A REPORT BY JUSTICE

Litigants in Person

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LONDON
STEVENS & SONS
1971

Published in 1971 by Stevens & Sons Limited of 11 New Fetter Lane, London, and printed in Great Britain by The Eastern Press Ltd. of London and Reading

This report has been prepared and published under the auspices of the JUSTICE Educational and Research Trust

SBN 420 43780 0

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Justice
1971

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AUSTRALIA
The Law Book Company Ltd.
Sydney : Melbourne : Brisbane

CANADA AND U.S.A.
The Carswell Company Ltd.
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INDIA
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ISRAEL
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Malayan Law Journal (Pte.) Ltd.
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Pakistan Law House
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CONTENTS

	PARAS.
Introductory	1–5
The Extent of the Problem	6–13
Types of Litigant	14–21
Advantages of being a Litigant in Person	22–28
Disadvantages of a Litigant in Person	29–41
Disadvantages to the Represented Party	42–46
Disadvantages to the Court	47–53
Existing Safeguards against Abuse	54
(a) Summary Judgment and Striking Out	54
(b) No Defence to the Action	56–59
(c) Default Judgment	60
(d) Malicious Prosecution	61–62
(e) Vexatious Litigants	63–67
Possible Remedies	68–69
(a) Forbidding Unrepresented Access to High Court	70–71
(b) Preliminary Screening of Cases	72–74
(c) Amicus Curiae	75
(d) Litigants' Difficulties in Addressing the Court	76
(e) Powers of Master when asked to Strike out an Action	77
(f) Certificate before Listing for Trial	78
(g) Legal Aid	79–85
Court Facilities	86
Mentally Disturbed Litigants	87–92
County Courts	93–94

	PARA.
ACKNOWLEDGEMENT	95
	PAGE
SUMMARY OF RECOMMENDATIONS	32
APPENDIX I: LIST OF PERSONS AND DEPARTMENTS CONSULTED	34
APPENDIX II: NUMBER OF LITIGANTS IN PERSON IN THE COURT OF APPEAL	34

LITIGANTS IN PERSON

INTRODUCTORY

1. It has always been regarded as the inherent and inalienable right of any citizen to present his own case in court. There are only two exceptions to this principle: those under some disability (such as infants and mental patients) and corporations must proceed through lawyers. During the early history of the English legal system a litigant had to conduct his case in person and only in exceptional circumstances could he be represented in court by someone else. Gradually, however, the right to be represented by a lawyer came to be recognised and for several centuries it has been the exception rather than the rule for a layman to bring his own case to trial.

2. The complexity and technical intricacies of modern law and procedure make legal representation in most cases a practical necessity but it is only since 1949 that facilities for legal aid and advice have been made widely available to those who cannot afford them. These facilities have filled many of the gaps in the old voluntary system, but there are still many circumstances in which laymen, of necessity or by choice, become involved in legal actions which they take to court in person.

3. Although such litigants may be few in comparison to the total number, there is no doubt that they present a problem. They are frequently unable to do justice to themselves and the cause for which they are fighting, getting lost in the procedural maze or missing the points which would carry weight with the court. On the other hand they often unfairly embarrass their opponents or waste valuable time of courts and court officials, either because of their incompetence or because of their over-persistence. Our committee

was asked to inquire into the problem because of discontents conveyed to JUSTICE both by litigants themselves and by those who have to deal with them either as opponents or as adjudicators. We have done our best to take a balanced view of the problem and our aim has been to ensure, by any recommendations we make, that litigants in person are enabled to present their case adequately without subjecting their opponents to unnecessary work or delay.

4. In the course of our inquiries, we were given most helpful evidence and advice from official sources, including senior members of the judiciary, masters, court officers, the Attorney-General's office and the Treasury Solicitor's department. Case files of JUSTICE were available, as was the court experience of the members of our committee; and we also sought the views of a psychiatrist about litigants who at some stage in their litigation become overwrought or unbalanced.

5. We have confined our factual investigation to the problem of the unrepresented litigant in the High Court. Although the county courts deal with far more unrepresented parties, we felt that they present a problem which is both qualitatively and quantitatively different. The procedure of these courts is far less formal and, to some extent, appears to have been designed with the litigant in person in mind. The interlocutory stages are much shorter and the rules of pleading are not strictly observed. Many types of case can come to trial with only one pleading—the Particulars of Claim—having been delivered. There are, therefore, fewer opportunities for the litigant in person to get himself into difficulties or to cause an excessive amount of trouble for the court or for his opponent. Moreover, the restricted availability of default and summary judgments ensures that the litigant in person almost always has the opportunity of putting his version of the facts to the judge or the registrar. Nevertheless, even in the county courts the position is not entirely satisfactory and the difficulties encountered by a litigant in person should not be underestimated. In particular, at the trial stage he faces the same problems

of presenting his case to the court and dealing with his evidence that confront the litigant in person in the High Court discussed later in this report (paras. 36 and 37).

THE EXTENT OF THE PROBLEM

6. It has proved impossible to obtain accurate information on the number of cases involving litigants in person which are going on in the High Court at any one time. Nor has it been possible to discover precisely the number of cases actually tried where one or more of the parties was unrepresented. It has therefore been difficult to produce a comprehensive estimate of the numbers involved which can be put forward with any degree of confidence. Such figures and estimates as we have been able to obtain are set out in more detail in Appendix II to the report. These relate only to the Court of Appeal. It may be worth making a detailed survey so that the extent of the problem can be determined.

7. One of the main reasons for the difficulty in obtaining precise information is that litigants in person are not a constant factor throughout the system. A very large number of actions are begun by unrepresented litigants, but very few of these proceed very far before the action is allowed to lapse or is given up because the going becomes too difficult. Moreover, there are quite a number of persistent issuers of writs and summons. One official from the Action Department told us that they had a large number of regular customers who issued writs but did not proceed with their actions. He mentioned in particular two litigants who issue writs regularly and then, a few days later, return with the writ and ask to be repaid the fees. The fact that a large number of actions are brought by the same people has meant that, short of a fully detailed survey, estimated figures must be treated with caution.

8. Although very few litigants in person proceed very far with their actions, those who do show a tenacity and persistence much greater than the average litigant acting through lawyers, and it appears that if a litigant in person gets beyond the first few stages the action is more likely to

come to trial and go on to appeal (if he is unsuccessful) than is the action of a represented party.

9. It appears that unrepresented litigants are spread more or less uniformly as between the various Divisions of the High Court. No particular area of law has any particular fascination (or repulsion) for them. There is no area of the law which they particularly favour, nor as a general rule is there any area regarded as too difficult for them or which they tend to avoid. The evidence obtained from officials of the different Divisions tended to be similar.

