

First Progress Report of the Litigants in Person Reference Group

(Meeting 12th February 2019)

Introduction

In his major reviews of civil and family justice published in September 2017, Sir John Gillen dedicated a chapter to the position of litigants in person in the justice system. Subsequent research by the School of Law at Ulster University in partnership with the Northern Ireland Human Rights Commission (and funded by the Nuffield Foundation), *“Litigants in person in Northern Ireland: barriers to legal participation”* (September 2018), evidenced the challenges faced by litigants in person involved in civil or family proceedings. Following the publication of that research, the Department of Justice in consultation with Ulster University and the Northern Ireland Human Rights Commission, established the Litigants in Person Reference Group, with a view to identifying ways to improve the experience of personal litigants in the courts system in Northern Ireland. The Reference Group is comprised of past or current litigants in person (up to 8 members at present) and 1 member from each of the following organisations / sectors:

- Department of Justice
- Northern Ireland Courts and Tribunals Service
- Northern Ireland Human Rights Commission
- School of Law, Ulster University
- Voluntary sector
- A practising solicitor
- A practising barrister
- A Judge

The Litigants in Person Reference Group is to meet 4 times per year.

The first meeting of the Litigants in Person Reference Group was held on 12th February 2019. At that meeting it was agreed that a Progress Report summarising key decisions and activities of the Reference Group should be published following each meeting, together with the Group’s Terms of Reference. This is the first of those reports.

1. Issues

The Reference Group identified a number of broad issues on which it would, through its work, seek to make a positive impact in its first year, in particular:

- helping to progress work on implementing the main findings of the Litigant in Person research report;
- maintaining the focus on the relationship between access to justice and human rights standards;
- ensuring that the voices of unrepresented litigants continue to be heard in any change process;
- identification of some practical/positive steps that can be taken in the short term to get that process of change underway;
- highlighting what changes are needed in order to make the court process easier to navigate for unrepresented litigants;
- identification of the information, systems and digital tools that need to be in place in order to meet the needs of unrepresented litigants in navigating the court system;
- identification of practical ways to improve communication between unrepresented litigants and others involved in the court system/administration of justice;
- encouragement of mutual understanding and overcoming the mistrust that currently exists between unrepresented litigants and the legal profession.

2. Terms of Reference

Subject to a number of minor revisions, the Terms of Reference for the Group were agreed in principle. In particular it was agreed that:

- a member of the Judiciary should be invited to join the Reference Group on the basis that s/he could provide a judicial perspective on the issues under consideration and a further link to colleagues on the Shadow Civil Justice Council and Shadow Family Justice Board. Accordingly, an invitation should be issued to the Lord Chief Justice to nominate a judge to join the Reference Group;
- in the event that a judge joins the Group, it was also agreed that it will be necessary to invite another Litigant in Person to join, as the maintenance of overall balance in the group membership (between personal litigants and others) remains key;

- permanently extending the membership of the Group to include nominees from the Court Children’s Officer Service and the Department of Health (and a further 2 personal litigants in order to maintain balance), risked making the Group unwieldy given that this is its first year of its operation. However, it was also recognised that their input may be of particular relevance to some of the issues to be considered by the Group in the future. It was therefore agreed that the Terms of Reference should provide sufficient flexibility so that they or others could be invited to contribute to particular pieces of work where agreed by the Reference Group.

3. Accessibility and court “walk through”

Securing practical improvements that make the courts and justice system more accessible to unrepresented litigants is central to the work of the Reference Group. It was proposed that a “walk through” by a small group (including unrepresented litigants and court officials) to identify some of the difficulties experienced by Litigants in Person would be helpful. It was agreed that this exercise should be explored further with the Northern Ireland Courts and Tribunals Service.

It was also agreed that, in considering the accessibility of each stage in the litigation process itself, the Group might focus on issues arising in the area of private family in the first instance and consider in particular, the stages outlined in the Framework Document for Family Law cases.