

Instructions for applying request to pauper legal aid of the State.

It's assured the pauper legal aid in charge of State in civil, administrative, book-keeping and financial processes and in the questions of voluntary jurisdiction for the defence of the have nots citizen when his reasons are sound.

The admission is valid in every state or grade of process and for any other possible procedure derived, accidental, or commedred.

It's possible enforced, if it's consistent, also in the enforcement's phase, in the process of revocation and third part opposition.

A. CONDITIONS REQUIRED FOR THE ADMISSION (artt. 76 – 77 D.p.r. 30/05/00 n. 115)

Everyone with a private income under €9.723,84 resulting from the last income – tax return can be admitted to the pauper legal aid.

If the party concerned cohabits with the consort or with others members of the family, the income that must be considered will be calculated by the sum of the incomes achieved in the same period from each member of the family included the party concerned.

N.B.

For the determination of maximum income, it's necessary to consider also the incomes that for law are duty free (IRPEF) or that are subject to taxation at source or to substitutive duty.

It's necessary to consider only the personal income when rights of personality are object of legal action (for example right of the name ...) or in processes in which the interests of demandants are in conflict with that of others members of the family that cohabit with them.

The limits of the income are adeduated every two years to the ISTAT variations of consumption prices index for the families of workmen or clerks.

B. REQUEST FOR THE ADMISSION TO PAUPER LEGAL AID

Istruzioni for admission's request to pauper legal aid of the state

Anyone interested and in the income's condition and the others indicated in this document, can ask the admission to the pauper legal aid in every state or grade of process.

Requests must be signed by the interested otherwise it is inadmissible and the signature must be authenticated by the defendant or with the formalities provided by D.p.r. 28.12.2000 n. 445 art. 38 (request signed by the interested when is present the employed or signed and presented with a photocopy of the identity card).

It must be compiled **in not legal paper**, presented only by interested or by his defendant or sent with a registered letter to "Consiglio dell'Ordine degli Avvocati" of the place of territorial competent justice.

It has to contain, other wise, it won't be accepted:

1. The admission's request to pauper legal aid and the indication of process if it is just in beginning (for example: names of legal parties, number of the case of trial, the assigned judge and the date of the heaving).
2. The indication in fact and in law of the what the interested part has to pretend with a particular reference to the evidences than has to be admitted.
3. The name and the address of the interested subject and of the other members of the family with every fiscal code.
4. The self certification, that refers to the income's conditions for the admission, with the particular determination of the total income (see point A).
5. The warning to communicate the considerable changes of the income's limit that has occurred the previous year, until the trial isn't finished.

These informations have to be communicated within 30 days from the maturity of one year from the presentation's date of the request or of the previous communication of change.

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6) Not Europeans with income abroad, has to include the certificate of the competent Consulate (Consolato).

7. Judge or the competent Consiglio dell'Ordine, can request other documents that certify the veracity of the request's contents.

Anyone interested has to produce them; in different case the request is not admissible.

"Consiglio dell'Ordine" examines any application within 10 successive days of the presentation, admits the interested subject to the pauper legal aid.

A copy of the measure is sended to the interested subject.

If the instance is rejected or declared inadmissible, it can be proposed to the competent judge for the trial who decides with decree the person who is admitted to the pauper legal aid can assign the case to a defendant chosen between the entered in the list of defendants for the pauper legal aid instituted in the "Consiglio dell'Ordine" of district of the Court of Appeal where competent judge has the legislative sitting.

It's necessary to warn the interested subjects than for the other informations, the whole text of the law is issued in Internet www.ordine.avvocati.vi.it (News).

It's also necessary to advise that the "Consiglio dell'Ordine" of Vicenza's defendants have designed to give much more information some councilors than can be called at the number of "Consiglio dell'Ordine", secretary (tel. 0444-398149 / fax 0444-323119) on Fridays from 10.00 to 11.00 a.m.

- avv. Paola Ciarocchi
- avv. Gaetano Crisafi
- avv. Rosanna Pasqualini