10. These findings require two slight qualifications. First, in the Divorce Division it is extremely rare for a petitioner for divorce to appear in person, and it appears that no divorce petition has been filed in person since the Matrimonial Causes Act 1967, which conferred jurisdiction in undefended divorce actions upon the county court. Numerous respondents, however, appear in person, usually because they cannot obtain legal aid to defend the suit. However, actions other than divorce, such as matrimonial property, children and probate, attract a significant number of unrepresented parties.

11. Secondly, the evidence suggested that the problem is mainly confined to the High Court in London. We may not have cast our net wide enough, but our investigations and the information we have obtained suggest that litigants in person are extremely rare in the district registries, and we found no evidence of litigants in person on the civil side of the assizes. No member of the committee could remember having been involved in, or having heard of, cases with litigants in person outside London.

12. With these two qualifications, the estimates we have obtained still show that the size of the problem is substantial. Litigants in person represent a very serious burden to court officials dealing with the initial stages of litigation, and although many cases are not pursued there is still a substantial problem for masters and registrars acting in the later stages of the action. For example, in the Divorce Division, it was estimated that the clerks of the Chief Clerk's office

spent about two-and-a-half hours a day dealing with personal applications and requests for advice. In the Queen's Bench Division it was estimated that each master could expect on average to see one litigant a week, and the Practice Master could expect on average to see one a day. Overall estimates were that between sixty and eighty litigants in person were likely to be proceeding through the Queen's Bench Division at any one time with their actions at a fairly advanced stage or likely to reach trial. The estimates for other Divisions were similar.

13. The Court of Appeal has a particular attraction for litigants in person, being the place where they may have their last hope of obtaining the justice they feel was denied them in the court below. It also hears appeals from the county courts where so many litigants are unrepresented. We were told that the number of applications was increasing, and interfering with the regular business of the court. By this we do not mean to suggest that it is not the proper function of the Court of Appeal to hear applications from litigants in person, but it is inevitable that in many cases they will think it right and necessary to appeal where no valid grounds of appeal exist, and tend to pursue remedies more doggedly and optimistically than they would if they were litigating under professional advice. The Divisional Court also has to entertain numerous applications for various kinds of orders which litigants have been told, or have learned from textbooks, may give them a remedy for their complaint. Both these courts suffer a fair degree of harassment from litigants who have little knowledge of pre-trial procedures and believe that all they need to do is to walk into court and put their case before a judge. To appear before three judges is clearly better than being at the mercy of one, and the court must of necessity give every plea some attention if it is not to risk turning away one which has real merit without giving some guidance as to how to seek a remedy.

Types of Litigant

14. Before proceeding to a more detailed examination of the problem, it is necessary to discuss some of the classifica-

tions under which litigants in person can be grouped, and the circumstances which bring them to court without representation.

15. First, there is the group of intelligent and responsible citizens who have to conduct their own cases for financial reasons. They may be outside the financial limits imposed by the Legal Aid and Advice Scheme or find it difficult to raise the cash contribution required. They may be refused legal aid because the appropriate committee does not consider that they have a reasonable prospect of success or a sufficiently arguable case to justify the expenditure of public funds, whereas in their eyes their case has real merit and recourse to the courts is vital to them to preserve essential rights. They are not entitled to legal aid in any event in an action for defamation. They may have obtained legal aid but have had it withdrawn in the middle of the action because they refuse to accept what they regard as an unfair settlement recommended by their counsel. They may have employed solicitors privately in the first place but run out of funds before their appeal rights have been exercised. They may feel, justifiably or otherwise, that they have been let down by incompetent solicitors and counsel, in which event they may find it difficult to persuade other solicitors to come to their rescue. Finally they may have been advised that they have no prospect of success and are courting disaster, but be unwilling to accept this advice. Such an attitude may not always be unreasonable, because there are a number of cases on record in which litigants in person have managed to confound the advice given to them.

16. The next group covers those who, with or without actual experience, distrust lawyers or think that they can fight their own case more effectively. They may well have valid reasons for this distrust. Lawyers live in a world of legal rules and precedents and operate a system in which tactics play a large part. The average litigant lives in the world of real facts and feelings as he experiences them. When he knows that he has right on his side, he finds it difficult to understand why his lawyers tell him that he cannot establish it at law. When he has pieces of cogent

evidence at his disposal, or easily obtainable, he cannot understand why he is advised that they will not help his case, or that it would be unwise to question his opponent about them. There may be no fault here, but merely a failure of communication and understanding between two different systems of thought. It is not unknown for a solicitor to advise a client that, if he wants to fight his case in a certain way, and that way offers him his only prospect of success, he stands a better chance on his own than with a lawyer who would feel inhibited.

17. The next group comprises those who have fallen foul of the legal system and the legal profession through muddle-headedness and inadequacy. They are perhaps the saddest cases of all those who write to or visit the offices of JUSTICE. Someone has struck at them through the law, or violated some valuable right which can only be restored through the law. They have failed to find the kind of solicitor who would be patient enough to listen to their story sympathetically and cope with their importunings and anxieties. Often they go from solicitor to solicitor with ever mounting bundles of documents in hopeless disorder, making periodic appearances in court to keep their case alive or to seek a remedy for one that is plainly dead.

18. The next group comprises those whom masters describe as " professional litigants in person." They are obsessed with the legal process and treat it as a hobby, issuing writs against all who incur their displeasure. They would be loath to give it up as life would then have no meaning for them. A few are plainly activated by spite and the desire for revenge, or by exhibitionist tendencies. But even in this group there are some who have suffered a real injustice, and thereafter feel compelled to fight against all those who contrived to bring it about. They are indignant that they are advised by a society called JUSTICE to accept what has happened, to stop poisoning their own lives and to look to the future.

19. It must be accepted that many litigants in the last two groups are in some way, and in varying degrees, either mentally disturbed, or eccentric, or abnormal, or at least

unable to adopt a rational approach to their legal problems. One of our witnesses estimated that about 30 per cent. of all litigants in person were of this description. Many of them are middle-aged women who are convinced that they have not been given their due in matrimonial or property disputes. Some have been led to magnify comparatively small injustice into a paranoid obsession about the whole legal system. Others have had nervous breakdowns through the strains and delays of a long case that meant everything to them. Others are pathologically aggressive and need to take every little dispute to law.

20. But this aspect of the problem must be seen in the wider context of all litigation. It is not only litigants in person who fail to come to terms with the artificialities and occasional inhumanities of the legal system. The same things happen to people who are ably represented but find to their dismay that the law does not always provide justice, or justice as they understand or want it, and who feel that the scales are not as fairly weighted as they should be. In some instances litigants who are regarded as unbalanced may be seeing things more clearly and justly than those who can take only a legal view of a dispute and are unable to provide the remedy or solution which the situation requires in human terms.

