



ACCESS TO JUSTICE FOR LITIGANTS IN PERSON

IMPLEMENTATION UPDATE

on the Report and Recommendations of November 2011
to the Lord Chancellor and the Lord Chief Justice

NOVEMBER 2013

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Introduction

It is now more than two years since the publication of the Civil Justice Council Report on Access to Justice for Litigants in Person.

Those who cannot afford legal services and those for whom the state will not provide legal aid comprise the larger part of the population of England and Wales. The report emphasised the crucial importance of finding ways to help and enable users of the legal system who find themselves in these circumstances.

The report recommended 10 immediate actions, 10 medium-term actions and five areas for longer-term focus. The report has been accompanied by a total, to date, of six regional workshops.

This Implementation Update attempts to record the progress that has been made on each recommended action or area since the publication of the Report. It is hoped that the update will encourage further progress and enable focus on where that is most needed.

The Civil Justice Council would like to express its gratitude to the many, many people who have worked to achieve the progress summarised in the update. These include academics, advice workers, barristers, businesses, charities, chartered legal executives, clearing houses, civil servants, court staff, judges, litigants in person, members of the House of Commons and the House of Lords, practitioners, professional bodies, regulators, solicitors, and students.

The update shows that, thanks to the combined efforts and leadership of all these people, around 200 things have been done or are being done towards the recommended actions and in the recommended areas. Some things are large; some are small. All are important. Many are collaborative. Each taken individually is enhanced by the fact that it takes place alongside so many others. Many set a valuable example that could be taken up elsewhere or on which we can build further.

A draft version of this update helped inform the discussion at the CJC's second National Forum, held in November 2013. It has been amended slightly in the light of that discussion and now reflects the different initiatives taking place around the country at the end of 2013.

The Civil Justice Council would welcome news of further things that have been done, and things that are done in the months to come.

As at November 2013

The Civil Justice Council Report is available on www.judiciary.gov.uk/about-the-judiciary/advisory-bodies/cjc/litigants-in-person.

The Civil Justice Council is contactable at cjc@judiciary.gsi.gov.uk.

Civil Justice Council Working Group membership

Robin Knowles CBE QC (Chairman)

Mr Justice Ross Cranston

Peter Farr

Amanda Finlay CBE

Professor Dame Hazel Genn DBE

Nick Hanning

Rebecca Hilsenrath

Alison Lamb

District Judge Margaret Langley

Vicky Ling

Judith March

John Sorabji

Rebecca Wilkie

The working group has been assisted by Mizan Abdulrouf, Toby Brown, Alex Clark, Andrea Dowsett, Graham Hutchens and Chris Morris-Perry.

Key

- = Action completed.
- = Action in hand.
- = Action awaited.

Recommended immediate actions

1 Improve accessibility, currency and content of existing website material

Action

- Advicenow is completing, supported by MoJ funding, up-to-date editions of 10 online action guides.

- Law for Life, with Advicenow, and supported by MoJ funding, has prepared a training resource manual which includes help to Personal Support Unit (PSU) volunteers to find, assess and use online sources of legal information.

- PSU has had a major focus on identifying and making easily available quality-assured resources in plain English for LIPs.

- MoJ has introduced a legal aid online information service called ‘Can You Get Legal Aid?’

- The MoJ’s Channel Strategy is aiming to direct those who are not eligible for legal aid to other sources of advice and information.

- The MoJ’s Library and Information Service has produced a chart which pulls together guidance that has been produced by various organisations, with the intention that this chart is put on to the direct.gov website.

- The Hickinbottom Report has recommended that MoJ/HMCTS undertakes a thorough review of its web-based information.

Status	Further information
●	www.advicenow.org.uk
●	www.lawforlife.org.uk
●	http://theapsu.org
●	www.gov.uk/check-legal-aid
●	
●	
●	

2 Prepare and publish (at least online) a ‘nutshell’ guide for litigants in person

Action

- The strategic importance of the RCJ Advice Bureau has been highlighted by the CJC with the MoJ.

- The RCJ Advice Bureau, assisted by Advicenow, has prepared and published the ‘Going to Court’ series or ‘toolkit’ of ‘nutshell’ guides for litigants in person. PSU helps ensure their distribution nationally.

- The Civil Sub-Committee of the Council of HM Circuit Judges has prepared and published a larger, more in-depth guide for litigants in person, the ‘Handbook for Litigants in Person’, under the editorship of Judge Edward Bailey.

- The Queen’s Bench Division (by Foskett J, with the assistance of RCJ Advice Bureau and PSU), and the Chancery Division (by Briggs LJ and Asplin J, with the assistance of Advicenow and PSU), have each prepared and published guides to interim applications for litigants in person.

- The Bar Council has prepared and published a guide entitled ‘A Guide to Representing Yourself in Court’ to help litigants in person in court and tribunal proceedings, especially with the task of advocacy. The guide addresses the topic generally, as well as specifically in the areas of personal injury law, employment tribunals, immigration tribunals, family law, public law and judicial review, housing law and bankruptcy and debt law.

- The Centre for Forensic Linguistics at Aston University is conducting research into the communication needs of litigants in person and the challenges they experience during interaction with judges and opposing counsel.

Status	Further information
●	www.rcjadvise.org.uk
●	www.rcjadvise.org.uk
●	
●	www.judiciary.gov.uk/publications-and-reports/guidance/2013/guide-litigants-person-chancery www.judiciary.gov.uk/about-the-judiciary/the-judiciary-in-detail/jurisdictions/civil-jurisdiction
●	www.barcouncil.org.uk/media-centre/publications/2013/april/a-guide-to-representing-yourself-in-court
●	
●	www.forensiclinguistics.net

3 Prioritise judicial and court staff discussion on service provision to litigants in person

Action

- An Advicenow survey has been conducted with court staff and has shown them to be very willing to help, more especially if encouraged to do so and given the opportunity to do so.

- The Civil Justice Council, working with the Designated Civil Judges, has held six regional workshops.

- The CJC Report has been a focus for regional discussion during National Pro Bono Week 2012 and 2103 meetings.

- Access to justice for litigants in person has formed one of the terms of reference for the Chancery Modernisation Review commissioned by Sir Terence Etherton, Chancellor of the High Court, and undertaken by Briggs LJ assisted by Newey J.

- Briggs LJ and Newey J have held a special session on litigants in person. The review's Provisional Report has made important recommendations for change to address the position of litigants in person.

- The first Chancery Division national Judicial Conference in October included a plenary session on litigants in person.

- Foskett J has organised and held two practical workshops for the senior judiciary on litigants in person. One was chaired by Sir John Thomas as President of the Queen's Bench Division. The other was chaired by Lord Dyson as Master of the Rolls. Both were addressed by, among others, the RCJ Advice Bureau and the PSU.

