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Self represented litigants in the Australian civil justice system 10 years of the Self Representation Service in Australia

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1. This paper seeks to briefly address:
 - the increase in self represented litigants (**SRLs**) in civil proceedings and implications for access to justice and the rule of law in Australia; and
 - how the Self Representation Service model can be used to facilitate access to justice and assist courts and tribunals dealing with SRLs.
2. This paper does not purport to be a comprehensive investigation of these issues or to provide answers. Rather, it seeks to inspire readers to see SRLs not only as a problem, but as an opportunity for all stakeholders in the Australian justice system to work collaboratively towards a more accessible and fairer system for all.

The increase in SRLs in civil proceedings in Australia

3. Since the 1990's governments have cut back on legal aid funding for civil law matters in Australia. Those who cannot afford a private lawyer or access legal aid are assisted by community based organisations like LawRight, which are also facing government funding cuts while trying to meet the increasing demand for free legal services.
4. When litigation is the only option to resolve legal disputes and pro bono representation is not available, disadvantaged and vulnerable people often need to choose between abandoning substantive rights and representing themselves in a complex legal system that was designed to interact with lawyers, not SRLs.

¹ I acknowledge the significant contribution of LawRight's director, Tony Woodyatt, both to this paper and to the development of the Self Representation Service in Australia, a legacy Tony will leave for the Australian civil justice system beyond our time. Any deficiencies in this paper are of course my responsibility only.



5. Although people self-represent for different reasons, the Productivity Commission's Access to Justice Report found that most SRLs self-represent because they cannot access legal aid.ⁱ Indeed, most SRLs seeking LawRight's advice and assistance say they need to self-represent because they cannot afford to pay for legal fees.ⁱⁱ
6. There is a general perception that the number of SRLs has increased and currently makes up a significant proportion of litigants in the Australian civil justice system. However, there is no quantitative data available to validate figures with precision and demonstrate the impact of SRLs on the efficiency and efficacy of Australian courts and tribunals.
7. Research procured by the Commonwealth Attorney General's Department extensively considered the collection of data mapping SRLs in the Australian justice system. A report published in 2012 found that courts and tribunals collected limited information regarding SRLs and only the Federal Court of Australia had a specific data collection field for SRLs.ⁱⁱⁱ
8. In its 2015-16 annual report, the Federal Court noted that it only records the number of unrepresented applicants (not respondents) and data recorded is indicative only, as recording is not mandatory. In the reporting period, 46 SRLs were recorded as having commenced proceedings in the QLD Registry of the Federal Court and 563 SRLs were recorded nationally, mostly in migration appeals.^{iv} In the same reporting period, 8,649 new applications were reported to have been filed in the Federal Circuit Court (excluding family law matters), but no data was published to indicate the number of SRLs in that jurisdiction.^v
9. Despite limited quantitative data mapping the participation of SRLs in the Australian civil justice system, qualitative data and observations recorded by the judiciary and the legal profession indicate that the number of SRLs has increased, and "courts are no longer dealing with a minority aberration but are being obliged to contend with change which may require altering the way in which courts operate."^{vi} Costs incurred by courts in dealing with SRLs are not negligible.
10. The 2016 Australian Productivity Commission Report on Government Services indicates that the total court administration recurrent expenditure (less income) for Australian courts in 2014-15 was approximately \$1.37 billion. Approximately 442,300 cases were lodged and 457,400 cases finalised in the civil jurisdiction of the supreme, district, magistrates' and children's courts in the reporting period. It is also important to note that no data about SRLs was



included in the 2016 Report despite the fairness and accessibility of the justice system being part of the performance indicator framework for court services in Australia.^{vii}

11. The Productivity Commission Inquiry Report into Access to Justice Arrangements examined the current costs of accessing justice services and securing legal representation in Australia, and the impact of these costs on access to, and quality of justice. It had regard to numerous factors including data collection across the justice system that would enable better measurement of cost drivers.^{viii} A number of recommendations were made by the Productivity Commission in respect of improved data collection and performance measurement for courts and tribunals, including that the Law Council of Australia, the Australian Legal Assistance Forum and courts should develop and implement reforms to collect and report data from courts, tribunals, ombudsmen, legal assistance providers and legal service providers by 1 July 2016 (recommendation 25.4).
12. The Australian Government partially implemented that recommendation, insofar as it relates to the legal assistance sector, by developing the National Legal Assistance Data Standards Manual required to be adopted under the National Partnership Agreement.^{ix}