21. When, in the course of this report, we discuss various aspects of the problem, it will not always be practicable to distinguish the type of litigant we have in mind and we must leave this to the reader. Plainly, when we discuss the protection of the court and of opposing parties, we shall be thinking of those litigants who for one reason or another are abusing the process of the law. When we talk about the protection of litigants in person, we shall be thinking of those who both need and deserve to obtain justice.

Advantages of being a Litigant in Person

22. There are a few apparent advantages of being a litigant in person, although some may turn out to be illusory.

23. The expense of paying one's own legal costs, or a contribution to the legal aid fund, is saved. A litigant in person has in the first instance to pay only court fees and the cost of preparing and providing copies of documents for the court. But if he loses he will almost invariably have to bear most of the costs of the other side and, since he is more likely to be tempted into unwise interlocutory hearings and appeals, the final costs against him may well exceed what the action would have cost him if he had been competently represented. If he wins, he will be worse off because he is not entitled to claim any of his personal expenses, or the value of his time, or any loss of earnings. The only real financial advantage to him lies in his ability to embark on, and carry through, an action or an appeal without resources and with a minimal initial outlay.

24. The litigant in person can conduct his case in his own way and raise whatever matters the court will allow to be introduced. Whereas counsel may be hesitant about the wisdom of introducing certain pieces of evidence, or cross-examining the other party about things to his discredit, or of impugning the honesty of a witness of good reputation, the litigant himself may labour under no such inhibitions. His tactics may do him no good and he may infuriate the judge, but he has the satisfaction of knowing, if he loses, that what to him were vital issues were brought out into the open.

25. The litigant in person necessarily knows far more about the facts and background of his case than the average busy solicitors and counsel could acquire. He has experienced them and lived with them, and gone over them again and again in his mind. He immediately knows when the opposing party or his witnesses are lying and how to prove it, whereas his counsel may have come into the case at a late stage and miss the significance of vital evidence until it is too late to do anything about it. This advantage also can sometimes be illusory because the litigant may not know which points are likely to impress the judge, or how to take advantage of openings which are presented to him.

26. The litigant in person is free of the anxiety that he may be persuaded to accept a settlement which does not do justice to the strength of his position. There are many cases in the files of JUSTICE in which undue pressure to settle is alleged to have been applied, although it is always difficult to estimate the extent to which such pressure was exerted in the client's best interests.

27. The litigant in person, especially if he is presenting his case in a rational way, is usually allowed more latitude than counsel. Most judges are reasonably tolerant of breaches of the rules by unrepresented parties. Experienced litigants can sometimes take advantage of this.

28. It is thus clear that the right to proceed in person is a valuable right which needs to be preserved. It happens from time to time, as in the celebrated case of the late Colonel Wintle, that a litigant in person can confound all the wisdom or caution of his professional advisers, take his case to the highest court in the land, and win it.

DISADVANTAGES OF A LITIGANT IN PERSON

29. On the other hand, a litigant in person runs considerable risks and has to overcome a series of formidable obstacles before he can win his case.

30. The substantive law today is a vastly complicated structure. There is an ever increasing quantity of parliamentary and delegated legislation and of reported decisions. For a layman without knowledge of the methods of indexing and digesting of legal sources the law must appear a trackless jungle. The practice of distinguishing case precedents has to be acquired by experience: even trained lawyers seek to draw parallels that may not stand up to judicial scrutiny. The layman may therefore completely overlook principles and precedents which are vital to his case, even though opposing counsel and judge may try to help him. Thus many actions are lost which should never have been brought or should have been based on a different cause of action. It may be the duty of the opposing lawyer to give a lay opponent some assistance, or at the least not to take

unfair advantage of him, but he cannot tell him that his action is misconceived or groundless, nor can he argue his case for him.

31. Assuming that the layman can successfully research the law relevant to his case, and can understand it sufficiently well to be able to present it to the judge coherently, he is also faced with a complex system of pre-trial practice and procedure through which his case must go after his writ or summons has been issued. Pre-trial procedure has been rightly compared to a maze and it is certainly an expert task to take a case through all its stages. The foundations are laid here for the trial itself, and to some extent cases may be won or lost by procedural tactics. There is a strong possibility that litigants in person may be denied justice through their inability to cope with the technicalities of procedure. Moreover, it cannot be denied that experts in procedure can exploit the system so as to prejudice their opponents, and that some lawyers acting too zealously in their clients' interests can take advantage of the complexities of the system, and of their unrepresented opponents' ignorance.

32. It is no easy task to prepare and present all the required notices and documents for a case in the required form and with the correct number of copies. Court officials are usually very helpful but the litigant still has to do the work.

33. The drafting of pleadings is perhaps the most important, and the most difficult, aspect of the pre-trial system. Pleadings notify to the litigant the case alleged against him, so as to enable him to decide whether to settle or to fight. It is, therefore, vitally important that the pleadings are clear and contain a full statement of all material and relevant facts. The most frequent complaint against litigants in person is that their pleadings are rambling and full of irrelevant matter, or incomplete and insufficient.

34. But it is not only the other side who is inconvenienced by bad pleadings. They also have serious implications for the litigant in person himself. Pleadings limit the ambit of

the trial by defining the issues in dispute and restricting the admissibility of evidence to matters relevant to these issues, and a party may have difficulty in raising at the trial issues not raised in his pleadings. In addition, skilfully drawn pleadings can occasionally place the burden of proof upon one's opponent, thereby possibly producing a different result at the trial.

35. Even if operated correctly, the pre-trial system is usually slow and expensive, but operated badly it can cause extreme delay, heavy expense and often a denial of justice. Unfortunately the latter appears to be the fate of many litigants in person.

36. One of the uses of pleadings is that they put the trial judge in the picture. The judge is also assisted by a case being properly "opened." Each party at the start of his case outlines the facts he hopes to prove and the issues involved, and may deal with the relevant law. It is in a party's interest to make this opening as simple and concise, and yet as complete, as possible, so that the judge is immediately aware of what he is called upon to decide. Most litigants in person do not open their cases well, probably because they do not appreciate quite what is required. Not understanding the difference between opening a case and giving evidence, they soon run into technical difficulties. Again, not being aware of what is relevant and material, they tend to omit vital facts or issues and to ramble over irrelevant or peripheral parts of the case.

