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## Legal fees: cost of a trial

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Court costs are the total cost of a trial. There are the costs directly related to the conduct of the proceedings (bailiff's fees, expert's fees...), and the other costs (lawyer's fees, travel expenses...). It is not possible to calculate the total cost of a trial in advance, as this varies according to several factors: the court seized, the procedure used, the complexity of the case and the meaning of the verdict.

### What's that about?

There are 2 types of trial fees: unrepentive costs and expenses.

#### Spending

#### Definition

Call *costs* all costs directly related to the legal proceedings.

Some of the costs are related to **application to court**.

It is often free to take a case to court, but sometimes the application is paid for.

There may also be a fee for a bailiff to inform your opponent of his summons.

Another part of the costs relates to **procedure**.

These costs include:

- Costs of acts performed to allow the judge to have all the elements to judge the case (expert opinions, translation of documents in French, statement of bailiff, hearing with minors with a specialist, summons of all the parties involved in the dispute, even to the foreigner etc...)
- Costs of acts performed to avoid a deterioration of the situation before judgement (e.g. conservatory seizure)
- Witness attendance allowance
- Fixed procedural law paid by the convicted person in criminal proceedings
- Advocacy fee paid by lawyers
- Fees, taxes or fees collected by the tax administration or by civil court registries
- Costs of notification of judgments to the foreigner

### Who should pay the costs?

The judge decides who should pay the costs. In general, the judge will award costs to the person who loses the case, but not always.

#### Unrepentive charges

#### Definition

The *unrepeatable charges* are all expenses incurred by the proceedings, but not included in the costs. This includes mainly lawyers' fees, but also other expenses related to the trial, such as travel and accommodation.

### Who should take care of them?

In principle, everyone must pay the costs incurred in the trial. But you can ask the judge to charge your opponent some or all of your unrepeatable expenses. The judge will decide on the basis of the circumstances of the case.

## Civil trial

### Trial costs

The *costs* of the civil proceedings include the following costs:

- Duties, taxes, fees or emoluments collected by the tax administration or by civil court registries
- Translation costs
- Court appearance allowances witnesses (<https://www.service-public.fr/particuliers/vosdroits/F1538?lang=en>) (travel, stay, etc.)
- Remuneration of technicians (experts, consultants, etc.)
- Remuneration of public and ministerial officers, including judicial officers (<https://www.service-public.fr/particuliers/vosdroits/F2158?lang=en>) (subpoenas, judgements, seizures, etc.)
- Lawyer's remuneration excluding fees (plea fees, emoluments and various fees or charges at the regulated rate)
- Compensation paid by the State to the lawyer of the beneficiary party legal aid (<https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en>)
- Cost of notification of an act to the foreigner
- Interpretation and translation costs of instructional measures taken at the foreigner

- Costs of social investigations ordered by the Family Court or the Guardian
- Remuneration of the person appointed by the judge to hear the minor in proceedings concerning him
- Costs of measures, investigations and reviews required in relation to the illegal international movement of children

The judge must say who shall pay the costs. It is usually the losing party who has to pay the cost. So we talk about *costs*.

In civil matters, *unrepeatable charges* This includes, but is not limited to, legal fees, travel and accommodation for the purposes of the trial.

If the winning party pays their lawyer via [legal aid \(https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en), the court may order the losing party to pay the lawyer of the winning party additional fees.

In all cases, the judge shall take into account the fairness or economic situation of the convicted party.

#### Lawyer fees

The fee is free. Except in cases of emergency, force majeure or where the person concerned is [full legal aid \(https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en), the lawyer's remuneration must be the subject of a written agreement between him and his client.

Several criteria are used to determine the lawyer's remuneration:

- Customer financial situation
- Case Difficulty
- Expense
- Lawyer awareness
- Lead time and availability

A lawyer can thus be paid in 2 ways:

- Settlement of time spent on the basis of an hourly rate related in particular to the complexity of the case
- Lump-sum settlement for simple procedures (the amount of the lump sum is paid as a final and total remuneration)

A supplementary fee may also be set based on the result obtained or the service rendered.

