

A winning side in the civil proceedings may get the legal fees reimbursed

Did you know that after winning the trial in Latvian courts you shall be entitled to recover the legal fees from the losing side. This rule does only apply in cases where you are represented or legally advised by an attorney*.

If you have ever been in litigation, you know that justice here is not cheap. People involved in lawsuits in Latvia know that litigation demands financial resources to pay court fees (i.e., state fees for submission of statement of a claim, offices fees, amounts payable to witnesses and experts, costs relating to securing a claim and execution of a court judgment, etc.) and costs relating to conduct of a case (i.e., costs for obtaining evidence, legal fees – drafting of documents related to a court case, advice and representation of a client in hearings, etc.). However, you have to remember that you can recover legal fees within proceedings, along with other reimbursable expenses.

Legal fees are recovered from the defendant in favour of the plaintiff if the plaintiff's claim is satisfied in full or in part, and even when a defendant has voluntarily satisfied the plaintiff's claim after the claim was filed to the court. Legal fees are recovered from the plaintiff in favour of the defendant, if a claim has been dismissed.

The Civil Procedure Law of the Republic of Latvia stipulates limits of refundable legal fees depending on amount of a claim satisfied. Thus, with respect to "small" claims not exceeding EUR 8,500, up to 30% from the claim satisfied may be recovered; with respect to "average" claims as from EUR 8,501 up to EUR 57,000 – not more than EUR 2,850; but with respect to "large" claims exceeding EUR 57,001 the limit of recoverable legal fees shall be 5% from the claim satisfied. The limit of refundable legal fees for non-material claims is 4,275 EUR. However, the court could reduce the amount of refundable legal fees in certain cases.

For example, you engaged an attorney to assist you with drafting a claim with the amount EUR 10,000 and attending court hearings, and the court of first instance has satisfied your claim in full. In this case, you can, along with state fee paid (EUR 613), office fees (EUR 3.20) and other reimbursable expenses, to recover fees of your attorney up to EUR 1,450. However, if a court judgment has been challenged in the court of second (appellate) instance, but as a result the judgment of the court of first instance has been upheld, you can recover legal fees up to EUR 2,850. If you were provided legal services by a person, who was not an attorney, you could not reimburse these expenses.

To recover legal fees in Latvian court, it will not always be necessary to present confirmation of actual payment thereof to the court – an invoice of the advocate issued pursuant to the concluded agreement on provision of legal assistance will also be deemed as sufficient.

If you have any questions in relation to litigation proceedings, contact the advocates of NJORD Law Firm, Dmitri Kolesnikov (phone: 67313315, e-mail: dk@njordlaw.lv) and Laura Ozola (phone: 67313315, e-mail: lo@njordlaw.lv).

**An attorney (in Latvian "advokāts" or "zvērīnāts advokāts") also called as "attorney-at-law", "advocate", "sworn advocate", "certified lawyer", "licensed lawyer" is an independent legal professional who is considered to be officer of court system and is member of the Latvian Bar Association. List of practising attorneys is available on the website of the Latvian Bar Association ((Latvijas Zvērinātu advokātu kolēģija): www.advokatura.lv.*



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