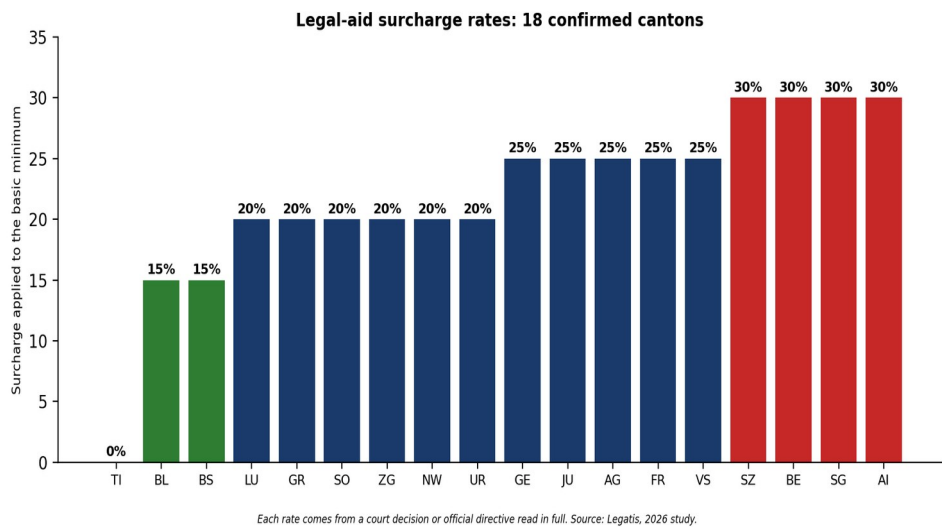


The Cantonal Price of Poverty

From no surcharge to 30%: how 26 Swiss cantons calculate differently who is "poor enough" to receive legal aid



Study based exclusively on primary court decisions and official directives (135+ decisions read in full), individually verified, with verifiable sources attached

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THE ESSENTIALS IN 30 SECONDS

- To obtain a state-funded lawyer, a Swiss court must first determine that someone is "poor enough". This calculation applies a percentage surcharge to the basic minimum subsistence level, and this percentage varies enormously from canton to canton.
- Of the 26 cantons, 18 have a rate confirmed by at least two independent court decisions (or a general official directive), ranging from 0% in Ticino (no surcharge) to 30% (Schwyz, Bern, St. Gallen, Appenzell Innerrhoden).
- For a single person (basic subsistence minimum of CHF 1,200/month), the gap runs from CHF 0 (Ticino) to CHF 360 recognized each month depending on the canton, i.e. up to CHF 4,320 per year.
- 2 cantons have a rate based on only one decision identified so far (Thurgau 25%, Obwalden 20%); an indication, not a practice confirmed with the same certainty. 4 cantons (Zurich, Vaud, Glarus, Neuchâtel) leave the rate to the judge's discretion, with no single fixed percentage. 2 cantons (Schaffhausen, Appenzell Ausserrhoden) provided no usable source despite systematic, multi-pass research.
- No figure in this study is an estimate, and no rate is treated as confirmed on the basis of an isolated decision: every "confirmed" rate cited rests on at least two independent decisions or a general official directive; over 135 decisions were read in full for this study.

Contact details and the full study are available in the annex to this document.

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Summary

To obtain legal aid (the assumption of court and lawyer's fees for people without sufficient means), a Swiss court must first determine whether the applicant is "indigent" within the meaning of Article 117 of the Civil Procedure Code. This calculation rests on a concept common to the whole of Switzerland, the "basic subsistence minimum" (Grundbetrag), but each canton applies its own flat-rate surcharge to it: a percentage that increases this minimum to account for the litigant's procedural needs, or, in one case, applies no surcharge at all.

This study researched and verified, decision by decision, the rate applied in each of the 26 Swiss cantons, using a deliberately strict confirmation criterion: a rate is treated as "confirmed" only if it rests on at least two independent court decisions, or on a general official directive (applicable to all cases, not just the one judged). Over 135 decisions were read in full over the course of this research. The result: among the 18 cantons meeting this criterion, the range runs from 0% (Ticino, which explicitly applies no surcharge) to 30% (Schwyz, Bern, St. Gallen, Appenzell Innerrhoden), for one and the same federal legal concept. 2 further cantons (Thurgau, Obwalden) have only one decision identified so far: they are documented separately, as an indication rather than a confirmed rate.

Concretely, for a single person whose basic subsistence minimum stands at CHF 1,200 per month (a figure used recurrently in the decisions reviewed), the surcharge added to their recognized expenses varies as follows:

- CHF 0 in Ticino (0%, no surcharge recognized)
- CHF 180 per month in Basel-Landschaft or Basel-Stadt (15%)
- CHF 360 per month in Schwyz, the canton of Bern, St. Gallen, or Appenzell Innerrhoden (30%)

A gap of CHF 360 per month, or CHF 4,320 per year, in the threshold used to determine whether a person can pay for a lawyer themselves, based solely on their canton of residence, with an otherwise strictly identical financial situation.

This study also documents, separately from the confirmed rates, the 2 cantons for which only one decision could be found despite repeated research (Thurgau, Obwalden), the 4 cantons where practice remains openly discretionary or is not sufficiently established by repeated case law (Zurich, Vaud, Glarus, Neuchâtel), as well as the 2 cantons for which no usable source was found despite targeted, multi-pass research (Schaffhausen, Appenzell Ausserrhoden).

The federal legal framework

Article 117 of the Civil Procedure Code (CPC), in force throughout Switzerland since 2011, sets out a single principle: anyone who lacks sufficient resources is entitled to legal aid, provided their case does not appear devoid of any chance of success. This principle itself derives from Article 29, paragraph 3, of the Federal Constitution, which guarantees a constitutional right to free legal aid.