Implications of SRLs for access to justice and the rule of law

13. The Australian judicial system is adversarial in nature and depends on parties being able to effectively present their case. Parties have the right to self-represent in all Australian courts^x and “a central principle of the rule of law is that all parties involved in legal proceedings receive procedural fairness and access to justice.”^{xi}
14. The increasing numbers of SRLs before our courts and tribunals place decision makers in a difficult position, having to balance the duty to remain impartial with the duty to afford procedural fairness to SRLs to ensure a fair trial.
15. Overwhelmingly, those who work in the Australian justice system work with compassion and dedication to lessen the impact of SRLs on the administration of justice and the impact of the administration of justice on SRLs. Stakeholders have been working for many decades to improve the capability of the justice system and facilitate access to justice for all. Various mechanisms to help SRLs have been implemented by courts and tribunals as a result, including supervised case lists, training for registry staff, guidelines for judges, self-help kits, factsheets, web portals, videos for SRLs, and support for service providers. This paper does



not propose to cover these initiatives, but commends the efforts of those involved in improving the participation of SRLs in the justice system.

16. Nevertheless, such initiatives are not a substitute for legal advice and assistance.

While lawyers are mostly visible in court, they perform a critical function in listening to their clients' stories, extracting the salient facts, identifying the legal issues, considering the relevant law, and then considering the legal arguments, the evidential requirements and the strength of the case, the risks and the best method for resolution: including abandonment, negotiation, mediation or court.^{xii}

17. The lack of legal advice and assistance to a SRL can be a significant barrier to accessing justice or to accepting that a desired outcome cannot be achieved. To a lay person, legal processes can be complex, counter-intuitive and confusing. Dealing only with relevant facts and leaving emotions aside can also be a challenge. It is unrealistic to expect that SRLs will have the necessary skills and knowledge to complete the legal tasks associated with litigation or alternative dispute resolution without legal assistance, particularly when SRLs have special vulnerabilities such as literacy, cognitive or mental health issues. As His Honour Deputy Chief Justice Faulks eloquently put:

“a SRL does not only present challenges for the court; the court proceedings present challenges for the SRL. He or she is dealing with foreign and complex rules and processes (many of which might feel counter-intuitive to a lay person) and a language that sounds like English but nevertheless does not make any sense to him or her.”^{xiii}

18. SRLs may be disadvantaged by court practices, which may be perceived as formal and lacking transparency and leave SRLs feeling disempowered by the process and disenfranchised.^{xiv} The process involved in self representing can reflect negatively on how SRLs experience the justice system in their lives, and their perception of whether it is fair, just and accessible.

19. Access to justice has been used as a factor to measure the rule of law around the world. For the last nine years, the World Justice Project has relied solely on primary data to measure the perspective of ordinary people on their countries' adherence to the rule of law, which is summarised in four general principles:



1. *The government and its officials and agents as well as individuals and private entities are accountable under the law.*
2. *The laws are clear, publicized, stable, and just; are applied evenly; and protect fundamental rights, including the security of persons and property and certain core human rights.*
3. *The process by which the laws are enacted, administered, and enforced is accessible, fair, and efficient.*
4. *Justice is delivered timely by competent, ethical, and independent representatives and neutrals who are of sufficient number, have adequate resources, and reflect the makeup of the communities they serve.^{xv}*

20. In the Rule of Law Index Report 2016, Australia ranked number 14 for civil justice out of 113 countries, behind New Zealand and Singapore in the East Asia and Pacific region. Out of all factors measured in the civil justice category, the accessibility and affordability of the Australian justice system scored the lowest.^{xvi}

21. Unfortunately, the impact of greater numbers of SRLs on the justice system and the rule of law in Australia is more than just a matter of perception for ordinary folks. Researchers have found that:

- SRLs generally place their substantive rights at risk as their ability to defend or assert their rights is undermined by their lack of skills and knowledge;^{xvii}
- SRLs are likely to lose their case more often than legally represented parties, regardless of merits;^{xviii}
- proceedings commenced by SRLs are more likely to be dismissed, discontinued, abandoned and struck-out;^{xix}
- processes such as negotiation, case management and hearings are often more protracted and difficult because of the burden that SRLs place on the functioning of the court system;^{xx} and
- matters involving SRLs generally take longer to be finalised and cause additional costs to the courts and other parties involved.^{xxi} Intuitively, this may lead to higher costs orders for unsuccessful SRLs and increased legal costs that are less likely to be recovered from impecunious litigants.