37. Ignorance of trial procedure and tactics is a further obstacle. English law has many highly technical rules governing the conduct of a trial and the manner in which matters in dispute may be proved. A litigant in person may well come to court intending to produce as evidence a letter or written statement, or to give his own version of what a witness would say. Many unrepresented parties do not know the rules about the attendance of witnesses and that documents and letters must be proved. With the best will in the world, a judge cannot listen to evidence which the laws says is inadmissible. Proceedings are delayed while the rules are explained to the litigant and, if he is lucky, the

hearing may be adjourned for him to get his case in order and bring his witnesses to court. Occasionally, the judge may refuse to grant an adjournment if to do so would be unfair to the other side, with the result that the case is decided against the litigant.

38. The rules of evidence are not limited to the calling of witnesses and the production of documents. They also govern the manner in which the witnesses may be questioned. Certain types of questions are not allowed. Certain witnesses are allowed to refuse to answer questions. These rules provide an obstacle for an unrepresented party. Few of them understand the art of questioning a witness, and frequently begin to tell their own story rather than to examine the witness. Although a fair degree of latitude may be permitted, eventually the judge must restrain too many breaches of the rules in order to protect the other side's interests. The litigant may not appreciate the reason for the intervention of the judge, and may feel that he has been denied the opportunity to present his case.

39. Sometimes a litigant in person may encounter a tribunal which is unsympathetic or impatient and thus inhibit him from putting forward his facts and arguments. An understandable hostility is sometimes built up between persistent litigants and tribunals before which they frequently appear.

40. Unless judges and masters are particularly vigilant, a litigant in person is always vulnerable to unfair or oppressive tactics.

41. In general a litigant not only has to face all these obstacles, but risks financial ruin if he loses his case. He may, as we have already indicated, save his own costs, but in the course of a series of vain appearances, adjournments and appeals he may run up a bill of costs against him of many thousands of pounds. There is the further danger that, in the course of fighting the action, he may become obsessed with the justice of his case, sometimes to a pathological extent, and thereafter devote much of the rest of his life to efforts to get his case reopened or to attack his opponents in some other way. If, by good fortune, he wins

his first case, he may be tempted to embark on a series of further actions and through over-confidence meet with disaster. There are examples of both these sequences in the files of JUSTICE.

DISADVANTAGES TO THE REPRESENTED PARTY

42. It will have emerged from the foregoing that, when legal merits are about evenly balanced, a represented litigant has a better chance of winning his case. If it were not so, there would be no point in going to the expense of employing lawyers. He will also be liable for far lower costs if he loses. Nevertheless he is subject to a number of disadvantages.

43. As we have already indicated, an experienced litigant in person will be tempted to embark on appeals during preliminary stages or after trial, which a lawyer would regard as fruitless.

44. Ignorance of pleadings and other procedures and consequent requests for adjournments can be an added cause of expense and inconvenience to a represented party.

45. Many actions started by litigants in person are without substance or ill-conceived or brought out of spite, and the defendants are put to unnecessary worry and expense, sometimes to the extent of being persecuted.

46. A litigant in person may sometimes be allowed more latitude in the way he conducts his case, and thus gain an advantage over counsel who has to keep strictly to the rules. Counsel may also be placed in an embarrassing situation. He is bound to press his client's interests, but his duty to the court and his professional ethics require him not to take advantage of his opponent's inexperience. A scrupulous counsel will often go further, and try to assist the court and the unrepresented party by explaining the legal aspects of his opponent's case to the court. This is not an easy role to play, as it provokes a conflict for counsel and the probable displeasure of his client if through chivalry he loses the case.

DISADVANTAGES TO THE COURT

47. The role of the English judge is to act as an impartial arbiter between contesting parties, but he can function fairly and efficiently in this role only when both parties present their cases to him clearly and concisely, with a proper marshalling of the legal issues and the witnesses. Civil litigation is essentially a matter for the parties. They are free to determine what matters are in dispute and what matters are not. The fair working of the system therefore depends on the correct use of pre-trial procedures, and the availability of comparable skills on both sides.

48. The judge must therefore find himself in difficulties whenever these conditions are not fulfilled. He loses the benefit of the legal argument on one side and may have to supply deficiencies out of his own knowledge. He may have to probe for the facts which the litigant in person is unable to bring out, to try to clarify the matters about which he is complaining. If the judge leans too far to help one party, it is difficult for him to maintain his impartial role, and he may arouse resentment in the other party.

49. Judges also tend to resent the time they often have to waste through the amount of unnecessary and irrelevant material put before them. This can be a particular problem in the Court of Appeal, where a litigant, without having taken the usual formal steps, sometimes appears and addresses the court at length on some grievance of which the judges are completely unaware. They are under a duty to listen, since they might deny him justice if they dismiss an application without hearing something of the substance of the matter, and perhaps telling the litigant where his remedy may be.

50. We have already given some indications of the burden put upon masters and court officials in dealing with litigants in person. Except from one or two litigants who have come to regard themselves as at war with the system, we have heard nothing but praise for the helpful way in which these officials help litigants to prepare and sort out documents and advise them of the procedural steps that have to be taken. It is of course inevitable that some are more helpful and

patient than others, particularly when the litigant, or his case, tends to forfeit sympathy.

51. Apart from the time they have to devote to this work they often find themselves in considerable difficulty. They are reluctant to give legal advice. It is not their job to do so, and if they do and it turns out to be wrong they may, with a spiteful litigant, be the next victim of a writ. Even the giving of general advice may be hazardous. To suggest to a litigant that he is bound to lose and to warn him of the consequences of pursuing his action may result in the official being regarded as a part of the conspiracy to deprive the litigant of his rights.

52. Masters are in a particularly vulnerable and difficult position because in the early stages of an action they play the role of judge and have carefully to preserve each party's rights. Requests for further time, or for striking out an action or for summary judgment, may have to be adjudicated without professional legal argument on behalf of one party. If a master gives too much protection or latitude to the unrepresented party, he may do a serious injustice to the other party. On the other hand, he has to do what he can to prevent a party with an arguable case being manoeuvred out of it through ignorance. One master told us that this can sometimes involve an hour or more of telephone enquiries in sorting out a litigant's exact position for him, which is not his function at all. We know that most masters go far out of their way to give comfort and advice to inadequate litigants who are in real trouble and to suggest to them where they could hope to find help.

53. At present, those who staff the courts, whether as judges, masters, associates or clerks, can do little to protect themselves against unreasonable importunings except to reject them out of hand or to cut them short. Such a situation is plainly undesirable, for every litigant, with or without merit, is a human being whose relations with society have gone wrong, or who can see them only through his own eyes. Moreover, to a certain extent the general business of the courts may be disrupted to the disadvantage of parties involved in other litigation. We discuss later in this report

how we think the machinery and facilities of the courts can be improved to solve the dilemma which continually presents itself to those who operate them.

