

Guiding hand helps litigants find their voice in court

Help is available for those who want to represent themselves or can't afford a lawyer

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LITIGANTS who represent themselves in court are the bane of the civil justice system. Judges bemoan the fact that the absence of a lawyer inevitably means that cases take more time and court resources.

But help is at hand. Brisbane's Self-Representation Civil Law Service (SRCLS), the only clinic of its kind in Australia, prepares litigants representing themselves right up to the door of the courtroom so they can more effectively advocate their own cause.

Established in October 2007 and run by the Queensland Public Interest Law Clearing House (QPILCH), the service was set up to meet the growing gap facing disadvantaged people who could not afford the growing costs of civil litigation.

"One of the things that prompted us to do it, was (that) we were seeing an increasing number of people coming to us for assistance with litigation because they couldn't afford a lawyer," said QPILCH co-ordinator Tony Woodyatt.

"Most of the courts around Australia have been raising, in their annual reports, the concerns that courts have with the increasing number of litigants in person.

"Courts are very concerned with access to justice. They want to make sure that people have a

fair go before them. There just hadn't been a clear insight into how best to respond to that concern," Mr Woodyatt said.

Staffed by a team of two — a solicitor and a paralegal funded by the Queensland government — the SRCLS provides clients with advice on drafting pleadings, information on disclosure and evidence and preparation for trial for matters before the District and Supreme courts of Queensland, as well as the state's Court of Appeal.

According to QPILCH's 2008-09 annual report, new clients were almost evenly divided between plaintiffs/applicants and defendants/respondents at 61 and 71 respectively with a further 81 potential plaintiffs or applicants out of 213 new client files opened in 2008-09.

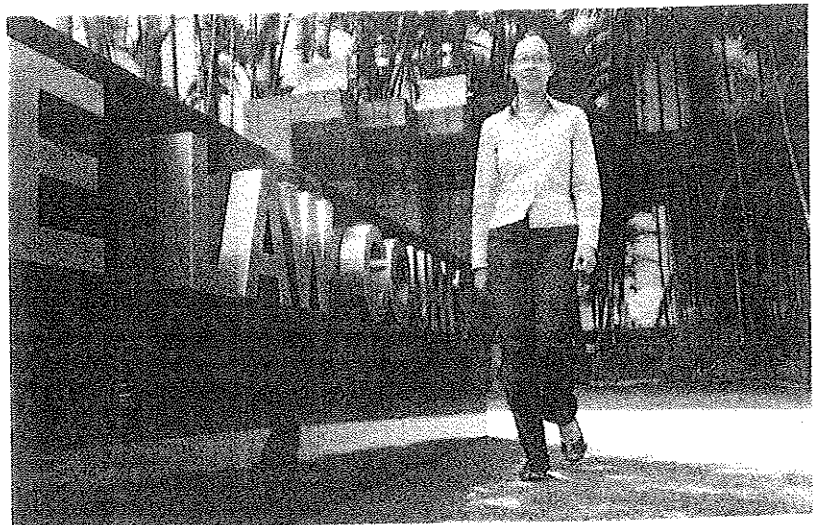
The self-represented litigants service run by QPILCH differs from traditional duty solicitor schemes in that the SRCLS does not advocate in court on behalf of clients, according to Mr

Woodyatt. "In most duty lawyer schemes, the lawyer appears for the unrepresented person at the door of the court, whereas this is a system that's designed to assist people right throughout the court process.

"With this process, you could help people from the very start. Our interest is to give clients their chance to have their day in court."

In addition to the solicitor and paralegal, the SRCLS relies on volunteer lawyers drawn from 12 law firms including Clayton Utz and DLA Phillips Fox.

Asked by *Legal Affairs* whether this was an example of the private sector moving into an area that should be funded by government, Rebekah Leong, acting solicitor for the SRCLS said: "We always would say that more money could be put into free civil law services through legal aid or community legal centres, but also the private sector has a role to play in providing pro bono legal services as part of our professional obligations."



LIAM KIDSTON

Rebekah Leong, acting solicitor for the SRCLS

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