

STATE-GUARANTEED LEGAL AID SERVICE

APPROVED
by Živilė Poželienė, the Director of the
State-Guaranteed Legal Aid Service
20/12/2019

DESCRIPTION OF AN ADMINISTRATIVE SERVICE PROVISION

20/12/2019 No. 4

Vilnius

No.	Name	Content
1.	Code of an administrative service	PAS33821
2.	Version of an administrative service	Version 1
3.	Name of an administrative service	ORGANIZATION AND ADMINISTRATION OF STATE-GUARANTEED OUT-OF-COURT, JUDICIAL AND MANDATORY MEDIATION SERVICES
4.	Description of an administrative service	<p>I. Out-of-court mediation is provided by the State</p> <p>Upon receipt of a person's request for mediation, a written consent of the other party to resolve the dispute and documents proving the right to receive secondary legal aid, the Service shall make a decision on the execution of mediation and appointment of a mediator from the list of mediators of the Republic of Lithuania.</p> <p>According to the offer of a lawyer providing secondary state-guaranteed legal aid and after obtaining the consent of both parties to the dispute, the Service selects a mediator from the list of mediators of the Republic of Lithuania and makes a decision to appoint a mediator.</p> <p>II. Judicial mediation</p> <p>Upon receipt of a court notice or order on the execution of judicial mediation, the Service selects a mediator (not a judge) from the list of mediators of the Republic of Lithuania and appoints by decision to conduct judicial mediation.</p> <p>III. Mandatory mediation</p> <p>Upon receipt of a request of one of the parties to the dispute or a joint request of both parties to the dispute to perform mandatory mediation, the Service shall select and appoint a mediator from the list of mediators of the Republic of Lithuania to perform mandatory mediation.</p>
5.	Legislation regulating the provision of an	Law on State-Guaranteed Legal Aid of the Republic of Lithuania. Law on Mediation of the Republic of Lithuania. The Code of Civil Procedure of the Republic of Lithuania.

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	administrative service	<p>Order of the Minister of Justice of the Republic of Lithuania of 31 December 2018 No. 1R-289 “On the Implementation of the Law on Mediation of the Republic of Lithuania”.</p> <p>Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 <i>on certain aspects of mediation in civil and commercial matters</i>.</p> <p>European Code of Conduct for Mediation Providers</p>
6.	Information and other documentation to be submitted by a person	<p>I. State-guaranteed out-of-court mediation (in civil disputes, except family cases)</p> <p>The party to the dispute shall submit to the Service a request for mediation in the established form, the consent of the other party to the dispute to execute the mediation and documents proving the right to receive secondary legal aid. The form of the request and the consent of the party to the dispute to execute the mediation was approved by the Order No. 1R-28 of the Minister of Justice of the Republic of Lithuania.</p> <p>A lawyer providing secondary state-guaranteed legal aid shall receive from the the parties to the dispute a completed and signed agreement between the two parties to settle the dispute by mediation. The consent form was approved by Order No. 1R-33 of 21 January 2019 of the Minister of Justice of the Republic of Lithuania.</p> <p>If the parties to the dispute wish the mediation to be performed by a mediator selected by them from the list of mediators of the Republic of Lithuania, the Service shall be notified of the desired candidacy of the mediator agreed upon by the parties to the dispute.</p> <p>II. Judicial mediation (in civil disputes)</p> <p>The court hearing the case shall submit to the Service a notice or ruling regarding the execution of judicial mediation and the selection and appointment of a mediator (not a judge) from the list of mediators of the Republic of Lithuania.</p> <p>If the parties to the dispute wish the mediation to be performed by a mediator selected by them from the list of mediators of the Republic of Lithuania, the Service shall be notified of the desired candidacy of the mediator agreed upon by the parties to the dispute.</p> <p>III. Mandatory mediation (in family matters)</p> <p>If the settlement of a dispute regarding family matters by means of mandatory mediation is initiated by one of the parties to the dispute, that party shall submit to the Service a request for enforcement of mandatory mediation. Mandatory mediation would be carried out with the written consent of the other party to the dispute to resolve the dispute using mandatory mediation.</p> <p>If the settlement of a dispute in family matters by means of mandatory mediation is initiated by both parties to the dispute, they shall submit a joint application for compulsory mediation to the Service.</p> <p>If the parties to the dispute wish the mediation to be performed by a mediator selected by them from the list of mediators of the Republic of Lithuania, the Service shall be notified of the desired candidacy of the mediator agreed upon by the parties to the dispute.</p>
7.	Information and other documentation to be submitted to the institution (an employee examining an application)	<p>I. State-guaranteed out-of-court mediation (in civil disputes, except family cases)</p> <p>The Service must obtain a request for execution of mediation from the party to the dispute, the consent of the other party to the dispute to execute the mediation and documents proving the right to receive secondary legal aid.</p> <p>When examining requests for the implementation of mediation, the Service has the right to receive from state and municipal institutions, as well as state registers, other state information systems, other natural or legal persons information (including special categories of personal data) necessary to determine whether the person has the right to obtain secondary legal aid, whether the data provided in the applicants' applications and the documents attached to them are correct. These institutions and persons shall provide the requested information to the Service no later than 5 working days from the</p>