Status	Further information
●	www.advicenow.org.uk
●	www.judiciary.gov.uk/about-the-judiciary/advisory-bodies/cjc/self-represented-litigants
●	www.probonouk.net
●	www.judiciary.gov.uk/publications-and-reports/CMR
●	www.judiciary.gov.uk/publications-and-reports/CMR
●	www.judiciary.gov.uk/about-the-judiciary/the-judiciary-in-detail/jurisdictions/civil-jurisdiction
●	www.judiciary.gov.uk/about-the-judiciary/the-judiciary-in-detail/how-the-judiciary-is-governed

Action

- In Manchester, under Judge Stephen Stewart DCJ QC (now Stewart J), and following a CJC Regional Workshop, a regional working group has been set up under Judge Stephen Davies with responsibility for initiatives over litigants in person. This has involved consideration of guides available for litigants in person, PSU and Money Advice scheme assistance, signposting to pro bono assistance outside the court building, and the possibility of a website.
- In Newcastle, under Judge Walton DCJ, certain members of the court staff have been identified as having particular responsibility for dealing with enquiries by litigants in person, and a senior member of the administration has been identified as the person to whom any enquiries by litigants in person may be referred in case of difficulty. PSU will open a branch in Newcastle following the 2012 CJC Regional Workshop.
- Judge Walton has given an instruction that administrative measures taken in Newcastle in relation to litigants in person should be replicated in North and South Shields, Sunderland, Durham, Morpeth and Gateshead.
- The Liverpool Civil and Family Court Centre has actively helped to develop the PSU on site and improved liaison with local advice agencies, with the encouragement and endorsement of Lord Justice Briggs.
- The Hickinbottom Report and the Chancery Modernisation Review Provisional Report recommend judicial and court staff training for the better provision of justice to litigants in person.

Status	Further information
●	https://courtribunalfinder.service.gov.uk/courts/manchester-county-court
●	https://courtribunalfinder.service.gov.uk/courts/newcastle-upon-tyne-combined-court-centre
●	https://courtribunalfinder.service.gov.uk/courts/newcastle-upon-tyne-combined-court-centre
●	https://courtribunalfinder.service.gov.uk/courts/liverpool-civil-and-family-court http://thepsu.org/our_network/liverpool-civil-and-family-court
●	www.judiciary.gov.uk/publications-and-reports/reports/civil-judicial-working-group-lip-report www.judiciary.gov.uk/publications-and-reports/CMR

4 Provide a short memorandum to judges that summarises the existing availability of pro bono advice and assistance

Action

- A Guide to Pro Bono has been produced for the judiciary (and MPs and others) and will be available from National Pro Bono Week 2013 (i.e. November 2013).

- In Newcastle, under Judge Walton DCJ, a local list of organisations offering pro bono services has been prepared, and Judge Walton has held a number of meetings on the subject of coordination of efforts by professionals to assist litigants in person.

- For the purposes of a Queen’s Bench Division interim applications advice and advocacy pilot, a protocol on the operation of the scheme has been made available to duty judges.

- It is understood that some regional memoranda may be in preparation or in use in regional court centres. In Newcastle, it has been agreed that the court will produce a list of pro bono organisations which can be given to litigants in person which may assist them in gaining legal assistance.

- In Swindon County Court, steps were being taken to discuss the issues with the local CAB and Law Centre.

- The Hickinbottom Report has recommended that Judicial Office and MoJ/HMCTS should hold, urgently, discussions to establish the most appropriate way to develop a central online resource to which staff and judiciary could easily refer in order to identify nationally available sources of advice and assistance for litigants in person. It has further recommended that DCJs (with DFJs and Chamber Presidents) should be given joint responsibility for ensuring that the judges in their respective areas are kept fully informed of locally available sources of advice and assistance for litigants in person.

Status	Further information
●	www.probonouk.net/upload/2012_Guide_to_Pro_Bono.pdf
●	https://courtribunalfinder.service.gov.uk/courts/newcastle-upon-tyne-combined-court-centre
●	
●	https://courtribunalfinder.service.gov.uk/courts/newcastle-upon-tyne-combined-court-centre
●	https://courtribunalfinder.service.gov.uk/courts/swindon-combined-court
●	www.judiciary.gov.uk/publications-and-reports/reports/civil-judicial-working-group-lip-report

Action

- The Judicial Working Group, under the chairmanship of Hickinbottom J, has overseen the provision of an accessible resource for all judicial office-holders containing information and guidance on dealing with litigants in person. The Hickinbottom Report has stated: ‘We consider it vital that, despite the enormous challenge presented, judges are enabled and empowered to adapt the system to the needs of litigants in person, rather than vice versa.’

- The Judicial College has published Guidance for Judges on LIPs as part of an update to the Equal Treatment Bench Book.

- In the Chancery Modernisation Review Provisional Report, Briggs LJ has called for ‘the provision to judges and court staff of constantly reviewed and up-to-date information about free or affordable legal advice’.

Status

Further information

- www.judiciary.gov.uk/publications-and-reports/reports/civil/judicial-working-group-lip-report

-
- www.judiciary.gov.uk/publications-and-reports/judicial-college/2013/equal-treatment-bench-book

-
- www.judiciary.gov.uk/publications-and-reports/CMR
-

5 Publish guidance for court staff when dealing with litigants in person

Action

- The Draft Guidance forming Appendix 1 to the CJC Report and Recommendations has been discussed at CJC Regional Workshops and at the CJC First National Forum.

- The CJC Draft Guidance has been made available in hard copy in Sheffield under Judge Robinson DCJ, and distributed to court staff. Judge Robinson has also taken steps to enable court staff to draw the attention of litigants in person to provisions in CPR 71 (evidence of service in relation to examination of means).

- In Newcastle, under Judge Walton DCJ, a notice has been placed in the counter area indicating what litigants in person may expect from members of court staff in terms of guidance and help as opposed to advice.

- In the Chancery Modernisation Review Provisional Report, Briggs LJ has recommended in the Rolls Building ‘that consideration be given to allocating one of the public service counters on the ground floor specifically to litigants in person. The counter should be staffed on a rota basis by court staff specifically trained in the provision of . . . information to litigants in person, and copies of all relevant material kept there for distribution’.

- Briggs LJ has also recommended that consideration should be given to the CJC Draft Guidance ‘and to its development as the basis of what might usefully be published on the chancery part of the MoJ website, as the basis of what the staff in the Rolls Building and in the regional trial centres are trained to provide’.

Status	Further information
●	www.judiciary.gov.uk/publications-and-reports/CMR www.judiciary.gov.uk/about-the-judiciary/advisory-bodies/cjc/self-represented-litigants
●	www.judiciary.gov.uk/about-the-judiciary/advisory-bodies/cjc/self-represented-litigants
●	http://libra.lcd.gsi.gov.uk/hmcts-archive/documents/lean/sop_notice_board_cn35.pdf http://libra.lcd.gsi.gov.uk/hmcts/documents/lean/general/sop_notice_board_cn12.pd http://hmctsformfinder.justice.gov.uk/courtfinder/forms/ex370-eng.pdf
●	www.judiciary.gov.uk/publications-and-reports/CMR
●	www.judiciary.gov.uk/publications-and-reports/CMR

6 Publish guidance for legal professionals representing a party against a litigant in person and a statement of what a litigant in person is entitled to expect from legal professionals representing other parties in the case

Action

- The Draft Guidance and a Draft Statement at Appendices 2 and 3 have been discussed at CJC Regional Workshops and at the CJC First National Forum.