Existing Safeguards against Abuse

(a) *Summary judgment and striking out*

54. Under the Rules of the Supreme Court, Order 18, rule 19, either party to an action can, at any stage of the proceedings, apply to have struck out the endorsement of a writ or any pleading on the ground that it discloses no reasonable cause of action or defence, or is scandalous, frivolous or vexatious or may prejudice, embarrass or delay the fair trial of the action, or is otherwise an abuse of the procedure of the court. In exercising this power, the court may order that the action be stayed, dismissed or judgment be entered.

55. These are wide powers and are intended to prevent unnecessary and unmeritorious actions from proceeding very far. They mean that any party faced with a groundless claim can apply at an early stage to have the action dismissed or the statement of claim struck out. In practice, however, the remedy is somewhat restricted. In the first place, masters who deal with such applications are reluctant to dismiss an action just because the pleadings are in a muddle and unclear. If he feels that there may be some merit in the case, the master must allow the plaintiff a chance to put them in order and if necessary give him some technical advice or help. Secondly, the master is limited in the matters that he can investigate and consider when dealing with an application to strike out a writ on the grounds that the pleadings show no reasonable cause of action. Normally he can look only at the pleadings. He is not allowed to look at evidence submitted on affidavit or to investigate the truth of the allegations made. Even if he believes that they are unfounded, or that the plaintiff will not be able to prove them, he must allow the action to proceed. Where, however, the pleadings are challenged on the grounds that they are scandalous, frivolous or vexatious

or an abuse of the process of the court, the master may look at evidence on affidavit.

(b) *No defence to the action*

56. Under the Rules of the Supreme Court, Order 14, where the plaintiff has served a statement of claim on the defendant and the latter has entered an appearance, the plaintiff may apply for judgment against the defendant on the ground that there is no defence to the action. This right to apply exists in every action begun by writ, except where there are claims for libel, slander, malicious prosecution, false imprisonment or fraud.

57. In appropriate cases the plaintiff may issue a summons and swear an affidavit that the facts alleged in the statement of claim are true and that the plaintiff believes that there is no defence to the claim. The summons, together with the affidavit, is then served on the defendant who is entitled to contest the application for judgment. He can do this by showing that he has a defence to the action. This defence may take many forms—that there are facts which cast doubt on the plaintiff's claim, or that the plaintiff's claim is bad in law. Generally speaking, the defendant's contentions should be put before the master in an affidavit, although in practice other forms of communication are allowed on occasions.

58. If the master is satisfied that there is no real defence to the claim, the plaintiff is entitled to judgment. However, if the master is not so satisfied, he must give the defendant leave to continue his defence of the action. Where the master suspects that the defence *may* not succeed, but is not satisfied that the plaintiff *must* succeed, he may give the defendant leave to continue subject to terms, such as that the defendant deposits a sum of money with the court. In this situation the master is entitled and expected to make some investigation into the merits of the case, even though the evidence does not extend beyond the affidavits of the plaintiff and the defendant, and any documents exhibited to him.

59. Thus the powers to strike out an action under Order 18 are narrower than the powers to give judgment under Order 14 on the grounds that there is no defence. We consider that the powers under Order 18 should be enlarged and brought in line with other powers to give summary judgment, so as to allow the master to hear limited evidence on affidavit for the purpose of seeing whether there is any prima facie evidence to support the allegations made by the plaintiff against the defendant.

(c) *Default judgment*

60. Summary judgment should be carefully distinguished from default judgment. In a summary judgment there is some examination of the case by a master, albeit in a limited form. A default judgment is a purely administrative decision taken because one party to the action has failed to take some step. This right to automatic judgment without any form of hearing arises (a) where the defendant has been served with a writ but has failed to enter an appearance within eight days thereafter; and (b) where the defendant fails to serve his defence within fourteen days, unless that time is extended by the court. Such a judgment may, however, be set aside by the court on an application if reasons for the default can be shown and there is a defence to the claim.

(d) *Malicious prosecution*

61. A party against whom a *criminal* prosecution is brought maliciously or without reasonable cause may bring a civil action for compensation against the persons responsible for bringing the prosecution. It is not clear whether such an action exists for the benefit of a person who is unnecessarily or maliciously involved in a *civil* suit. Such a claim does lie in the case of a petition for bankruptcy or the winding up of a company, when it is presented maliciously, but there is no recent decision where an action has been brought for maliciously prosecuting any other kind of civil suit. Even though such an action may be a theoretical possibility, it may be impossible to bring it in practice. The older cases required that, in order to succeed,

the complainant must show that he has suffered damages and it has been frequently decided that the costs disallowed on taxation are not special damages for this purpose. Thus, even if a party is awarded costs and receives payment, he will have no remedy against the person who has caused him inconvenience by involving him in unnecessary litigation, and has put him to the expense of his disallowed costs. Whether an action would lie if costs are awarded but not paid is not clear. However, in most cases, such a claim will have little practical value since the litigant in person frequently lacks money and any action for damages brought against him may not be worthwhile since the result will inevitably mean the loss of more money.

62. It was suggested to us that all actions involving litigants in person should be transferable to the county court if the plaintiff is impecunious. An allied suggestion was that all litigants in person should be required to give security for costs before being allowed to bring or to defend an action. We consider, however, that this would be a very severe step to take, and that no litigant should be deprived of access to the High Court merely because of lack of means. Moreover, it appeared to us that it would be undesirable to remit all such cases to the county courts as this would unduly increase their present load of work. County courts were designed to deal speedily with small claims, and the lists would become clogged if long cases were transferred to them from the High Court.

(e) *Vexatious litigants*

63. Probably the severest sanction available to control abuse of the legal process is the power to have a person declared a vexatious litigant under section 51 of the Supreme Court of Judicature (Consolidation) Act 1925 (as amended by the Supreme Court of Judicature (Amendment) Act 1959). These sections provide that upon the application of the Attorney-General the Court may declare a person to be a vexatious litigant. This deprives him of the right to bring an action unless he first obtains the consent of a judge in chambers who, presumably, will not give his

consent where the claim is obviously groundless, frivolous or scandalous.

64. However, because this is so severe a penalty it is used very sparingly. Evidence given to the Committee by the Attorney-General's department and on behalf of the Treasury Solicitor was that on average six applications are made every year. Before an application is made, the litigant must have become a real nuisance, the usual criterion being three separate actions and appeals against one individual or particular group of persons. In exceptional cases, such as an excessive use of interlocutory applications and appeals, fewer separate actions might be regarded as sufficient.

