

## **Litigants in Person Reference Group**

### **Terms of Reference**

#### Purpose

1. The Litigants in Person Reference Group will play a valuable role in identifying ways to improve the experience of personal litigants in the courts system in Northern Ireland. It will focus primarily, but not exclusively, on the family courts and will examine two areas:
  - information and support; and
  - relationships with others in the justice system
2. In terms of information and support, the Reference Group will
  - consider existing support services available for litigants in person in the courts;
  - examine existing online and other information materials available to litigants in person (such as legal information, court procedures and other administrative arrangements); and
  - in relation to both of the above, identify gaps and suggest improvements, including additional advice, support or other resources which would assist litigants in person in dealing with their cases in the courts.
3. In terms of relationships with others in the justice system, the Reference Group will:
  - examine current relationships between litigants in person and other key stakeholders in the justice system, including the Courts and Tribunals Service, the Judiciary and the legal profession; and
  - suggest ways of building greater mutual understanding.

#### Context

4. Litigants in person are people who enter court proceedings without legal representation. 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 without representation by a lawyer.

5. While the Ulster University research identified many reasons for people self-representing, affordability was a key factor in a large number of cases and there were a higher number of self-represented litigants in family proceedings than in the other business areas the research examined. For this reason, the primary (though not sole) focus of the Reference Group will be on the family courts.

### Membership

6. The Reference Group will consist of former or current litigants in person (up to 8 members) 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
7. The litigant in person members will be identified by the School of Law at Ulster University or sought through other channels, if necessary
8. With the Group’s agreement, other individuals may be invited to attend specific meetings or join the group or become part of any sub-group if one were set up.

### Support and administration

9. It is important that, at least initially, the Reference Group is chaired by someone with knowledge of the issues but with an independent perspective. Sinéad Mulhern meets these criteria and has agreed to

chair the Reference Group for the first twelve months. She will also fill the role of providing a voluntary sector perspective.

10. Administrative support to the Reference Group will be provided by the Northern Ireland Courts and Tribunals Service.
11. The Reference Group will not have a budget but modest resources could be sought to support any specific work or initiative agreed by the Reference Group.

#### Travel expenses

12. Litigant in person members of the group and any others, who have not been nominated by particular organisations, will be able to claim travel expenses for attending Reference Group meetings from the Department of Justice, in accordance with Departmental guidelines and using a Departmental travel claim form.

#### Frequency of meetings

13. Meetings will take place every 3 months and be scheduled to last for no more than 2 hours. Additional meetings may be scheduled if required and agreed by the Reference Group.

#### Review

14. After 12 months in operation, a short review will be completed. This will give the Reference Group the opportunity to reflect on its operation and effectiveness and to revise these terms of reference.

**21<sup>st</sup> May 2019**

**Terms of Reference reviews: 15<sup>th</sup> September 2020 (no revisions made)  
5<sup>th</sup> April 2022 (no revisions made)**