- The Law Society has published guidance for solicitors as a Practice Note, but has been invited to consider adding to this. The Law Society's Head of Family and Social Justice has since indicated, after discussion, that there are aspects of the Practice Note that should be reviewed.

- The Bar Standards Board has concluded in its October 2012 Thematic Review that, led by its Strategy and Communications Team, it should produce some general guidance concerning the role of the barrister as a legal representative that can be made publicly available.

- The 2013 Report of the Research Team for the Legal Education and Training Review has recommended that advocacy training across the sector should pay greater attention to preparing trainees and practitioners in their role and duties when appearing against litigants in person.

- The Advocacy Training Council has announced that it proposes to undertake research and development into ethics and language barriers in court, particularly in the context of the projected increased numbers of litigants in person.

Status	Further information
●	www.judiciary.gov.uk/about-the-judiciary/advisory-bodies/cjc/self-represented-litigants
●	www.lawsociety.org.uk/advice/practice-notes/litigants-in-person
●	www.barstandardsboard.org.uk/media-centre/press-releases
●	http://ials.sas.ac.uk/research/LETR_report.htm
●	www.advocacytrainingcouncil.org

Action

- In the Chancery Modernisation Review Provision Report, Briggs LJ has stated: ‘If a body of up-to-date and appropriately drafted information is available regionally for the guidance of litigants in person about obtaining free and affordable advice, then I see no reason why it should not in addition be made available to the local chancery practitioners, both solicitors and counsel, for disseminating to litigants in person against whom they are opposed. Generally speaking, I consider that it is almost invariably to the advantage of a professionally represented party that a litigant in person opponent obtains sensible and practical legal advice, so it follows that practitioners need envisage no conflict between interest and duty in equipping themselves to provide that information to litigants in person with whom they come into contact.’
-
- In the Chancery Modernisation Review Provisional Report, Briggs LJ has also stated that the guidelines in paras 119–124 of the CJC Report and its Appendices 2 and 3 ‘provide valuable insights into best practice for lawyers when dealing with litigants in person on the other side of cases, which deserve better dissemination within the chancery community than they currently enjoy’.
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Status

Further information

- www.judiciary.gov.uk/publications-and-reports/CMR

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- www.judiciary.gov.uk/publications-and-reports/CMR
-

7 Introduce a notice of McKenzie Friend

Action

- The Draft Notice offered at Appendix 4 to the CJC Report and Recommendations has been discussed at the CJC Regional Workshops and at the CJC First National Forum.

- The CJC Draft Notice has been made available in hard copy in Sheffield under Judge Robinson DCJ, with instructions to ushers to offer the draft notice to litigants in person when they attend for hearings.

- A notice (for use in civil and family) has been agreed and introduced in Manchester Civil Justice Centre.

- The Chancery Modernisation Review Provisional Report has recommended the general use of the Manchester form in the Chancery courts.

Status	Further information
●	www.judiciary.gov.uk/about-the-judiciary/advisory-bodies/cjc/self-represented-litigants
●	www.judiciary.gov.uk/about-the-judiciary/advisory-bodies/cjc/self-represented-litigants https://courtribunalfinder.service.gov.uk/courts/sheffield-combined-court-centre
●	https://courtribunalfinder.service.gov.uk/courts/manchester-county-court
●	https://courtribunalfinder.service.gov.uk/courts/manchester-county-court

8 Introduce a short Code of Conduct for McKenzie Friends

Action

- The Draft Code offered at Appendix 5 to the CJC Report and Recommendations has been discussed at the CJC Regional Workshops and at the CJC First National Forum.

- The CJC Draft Code has been made available in hard copy in Sheffield under Judge Robinson DCJ, with instructions to ushers to offer the draft notice to litigants in person when they attend for hearings.

- A code (for use in civil and family) has been agreed and introduced in Manchester Civil Justice Centre, under Judge Stewart DCJ QC (now Stewart J).

- A draft code of conduct for McKenzie Friends has been placed as a notice in the counter area under Judge Walton DCJ, with an instruction that the same happen in North and South Shields, Sunderland, Durham, Morpeth and Gateshead.

- HMCTS has included a section on McKenzie Friends in its new guide ‘CB7’ for litigants in person, with contributions from Advicenow and from the Plain English Campaign.

- The Judicial Working Group, formed in December 2012 under the chairmanship of Hickinbottom J, has reviewed the practice guidance for McKenzie Friends. The Hickinbottom Report has recommended review and change in relation to McKenzie Friends and a wider review of lay assistants.

- In the Chancery Modernisation Review Provisional Report, Briggs LJ has agreed with the suggestion made to him during consultation ‘that Chancery judges should adopt an altogether more flexible and permissive approach to allowing McKenzie Friends to speak for litigants in person than is reflected in current guidance, in particular in cases where English is not the litigant in person’s main language or where they suffer from other forms of communication difficulties’.

Status	Further information
●	www.judiciary.gov.uk/about-the-judiciary/advisory-bodies/cjc/self-represented-litigants
●	https://courtribunalfinder.service.gov.uk/courts/sheffield-combined-court-centre
●	https://courtribunalfinder.service.gov.uk/courts/manchester-county-court
●	www.cafcass.gov.uk/media/168195/cb7-eng.pdf
●	www.judiciary.gov.uk/publications-and-reports/reports/civil-judicial-working-group-lip-report
●	www.judiciary.gov.uk/publications-and-reports/CMR

Action

- The Legal Services Consumer Panel has begun a project to research the emerging market of ‘Professional McKenzie Friends’ and discuss related issues.

- The School of Law at Keele has introduced an initiative known as ‘CLOCK’ (Community Legal Outreach Collaboration, Keele) following a Regional Law Society roundtable. In a collaboration that involves (among others) practising lawyers and court staff, the initiative has trained 60 students as Community Legal Companions to provide neutral, objective and professionally guided assistance in court and tribunal proceedings.

- The Low Commission Consultation Report has recommended that the CJC should continue to develop proposals for making greater use of McKenzie Friends, including appropriate training and support.

- The Low Commission Consultation Report has also recommended that NCVO and Wales Council for Voluntary Action, together with the advice services umbrella bodies, should review the current barriers to involving volunteers in advice and legal support work and develop proposals for addressing them.

Status	Further information
●	www.legalservicesconsumerpanel.org.uk
●	www.keele.ac.uk/law/legaloutreachcollaboration
●	www.lowcommission.org.uk
●	www.lowcommission.org.uk www.ncvo-vol.org.uk www.wcva.org.uk

9 Clarify the position over pro bono working by in-house counsel and legal executives, and remove any impediments

Action

- Discussions, led by LawWorks and facilitated by the Attorney-General’s Office, have been held with the Legal Services Board and the SRA. A Legislative Reform Order has been drafted and is to be progressed; a sponsoring peer has been identified.
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- The position of Chartered Legal Executives needs to be addressed.
-

Status	Further information
●	www.lawworks.org.uk
●	www.cilex.org.uk

10 Concerted leadership from the major umbrella bodies representing advice agencies and the pro bono clearing houses to drive coordination and collaboration between all advice agencies and pro bono initiatives across England and Wales

Action

- The CJC Report and Recommendations as a whole have been considered, and overwhelmingly supported, by the Attorney-General's National Pro Bono Coordinating Committee.