But neither the Constitution nor the CPC sets out a single calculation method for determining what counts as "insufficient" income. This question has been left to judicial practice, and each cantonal court (sometimes each judge) applies its own case law to convert the basic subsistence minimum,

calculated according to guidelines that are themselves harmonized at the Swiss level (Conference of Debt Enforcement and Bankruptcy Officials), into an indigence threshold for legal aid. It is this discretionary surcharge, and this alone, that varies from zero to 30% depending on the canton documented in this study.

As things currently stand in this research, this disparity has not been legally established as a violation of the principle of equal treatment (Article 8 of the Constitution): Swiss federalism has always tolerated differences in cantonal practice in the application of federal law, particularly in civil procedure. This study takes no position on this point; it documents a fact that has so far been little quantified, so that the question can be raised on the basis of verified figures.

Methodology

Guiding principle: no data is put forward without a court decision or official directive read in full and cited with its exact reference (court, case number, date, ground, or page). No average, estimate, or extrapolation is presented as an established fact; unconfirmed rates are explicitly identified as such.

Confirmation criterion: a single court decision may be a one-off example rather than proof of a settled cantonal practice. This is why a rate is classified as "confirmed" in this study only if it rests on at least two independent court decisions (different case files, if possible with different dates or before different courts), or on a general official directive of the cantonal judiciary (circular, regulation, registry calculation form) applicable to all cases and not just a single file. Cantons for which only one decision could be identified despite repeated research are documented separately, as an indication rather than an established fact.

Scope of the research: over 135 decisions were read in full over the course of this study, with a target of around ten independent decisions per canton. For cantons with a limited body of case law (small cantons, low volume of decisions published online), this target could not always be reached despite systematic research extended to first-instance decisions, other types of jurisdiction (administrative, criminal), and general statements of practice published by the cantonal authorities themselves; the limit reached is then explicitly documented rather than papered over with an approximation.

Source of the decisions: the OpenCaseLaw database (over one million indexed decisions from federal, cantonal, and regulatory authorities), queried canton by canton with searches in German, French, and Italian depending on each canton's official language. Every decision retained was read in full (complete text, not a mere summary) before being cited.

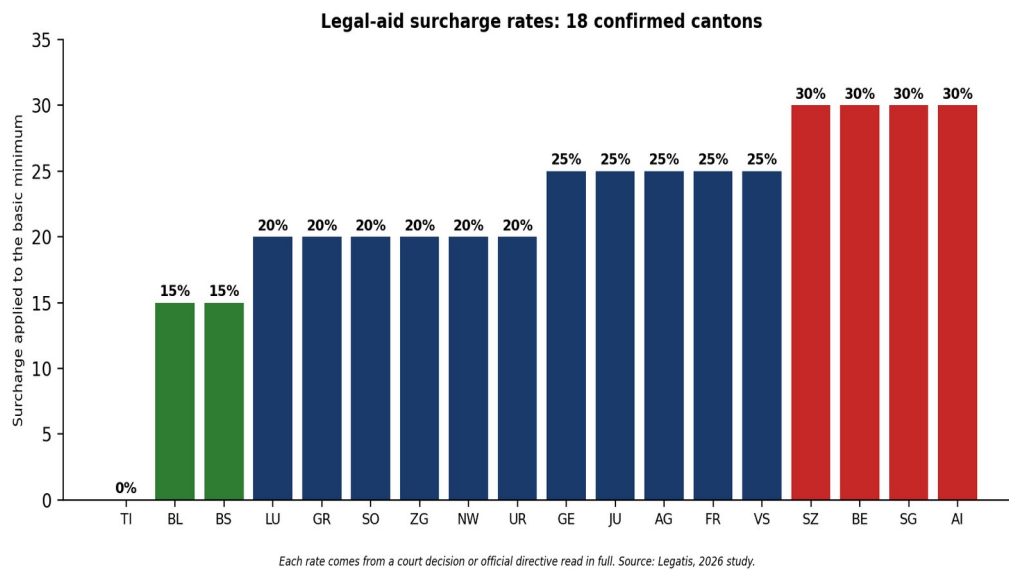
Cross-checking: every candidate retained underwent independent verification, confirming that the cited passage genuinely supports the claim advanced rather than a related but distinct legal concept. Several leads were encountered and then discarded during the research because they had nothing to do with calculating indigence for legal aid: a lawyer compensation tariff, a tax surcharge, a surcharge linked to a return to better fortune after bankruptcy, professional meal expenses.

Transparency on divergences: where the research revealed an evolving or contradictory cantonal practice rather than a single fixed rate (notably Geneva, Thurgau, Neuchâtel), this study documents both lines rather than arbitrarily selecting only one.

Verifiability: every confirmed rate is accompanied, in the annex, by a direct link to a representative selection of the source decisions, allowing any newsroom to verify the citation itself before publication.

Acknowledged limitation: this study does not claim to have covered the entirety of each canton's case law. It documents what could be verified through systematic and rigorous research, and explicitly flags cantons for which no usable source was identified rather than leaving a silent gap.

Overview: the 18 confirmed rates



The 18 cantons with a confirmed rate, in detail

Ranked from lowest to highest rate. The "Decisions" column indicates the total number of independent decisions identified and read in full for that canton; the citation shown is the most representative one, with the full list available in the annex along with verification links.