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		<p>date of receipt of the request.</p> <p>A lawyer providing secondary state-guaranteed legal aid shall submit a proposal for execution of mediation to the Service and the written consent of the parties to the dispute.</p> <p>II. Judicial mediation (in civil disputes)</p> <p>The Service, when a mediator is required for the performance of judicial mediation, must receive a notice or ruling of the court hearing the case regarding the performance of judicial mediation and the selection and appointment of a mediator (not a judge) from the list of mediators of the Republic of Lithuania.</p> <p>If the parties to the dispute wish the mediation to be performed by a mediator selected by them from the list of mediators of the Republic of Lithuania, the Service shall be notified of the desired candidacy of the mediator agreed upon by the parties to the dispute.</p> <p>III. Mandatory mediation (in family matters)</p> <p>If the settlement of a dispute is initiated by means of mandatory mediation by one of the parties to the dispute, the Service must receive a request from that party, which must contain the details of the other party to the dispute (name, address or other address for correspondence). This data is necessary for the Service to be able to apply to the other party to the dispute for its consent or refusal to execute mediation and to take decisions related to the further procedure of organizing mediation.</p> <p>If the settlement of a dispute by means of mandatory mediation is initiated by both parties to the dispute, they shall submit to the Service a joint request of both parties to execute mediation, which must be confirmed by the signatures of both parties.</p> <p>If the parties to the dispute wish the mediation to be performed by a mediator selected by them from the list of mediators of the Republic of Lithuania, the Service shall be notified of the desired candidacy of the mediator agreed upon by the parties to the dispute.</p>
8.	Provider of an administrative service	<p>State-Guaranteed Legal Aid Service Odminių str. 3, 01122 Vilnius</p> <p>Vilnius branch serves the residents of Vilnius city and Vilnius district, Elektrėnai city, Šalčininkai, Širvintos, Švenčionys, Trakai and Ukmergė district municipalities. Documents are accepted and issued at: Odminių str. 3, 01122 Vilnius Tel. 8 700 00 211, Fax. 8 700 35 004, teisinepagalba@vgtpt.lt</p> <p>Kaunas branch serves residents of Kaunas city and Kaunas district, Birštonas, Druskininkai, Kalvarija, Kazlų Rūda, Marijampolė, Alytus city and Alytus district, Jonava, Jurbarkas, Kaišiadorys, Kėdainiai, Lazdijai, Prienai, Šakiai, Varėna and Vilkaviškis district municipalities. Documents are accepted and issued at: Kęstučio str. 21, 44320 Kaunas, tel. 8 700 00 177, Fax. 8 700 35 006, kaunoskyrius@vgtpt.lt</p> <p>Šiauliai branch serves the residents of Šiauliai city and Šiauliai district, Akmenė, Joniškis, Kelmė, Mažeikiai, Pakruojis, Radviliškis, Raseiniai, Telšiai district municipalities. Residents of Panevėžys city and Panevėžys district, Visaginas city, Anykščiai, Biržai, Ignalina, Kupiškis, Molėtai, Pasvalys, Rokiškis, Utena, Zarasai district municipalities. Documents are accepted and issued at: Vasario 16-osios str. 49, 76296 Šiauliai, Tel. 8 700 00 214, Fax. 8 700 35 009, siauliuskyrius@vgtpt.lt</p> <p>Klaipėda branch serves the residents of Klaipėda city and Klaipėda district, Neringa, Pagėgiai, Palanga Rietavas cities, Kretinga, Plungė, Skuodas, Šilalė, Šilutė and Tauragė district municipalities. Documents are accepted and issued at: Vilties str. 10, 92231 Klaipėda, Tel. 8 700 00 191, Fax. 8 700 35 007, klaipedoskyrius@vgtpt.lt</p>