Operating expenses are added (opening of files, telephone, photocopies, travel, etc.).

#### Fee Support

Lawyers' fees and all costs relating to a trial may be covered by [legal aid \(https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en). This support can be partial or full.

## Prud men

#### Trial costs

[The submission of an application to the council of prud'homme \(https://www.service-public.fr/particuliers/vosdroits/F2360?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F2360?lang=en) is free.

The *costs* to the counsel of prud'homme include in particular the remuneration of the judicial officers, the lawyer without fees or the compensation paid by the State to the lawyer of the beneficiary party [legal aid \(https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en).

The judge must say who shall pay the costs. It is usually the losing party who has to pay the cost. So we talk about *costs*.

The *unrepeatable charges* the council of prud'homme includes, among other things, lawyers' fees, travel and accommodation expenses for the purposes of the trial.

If the winning party pays their lawyer via [legal aid \(https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en), the court may order the losing party to pay the lawyer of the winning party additional fees.

In all cases, the judge shall take into account the fairness or economic situation of the convicted party.

#### Lawyer fees

The fee is free. Except in cases of emergency, force majeure or where the person concerned is [full legal aid \(https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en), the lawyer's remuneration must be the subject of a written agreement between him and his client.

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#### Fee Support

Lawyers' fees and all costs relating to a trial may be covered by [legal aid \(https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en). This support can be partial or full.

### Criminal trial

#### Trial costs

The costs of the criminal trial (experts, investigation, summoning of witnesses, etc.) are borne by the State.

However, the convicted person must pay a fixed procedural fee.

- Trial before a police court: €31
- Trial before a Correctional Court: €127
- Trial before a court of law: €527
- In the case of a decision on appeal in criminal and police matters: €169
- In the event of a decision of the Court of Cassation in criminal, correctional or police matters: €211

Juvenile convicts do not pay due process.

In criminal matters, *unrepeatable charges* This includes, but is not limited to, legal fees, travel and accommodation for the purposes of the trial.

If the winning party pays their lawyer via [legal aid \(https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en), the court may order the losing party to pay the lawyer of the winning party additional fees.

In all cases, the judge shall take into account the fairness or economic situation of the convicted party.

👉 **FYI :** if you file a complaint with a civil party, you must [deposit money called deposit \(https://www.service-public.fr/particuliers/vosdroits/F20798?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F20798?lang=en). This sum guarantees the payment of a possible fine in the event of the formation of an abusive civil party. If the investigation confirms your good faith, this amount is returned to you.

#### Lawyer fees

The fee is free. Except in cases of emergency, force majeure or where the person concerned is [full legal aid \(https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en), the lawyer's remuneration must be the subject of a written agreement between him and his client.

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- Customer financial situation
- Case Difficulty
- Expense
- Lawyer awareness
- Lead time and availability

A lawyer can thus be paid in 2 ways:

- Settlement of time spent on the basis of an hourly rate related in particular to the complexity of the case
- Lump sum payment for simple procedures (the amount of the package is paid as a total and final remuneration).

A supplementary fee may also be set based on the result obtained or the service rendered.

Operating expenses are added (opening of files, telephone, photocopies, travel, etc.).

#### Fee Support

Lawyers' fees and all costs relating to a trial may be covered by [legal aid \(https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en). This support can be partial or full.

### Proceedings before an administrative court

#### Trial costs

[Application to the Administrative Court \(https://www.service-public.fr/particuliers/vosdroits/F2478?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F2478?lang=en) is free.

In administrative matters, *costs* This includes costs for expertise and investigation. It is the losing party that has to pay these costs, with exceptions.

In administrative proceedings, *unrepeatable charges* This includes, but is not limited to, legal fees, travel and accommodation for the purposes of the trial. The judge may order a party to pay the unrepeatable costs of the opposing party.