Canton	Rate	Decisions	Main source (see annex for full list)
Ticino (TI)	0%	3	Tribunale d'appello TI (Camera dei ricorsi penali), 60.2010.124, 05.07.2010 : "Calcul du fabbisogno minimo strettamente limitato au montante de base LEF et aux postes de charges réelles documentées, sans aucun supplément en pourcentage."
Basel-Landschaft (BL)	15%	14	Kantonsgericht Basel-Landschaft (tribunal des assurances sociales), 725 2015 188, 2015 : "Application du même taux de 15% hors chambre civile, devant le tribunal des assurances sociales."
Basel-Stadt (BS)	15%	11	Appellationsgericht Basel-Stadt, KR.2025.2, 02.10.2025 : "Zuschlag von 15 % [CHF 382.80]."
Graubünden (GR)	20%	13	Kantonsgericht Graubünden, ZR1 2025 11, 2025 : "Application la plus récente identifiée confirmant le Zuschlag de 20%."
Lucerne (LU)	20%	6	Obergericht Luzern, 1C 23 22, 29.08.2023 : "Application la plus récente confirmant le Zuschlag de 20%."
Nidwalden (NW)	20%	1	Kantonsgericht Nidwalden, formulaire officiel "Unentgeltliche Rechtspflege", 20.06.2024 : "Total Grundbeträge (inkl. Zuschlag von 20%) : CHF 1'200 (personne seule), CHF 1'350 (famille monoparentale), CHF 1'700 (couple)."
Solothurn (SO)	20%	6	Obergericht Solothurn, ZKBES.2017.146, 28.11.2017 : "Der zivilprozessuale Zuschlag von 20% macht dementsprechend CHF 240.00 aus."
Uri (UR)	20%	2	Obergericht Uri (Präsidium Zivilrechtliche Abteilung), 2026_OG ZP 26 2, 10.04.2026 : "Zivilprozessualer Zuschlag 20 % CHF

			310.00."
Zug (ZG)	20%	7	Obergericht Zug, BZ 2025 19, 01.07.2025 : "Existenzminimum CHF 3'589.70 (Grundbetrag [plus 20 % Zuschlag]: CHF 1'440.00...)."
Aargau (AG)	25%	10	Zivilgericht Argovie, XBE.2022.47, 23.11.2022 : "25 % des Grundbetrags (AGVE 2002 Nr. 15 S. 65 ff.)."
Fribourg (FR)	25%	13	Tribunal cantonal FR, 502 2022 147, 19.08.2022 : "le minimum vital du droit des poursuites, majoré de 25%, à hauteur de CHF 1'687.50."
Geneva (GE)	25%	11	Cour de justice GE (Chambre pénale de recours), ACPR/552/2025, 05.05.2025 : "Pour établir les dépenses du requérant, il convient de se fonder sur son minimum vital du droit des poursuites, augmenté de 25% (arrêt du Tribunal fédéral 1B_383/2017 du 23 novembre 2017 consid. 2)."
Jura (JU)	25%	10	Tribunal cantonal JU (Cour administrative), ADM 2025 157, 20.01.2026 : "minimum vital de droit des poursuites pour une personne seule majoré de 25 %, citant la Circulaire n° 14 du 30 septembre 2015 du Tribunal cantonal relative à l'octroi de l'assistance judiciaire."
Valais (VS)	25%	4	Tribunal cantonal VS (Cour civile I), C2 25 37, 12.05.2025 : "il peut ainsi couvrir son minimum vital du droit des poursuites majoré de 25 % (1500 fr.)."
Appenzell Innerrhoden (AI)	30%	2	Canton d'Appenzell Rhodes-Intérieures (site officiel), page "Unentgeltliche Rechtspflege", consultée le 03.08.2026 : "Zur Berechnung des prozessualen Zwangsbedarfs wird der Grundbetrag um 30% erhöht."
Bern (BE)	30%	12	Verwaltungsgericht du canton de Berne, 100.2024.304U, 12.12.2025 : "prozessualer Zwangsbedarf [...] Grundbetrag von Fr. 1'200.--, prozessualer Zuschlag von Fr. 360.-- (soit 30%)."
St. Gallen (SG)	30%	2	Kantonsgericht St. Gallen, VZ.2007.31, 21.08.2007 : "Auch in quantitativer Hinsicht ist ein strengerer Massstab anzulegen als bei der Gewährung der unentgeltlichen Prozessführung, wo ein Zuschlag von 30% zum Grundbetrag berücksichtigt wird."
Schwyz (SZ)	30%	6	Gericht SZ, BEK 2021 33, 04.06.2021 : "Zuschlag von 30 Prozent auf dem Grundbetrag von Fr. 360.00."

Two cantons with a single source (indication, not confirmed)

For these cantons, only one decision could be identified despite repeated research from different angles, including broadening the search to first-instance decisions and other types of jurisdiction. A single decision may be a one-off example rather than proof of a settled practice: these rates are therefore presented as an indication, not as a fact confirmed to the same degree of certainty as the cantons in the previous section.

Thurgau (TG) : 25%

Obergericht Thurgau, RBOG 2018 Nr. 6, 30.05.2018 : "Zuschlag von 25% auf dem Grundbetrag bei der Berechnung des prozessualen Notbedarfs."

Exhaustive research across two passes (both the tg_gerichte and tg_obergericht databases, over 3,600 decisions in total, around ten different search formulations) found no second civil decision. An important divergence already documented: the Thurgau Administrative Court applies a constant and opposite practice for administrative-law cases (0% surcharge, TVR 2009 No. 7 confirmed by TVR 2024 No. 12). The 25% therefore applies only to the civil-law track (Art. 117 CPC).

Obwalden (OW) : 20%

Obergerichtskommission Obwalden, AbR 2006/07 Nr. 1, 07.02.2007 : "rechtfertigt es sich, künftig von einem Zuschlag von 20 % auf dem Grundbetrag auszugehen. Der vorinstanzliche Entscheid, der von einem Zuschlag von 15 % ausging, ist entsprechend zu korrigieren."

IMPORTANT CORRECTION: the "10-15%" range previously documented for this canton was the old practice, EXPRESSLY REPEALED by this 2007 decision (an explicit change of practice comparing the cantonal practices of LU/NW/UR/ZG at 20% and SZ/BE at 30%, and correcting the lower court, which still applied 15%). The rate currently in force is therefore a flat 20% on the Grundbetrag. Exhaustive search for decisions after 2007: none found, either confirming or contradicting this rate; the body of case law is genuinely exhausted for this very small canton, but no contrary decision in 19 years.

Four cantons with documented discretionary practice

These cantons do not apply a single fixed rate: the percentage is left to the judge's discretion, or the available case law is too contradictory to establish a firm rule, within a range documented by the decisions reviewed.