65. The major difficulty here lies in discovering persistent litigants. It is unusual for them to concentrate their efforts solely against a particular individual, and where they diversify their cases, there is rarely one central agency which is fully aware of all the facts. It appears that, in practice, they are discovered when they bring actions against the Crown or government departments, since most of these actions are dealt with by the Treasury Solicitor's department. It is extremely rare for complaints to be made by individuals or solicitors in private practice, since it is only by coincidence that they are aware of the persistent litigation of an individual. Court officers who continually encounter the same litigants pursuing a variety of actions appear to be the only other effective source of information.

66. Even when it is discovered that a particular litigant is pursuing a series of actions the process of obtaining an order is very slow and cumbersome. It is necessary to obtain copies of the pleadings in all the actions in which the litigant has been involved and affidavits from all the persons involved in those actions. Copies of these documents have to be supplied to the litigant. It is an extremely difficult task to track down all the actions involved and to discover if some of them appear to be frivolous. We were told that it takes one clerk in the Treasury Solicitor's department several months to prepare such an application. It appeared to us that the machinery for identifying persistent litigants

might well be improved and that some simpler procedure for a declaration should be devised.

67. It will have been seen from the foregoing that there are a number of safeguards against the abuse of the courts by irresponsible or vindictive litigants but they are by no means adequate. A plaintiff bringing a legitimate action against an unrepresented and evasive defendant may be able to obtain summary judgment. A defendant in a groundless action brought by a litigant in person may, eventually, be able to have the action struck out, but only after some expense and annoyance. But the present rules do not prevent the issue of frivolous writs or summonses and the party attacked is put to expense and inconvenience or unpleasant publicity, and has no remedy.

Possible Remedies

68. Before proceeding to a discussion of possible remedies for the problems we have outlined, we must set out the guiding principles that in our view should be observed. In a good system of justice, anyone who is in dispute with his neighbour, or with any other party, over something which is of value to him should have access to a court competent to deal with the dispute and be able to appear before it equally well equipped to present his case as the other party. It is virtually impossible to attain this ideal but it must be borne in mind that, in the earliest days and even in their most primitive form, civil courts were set up to protect the weak against abuse of power by the strong. With few exceptions, litigants in person are, in various ways and degrees, the weaker parties to the dispute. They may be forced to defend themselves against oppressive action by more powerful parties, or to take action to establish rights which are being violated or threatened. It may not be their fault that they cannot obtain legal representation. Sometimes part of their weakness is their inability to conduct their affairs and their litigation effectively or rationally, and the courts should make allowance for this. Frequently they are the victims of previous failures of the judicial system to protect their legitimate interests. The failure

may have been due to shortcomings of the judge, or of some part of the legal machinery or of the complainant's legal advisers, and in such cases the courts owe a double duty of careful consideration.

69. As a real miscarriage of justice will usually have a far more disastrous effect on a litigant in person than on a party who can afford legal representation, we think that his legitimate interests should have first consideration, but we do not underestimate the need to protect parties who may be the victims of senseless, groundless or vindictive actions, and to protect the machinery of justice from time wasting or unseemly misuse.

(a) *Forbidding unrepresented access to High Court*

70. One possibility we were asked to consider was that litigants in person should be barred from the High Court. This is the rule in some countries. For example, in Germany a litigant may conduct his own case in a local court where the jurisdiction is limited to £200, but he must be represented in all higher courts. But such comparisons are of no great value, as there are substantial differences in procedure. In the German system far more of the work is done on paper. The case is dealt with continuously and there is no final confrontation of all the parties and witnesses before the judge. Moreover, judges and lawyers play different roles.

71. In any event, we decided that any such suggestion was wholly unacceptable. To compel a litigant to be professionally represented even if he was provided with a lawyer free of charge, would be too drastic a denial of his right to bring his case before the court and to present it in his own way. As we have already pointed out, some litigants in person have succeeded when their lawyers prophesied failure. Some would rather fail than have their pleadings and arguments emasculated, or be forced into an unacceptable settlement. We should therefore use all possible means to make legal representation available to those who want it but not make it compulsory for those who do not.

(b) *Preliminary screening of cases*

72. One of the judges whom we consulted thought it would be an advantage if, when a writ or summons was issued by a litigant in person, it was referred to a special committee or tribunal to investigate the circumstances and to see if it had sufficient merit to allow it to proceed. We do not favour such a form of " pre-trial " as it might prevent a party from having his case tried before a judge or at least adjudicated by a master, even if there was provision for an appeal.

73. A modified form of this proposal was that the committee would not be able to prevent an action from proceeding but, after a preliminary investigation of the merits, should present a report to the court. The report would set out what appeared to be the facts and issues involved and a preliminary assessment of the merits. We were told that judges would be helped and in no way embarrassed by such a report, but the litigant might feel aggrieved if he was denied the right to present the case in his own way. If the assessment was in the litigant's favour, his opponent might feel that the case had been prejudged.

74. A Lord Justice of Appeal told us something of the court's difficulties when it was presented with applications and had little or no knowledge of the background to them. He thought it would be of great assistance to the court, and to the litigant, if such applications could be referred to an official of the court. His function would be to gather a brief picture of the purpose and point of the application, and then either report back to the court with the litigant or advise him if his remedy lay elsewhere. It is a regular practice in magistrates' courts for applicants for summonses to be seen first by a clerk or probation officer, or for the Bench to ask the probation officer to interview a defendant who has difficulty in expressing himself. We endorse this suggestion.

(c) *Amicus curiae*

75. From time to time, in a complicated case where one party is unrepresented, the High Court appoints an amicus curiae to assist the court in matters of law and fact. He is

briefed by the Official Solicitor and is provided with all the available documents. He does not represent the litigant or argue his case for him but has a duty to see that it does not go by default. We see no reason why this procedure should not be put to more frequent use, particularly in cases which depend largely on the interpretation of the law. It is of course permissible for a litigant in person to have a professional legal adviser sitting beside him and advising him in court, but he has no right to speak.

(d) *Litigants' difficulties in addressing the court*

76. In appearances before the High Court, and the Court of Appeal in particular, it adds greatly to the ordeal of the litigant in person that he or she has to stand and speak in the well of the court looking up at the judges from a position of deep inferiority. No nervous applicant can do justice to himself in such circumstances and we see no reason why he should not be allowed to address the court from counsels' benches, or from the witness box.

(e) *Powers of master when asked to strike out an action*

77. We referred in paragraph 55 to the restrictions laid on the master when he is asked to strike out an action under order 18, rule 19. In our view it would be an advantage if the master had power, when faced with such a request, to look beyond the pleadings and require the litigant in person to produce facts and evidence on affidavits in support of his pleadings. The litigant would of course have to be given adequate notice and time to meet the master's requirements. This procedure would place a similar burden on the represented party, but considerable expense might be saved in the long run.

