) consumer price index).</p>
<p>Where can you file the application for legal aid?</p>	<p>In a case before a criminal court:</p> <ul style="list-style-type: none">• to the Justice’s Record office;• to the judge of the hearing;• to the prison’s director (if the applicant is in prison); or• to a police officer (if the applicant is under detention at home or in hospital). <p>In a case before other courts, to the competent Bar (Lawyers) Association.</p> <p>In Italy, the legal aid request is often drafted by a lawyer.</p>
<p>What expenses are covered?</p>	<p>When someone is entitled to legal aid, the state pays for:</p> <ol style="list-style-type: none">1) lawyer fees and expenses;2) costs related to medical experts appointed by the judge and those chosen by the beneficiary;3) travel costs and expenses incurred by judges, officials, and judicial officers for performing their duties outside the court;4) travel costs and expenses incurred by witnesses, court officials, and expert witnesses when performing their duties;5) costs of publishing any notice regarding the judge’s ruling; and6) cost of official notification.
<p>Is there freedom to choose a lawyer?</p>	<p>There is limited freedom to choose a lawyer. Once the applicant has been granted legal aid, they will be able to choose their attorney from a special list of legal aid lawyers, prepared by, and available at the competent Bar (Lawyers) Association (where the trial is taking place).</p>

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Further
information (in
Italian)

Italian Ministry of Justice:

https://www.giustizia.it/giustizia/it/mg_3_7_2.page

Italian National Council of the Bar (*Consiglio Nazionale Forense*):

<http://www.consiglionazionaleforense.it/patrocinio-a-spese-dello-stato>

Presidential Decree No. 115, 30 May 2002 (*Testo Unico in materia di spese di giustizia*):

<http://www.altalex.com/documents/news/2014/09/10/patrocinio-a-spese-dello-stato>