- Citizens Advice was awarded a grant by the Access to Justice Foundation for a mapping exercise to help increase understanding of partnerships between CABx and pro bono lawyers, to be followed by distribution of guidance materials to CABx managers.

- AdviceUK, the association of independent advice agencies, was awarded a grant by the Access to Justice Foundation to build and support collaboration between advice centres and pro bono schemes.

- A meeting between the Attorney-General's Pro Bono Envoy, the CEO of Citizens Advice and trustees of the National Pro Bono Centre was held in March 2012 and resulted in agreement to draft jointly a proposal for a strategic England and Wales initiative, to be promoted by Citizens Advice, to partner individual bureau mores systematically with pro bono assistance arranged with help from the pro bono clearing houses. However, further progress has not yet been made.

- The Access to Justice Foundation has convened two meetings of key national bodies to discuss further development of strategic links between the advice sector and the pro bono sector.

Status	Further information
●	www.probonouk.net/index.php?id=resources&rid=28
●	www.accesstojusticefoundation.org.uk/funds-out
●	www.accesstojusticefoundation.org.uk/funds-out
●	www.citizensadvice.org.uk
●	www.accesstojusticefoundation.org.uk

Action

- Discussions are in progress to broaden the involvement in the National Pro Bono Centre by more agencies and constitute the National Pro Bono Centre as a united voice and coordination point for the pro bono sector. Each of the three professional bodies has joined its board. The centre has taken on responsibility for the website *www.probonoUK.net* with a view to its redevelopment.

- The Legal Services Board has confirmed in connection with future regulation of ‘special bodies’ (such as not-for-profit advice agencies) that it will ‘ensure that regulatory requirements do not impose unnecessary or duplicative burdens on them and are developed in a way that fully takes account of the way in which these organisations operate’.

- The Low Commission in its Consultation Report has called for the national advice services umbrella bodies to work more closely together and share their resources more widely. It has also called on them to ensure their local members contribute to regional and/or local advice networks.

- The Low Commission Consultation Report has also called for LawWorks and the Bar Pro Bono Unit to develop initiatives for expanding the role of pro bono provision through the use of new technology, with university law schools to develop the involvement of law students and with others to develop pro bono services outside London.

- PSU and LawWorks meet quarterly to ensure good collaboration and updating on developments.

- City Philanthropy and the Coalition for Efficiency have established ‘Go ProBono’ as a digital platform to provide a one-stop shop and navigational tool to signpost charities, businesses and individuals to the organisations that play a role in brokering and supporting legal (and other skills-based) volunteering.

Status	Further information
●	www.probonoUK.net
●	www.legalservicesboard.org.uk
●	www.lowcommission.org.uk
●	www.lowcommission.org.uk
●	http://theosu.org www.lawworks.org.uk
●	www.cityphilanthropy.org.uk www.cfefficiency.org.uk/links

Action

- The particular need for assistance in Wales was highlighted in the CJC Report at para 129. In this connection:
 - LawWorks has been leading the LawWorks Cymru initiative, supported by two dedicated staff members based in Wales and National Lottery funding. The initiative was formally launched at the Welsh national legal conference in October 2013, and referenced by the Lord Chief Justice in his address.
 - Reaching Justice Wales (the Wales Legal Support Trust) has convened cross-sector discussion.
 - The larger litigation guide for litigants in person prepared by the Civil sub-committee of the Council of HM Circuit Judges includes a section on conducting legal proceedings in Welsh; it is proposed (with financial support from the CJC) that the guide be translated into Welsh.
 - Discussions have been held between the main pro bono clearing houses and the Counsel General for Wales.
 - PSU continues to support LIPs at Cardiff CJC and is actively engaged in local legal networks.
 - LawWorks has organised discussion in North Wales of the feasibility of introducing a Skype clinic.
-

Status

Further information

- www.lawworks.org.uk/lawworkscymru
- www.reachingjusticewales.org.uk
- www.judiciary.gov.uk/publications-and-reports/guidance/2013/handbook-litigants-person-civil-221013
- <http://wales.gov.uk/about/counselgeneral2/?lang=en>
- <http://the-psu.org/>
<https://courtribunalfinder.service.gov.uk/courts/cardiff-civil-justice-centre>
- www.lawworks.org.uk

Recommended medium-term actions

1 Undertake a systematic review, involving full consultation with those with expertise in service provision to litigants in person, of all HMCTS leaflets and court forms and supporting information, and arrangements for access to them

Action

- The strategic importance of Advicenow has been discussed by the CJC with MoJ officials and HMCTS.

- Advicenow has updated its ‘Going to Court’ page to include links from its information service that are most relevant to litigants in person. The information resources from a range of information providers are checked for accuracy and user-friendliness, summarised, classified and ranked.

- MoJ has set up an internal working group to address the subject of litigants in person.

- Advicenow has undertaken a short survey aimed at people working with litigants in person to gather feedback on what they think could be done to improve forms and guidance.

- Drawing on the survey and elsewhere, Advicenow, with funding from the CJC, has prepared a scoping report on court forms entitled ‘Better supporting information for court forms’ (May 2012). This includes, as an example, how the notes to the allocation questionnaire could be reworked.

- HMCTS has simplified and improved some leaflets, with the assistance of the Plain English Campaign, and sought comments from Advicenow for a further leaflet (its guide ‘CB7’ for litigants in person). Advicenow has shared with HMCTS the recommendations made in its report ‘Better supporting information for Court forms’ commissioned by the CJC.

Status	Further information
●	www.advicenow.org.uk
●	www.advicenow.org.uk
●	www.advicenow.org.uk
●	www.gov.uk/browse/justice
●	www.advicenow.org.uk
●	www.advicenow.org.uk
●	www.advicenow.org.uk
●	www.advicenow.org.uk
●	www.advicenow.org.uk

Action

- Advicenow has undertaken a short survey aimed at HMCTS counter staff working with litigants in person to gather feedback on what they think could be done to improve forms and guidance, and produced a paper reproducing the responses from 92 people completing the survey.

- Advicenow has in preparation a full report on information provision for litigants in person.

- MoJ sought and received drafting contributions from across the sector on its public guidance document ‘Legal aid in debt, discrimination and special educational needs cases – A summary of what you need to know’.

- An MoJ/HMCTS project team had begun to look at forms by late 2012, intending to prioritise forms most likely to be used by litigants in person.

- RCJ Advice, supported by MoJ funding, has developed its CourtNav module to assist in court form completion in the family justice sphere. There is the potential for this to be extended to court form completion in the civil justice sphere.

- The Hickinbottom Report has recommended consideration of proposals for a dedicated rule and practice direction in relation to litigants in person.

- The Hickinbottom Report has also recommended that MoJ/HMCTS produces, with judicial involvement, appropriate materials, especially audiovisual materials, to inform litigants in person what is required of them and what they can expect when they go to court.