Zurich (ZH), observed range : 15-30%

Obergericht/Sozialversicherungsgericht ZH: ~20 decisions with a concrete percentage identified (2012-2025). RU140012 (07.05.2014, "Zuschlag von 15-30[%]"); PC140029 (20.10.2014, 25%); RT170136 (29.08.2017, 15% minimum); PC200016 (10.06.2020, 25%); RZ200006 (16.09.2020, 20%, 10-30% range cited); PC240031 (11.02.2025, wording "a 25% surcharge is usually granted").

Switzerland's most populous canton leaves the percentage to the judge's discretion on a case-by-case basis, but with a clear statistical mode of 20% (9 out of ~20 decisions examined), followed by 25% (5-6 decisions, described as "the usual rule" in the most recently identified decision, from 2025).

Vaud (VD), observed range : 20-30%, taux dominant actuel 25%

12 legal-aid decisions identified (2009-2024): HC/2009/269 (18.08.2009, federal-law principle of 20%, now outdated); Pron/2012/208 (29.08.2012, 25% applied); Arrêt 2017/61 (12.01.2017, 30% applied); HC/2021/135 (10.03.2021, 30%); HC/2024/404 (16.05.2024, 25% applied); HC/2024/690 (27.08.2024, 25% applied).

The 20-30% range remains accurate in the abstract (both bounds are attested by concrete applications), but 25% has clearly been the dominant rate in Vaud case law since 2012. A Federal Supreme Court ruling cited by the Vaud Civil Court of Appeal (4A_432/2016, read in full) explicitly finds 20% insufficient: "the legal aid judge must apply a 25% surcharge".

Glarus (GL), observed range : 20-25%

Obergericht Glarus, OG.2015.00010 (13.05.2016, legal aid for a private plaintiff, Art. 136 CrimPC): "Notbedarf (basic amount increased by 20%-25%...)". Verwaltungsgericht Glarus, VG.2020.00020 (14.05.2020, disability-insurance administrative dispute): "this basic amount is, as a matter of settled practice, to be increased by 20%".

Now two independent decisions, before two different courts (the criminal Obergericht and the administrative Verwaltungsgericht). The lower bound (20%) is confirmed as settled practice ("praxisgemäss") by the Verwaltungsgericht; the upper bound (25%) comes from only a single mention. Exhaustive research (~250 Glarus decisions reviewed) found no official directive with figures.

Neuchâtel (NE), observed range : 0-25%, pratique non automatique

Autorité de recours en matière civile NE, ARMC.2020.56 (08.12.2020): concrete application of 25% ("an amount of 850 francs, which it then increased by 25%", uncontested). Cour d'appel civile NE, CACIV.2020.47 (16.10.2020, two months earlier): "the basic minimum [...] does not have to be systematically increased by 25%, even though such an increase is applied in certain cantons".

Reclassified from "single source confirmed at 25%" to "discretionary practice" after the discovery of a second decision that contradicts, rather than confirms, the automatic nature of the surcharge. The Neuchâtel court appears to reserve the possibility of applying a surcharge or not depending on the circumstances, with 25% as the reference figure when it is applied. Exhaustive research (~250 of the 10,740 decisions in the Neuchâtel body of case law) found no third decision clarifying the rule.

Cantons with no usable data

For the sake of transparency, this study also documents its own limitations: the cantons for which no usable decision was found despite several successive rounds of research.

Schaffhausen (SH)

Exhaustive research across three passes (including reviewing ~50 additional Obergericht decisions and an attempt to broaden the search to first-instance decisions) without success. The original PDF links to obergerichtsentseide.sh.ch for the two most promising decisions (40/2002/34, 40/2005/2) are no longer accessible (the site was restructured), and OpenCaseLaw retained only the metadata, not the full text.

Appenzell Ausserrhoden (AR)

Exhaustive research across three passes (~55 additional decisions reviewed in this latest search). The decisions found mentioning a "Zuschlag" relate either to professional meal expenses or to the lawyer's fee schedule for interim measures (10-40%), none concerning the calculation of the basic minimum for legal aid itself. The cantonal registry's official form does not detail this calculation.

Numerical case study: five rate profiles

The table below applies the five confirmed rates (in the strict sense defined in the methodology) to three household profiles, using the basic subsistence-minimum amounts as they repeatedly appear in the decisions reviewed across several cantons (derived from the guidelines of the Swiss Conference of Debt Enforcement and Bankruptcy Officials).

Profile (basic minimum)	0%	15%	20%	25%	30%
Single person (CHF 1 200.-)	+ CHF 0.-	+ CHF 180.-	+ CHF 240.-	+ CHF 300.-	+ CHF 360.-
Single-parent family (1 child) (CHF 1 350.-)	+ CHF 0.-	+ CHF 203.-	+ CHF 270.-	+ CHF 338.-	+ CHF 405.-
Couple (CHF 1 700.-)	+ CHF 0.-	+ CHF 255.-	+ CHF 340.-	+ CHF 425.-	+ CHF 510.-

Reading example: for a couple (basic subsistence minimum of CHF 1,700), the recognized surcharge ranges from CHF 0 (Ticino) to CHF 510 (Schwyz, Bern, St. Gallen, Appenzell Innerrhoden), a gap of CHF 510 per month, CHF 6,120 per year, in calculating the indigence threshold, with an otherwise strictly identical financial situation, based solely on canton of residence.

In concrete terms: two households with exactly the same income and the same actual expenses may receive a different response to their legal aid application depending on whether they live in Ticino or in the canton of Bern, with the latter entitled to a markedly higher amount of recognized expenses each month when calculating their needs, which correspondingly reduces their apparent "surplus" and makes access to legal aid easier.

Conclusion

Federal law (Article 117 CPC) sets out a principle common to the whole of Switzerland: no one should be denied access to justice for lack of means. Yet the concrete mechanism that defines who is "poor enough" to benefit from it remains, for the portion of the calculation examined in this study, fragmented across 26 cantonal practices, of which only 18 could be established with certainty at this stage (each with at least two independent sources), with a range running from no surcharge at all to a 30% surcharge between the two confirmed extremes.

