

Litigants in person – guidelines for lawyers: Notes for clients

These notes explain how your lawyer will deal with the other side in a court case if they do not have their own lawyer. In the family court this might be your ex-partner, in the civil court someone who is making a claim against you or who you are making a claim against, and in the employment tribunal this might be your former employer or employee. Whoever they are, someone who is not legally represented in a court case is called a 'litigant in person' (LiP for short).

- Your lawyer has duties to you as the client, but all lawyers also have a professional duty to the court and the administration of justice. This means that they must take steps to help the case run fairly and smoothly. This might include doing something that the court asks them to do which you may not want them to do.
- Your lawyer cannot give the LiP legal or tactical advice but the court may ask your lawyer to explain court procedure to the LiP and to explain what they need to do to follow the court's rules. In some situations, your lawyer's duty to the court may require them to do this without being asked.
- Your lawyer is expected to behave professionally towards LiPs and is not allowed to take unfair advantage of the fact they do not have their own lawyer by, for example, misleading them or withholding information.
- Court hearings involving LiPs often last longer because the judge may have to give the LiP more time.
- To help the case go smoothly, the judge may ask your lawyer to deal with some practical matters such as preparing the bundles of court papers for the LiP. Your lawyer may also take on some tasks of this sort even without being asked by the court. This can reduce the overall time that the case takes, and the time that you need to spend at court. It can also cut down on the overall cost - for example by cutting down the need for the case to be adjourned (put off to another day).
- As your lawyer may need to spend more time on such tasks as required by the court, and especially if your charges are based on time spent, they may be increased. Your lawyer will be able to explain the impact on the overall costs. Ultimately, the court may require you to meet the cost of a task which it asks your lawyer to carry out.
- When at court, do not be surprised if the judge spends time making sure that the LiP understands what is happening and is dealing with the

right points. This may appear to be 'helping' but is actually being done only to make sure that the court hearing is fair.

- The judge may put questions to you or your witnesses on behalf of the LiP. This is because it is the judge's duty to ensure that there is a fair hearing. That includes giving you or your witnesses a proper opportunity to reply to what the LiP has said to the court.