If the winning party pays their lawyer via [legal aid \(https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en), the court may order the losing party to pay the lawyer of the winning party additional fees.

In all cases, the judge shall take into account the fairness or economic situation of the convicted party.

## Lawyer fees

The fee is free. Except in cases of emergency, force majeure or where the person concerned is [full legal aid \(https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en), the lawyer's remuneration must be the subject of a written agreement between him and his client.

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Operating expenses are added (opening of files, telephone, photocopies, travel, etc.).

## Fee Support

Lawyers' fees and all costs relating to a trial may be covered by [legal aid \(https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en). This support can be partial or full.

## Proceedings before the Commercial Court

### Trial costs

The cost of the trial [trade tribunal \(https://www.service-public.fr/particuliers/vosdroits/F1792?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F1792?lang=en) varies depending on the type of application and litigation. You can find out about this on the court's website.

The *costs* commercial expenses include:

- Duties, taxes, fees or emoluments collected by the courts of trade
- Translation costs
- Court appearance allowances [witnesses \(https://www.service-public.fr/particuliers/vosdroits/F1538?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F1538?lang=en) (travel, stay, etc.)
- Remuneration of technicians (experts, consultants, etc.)
- Remuneration of public and ministerial officers, including [judicial officers \(https://www.service-public.fr/particuliers/vosdroits/F2158?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F2158?lang=en) (subpoenas, judgements, seizures, etc.)
- Lawyer's remuneration excluding fees (plea fees, emoluments and various fees or charges at the regulated rate)
- Compensation paid by the State to the lawyer of the beneficiary party [legal aid \(https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en)
- Cost of notification of an act to the foreigner
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- Costs of measures, investigations and reviews required in relation to the illegal international movement of children

The judge must say who shall pay the costs. It is usually the losing party who has to pay the cost. So we talk about *costs*.

The *unrepeatable charges* for the commercial trial include, in particular, lawyers' fees, travel and accommodation expenses for the purposes of the trial.

If the winning party pays their lawyer via [legal aid \(https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en), the court may order the losing party to pay the lawyer of the winning party additional fees.

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#### Statute and miscellaneous references

- Act No. 71-1130 of 31 December 1971 on the reform of certain judicial and legal professions [↗](http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006068396) (http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006068396)  
*Article 10*
- Code of Civil Procedure: Articles 695 to 700 [↗](http://www.legifrance.gouv.fr/affichCode.do?idArticle=LEGIARTI000006411114&idSectionTA=LEGISCTA000006135902&cidTexte=LEGITEXT000006070716) (http://www.legifrance.gouv.fr/affichCode.do?idArticle=LEGIARTI000006411114&idSectionTA=LEGISCTA000006135902&cidTexte=LEGITEXT000006070716)  
*Unrepeatable costs for civil litigation (Article 700)*
- Code of Administrative Justice: Article L761-1 [↗](https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006070933&idArticle=LEGIARTI000006449380) (https://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006070933&idArticle=LEGIARTI000006449380)  
*Unrepetitive costs for proceedings before an administrative court*
- Code of Criminal Procedure: Articles 462 to 486 [↗](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000024459224&cidTexte=LEGITEXT000006071154) (https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000024459224&cidTexte=LEGITEXT000006071154)  
*Unrepeatable costs for criminal proceedings (Article 475(1))*
- General tax code: Article 1018a [↗](https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000022174326/2010-05-01) (https://www.legifrance.gouv.fr/codes/article\_lc/LEGIARTI000022174326/2010-05-01)  
*Fixed procedural rights in criminal matters*
- Code of Criminal Procedure: items R761-1 to R761-5 [↗](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006136497&cidTexte=LEGITEXT000006070933) (https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006136497&cidTexte=LEGITEXT000006070933)  
*Costs and costs of proceedings before an administrative court*