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9.	Manager of an administrative service	Daiva Ašmianienė, Tel. 8 700 00 174, d.asmianiene@vgtpt.lt
10.	Duration of provision of an administrative procedure	<p>The Service shall make a decision on the execution of state-guaranteed out-of-court mediation no later than within 5 working days from the date of receipt of all documents of the party or the date of receipt of the offer submitted by the lawyer providing secondary state-guaranteed legal aid regarding the settlement of the dispute by mediation and the consent of the parties to settle the dispute by mediation.</p> <p>The duration of out-of-court mediation provided by the State is four hours (this period does not include 1 hour for the mediator to prepare for mediation and 1 hour for formalizing the results). The provision of this type of mediation service may be extended by a decision of the Service for a maximum of four hours.</p> <p>The Service shall, no later than within 3 working days from the date of receipt of the court notice or ruling on execution of judicial mediation, the date of receipt of the joint request of the parties to the dispute regarding the execution of mandatory mediation, the date of receipt of the consent of the other party to the dispute (when the request for mandatory mediation is submitted by one of the parties to the dispute) regarding the execution of mediation or the date of receipt of the response on the selection of the preferred mediator agreed upon by the parties (if no such response is received - from the date of the deadline for reply) selects a mediator from the list of mediators of the Republic of Lithuania, taking into account the criteria for the selection of a mediator and, if possible, the request of the parties to the dispute regarding the desired appointment of a specific mediator.</p> <p>The duration of judicial mediation and mandatory mediation provided by the State is four hours (this period does not include 1 hour for the mediator to prepare for mediation and 1 hour for formalizing the results).</p> <p>In cases of state-guaranteed out-of-court and mandatory mediation, only such a mediator may be selected with whom a contract on the provision of state-guaranteed out-of-court mediation or mandatory mediation services has been concluded in accordance with the procedure established by the Minister of Justice.</p>
11.	Cost of provision of an administrative procedure (provided if the procedure is charged)	The service is provided free of charge.
12.	Form of request, sample of filling it and content of an application	<p>The form of the request and the consent of the party to the dispute for the execution of the state-guaranteed out-of-court mediation was approved by the Order No. 1R-28 of 18 January 2019 of the Minister of Justice of the Republic of Lithuania and the form of consent of the parties to the dispute was approved by the Order No. 1R-33 of 21 January 2019 of the Minister of Justice of the Republic of Lithuania.</p> <p>Request forms regarding the execution of mandatory mediation have not been approved. The requirements for the data to be indicated in the requests are established in Article 21 (2, 3) of the Law on Mediation of the Republic of Lithuania.</p>
13.	Information and communication technologies used in the provision of an administrative service	A person can obtain information about an administrative service on the website: Address http://vgtpt.lrv.lt/ .