This study does not claim to settle whether this diversity is justified by differences in cantonal cost of living, or whether it constitutes a problematic inequality of treatment with regard to the principle of equality before the law. It aims to document, on the basis of verified sources and particularly thorough research, a reality little known to the general public, and to provide journalists, researchers, and legal practitioners with a solid factual basis for examining it further.

Annex: full citations and verification links

A representative selection of the decisions and directives cited in this study for each canton (the total number of decisions identified is indicated in the comparative table), with the exact reference, the passage cited, and a direct link to the source for independent verification.

Ticino (TI) : 0%

Tribunale d'appello TI (1ère Camera civile), 11.2016.23, 29.12.2016 : "In realtà la prassi ticinese – come quella di altri Cantoni – non riconosce maggiorazioni siffatte (che possono variare dallo 0 al 30%)."

Verify the source: https://mcp.opencaselaw.ch/entscheid/ti_gerichte_11.2016.23

Tribunale d'appello TI (Camera dei ricorsi penali), 60.2010.124, 05.07.2010 : "Calcul du fabbisogno minimo strettamente limité au montant de base LEF et aux postes de charges réelles documentées, sans aucun supplément en pourcentage."

Verify the source: https://mcp.opencaselaw.ch/entscheid/ti_gerichte_60.2010.124

The only Swiss canton where case law explicitly confirms that no surcharge whatsoever is applied to the basic minimum for legal aid purposes, confirmed by the official minimo di esistenza table used by the Ticino judiciary, which provides for no flat-rate surcharge, unlike every other canton.

Basel-Landschaft (BL) : 15%

Kantonsgericht Basel-Landschaft, 410 15 158, 07.07.2015 : "erweiterte den Grundbedarf der Kläger um einen Zuschlag von je 15 %"

Verify the source: https://mcp.opencaselaw.ch/entscheid/bl_gerichte_410_2015_158

Kantonsgericht Basel-Landschaft, 410/17/313, 08.09.2017 : "Grundbetrag 1'000.00 / Zuschlag 15% 150.00"

Verify the source: https://mcp.opencaselaw.ch/entscheid/bl_gerichte_410_17_313

Kantonsgericht Basel-Landschaft (tribunal des assurances sociales), 725 2015 188, 2015 : "Application du même taux de 15% hors chambre civile, devant le tribunal des assurances sociales."

Verify the source: https://mcp.opencaselaw.ch/entscheid/bl_gerichte_725_2015_188

14 independent decisions identified in total (2012-2021), the richest body of case law in this study alongside Basel-Stadt. Important nuance: a separate line of decisions from 2013-2015 applied 25-50%, but only for calculating subsequent reimbursement of legal aid (not the initial grant); this line was abandoned from 2021 onward.

Basel-Stadt (BS) : 15%

Appellationsgericht Basel-Stadt, BEZ.2015.63, 30.12.2015 : "Ein erweitertes Existenzminimum wurde seitens der Vorinstanz mit einem Zuschlag von 15% auf den monatlichen Grundbetrag gewährt."

Verify the source: https://mcp.opencaselaw.ch/entscheid/bs_appellationsgericht_BEZ.2015.63

Appellationsgericht Basel-Stadt, BEZ.2018.40, 15.06.2018 : "Zuschlag von 15 % zu erhöhen, um den Bedarf nicht auf das absolute Minimum zu beschränken."

Verify the source: https://mcp.opencaselaw.ch/entscheid/bs_appellationsgericht_BEZ.2018.40

Appellationsgericht Basel-Stadt, VD.2022.138, 14.10.2022 : "Zuschlag von 15 % zu erhöhen (vgl. AGE ZB.2016.39 vom 20. Juli 2017 E. 7.1.3)."

Verify the source: https://mcp.opencaselaw.ch/entscheid/bs_appellationsgericht_VD.2022.138

Appellationsgericht Basel-Stadt, KR.2025.2, 02.10.2025 : "Zuschlag von 15 % [CHF 382.80]."

Verify the source: https://mcp.opencaselaw.ch/entscheid/bs_appellationsgericht_KR.2025.2

11 independent decisions identified (2015-2025), forming an unbroken chain of precedent over 10 years (ZB.2016.39 → ZB.2020.6 → BEZ.2018.40 → BEZ.2018.24 → VD.2018.76 → VD.2022.138 → ZB.2022.11 → KR.2025.2), the densest body of case law in the entire study.

Graubünden (GR) : 20%

Kantonsgericht Graubünden, ZB 2003 31, 03.11.2003 : "Zuschlag de 20% sur le Grundbetrag, jurisprudence constante depuis au moins 2003."

Verify the source: https://mcp.opencaselaw.ch/entscheid/gr_gerichte_ZB_2003_31

Kantonsgericht Graubünden, ZK1 2011 6, 16.05.2011 : "Zuschlag um einen Zuschlag von 20% zu erweitern."

Verify the source: https://mcp.opencaselaw.ch/entscheid/gr_gerichte_ZK1_2011_6

Kantonsgericht Graubünden, ZR1 2025 11, 2025 : "Application la plus récente identifiée confirmant le Zuschlag de 20%."

Verify the source: https://mcp.opencaselaw.ch/entscheid/gr_gerichte_ZR1_2025_11

13 independent decisions identified (2003-2026), covering the body of case law over more than 20 years. One isolated decision (ZK2 2019 66, 17.03.2020) applies a rate of 25% rather than 20%, flagged as an anomaly with no apparent distinct legal basis, 1 case out of 14 decisions examined.

Lucerne (LU) : 20%

Obergericht Luzern, OG 1999 29, 22.09.1999 : "Weisung betreffend unentgeltliche Rechtspflege : Zuschlag initial de 15%."

Verify the source: https://mcp.opencaselaw.ch/entscheid/lu_gerichte_OG_1999_29

Obergericht Luzern, JK 02 68, 17.06.2003 : "Erhöhung des Zuschlages auf den Grundbetrag [...] von 15 % auf 20 % (Praxisänderung)."