Status	Further information
●	www.advicenow.org.uk
●	www.advicenow.org.uk
●	www.justice.gov.uk/downloads/legal-aid/eligibility/cla-what-providers-need-to-do-summary.pdf
●	www.justice.gov.uk/forms/hmcts
●	http://courtnav.org.uk
●	www.judiciary.gov.uk/publications-and-reports/reports/civil/judicial-working-group-lip-report
●	www.judiciary.gov.uk/publications-and-reports/reports/civil/judicial-working-group-lip-report

Action

- In the Chancery Modernisation Review Provisional Report, Briggs LJ has recommended that ‘it should be treated as a principle that all further Chancery drafting of standard forms, directions or orders of types that may involve litigants in person be subjected to professional review and assistance by qualified pro bono and similar agencies so as to ensure, as far as possible, that litigants in person are able to use and understand them. The same principles should be uniformly applied to all types of public guidance designed to assist litigants in person.’
- In the Chancery Modernisation Review Provisional Report, Briggs LJ has also called for the court to ‘use its case management powers to prescribe a detailed and intelligible set of case preparation instructions tailored to the particular litigants in person in each case, rather than leave preparation to be governed by rules, or by directions which incorporate the rules by reference’. He adds: ‘The directions given to the litigant in person need to be, as far as possible, self-contained, so that the litigant in person can comply with them without the need to consult rules or practice directions at all.’ This approach has also been discussed at two meetings of the Queen’s Bench Division judiciary. Briggs LJ calls for a single national working group to work on drafting forms of case management directions for use with litigants in person.
- In the Chancery Modernisation Review Provisional Report, Briggs LJ has also recommended that ‘consideration be given to the design of a special form of response pack designed for use (both by the court and professionally represented parties where effecting service themselves) where it is anticipated that the party being served will or may be or become a litigant in person’.
- The Low Commission Consultation Report has recommended that the MoJ should work with Advicenow on the review of forms recommended by the CJC working group, and should ensure these reviews build on learning from the advice sector, the Law Society, from its own counter and call staff and from the judiciary.

Status

Further information

● www.judiciary.gov.uk/publications-and-reports/CMR

● www.judiciary.gov.uk/publications-and-reports/CMR

● www.judiciary.gov.uk/publications-and-reports/CMR

● www.lowcommission.org.uk

Action

- The Low Commission Consultation Report has also recommended that a proposed National Advice and Legal Support Fund, working in conjunction with the MoJ, should commission and fund Advicenow to develop authoritative and independent self-help guides for all areas of social welfare law, including a review of all current guides.
-
- The Low Commission Consultation Report has also recommended that the CJC working group, with the MoJ, should ascertain which types of case commonly have one or more litigants in person and should develop a series of checklists for both parties in these case (e.g. landlord and tenant, small consumer disputes with small businesses).
-

Status

Further information

- www.lowcommission.org.uk

-
- www.lowcommission.org.uk
-

2 Ensure the availability of a primary website that draws the best guidance together and is kept up to date

Action

- Supported by MoJ funding, Advicenow and RCJ Advice Bureau have undertaken various work on website provision, forms and guidance.
-
- The merger of Advicenow with Law for Life is (among other things) intended to enable Advicenow to re-establish its previous role as the provider of a primary website that draws the best guidance together, and keep that up to date. Advicenow draws together all the best information on the internet from over 250 websites. It has updated its ‘Going to Court’ page to include links from its information service that are most relevant to litigants in person. The information resources from a range of information providers are checked for accuracy and user-friendliness, summarised, classified and ranked. However, there will be resource issues.
-
- Advicenow has formulated a plan to establish the single website on a new platform and, as a second phase, to enable access for smartphone and mobile device users.
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- The criteria for the selection of best guidance developed by Advicenow has been included in a Law for Life training resource manual ‘Supporting Self-Represented Litigants’.
-
- It is understood that discussions are shortly to start between MoJ and HMCTS about the compilation of information about nationally available sources of advice and assistance for litigants in person with a view to developing a central online resource to which judges and others can easily refer.
-

Status	Further information
●	www.advicenow.org.uk www.rcjadvise.org.uk
●	www.advicenow.org.uk
●	www.advicenow.org.uk
●	www.lawforlife.org.uk
●	www.gov.uk/government/organisations/ministry-of-justice

3 Increase the number of court centres that have a Personal Support Unit, and support these with an information officer

Action

- The strategic importance of PSU has been highlighted by the CJC with MoJ and HMCTS officials.

- The number of courts centres with a PSU has increased, supported by MoJ funding.

- PSU now operates in Birmingham, Cardiff, Leeds, Liverpool and Manchester, and has extended the service to more courts and tribunals in London, in addition to the RCJ, PRFD and Wandsworth County Court. The service will open centres in Bristol and Newcastle by April 2014.

- PSU has appointed a Head of Service to support expansion of the service and to coordinate information requirements.

- PSU has been assisted by Law for Life and Advicenow with training, supported by MoJ funding, in order further to increase its reach. A training resource manual has been created. An independent evaluation report concluded that the training was ‘delivered successfully, and [has] been highly effective in equipping participants with the knowledge, skills and confidence to provide improved support to self-represented litigants’.

- The Access to Justice Foundation made a grant to support the national expansion of the PSU.

Status	Further information
●	http://thepsu.org
●	http://thepsu.org
●	http://thepsu.org
●	http://thepsu.org
●	http://thepsu.org www.advicenow.org.uk www.lawforlife.org.uk
●	www.accesstojusticefoundation.org.uk

4 Introduce a Guide to Small Claims

Action

- The Civil Justice Council has published a guide to small claims, under the joint lead of the Chancellor’s Legal Secretary (Jo Otterburn) and the Legal Secretary to the Master of the Rolls (John Sorabji), and with material assistance from Andrea Dowsett, Assistant Secretary to the CJC.
-
- The guide includes a page of guidance notes on preparation for a small claim hearing, drafted by District Judge William Jackson, and which could accompany the notice of allocation to small claims. A similar document could be prepared for possession hearings.
-

Status	Further information
●	www.judiciary.gov.uk/about-the-judiciary/advisory-bodies/cjc/self-represented-litigants
●	www.judiciary.gov.uk/about-the-judiciary/advisory-bodies/cjc/self-represented-litigants

5 Encourage the accessible retail of legal advice without transferring the conduct of the case to the lawyer

Action

- The Legal Services Consumer Panel has included in its work programme for 2013–14 ‘Assessing the regulatory implications of the rise in litigants in person, including services such as “pay-as-you-go” legal advice’.

- The Legal Services Consumer Panel has launched a self-regulatory initiative for legal comparison websites.

- At the CJC First National Forum, attention was drawn to websites such as *lawsurgery.com* providing those who can afford some legal advice with manageable fee structure options, e.g. a package of services for a set amount of time charged at a fixed fee known to the client in advance.

- The Law Society has proposed in its Access to Justice Strategy that an article would cover how the Law Shop model operates (an example of unbundling, i.e. where clients obtain advice on parts of a case rather than instructing a solicitor on a traditional retainer) and explore the regulatory and insurance issues for this type of work. It proposes unbundling (including low-tech dividing of work between the solicitor and the client) as an area for a practice note.