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14.	Peculiarities of an administrative service provision	<p>I. State-guaranteed out-of-court mediation may be carried out when at least one of the parties to the dispute has the right to receive secondary legal aid in accordance with the Law on State-Guaranteed Legal Aid of the Republic of Lithuania and when no grounds were established for the non-provision of the secondary legal aid.</p> <p>State-guaranteed mediation is not possible if the personal income and assets of persons initiating state-guaranteed out-of-court mediation exceed the levels set by the Government for receiving legal aid, the requirements are not substantiated, all necessary documents are not submitted, representation has no reasonable prospects of success, claims arise directly out of an applicant's trade or self-employed profession, is claiming non-pecuniary damage related to the protection of his honour and dignity but has suffered no property damage, applies for a violation of other's rights, legal aid guaranteed by the state, procedural and substantive rights are being abused.</p> <p>The lawyer providing secondary legal aid may, after assessing the specific circumstances of the dispute in which he provides secondary legal aid, initiate the settlement of the dispute by mediation and propose to the Service to take a decision regarding the execution of the mediation. When proposing to the Service a decision on the execution of mediation, a lawyer must submit to the Service the consent of both parties to the dispute to settle the dispute through mediation.</p> <p>State-guaranteed out-of-court mediation can only take place once in the same dispute.</p> <p>Following the decision on the execution of out-of-court mediation guaranteed by the State, secondary legal aid shall not be provided during the execution of the mediation. If no agreement is reached or the party to the dispute withdraws from the mediation process, secondary legal aid continues to be provided.</p> <p>State-guaranteed out-of-court mediation is terminated when it becomes clear that none of the parties to the dispute is entitled to secondary legal aid or that the party to the dispute has provided information about the essence of the dispute or case, their property and income, knowing that this information is incorrect. Also, when the grounds for termination of secondary legal aid are established which are provided in Article 23 (1) points 3, 4, 5, 8 and 12 of the Law on State-Guaranteed Legal Aid of the Republic of Lithuania. Decisions on the execution of state-guaranteed out-of-court mediation are made by the Service.</p> <p>State-guaranteed out-of-court mediation ends when:</p> <ul style="list-style-type: none"> - any party to the dispute informs the mediator and the party to the dispute of the withdrawal from the mediation (the date of termination of the mediation shall be deemed to be the date of submission of the written notice of the party to the dispute); - the mediator considers that an amicable settlement is not possible because it will be impossible to execute, will be illegal or the mediator himself acknowledges that amicable settlement of the dispute is unlikely; - the parties to the dispute approve the settlement agreement. <p>II. Once the Service has selected and appointed a mediator to conduct judicial mediation, the Service shall no longer be involved in the proceedings.</p> <p>III. Mandatory mediation is carried out when a party to a dispute submits a duly completed request for mandatory mediation, the Service receives the written consent of the other party within a specified time limit, a duly completed request from both parties to the dispute (at the joint request of both parties) and the consent of a particular mediator.</p> <p>When mandatory mediation is initiated by one of the parties to the dispute and the written consent of the other party to the dispute is not obtained within the prescribed time limit, the party initiating the mediation procedure shall be deemed to have made appropriate use of the institute of mandatory</p>

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		<p>mediation. The Service shall, within 3 working days, provide this party to the dispute with an appropriate notice of the use of mandatory mediation. When a written disagreement is received from the other party to the dispute, the mandatory mediation shall be deemed to have been ended.</p> <p>Mandatory mediation is also considered to be ended when:</p> <ul style="list-style-type: none"> - when there is a written statement of the mediator to the parties regarding the end of the mediation; - a statement by the party to the dispute or all parties to the dispute to the mediator regarding withdrawal from the mediation; - the parties to the dispute approve the settlement agreement. <p>Upon the commencement of the settlement of disputes by mediation, the limitation period of the claim shall be suspended and upon the termination of the mediation the limitation period of the claim shall be extended.</p>
15.	Inclusion of descriptions of the provision of administrative services in the accounting of documents	Case index No. 1.19 was assigned to the description of the provision of an administrative service.