Verify the source: https://mcp.opencaselaw.ch/entscheid/lu_gerichte_JK_02_68

Obergericht Luzern, 3C 15 24, 28.01.2016 : "Application confirmée du Zuschlag de 20% sur le Grundbetrag pour l'unentgeltliche Rechtspflege."

Verify the source: https://mcp.opencaselaw.ch/entscheid/lu_gerichte_3C_15_24

Obergericht Luzern, 1C 23 22, 29.08.2023 : "Application la plus récente confirmant le Zuschlag de 20%."

Verify the source: https://mcp.opencaselaw.ch/entscheid/lu_gerichte_1C_23_22

6 independent decisions in total (1999-2023). Documented historical evolution: 15% until 1999, 20% since the 2003 change of practice (Praxisänderung), confirmed without interruption since then (most recent application identified in 2023).

Nidwalden (NW) : 20%

Kantonsgericht Nidwalden, formulaire officiel "Unentgeltliche Rechtspflege", 20.06.2024 : "Total Grundbeträge (inkl. Zuschlag von 20%) : CHF 1'200 (personne seule), CHF 1'350 (famille monoparentale), CHF 1'700 (couple)."

Verify the source: https://www.nw.ch/_docn/386608/Unentgeltliche_Rechtspflege_ab_20.06.2024.pdf

Official form of the cantonal court, the only available source but of a general nature (applicable to all cases, not a single file). Exhaustive research (~20 candidate decisions opened in full text) found no individual court decision applying this rate; the published body of case law for this small canton is very thin, and the directive itself dates only from 2024.

Solothurn (SO) : 20%

Kantonsgericht Solothurn, ZKREK.2010.36, 25.03.2010 : "ein zivilprozessualer Zuschlag von CHF 240.00 (20%)."

Verify the source: https://mcp.opencaselaw.ch/entscheid/so_gerichte_ZKREK.2010.36

Obergericht Solothurn, ZKBES.2017.146, 28.11.2017 : "Der zivilprozessuale Zuschlag von 20% macht dementsprechend CHF 240.00 aus."

Verify the source: https://mcp.opencaselaw.ch/entscheid/so_gerichte_ZKBES.2017.146

6 decisions in total with an explicit percentage (2010-2021), a strict methodological criterion was applied: 7 further decisions had a calculation implicitly consistent with 20% but without the percentage spelled out, and were excluded as a precaution.

Uri (UR) : 20%

Obergericht Uri, OG VP 23 5, 16.06.2023 : "Hinzuzurechnen ist der verwaltungsprozessuale Zuschlag im Umfang von 20 Prozent des monatlichen Grundbetrages."

Verify the source:

https://mcp.opencaselaw.ch/entscheid/ur_gerichte_2023_OG%20VP%2023%205_Unentgeltliche%20Rechtspflege

Obergericht Uri (Präsidium Zivilrechtliche Abteilung), 2026_OG ZP 26 2, 10.04.2026 : "Zivilprozessualer Zuschlag 20 % CHF 310.00."

Verify the source: https://mcp.opencaselaw.ch/entscheid/ur_gerichte_2026_OG%20ZP%2026%202

Upgraded from "single source" to "confirmed": a second independent decision was found (different judge, different case file, three years apart). An older lead (1996, Obergerichtspräsidium OGP-Z-3/96) remains unverifiable in full text (only the headnote is available) and is therefore not counted.

Zug (ZG) : 20%

Obergericht Zug, BZ 2022 27, 12.05.2022 : "Wird dieser Grundbetrag praxisgemäss um 20% erhöht."

Verify the source: https://mcp.opencaselaw.ch/entscheid/zg_obergericht_BZ_2022_27

Obergericht Zug, BZ 2023 17, 23.05.2023 : "Wird dieser Grundbetrag praxisgemäss um 20 % erhöht, resultiert [...] ein Grundbetrag von CHF 1'020.00 (CHF 850.00 + CHF 170.00 [Zuschlag 20 %])."

Verify the source: https://mcp.opencaselaw.ch/entscheid/zg_obergericht_BZ_2023_17

Obergericht Zug, BZ 2025 19, 01.07.2025 : "Existenzminimum CHF 3'589.70 (Grundbetrag [plus 20 % Zuschlag]: CHF 1'440.00...)."

Verify the source: https://mcp.opencaselaw.ch/entscheid/zg_obergericht_BZ_2025_19

7 independent decisions identified (2022-2025), all worded as settled practice ("praxisgemäss"). No contradiction found.

Aargau (AG) : 25%

Obergericht Aargau, AGVE 2002 15, 05.05.2002 : "Zuschlag von 25% auf dem betreibungsrechtlichen Grundbetrag."

Verify the source: https://mcp.opencaselaw.ch/entscheid/ag_gerichte_AGVE_2002_15

Obergericht Aargau, ZSU.2022.9, 08.11.2022 : "Zuschlag von 25% auf dem Grundbetrag Fr. 300.00 (sur Fr. 1'200.00)."

Verify the source: https://mcp.opencaselaw.ch/entscheid/ag_zivilgericht_ZSU.2022.9

Zivilgericht Argovie, XBE.2022.47, 23.11.2022 : "25 % des Grundbetrags (AGVE 2002 Nr. 15 S. 65 ff.)."

Verify the source: https://mcp.opencaselaw.ch/entscheid/ag_zivilgericht_XBE.2022.47

10 independent decisions identified (2002-2026), covering three courts (Civil Court, Criminal Court, Administrative Court). One decision (ZOR.2023.6) explicitly describes the rate as "stetige Praxis des Obergerichts" (the cantonal court's consistent practice). No contradiction found.

Fribourg (FR) : 25%

Tribunal cantonal FR, 101 2021 258, 29.11.2021 : "l'augmentation usuelle de 25% du minimum d'existence lorsqu'il s'agit de statuer sur l'assistance judiciaire."

Verify the source: https://mcp.opencaselaw.ch/entscheid/fr_gerichte_101_2021_258

Tribunal cantonal FR, 502 2021 176, 25.10.2021 : "le minimum vital de base doit bien être majoré de 25 % selon la jurisprudence relative à l'assistance judiciaire."