(f) *Certificate before listing for trial.*

78. It is not easy for a litigant in person to understand the practice as to the production to other parties of the relevant documents, their arrangement (usually in chronological order), their pagination, the agreement of copies and of bundles with the lawyers to other parties, and the provision of copies for the court. If these matters are not

attended to before the trial opens, delays and other difficulties, which may prejudice the litigant in person, occur. We are therefore of opinion that after setting down, but shortly before the case is listed for hearing an official of the court (who should be under the jurisdiction of a master, to whom any difference of view with the litigant could be referred) should examine the papers and, if he finds them in order, issue a certificate to that effect. The production of such a certificate to the Clerk of the Lists should be a condition precedent to the listing of the case for trial in any case in which a litigant is not represented by a solicitor. An extension of this rule to notices and counter-notices under the Evidence Act could also be considered.

(g) *Legal aid*

79. The problem of the *unwilling* litigant in person would be greatly reduced if legal aid were made more easily available. The raising of the financial limits would help considerably, as would greater elasticity in the contribution demanded of the litigant; but in the present financial climate this appears unlikely. The institution of the £25 scheme advocated by the Law Society and approved in principle by the last government is long overdue. Under this scheme a solicitor would be able to do preliminary work up to a value of £25. He would then be able to take statements from witnesses and prepare a detailed application for the legal aid committee. Alternatively, he might be able to obtain a reasonable settlement by negotiation and avoid the unpleasant necessity of sending the client away feeling bewildered and helpless. At present he has to be paid by his client, or do what work he thinks necessary without fee and without any prospect of ever being paid for it.

80. We think it necessary and right that, subject to certain safeguards, legal aid should be available for plaintiffs in libel actions and for defendants in libel and slander. An unjustified and malicious attack on a man's reputation may deprive him of his livelihood and a poor man should have the same right to seek redress as a rich man without the hazard of having to appear in person, especially in something as complicated as an action for defamation. Equally a man with a social conscience who believes it to be his duty to call attention to incompetence or corruption should not be frightened into silence by the threat of an action which he is unable to resist effectively.

81. It was suggested to us by one witness that the court should have power to give a litigant in person legal aid whenever in the course of the action it appeared necessary in the interests of justice. We believe that many judges, and masters, would like to be able to do this and we have no doubt that it happens informally and indirectly from time to time. Persons who have been refused legal aid, or have lost it, are advised to make a further application and the legal aid committee is asked to consider it sympathetically.

82. The idea of making this a regular practice has much to commend it. Some committees are more cautious than others. Applications are not always properly prepared. In one motor accident case referred to JUSTICE, the solicitor had merely forwarded the police report which contained an error fatal to the plaintiff's case, without interviewing any witnesses. The full merits of a case may emerge only in the course of the proceedings. For the majority of people, the refusal of a legal aid certificate means the end of any hope of redress, or of defence against attack, and this in effect means trial by legal aid committee instead of trial by the courts.

83. The objection to the proposal is that litigants who have been refused legal aid would be tempted to try for a second bite at the cherry, and to chance their luck by embarking on an action in the hope that legal aid would be given them on the way. But these actions would be subject to the existing safeguards and the further safeguards we propose and we think that judges and masters can be trusted to use the power fairly. It is somewhat paradoxical that one lay magistrate committing an accused person for trial can grant legal aid, including leading counsel, even though there appears to him to be no defence to the charge, while three Lords Justices of Appeal have no such power in a civil

case, even when it appears to them that the litigant's case has real merits.

84. One serious aspect of the problem is that there are many litigants who have been granted legal aid certificates and have then quarrelled with their solicitor and parted company. They may have been difficult clients, or their solicitors may have let them down, or there may simply have been a failure of understanding and communication. Once this has happened it is often very difficult to obtain another solicitor, and the greater the number of solicitors who are approached, the greater the difficulty becomes. Litigants in this category frequently come to the office of JUSTICE. If they appear to be difficult it may be embarrassing to give them the names of other solicitors to approach, and the best and most sympathetic ones are usually overworked. We think therefore that, where a legal aid certificate has been issued, there should be a responsibility on the Law Society to appoint a solicitor from the legal aid panel on a rota basis.*

85. Where a litigant proceeds in person he deprives his opponent of any claim for reimbursement of his costs that the latter may have under the Legal Aid Act 1964 against the Legal Aid Fund, and we consider that the opponent of a litigant in person who is impecunious should have his costs reimbursed out of public funds.

COURT FACILITIES

86. All the recommendations we have in mind will inevitably impose a greater burden on masters and other officers of the court. They are already much troubled by the attention and time they have to devote to litigants in person; and their facilities need to be increased. The legal system was created for the benefit of those who need to have recourse to it, and it has a duty to give them reasonable assistance. We therefore take the view that the court staff available *should be increased* and that, to avoid embarrassment to masters and others who are processing actions through the court, the work of advising litigants in person should in the main devolve on one or more specially appointed officials. One master has recommended to us that an experienced master should be in charge of a special room set aside for litigants in person to seek advice on how to get their papers in order, or on further steps that need to be taken. Masters and officials who cannot reasonably or fairly give the needed advice to litigants in their lists could refer them to the special room. Such a room, in charge of a master, could be established in each division of the High Court. We have not been able to agree this as a specific recommendation, but it is one of the possibilities that could be considered under our general recommendation for an increase and reorganisation of the staff to cope more efficiently with the problem.

* The problem referred to in this paragraph has been dealt with at some length in the JUSTICE report "Complaints against Lawyers."

MENTALLY DISTURBED LITIGANTS

87. Perhaps the greatest problem is presented by litigants who are mentally disturbed or obsessed by the objects of their litigation. An injustice suffered at the hands of a court can often have a more devastating effect on mental balance and normal rationality than many other kinds of loss or misfortune. Those who administer justice at any level are often too slow to realise this. The litigants most likely to become bitter and obsessed are those to whom no one will listen when they seek a remedy, or who feel that powerful forces are crushing them and that no one is on their side. If we accept, as we must, that the best legal talent in the country is at the full disposal of powerful corporations and associations and that an ordinary citizen, in default of legal aid, has to make do with what his money can buy or with his own efforts, it is not surprising that there are psychiatric casualties.

88. Sometimes the disorder has arisen directly from an unhappy encounter with the law. An injustice, great or small, has been suffered and the victim cannot take it. It assumes abnormal proportions and gives him no peace. It is no use trying to convince such a litigant that the injustice

did not take place or that he may have contributed to it, or that "The Law" and "Justice" do not necessarily mean the same thing. Only occasionally is it possible to persuade a person who has retained some degree of insight that it is more sensible to try to make the best of a bad situation and look to the future. Only rarely is it possible to rescue someone from further legal disaster or to prevent him pursuing the action on which he has embarked.