- The Bar Standards Board has announced that the prohibition on barristers of less than three years standing undertaking paid work directly with the public (public access) work will be removed once new public access training courses are in place.¹

- Public Access training for barristers has increased, with 1,300 barristers trained by the end of 2012 and training available on circuit as well as in London.

- PSU Liverpool has worked with local chambers to promote understanding of direct access.

¹ The CJC Report had questioned (para 115(3)) whether the current prohibition should continue.

Status	Further information
●	www.legalservicesconsumerpanel.org.uk
●	www.legalservicesconsumerpanel.org.uk
●	www.lawsurgery.com
●	www.lawsociety.org.uk
●	www.barstandardsboard.org.uk
●	www.barcouncil.org.uk/for-the-bar/member-services-training-courses/public-access-training-for-barristers
●	http://the PSU.org

Action

- In Sheffield, Judge Robinson DCJ has tried to encourage the local legal profession (Bar and solicitors) to offer specific fixed-fee services to litigants in person, e.g. advice on evidence, and 10-minute consultations.

- The Civil Justice Council has expressed its concerns to the Ministry of Justice about proposed increases in court and tribunal fees and reduction in remission of court fees.

- In the Chancery Modernisation Review Provisional Report, Briggs LJ has identified ‘maximising available free or affordable legal advice’ as a first principle ‘because it addresses the most fundamental of the litigant in person’s disadvantages’. He adds: ‘I deliberately do not confine that principle to the making available of free advice. There are many forms of legal advice, falling short of the provision of a full litigation team of solicitors and counsel, which may be obtainable at an affordable cost, even if the use of a full team is prohibitively expensive or disproportionate.’

Status	Further information
●	https://courtribunalfinder.service.gov.uk/courts/sheffield-combined-court-centre
●	www.judiciary.gov.uk/JCO%2fDocuments%2fCJC%2fPublications%2fconsultation+responses%2fCJC+response+to+Ministry+of+Justice+consutation+paper+on+Fee+Remissions+for+the+Courts+and+Tribunals
●	www.judiciary.gov.uk/publications-and-reports/CMR

6 Develop LawWorks Initial Electronic Advice (now LawWorks Free Law Direct) for use by litigants in person as well as advice agencies

Action

- The strategic importance of LawWorks Initial Electronic Advice (now LawWorks Free Law Direct) has been discussed by the CJC with MoJ officials.

- Piloting of Free Law Direct, in conjunction with PSU, has been undertaken, supported by MoJ funding of a dedicated project officer and by pro bono advice from Professor Richard Susskind OBE. Free Law Direct is now in use at PSU Birmingham and will be rolled out to all other PSUs this year.

- The Low Commission Consultation Report has recommended that Citizens Advice, the MoJ and Law for Life should undertake a study, with the help of funding from its proposed National Advice and Legal Support Fund, to explore the feasibility of combining Citizen Advice’s Adviceline and MoJ’s Civil legal Advice helpline into one national comprehensive helpline run by Citizens Advice, possibly in conjunction with a commercial partner and supported by Citizens Advice’s Adviceguide and the Advicenow websites, with links to a variety of single topic helplines and to both commercial and not-for-profit frontline advice agencies.

- PSU Liverpool has developed a relationship with the ‘FEAL’ service at the University of Law, Chester, providing family law advice by e-mail.

Status	Further information
●	http://lawworks.org.uk/free-law-direct
●	http://lawworks.org.uk/free-law-direct
●	www.lowcommission.org.uk
●	http://theosu.org

7 Find new ways of funding the infrastructure of pro bono and other types of support

Action

- On a number of occasions the MoJ has been prepared to take the advice of the sector, based on the CJC Report, as to where funding should be directed collaboratively and to meet strategic priorities, rather than allocate funding by requiring pro bono agencies to compete between each other. To date a total of £640,000 has been allocated in this way, from 2011–12, 2012–13 and 2013–14 budgets. A further £200,000 per annum is committed to PSU for the next two financial years, with a review after this year.
- On the initiative of the immediate past Chairman of the Bar and supported by the present Chairman of the Bar, the Bar Council has introduced an ‘opt-out’ donation of £30 to the Bar Pro Bono Unit at the point of collection of the Practising Certificate Fee from each member of the Bar.
- The existing ‘pro bono costs’ jurisdiction has been extended to the Supreme Court.
- The Department for Business Innovation and Skills’s January 2013 Government Response to a consultation on options for reform in Private Actions in Competition Law has stated that the Government has decided to implement reforms to include a limited opt-out collective actions regime, with safeguards, for competition law and under which, in line with CJC proposals, any unclaimed sums would be allocated to the Access to Justice Foundation. The Low Commission Consultation Report has agreed.
- The Access to Justice Foundation has been actively engaged in supporting the possibility of similar funding arrangements in Scotland and Northern Ireland to those it administers in England and Wales.

Status	Further information
●	www.gov.uk/browse/justice/rights
●	www.barcouncil.org.uk/media-centre/news-and-press-releases/2013/february/bar-survey-barristers-set-leading-csr-example
●	www.supremecourt.gov.uk/news/costs-that-count.html
●	www.gov.uk/government/consultations/private-actions-in-competition-law-a-consultation-on-options-for-reform
●	www.accesstojusticefoundation.org.uk

Action

- Two meetings of key national bodies convened by the Access to Justice Foundation to discuss further development of strategic links between the advice sector and the pro bono sector have included discussion of finding new ways of funding the infrastructure of pro bono.

- The Law Centres Network (and more recently the Low Commission) has encouraged renewed consideration of the use of interest on lawyers' client accounts to support advice provision (IOLTA schemes).

- The Low Commission Consultation Report has made important further proposals for financial resourcing of provision. These include an exemption for bona vacantia estates of dissolved companies so that they are paid to the Access to Justice Foundation and the introduction of a compulsory IOLTA (interest on lawyers' trust/client accounts) scheme for firms with profits above an agreed level with proceeds of the scheme being paid to the Access to Justice Foundation.

Status

Further information



www.accesstojusticefoundation.org.uk



www.lawcentres.org.uk



www.lowcommission.org.uk

8 Offer surgeries and after-hours sessions at court for litigants in person

Action

- This subject has been discussed at the CJC Regional Workshops and regionally during National Pro Bono Week 2012. In Newcastle, it was agreed that the possibility of establishing a surgery at the court where litigants in person can seek assistance with their case will be explored.
-
- In Leeds/Bradford, under Judge Gosnell DCJ, litigants in person are entitled to attend a CPR surgery which is held once every three months.
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- MoJ has looked at the possibility of a County Court (Bromley) hosting a day dedicated to litigants in person, with PSU present.
-
- On the other hand, in Sheffield under Judge Robinson DCJ, a civil presentation by judges at a court open day was unsuccessful because litigants in person sought case-specific advice.
-

Status	Further information
●	https://courtribunalfinder.service.gov.uk/courts/newcastle-upon-tyne-combined-court-centre
●	https://courtribunalfinder.service.gov.uk/courts/bradford-combined-court-centre https://courtribunalfinder.service.gov.uk/courts/leeds-combined-court-centre
●	https://courtribunalfinder.service.gov.uk/courts/bromley-county-court
●	https://courtribunalfinder.service.gov.uk/courts/sheffield-combined-court-centre

9 Keep records of and monitor the numbers and circumstances of litigants in person, and cause litigants in person to be a standing item on the agenda of court user groups

Action

- This subject has been discussed at the CJC Regional Workshops and regionally during National Pro Bono Week 2012.