Verify the source: https://mcp.opencaselaw.ch/entscheid/fr_gerichte_502_2021_176

Tribunal cantonal FR, 502 2022 147, 19.08.2022 : "le minimum vital du droit des poursuites, majoré de 25%, à hauteur de CHF 1'687.50."

Verify the source: https://mcp.opencaselaw.ch/entscheid/fr_gerichte_502_2022_147

13 independent decisions identified (2013-2025). Documented historical trajectory: two decisions from 2015 (102 2014 195 and 502 2015 252) still applied 20%, described at the time as "settled Fribourg case law"; every decision from 2018 onward confirms 25%, aligned with Federal Supreme Court rulings 4A_432/2016 and 5A_328/2016. A dated and sourced shift in practice rather than a mere static snapshot.

Geneva (GE) : 25%

Cour de justice GE (Chambre pénale de recours), ACPR/88/2022, 09.02.2022 : "La majoration de 20% du montant de base [...] est admise dans le calcul du minimum vital en matière d'assistance juridique."

Verify the source: https://mcp.opencaselaw.ch/entscheid/ge_gerichte_ACPR_88_2022

Cour de justice GE (Chambre pénale de recours), ACPR/317/2022, 04.05.2022 : "Une majoration de 20% de ce forfait est admise en matière d'assistance juridique."

Verify the source: https://mcp.opencaselaw.ch/entscheid/ge_gerichte_P_3660_2021

Cour de justice GE (Chambre pénale de recours), ACPR/552/2025, 05.05.2025 : "Pour établir les dépenses du requérant, il convient de se fonder sur son minimum vital du droit des poursuites, augmenté de 25% (arrêt du Tribunal fédéral 1B_383/2017 du 23 novembre 2017 consid. 2)."

Verify the source: https://mcp.opencaselaw.ch/entscheid/ge_gerichte_ACPR_552_2025

SPECIAL CASE, documented as an evolving practice rather than a single fixed rate (as with Thurgau): 5 independent decisions of the Criminal Appeals Chamber applied 20% between 2020 and 2022, but 6 more recent decisions (2022-2025), including the most recent one read in full, apply 25% based on a Federal Supreme Court ruling. No directive or landmark ruling formalizing this shift was identified: the two lines overlap in 2022 with no official cutover. Counted here under 25% (the more recent and better legally reasoned practice), but both rates are documented for transparency.

Jura (JU) : 25%

Tribunal cantonal JU (Cour civile), CC 86-89/2013, 24.01.2014 : "Application du minimum vital majoré de 25%, antérieure à la formalisation par circulaire."

Verify the source: https://mcp.opencaselaw.ch/entscheid/ju_gerichte_CC%2086-89_2013

Tribunal cantonal JU (Cour civile), CIV 2025 1026, 03.11.2025 : "le minimum vital du droit des poursuites augmenté de 25% (ATF 124 I 1, consid. 2c)."

Verify the source: https://mcp.opencaselaw.ch/entscheid/ju_gerichte_CIV%202025%201026

Tribunal cantonal JU (Cour administrative), ADM 2025 157, 20.01.2026 : "minimum vital de droit des poursuites pour une personne seule majoré de 25 %, citant la Circulaire n° 14 du 30 septembre 2015 du Tribunal cantonal relative à l'octroi de l'assistance judiciaire."

Verify the source: https://mcp.opencaselaw.ch/entscheid/ju_gerichte_ADM%202025%20157

10 independent decisions identified (2013-2026, Civil Court and Administrative Court), backed by an official directive of the Cantonal Court (Circular No. 14 of 30.09.2015). Two decisions predating this circular (2013-2014) show that the 25% practice was already constant before it was formalized in writing. No contradiction found.

Valais (VS) : 25%

Tribunal cantonal VS (Cour pénale I), P2 23 43, 31.07.2023 : "il convient de se fonder sur le minimum vital du droit des poursuites augmenté de 25% (cf. ATF 124 I 1 consid. 2c)."

Verify the source: https://mcp.opencaselaw.ch/entscheid/vs_gerichte_P2%2023%2043

Tribunal cantonal VS (Cour civile I), C2 22 2, 09.02.2022 : "eu égard à la base mensuelle du minimum d'existence - 1200 fr. -, augmenté de 25 %, les besoins de l'intéressé se montaient ainsi à 3108 fr. 20."

Verify the source: https://mcp.opencaselaw.ch/entscheid/vs_gerichte_C2%2022%202

Tribunal cantonal VS (Cour civile I), C2 25 37, 12.05.2025 : "il peut ainsi couvrir son minimum vital du droit des poursuites majoré de 25 % (1500 fr.)."

Verify the source: https://mcp.opencaselaw.ch/entscheid/vs_gerichte_C2%2025%2037

4 independent decisions identified (2022-2025), two different chambers of the Cantonal Court (civil and criminal) in agreement.

Appenzell Innerrhoden (AI) : 30%

Kantonsgericht Appenzell Innerrhoden, ke-5-2026, 28.04.2026 : "Zur Berechnung des prozessualen Zwangsbedarfs wird der Grundbetrag um 30% erhöht."

Verify the source: https://mcp.opencaselaw.ch/entscheid/ai_gerichte_ke-5-2026

Canton d'Appenzell Rhodes-Intérieures (site officiel), page "Unentgeltliche Rechtspflege", consultée le 03.08.2026 : "Zur Berechnung des prozessualen Zwangsbedarfs wird der Grundbetrag um 30% erhöht."

Verify the source: <https://www.ai.ch/themen/staat-und-recht/unentgeltliche-rechtspflege>

Upgraded from "single source" to "confirmed": the court decision is corroborated word for word by a general statement of practice published on the canton's official website, which is not tied to a particular case, satisfying the confirmation criterion of an official directive/general statement. Exhaustive research (around 240 Appenzell decisions reviewed in total across two passes) found no second court decision, as the body of case law for this very small canton is structurally limited.