89. There is such a wide range of irrational litigants in person that it is impossible to generalise or to divide them into categories. The ones who cause most concern to the courts and to their opponents are those who have, after a period, become aggressive and vindictive and would lose any meaning to their lives if they could not pursue their vendetta. They have acquired knowledge and experience of law and procedure. Apart from their litigation mania, they are sometimes quite normal and pleasant persons and there may be some substance in their grievance even though they have no remedy at law. If they have decided that there is a conspiracy to cover up an injustice they will issue writs against anyone who might conceivably be involved in it.

90. It was suggested to us that some way could be found of restraining such litigants by requiring them to act through lawyers or through a guardian *ad litem* if, on examination, they were found to be sufficiently mentally disturbed. In our view this would be unacceptable. The mental disorder might only show itself in respect of the litigation. Any suggestion of compulsory examination would only add fuel to the flames, and put a dangerous weapon into the hands of their opponents. If their activities have to be contained it can only be through the further safeguards we have suggested, and by making the proceedings for declaring a person a vexatious litigant more speedy and effective.

91. The services of a psychiatrist working in co-operation with lawyers could, however, be valuable to litigants at the other end of the spectrum, who are not aggressive by nature but have had their lives and mental health damaged by disasters for which they blame the law or their legal advisers

or the villainy of their opponents. They include wives who have had a raw financial deal, husbands who have been deprived of access to their children, beneficiaries of wills who have been deprived of their expectations, employees who have been unfairly dismissed, businessmen who have been maliciously forced into bankruptcy, and people who have been deprived of their homes. Many of these are more to be pitied than blamed and they continue to litigate or press their grievances in the vain hope that one day they will find someone to give them justice.

92. It is usually unprofitable to suggest to such litigants that they should consult a psychiatrist. Often they have done so already. On two occasions a psychiatrist has asked the Secretary of JUSTICE to see one of his patients with the plea that he could do nothing for her unless and until her legal difficulties could be resolved. It would therefore seem desirable that psychiatrists and lawyers should work together in such cases. The lawyer's task would be to take the case in hand and pursue any remedy that remained or, with guidance from the psychiatrist, to try to explain to the litigant why the injustice had to be accepted. The psychiatrist's task would be to try to help his patient to come to terms with reality. The Official Solicitor would be the obvious official to take the initiative in matters of this kind.

COUNTY COURTS

93. We indicated in paragraph 5 that we would confine our enquiry to the problem of litigants in the High Court. There is, however, no doubt that a serious problem exists in the county courts. There are far more litigants in person and far more chances of injustice being done despite the greater simplicity of procedure. A large number of applications to the Court of Appeal arise from disputed county court decisions. There is further a greater element of uncertainty and surprise as to what evidence and argument will be put before the courts.

94. We have not, however, taken any evidence in respect of county courts and are not in a position to make any

recommendations. We consider that they should be made the subject of a separate inquiry.

Acknowledgement

95. We are greatly indebted to our Secretary, Reginald Nock, for the tireless efforts he has made to assemble facts and views for our consideration and for the contribution he has made to the drafting of our report.

Summary of Recommendations

1. The personnel of the High Court should be increased and be so organised as to be able to deal with the extra work arising from litigants in person (para. 86).
2. The practice of appointing an amicus curiae should be more widely used in appropriate cases (para. 75).
3. An official of the court should be appointed so that the Court of Appeal might refer to him an unannounced or ill-prepared application for the issues to be clarified in a report to the court (para. 74).
4. Provision for legal aid and advice should be extended and in particular the £25 scheme should be brought into operation (para. 79).
5. Legal aid should be made available for plaintiffs in libel actions and for defendants in libel and slander (para. 80).
6. The High Court should have power to order legal aid if, as a case proceeds, it appears necessary in the interests of justice (paras. 81 to 83).
7. The costs of a successful represented party should be paid from public funds when the litigant in person is impecunious (para. 85).
8. Before any action involving a litigant in person can be listed for trial, a certificate from the master that the documents are in order should have to be produced (para. 78).

9. Order 18, rule 19, of the Rules of the Supreme Court should be extended to allow the master to consider evidence on affidavit, as with Order 14, in all cases (para. 59).
10. The procedures for having a person declared a vexatious litigant should be simplified and capable of being brought into action more speedily (para. 66).
11. The problem of the litigant in person in the county courts should be the subject of a further and separate inquiry (paras. 93 and 94).

APPENDIX I

List of Persons and Departments Consulted

Lord Denning, Master of the Rolls
Lord Justice Widgery (as he then was)
Lord Justice Edmund Davies
Master Thompson (Master of the Crown Office)
Master Harwood (formerly Senior Master)
Master Diamond
Master Jacob
Master Elton
Master Chamberlain
Mr. Registrar Bayne Powell
Mr. W. N. Last (Head Clerk in the Crown Office)
Mr. W. G. Mason (Clerk of the Rules in the Divorce Division)
The Attorney-General's Department
The Treasury Solicitor's Department
The Action Department of the High Court
Dr. E. J. Cohn
Dr. Denis Leigh

APPENDIX II

Number of Litigants in Person in the Court of Appeal

	1964	1967
Appeals heard	596	709
Litigants in person	92	121
Successful litigants in person	—	10
Motions involving litigants in person	56	117
Ex parte motions involving litigants in person	50	87
Applications involving litigants in person	—	164
Successful applications	—	37
Total appeals, original motions and *ex parte* applications by litigants in person	198	344
Total appeals, original motions and *ex parte* applications	804	1044

JUSTICE PUBLICATIONS

The following reports and memoranda published by JUSTICE can be obtained from the Secretary:

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The Citizen and the Administration (1961)	57p	37p
*Compensation for Victims of Crimes of Violence (1962)	25p	17p
*Matrimonial Cases and Magistrates' Courts (1963)	20p	13p
*Criminal Appeals (1964)	37p	25p
Compensation for Compulsory Acquisitions and Remedies for Planning Restrictions (1969)	50p	35p
The Citizen and his Council—Ombudsmen for Local Government? (1969)	50p	35p
Privacy and the Law (1970)	80p	57p
Administration under Law (1971)	75p	50p
Published by Charles Knight & Co.		
Complaints against Lawyers (1970)	50p	35p
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Duplicated Reports and Memoranda	
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Evidence to the Morris Committee on Jury Service	15p
Evidence to the Widgery Committee on Legal Aid in Criminal Cases	15p
Report on Planning Enquiries and Appeals	20p

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