

## GUIDELINES ON LEGAL AID

Explaining in general terms the implications for you, these guidelines will help you understand the legal aid system.

### 1. General

About 50% of all Dutch are eligible for legal aid. This means that the government pays your legal fees. The system is implemented by the Legal Aid Board or "RvR". Although the RvR pays a large portion of your lawyer's fees you must pay a personal contribution. Your lawyer will apply to the RvR for subsidy on your behalf. You do not have to file an application. If the RvR approves the application, you will be informed in writing and a lawyer will be assigned to you.

### 2. Application

When filing an application, you should be aware of the following:

- using your social security number the tax authorities (at the RvR's request) will provide data on your income and assets, and if applicable, also of your partner using your partner's social security number;
- the RvR checks your personal data and security number (and your partner's if applicable) with the Municipal Personal Records Database;
- the information thus obtained will be included in the RvR's client records;
- the providing of incorrect data or withholding of information may lead to the refusal or withdrawal of the assignment of counsel and prosecution;
- the assignment of counsel may be withdrawn with retrospective effect if a certain financial result has been achieved by the lawyer assigned to you (50% of the applicable tax-free amount).

The RvR then appraises the application based on your income of two years ago (2015). If your current income has changed, you should tell your lawyer at your first meeting.

Based on your application the RvR will inform you directly in writing whether the application will be honoured. If your income and/or assets are too high, the application will be denied immediately. In that case you will have to pay your lawyer's fees yourself. This will come up at the first meeting with your lawyer.

### 3. Limits for legal aid

Relevant are your income (A) and your assets (B).

(A) See the income standards below:

The higher your income, the higher your personal contribution.

If your fiscal annual income exceeds EUR 26,400 (if you're single) or EUR 37,300 (if you're married/cohabiting or single parent) you are not entitled to legal aid.

<u>Single</u>		<u>Married, cohabiting/single parent</u>
Fiscal annual income	Personal contribution	Fiscal annual income
Up to € 18,700	€ 196	Up to € 26.000
€ 18,701 - € 19,400	€ 360	€ 26,001 - € 27,000
€ 19,401 - € 20,400	€ 514	€ 27,001 - € 28,300
€ 20,401 - € 22,300	€ 669	€ 28,301 - € 31,500
€ 22,301 - € 26,400	€ 823	€ 31,501 - € 37,300
Above € 26,400	Not entitled to legal aid	Above € 37,300

If the Legal Services Counter has drawn up a diagnostic document and the Legal Aid Board grants legal assistance, you will get a € 53 discount on the personal contribution you have to pay.

(B) You are not entitled to legal aid if your assets two years ago exceeded the tax-free amount. For 2015 this was EUR 21,330 per person (EUR 28,236 for people older than 65 years).

In other words: if your income is taxed under box 3, the application will be denied.

#### 4. **Not everything is free**

Please take into account that your lawyer will still charge you for the following:

- **Personal contribution**

The Legal Aid Board determines the personal contribution you have to pay. This may vary from EUR 196 to EUR 823 and will be charged by your lawyer; the personal contribution is income-related.

Your lawyer will send you an invoice for your personal contribution. In some cases you may be exempt from paying the personal contribution; this is the case when you are detained or if the case concerns a physical abuse.

There are situations in which the RvR will charge the personal contribution more than once:

- if your case was handled by a lawyer on the basis of legal aid and you decide to request another lawyer to handle your case (for instance: Beer advocaten);

- if your lawyer needs more hours than initially assigned by the RvR, he can send a request to the RvR; if the RvR authorizes to spend the extra hours, the personal contribution will be charged again.

- **Costs of requesting medical data**

In a personal injury case your lawyer will usually have to request medical data from your treating physicians. These costs are not covered by legal aid;

- **Costs of medical advisor**

These costs are not covered by legal aid, with the exception of a first feasibility study up to EUR 200 maximum (exclusive VAT). As a rule your lawyer will file a claim under this scheme. Any excess will be for your account;

- **Civil law proceedings**

If your case is brought before a court, you must always pay the court fees, as well as the costs of experts and witnesses. Please note also that if you lose the case the order for costs is not covered by legal aid and is thus not reimbursed. These costs are for your account.

## **5. Review of result and evaluation by RvR**

As mentioned in paragraph 2 your lawyer must inform the RvR of the outcome of the case. If the damages obtained exceed EUR 12,500 per person, the government will not reimburse your legal fees. Please check your lawyer's confirmation of instructions. The government will also refrain from granting legal aid if the legal fees can be recovered from the liable party, usually the insurance company of the party causing the accident or responsible for the medical error.

## **6. More information**

For more details about legal aid, please visit the RvR's website ([www.rvr.org](http://www.rvr.org)) or ask your lawyer.

Amsterdam, 1 January 2017