Bern (BE) : 30%

Regionalgericht Bern (Zivil- und Strafgericht), ZK 2020 545, 09.02.2021 : "[Ausgaben] bereits durch den um 30% erhöhten betriebsrechtlichen Grundbetrag abgedeckt."

Verify the source: https://mcp.opencaselaw.ch/entscheid/be_zivilstraf_ZK_2020_545

Verwaltungsgericht du canton de Berne, 100.2024.304U, 12.12.2025 : "prozessualer Zwangsbedarf [...] Grundbetrag von Fr. 1'200.--, prozessualer Zuschlag von Fr. 360.-- (soit 30%)."

Verify the source: https://mcp.opencaselaw.ch/entscheid/be_verwaltungsgericht_100_2024_304

12 independent decisions identified (2013-2025), covering both the Obergericht/Regionalgericht (civil) and the Verwaltungsgericht (administrative), two different courts applying the same rate, which strengthens the evidence of a constant cantonal practice rather than an isolated case.

St. Gallen (SG) : 30%

Kantonsgericht St. Gallen, Richtlinien zur unentgeltlichen Rechtspflege, 05.2011 : "ein um 30% erhöhter betriebsrechtlicher Grundbetrag."

Verify the source: https://www.sg.ch/content/dam/sgch/recht/gerichte/weisungen_kreisschreiben_reglemente/

[kantonsgericht/Richtlinien%20zur%20unentgeltliche%20Rechtspflege%20im%20Zivilprozess%20und%20f%C3%BCr%20die%20Privatkl%C3%A4gerschaft%20im%20Strafprozess%20\(Stand%2005-2011\).pdf](https://www.sg.ch/content/dam/sgch/recht/gerichte/weisungen_kreisschreiben_reglemente/kantonsgericht/Richtlinien%20zur%20unentgeltliche%20Rechtspflege%20im%20Zivilprozess%20und%20f%C3%BCr%20die%20Privatkl%C3%A4gerschaft%20im%20Strafprozess%20(Stand%2005-2011).pdf)

Kantonsgericht St. Gallen, VZ.2007.31, 21.08.2007 : "Auch in quantitativer Hinsicht ist ein strengerer Massstab anzulegen als bei der Gewährung der unentgeltlichen Prozessführung, wo ein Zuschlag von 30% zum Grundbetrag berücksichtigt wird."

Verify the source: <https://publikationen.sg.ch/rechtsprechung-gerichte-detail/4083/>

Official directive of the cantonal court (2011), confirmed by a court decision that concretely applies this rate (2007, predating the directive itself). The body of case law is considered nearly exhausted beyond these two sources (most published Kantonsgericht SG decisions on legal aid are landmark rulings that do not recompute the calculation, since it is uncontested in practice).

Schwyz (SZ) : 30%

Kantonsgericht Schwyz, ZK2 2021 10, 05.05.2021 : "der Zuschlag im Kanton Schwyz gemäss Richtlinien der Gerichtspräsidentenkonferenz des Kantons Schwyz für die Officialverteidigung und die unentgeltliche Rechtsvertretung vom 3. November 2003 max. 30% beträgt."

Verify the source: https://mcp.opencaselaw.ch/entscheid/sz_gerichte_ZK2%202021%2010

Gericht SZ, BEK 2021 33, 04.06.2021 : "Zuschlag von 30 Prozent auf dem Grundbetrag von Fr. 360.00."

Verify the source: https://mcp.opencaselaw.ch/entscheid/sz_gerichte_BEK%202021%2033

Backed by a named official directive (Richtlinien der Gerichtspräsidentenkonferenz, 03.11.2003). 6 independent decisions identified in total (2019-2022); the body of case law is considered close to exhausted after reviewing around 200 decisions. Two contextual anomalies noted (a discretionary application of 20% in one particular case, a rejection of 30% in a context of remission of criminal costs distinct from the legal aid calculation), neither of which contradicts the rate within the context of the initial grant of legal aid.

Cantons with a single source (unconfirmed indication)

These citations are provided for transparency and verifiability, but do not meet the two-source confirmation criterion applied to the rest of this study (see methodology).

Thurgau (TG) : 25% (single source)

Obergericht Thurgau, RBOG 2018 Nr. 6, 30.05.2018 : "Zuschlag von 25% auf dem Grundbetrag bei der Berechnung des prozessualen Notbedarfs."

Verify the source: https://mcp.opencaselaw.ch/entscheid/tg_obergericht_RBOG_2018_Nr._06

Exhaustive research across two passes (both the tg_gerichte and tg_obergericht databases, over 3,600 decisions in total, around ten different search formulations) found no second civil decision. An important divergence already documented: the Thurgau Administrative Court applies a constant and opposite practice for administrative-law cases (0% surcharge, TVR 2009 No. 7 confirmed by TVR 2024 No. 12). The 25% therefore applies only to the civil-law track (Art. 117 CPC).

Obwalden (OW) : 20% (single source)

Obergerichtskommission Obwalden, AbR 2006/07 Nr. 1, 07.02.2007 : "rechtfertigt es sich, künftig von einem Zuschlag von 20 % auf dem Grundbetrag auszugehen. Der vorinstanzliche Entscheid, der von einem Zuschlag von 15 % ausging, ist entsprechend zu korrigieren."

Verify the source: https://mcp.opencaselaw.ch/entscheid/ow_gerichte_AbR%202006_07%20Nr.%201

IMPORTANT CORRECTION: the "10-15%" range previously documented for this canton was the old practice, EXPRESSLY REPEALED by this 2007 decision (an explicit change of practice comparing the cantonal practices of LU/NW/UR/ZG at 20% and SZ/BE at 30%, and correcting the lower court, which still applied 15%). The rate currently in force is therefore a flat 20% on the Grundbetrag. Exhaustive search for decisions after 2007: none found, either confirming or contradicting this rate; the body of case law is genuinely exhausted for this very small canton, but no contrary decision in 19 years.