- The importance of records and monitoring has been discussed with MoJ officials leading its ‘Channel’ strategy. It is also the subject of current discussions with MoJ.

- PSU is taking steps to monitor what the litigant in person’s ‘journey’ has been before they reach PSU and to assess the impact of its service.

- A number of academics/academic institutions are understood to have been commissioned to undertake work in this area.

- LawWorks is examining the statistics and data sought from LawWorks Clinics (of which there are now 135 in total) so as to monitor better the demands on the pro bono advice sector.

- LawWorks has remodelled its clinics strategy to promote more effective regional development of provision, involving support for clinics not originally established by LawWorks or with its help.

- Where PSU centres exist, the coordinators attend local court user groups.

- In Sheffield, under Judge Robinson DCJ, the court is monitoring the incidence of litigants in person at small claims hearings and applications for permission to appeal.



Status	Further information
●	http://www.probonouk.net/index.php?id=pbw_top
●	www.gov.uk/browse/justice
●	http://theosu.org
●	
●	www.lawworks.org.uk
●	www.lawworks.org.uk
●	http://theosu.org
●	https://courtribunalfinder.service.gov.uk/courts/sheffield-combined-court-centre

Action

- In Birmingham, Judge McKenna DCJ has confirmed that litigants in person will be a regular agenda item at Court User Committee meetings. Judge Jeremy Richardson DCJ QC has placed the subject of litigants in person on the agenda of the annual Civil Justice Forum in Humberside. In Newcastle, under Judge Walton DCJ, litigants in person have been identified as standing item on the biannual court users meeting agenda. In Sheffield, under Judge Robinson DCJ, litigants in person are included as a standard agenda item for Court Users Committee meetings. In Cardiff, under Judge Seys-Llewellyn DCJ, PSU and Shelter are invited to attend the general Court Users Committee. A number of other courts were to add the subject of litigants in person at a future Court Users Committee meeting.²

- In Sheffield, under Judge Robinson DCJ, steps are being taken to enlarge the Court Users Committee to include representatives from law clinics at nearby universities.

- In the Chancery Modernisation Review Provisional Report, Briggs LJ has called for ‘a level of cooperation, even informal partnership, between the courts and the advice agencies’.

- There is now a representative for litigants in person on all the Northern and North Eastern Chancery Court Users Committees.

- The Low Commission Consultation Report has recommended that the MoJ should put in place mechanisms for monitoring the full impact of the LASPO changes and should publish the results.

² In some other parts of the country the recommendation appears to have been understood as expecting litigants in person to attend the meetings rather than the subject of litigants in person to be a standing item.

Status	Further information
●	https://courtribunalfinder.service.gov.uk/courts/birmingham-civil-justice-centre-and-family-courts https://courtribunalfinder.service.gov.uk/courts/newcastle-upon-tyne-combined-court-centre https://courtribunalfinder.service.gov.uk/courts/sheffield-combined-court-centre https://courtribunalfinder.service.gov.uk/courts/cardiff-civil-justice-centre
●	https://courtribunalfinder.service.gov.uk/courts/sheffield-combined-court-centre
●	www.judiciary.gov.uk/publications-and-reports/CMR
●	www.northerncircuit.org.uk www.northeasterncircuit.co.uk
●	www.lowcommission.org.uk

10 Review the question of access to appeals after a refusal on paper

Action

- The Civil Procedure Rules have been amended to extend the situations in which a refusal of permission to appeal on paper may not, where the application is considered to be totally without merit, be followed by a request for reconsideration at a hearing.

- The Hickinbottom Report has recommended that judges ‘should be strongly encouraged, through appropriate judicial leadership channels, to deal proactively and robustly with vexatious litigants, in particular by declaring appropriate claims and applications ‘totally without merit’ and through the use of orders restraining individuals from issuing and pursuing claims.

- In the Chancery Modernisation Review Provisional Report, Briggs LJ has advised that ‘a substantial proportion of cases involving litigants in person turn out not to disclose any triable issues, and are suitable for summary disposal’ and recommended that ‘the earlier this is identified and dealt with, the better, because of the substantial savings in the effort and resources of both of the court and of the parties which will thereby be achieved’.

Status	Further information
●	www.justice.gov.uk/courts/procedure-rules/civil/rules/part52
●	www.judiciary.gov.uk/publications-and-reports/reports/civil/judicial-working-group-lip-report
●	www.judiciary.gov.uk/publications-and-reports/CMR

Recommended longer-term focus

1 Development of arrangements for mediation and early neutral evaluation that are suitable where a litigant in person is involved

Action

- Advicenow is updating an Advicenow guide for litigants in person to mediation.

- A more complex guide to mediation, for all users and not just litigants in person, has been developed by the CJC ADR Committee.

- LawWorks Mediation has been remodelled to enable it to increase the volume of provision of pro bono mediation. Mediation is now treated as part of LawWorks for Individuals, i.e. as part of a holistic service for individuals needing advice and assistance rather than as a free-standing service.

- LawWorks has supported the initial development of mediation skills training in schools under the brand ‘TalkingWorks’.

- The Low Commission Consultation Report has recommended that in more complex cases, and where resources allow, pre-hearings checks should be undertaken by HMCTS with litigants in person, to include identifying cases suitable for mediation.

- The Low Commission Consultation Report has also recommended that the CJC should consider whether a mandatory referral to Alternative Dispute Resolution might be useful under an agreed set of circumstances.

Status	Further information
●	www.advicenow.org.uk
●	http://ukcatalogue.oup.com/product/9780199676460.do#UmpKWYKFppQ
●	http://lawworks.org.uk
●	http://lawworks.org.uk
●	www.lowcommission.org.uk
●	www.lowcommission.org.uk

2 Development of public legal education in line with the work of the PLEAS Task Force

Action

- The strategic importance of Law for Life – the charity that continues work on public legal education (PLE) as recommended by the PLEAS Task Force – has been discussed by the CJC with MoJ and HMCTS officials.

- The merger of Advicenow with Law for Life enables the further development of PLEI (Public Legal Education and Information) as a concept in England and Wales.

- The Legal Education Foundation has been established and declared its commitment to supporting projects for the development of public and civic legal education. One of its first grants has been to the Galleries of Justice/ National Centre for Citizenship and the Law, a charity focused on PLE for children.

- Law for Life has developed training, supported by MoJ funding, for advice and legal service providers to develop their confidence and skills to deliver community-based PLE. An independent evaluation report concluded that the training was ‘delivered successfully, and [has] been highly effective in equipping participants with the knowledge, skills and confidence to provide improved support . . . to people who may become self-represented litigants in the future’.

