

Litigants in person – guidelines for lawyers: Notes for litigants in person

These notes are to help you understand what to expect (and what you cannot expect) from the lawyer for the other side in court proceedings.

- You should be treated with courtesy and respect by the other side's lawyer. Likewise, you should treat them and their staff with courtesy and respect.
- If you telephone the lawyer, they may not always be available to take or return your call straight away and it may not always be appropriate for the lawyer to speak to you directly (for example if they are a barrister who is acting on a solicitor's instructions) although in that event you are likely to be told who you should speak to instead.
- It is always better to put any proposals in writing. Keep a copy for yourself. You should receive replies in writing. The lawyer will need enough time to take their client's (the other side's) instructions before they reply to you.
- Any letters that you receive from the lawyer should, wherever possible, avoid jargon. If you do not understand something, do not be afraid to ask them to explain it.
- If you send any documents to the court for the judge to see you should also send a copy to the other side's lawyer. They are entitled to see anything that the judge will see. Whenever the lawyer writes to the court, they should send a copy to you.
- The lawyer cannot give you legal or tactical advice but can explain the court procedures to you.
- The lawyer should use plain language in court. If you do not understand anything that is said in court do not be afraid to ask the lawyer or the judge to explain it.
- It is not unusual for those who are involved in a case to have discussions outside court before going before the judge. These discussions can be helpful in clarifying what is already agreed and narrowing down the issues that the judge needs to decide. It does not mean that pressure is being put on you to agree matters that you would prefer the judge to decide. Do not be surprised if someone from the lawyer's office is there to take a note of a discussion so that there is a record of it. This is not intended to intimidate you.

- Remember that the lawyer has a professional duty to their own client. They are obliged to present their client's case and to follow their client's instructions. Any work undertaken by a lawyer is at the expense of their client and there may for this reason be a limit on the number of telephone calls or letters and emails that they are able to make or to which they can respond.

Court orders

When the court makes its decision it will usually ask a party who has a lawyer acting for them to draw up the necessary court order. When the court makes an order, both you and the other side's lawyers need to be clear about what the order requires everyone to do. The other side's lawyer will draft the order for the judge and will send you a copy so that you can inform the judge if there are any parts of the order that you think do not reflect what the court decided.

Mediation

In most court cases there is the option to attend mediation. This is where an independent mediator will try to help both sides agree a reasonable settlement between them. In family cases the judge will expect both sides to have tried mediation before coming to the court. The judge may adjourn (put off to another day) a hearing to give you the opportunity to consider mediation.

Where to get help

You may be able to obtain assistance from:

- Citizen's Advice: www.citizensadvice.org.uk;
- a Law Centre if there is one in your area;
- the Personal Support Unit (in some cities): www.theapsu.org;
- or a LawWorks clinic: <http://lawworks.org.uk> .

Advice UK's website provides a lot of useful information www.adviceuk.org.uk