- Agencies that have received training from Law for Life and wish to develop PLE initiatives further are offered four days consultancy in the form of project planning and design, teaching and curriculum development, evaluation or a combination of the elements. The Youth Legal project, based in Southwark and specialising in youth advice and advocacy and ENABLE advocacy, and the South Yorkshire Centre for Inclusive Living (SYCIL) are the first to receive this support. Youth Legal has been supported to make a solicited application to the health authority for a wider PLE funding programme. SYCIL has asked Law for Life to develop a taster session for its volunteers who support disabled people in Doncaster in dealing with common legal matters.

Status	Further information
●	www.lawforlife.org.uk
●	www.lawforlife.org.uk www.advicenow.org.uk
●	www.thelegaleducationfoundation.org
●	www.lawforlife.org.uk
●	www.lawforlife.org.uk www.sycil.org

Action

- Law for Life is working with a consortium of east London agencies led by Community Links, which has received Big Lottery Fund support, on a two-year project to deliver 50 PLE education and training sessions to 125 people each year. The delivery plan will enable the agencies to take up and deliver the sessions themselves in due course.

- Mary Ward and Law for Life have begun discussions to develop the PLE work of Mary Ward. There is a particular interest in testing approaches to tribunal representation workshops for those representing themselves with the support of their specialist advice service staff.

- A theoretical paper about PLE developments has been presented by Lisa Wintersteiger of Law for Life to the international Critical Legal Conference in Belfast in September 2013. It will be published in European legal journal Law and Method in spring 2014.

- Law for Life has attracted material medium-term funding from the Baring Foundation and Esmee Fairbairn.

- Under the chairmanship of the Attorney-General's Pro Bono Envoy, Mike Napier CBE QC, a national cross-sector working group on PLE was established and reported in April 2013. The working group included representation from the legal professional bodies and the regulators of the legal profession. The working group addressed the national curriculum, the role of the legal regulatory bodies, the role of government and the future role of Law for Life as a coordinating body.

- The JudgeEd pilot, involving judges in PLE, has assembled materials that could enable wider deployment, and the Citizenship Foundation has indicated its interest in pursuing that if resources can be found.

Status	Further information
●	www.lawforlife.org.uk
●	www.marywardlegal.org.uk www.lawforlife.org.uk
●	http://criticallegalthinking.com/2013/02/05/the-critical-legal-conference-2013-reconciliation-reconstruction
●	www.lawforlife.org.uk www.baringfoundation.org.uk
●	www.probonouk.net/index.php?id=resources&rid=28
●	www.citizenshipfoundation.org.uk

Action

- The Legal Education Foundation has given a grant to LawWorks to produce distance learning materials to support PLE that will include videos on YouTube.

- The Low Commission Consultation Report has recommended that the MoJ should work with the Department for Education to integrate information about legal rights and responsibilities into the national curriculum on citizenship.

- The Low Commission Consultation Report has also recommended that its proposed National Advice and Legal Support Fund should fund Law for Life and Advicenow to develop a web-based PLE resource for the general public, based upon the Advicenow website.

- The Low Commission Consultation Report has also recommended that local advice and legal support plans should include training for key local community based workers and volunteers to act as local problem noticers, navigators of web-based information and community legal champions, using Law for Life training modules, focused on capability.

Status	Further information
●	www.thelegaleducationfoundation.org
●	www.lowcommission.org.uk
●	www.lowcommission.org.uk
●	www.lowcommission.org.uk

3 Further development of forms of pro bono advice and assistance

Action

- With the support of Sir John Thomas, President of the Queen’s Bench Division, and Foskett J, Judge in Charge of the QB Interim Applications Court, a successful pilot for a pro bono duty advocacy and advice scheme for interim applications has been completed. The scheme, involving both barrister and solicitor advocates, now continues on a permanent basis. The scheme is administered by the RCJ Advice Bureau, LawWorks (the Solicitors Pro Bono Group), the Bar Pro Bono Unit and PSU.

- Discussions are in progress with the Chancery Bar Association, encouraged by Briggs LJ, to pilot a similar duty advocacy and advice scheme for interim applications in the Chancery Division, administered as above and due to launch in December 2013. Discussions are also in progress with the Principal Registry of the Family Division and the Family Bar to pilot a similar duty advocacy and advice scheme for first hearings in the PRFD, again administered as above.

- LawWorks plans to develop the use of Skype advice clinics. A helpful strategic relationship has been formed with Microsoft Skype legal team. A clinic is up and running supported by Clyde and Co at Brent CAB. Discussions are under way to try to introduce the model in Wales.

Status	Further information
●	www.judiciary.gov.uk/about-the-judiciary/the-judiciary-in-detail/jurisdictions/civil-jurisdiction#headingAnchor6
●	www.chba.org.uk
●	www.lawworks.org.uk

4 Research-led improvement to the small claims procedure

Action

[...]

Status	Further information
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5 A study of the possibility for a different procedure, at least in some types of case, where a party will be acting in person and in particular where both parties will be acting in person

Action

- This has been discussed at the CJC First National Forum.
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- Professor Dame Hazel Genn, a member of the CJC Working Group, has made an important contribution to this subject in her 2012 Atkin Lecture.
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- The Hickinbottom Report has recommended that judges be trained for and deploy investigative techniques in cases involving one or more litigants in person. In the Chancery Modernisation Review Provisional Report, Briggs LJ has identified, as one of the recommended principles for a necessary culture change, a more investigative judicial approach to cases involving one or more litigants in person. The Low Commission Consultation Report has called for judicial consideration of the extent to which more inquisitorial processes might be helpful in enabling courts to deal justly with cases involving one or more litigants in person.
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- Briggs LJ has made a specific call for ‘a process of judge-led investigative case management’ and proposes that ‘the court should apply investigative techniques at the first case management hearing designed to identify the triable issues. This is likely to require questioning by the court both of the litigant in person and the represented party.’
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Status	Further information
●	www.judiciary.gov.uk/about-the-judiciary/advisory-bodies/cjc/self-represented-litigants
●	www.ucl.ac.uk/laws/academics/profiles/docs/Hazel/ATKIN%20MEMORIAL%20LECTURE%202012%20ON%20LITIGANTS%20IN%20PERSON.pdf
●	www.judiciary.gov.uk/publications-and-reports/reports/civil/judicial-working-group-lip-report www.judiciary.gov.uk/publications-and-reports/CMR
●	www.judiciary.gov.uk/publications-and-reports/CMR

Action

- The Hickinbottom Report has recommended that the Judicial Office should undertake further work to assess the merits of three proposals: a) provision of a dedicated rule that makes specific modifications to other rules where one or more of the parties to proceedings is a litigant in person; b) introduction of a specific power into the CPR that would allow the court to direct that, where at least one party is a litigant in person, the proceedings should be conducted by way of a more inquisitorial form of process; and c) introduction of a specific general Practice Direction or new Rule that would, without creating a fully inquisitorial form of procedure, address the needs of litigants in person to obtain access to justice while enabling courts to manage cases consistently with the overriding objective.
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Status

Further information

- www.judiciary.gov.uk/publications-and-reports/reports/civil/judicial-working-group-lip-report
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