22. Unbundling the provision of legal services for SRLs in the community, pro bono and private sectors is a workable and practical response to address some of those issues. I explore below the Self Representation Service model of unbundled legal assistance.



A brief history of the Self Representation Service in Australia

23. LawRight started the Self Representation Service (the **Service**) in Australia in 2007, after researching legal assistance models for SRLs in the U.S and UK.^{xxii} The Service was the first of its kind in the country and was based on a successful service operated in the Royal Courts of Justice in London by the Citizens Advice Bureau.
24. A funding proposal was made to the Queensland Attorney-General with the support of the former Chief Justice of Queensland, the Honourable Paul the Jersey AC. The Service model was embraced by volunteer lawyers and barristers as a way of making a pro bono contribution without being directly involved in litigation, and in 2007 the Service started in the civil jurisdictions of the Queensland District and Supreme Courts, including the Court of Appeal. In January 2010, the Service commenced in the Queensland Civil and Administrative Tribunal (**QCAT**), and following a pilot in 2011, the Service resumed operation in 2013 in the Federal Court and Federal Circuit Court in Brisbane.
25. Since 2013, the Service model has been successfully adopted by JusticeNet South Australia, Justice Connect and Legal Aid Western Australia to operate a Self Representation Service in the Supreme and District Courts of South Australia and in the Federal Court and Federal Circuit Court in NSW, VIC, TAS, SA, WA, the ACT and NT.^{xxiii} The Service has been embraced by the legal profession nationally and has received the support of judicial and tribunal members and registry staff at its various locations.
26. In 2015 LawRight commissioned auditing firm BDO to undertake an external cost-benefit evaluation of our services in the Federal Court and Federal Circuit Court in Queensland. With the assistance of the Courts, BDO measured the value of the Service in terms of time-saving efficiencies and corresponding value of these efficiencies in costs avoided by the Courts. A key finding of the evaluation was that the Service avoided operating costs of \$372,176 per year, which equated to a benefit-cost ratio of 2:1.
27. In February 2017, the Commonwealth Attorney-General's Department completed a national evaluation of the Service model in the Federal Court and Federal Circuit Court. The evaluation report has not been published. However, it recommends that options are explored for future ongoing funding arrangements for the Self Representation Service in Australia.
28. LawRight has observed at the coal face the positive impact the Service has on our clients and community,^{xxiv} not only in terms of legal outcomes and costs' savings, but also in terms of



SRLs' improved personal circumstances and disposition to respect the rule of law. The flow on effect of our staff and volunteers' work cannot be measured in numbers, but drives our commitment to continuous improvement in this space.

Ten years of the LawRight Self Representation Service

29. The cornerstone of the Service in the last 10 years has been the provision of discrete legal advice and assistance to empower SRLs to understand their legal position and the perspective of other parties and decision makers, so that they can make informed decisions and take carriage of their matters in an appropriate manner. The Service encourages the early resolution of disputes and has a high success rate in dissuading SRLs from commencing or continuing unmeritorious proceedings.^{xxv}
30. The Service connects SRLs with skilled volunteer lawyers from 25 law firms, who are briefed before appointments to maximise the assistance provided. Pro Bono barristers are also engaged by LawRight to advise the Service in complex matters, draft submissions, represent clients in mediations and facilitate settlement conferences.
31. To be effective, unbundled legal assistance must be carefully tailored to a client's circumstances. SRLs need different forms and degrees of assistance including referrals to non-legal services, as they come from diverse cultural, linguistic and socio-economic backgrounds.^{xxvi} At times, the complexity of a legal matter or vulnerability of a SRL may hinder effective participation in proceedings, even with legal advice and assistance.
32. A deep understanding of the Service model has given LawRight the ability to identify trends, adapt and innovate in service delivery. We have identified from our casework, for example, that one-off legal representation at mediation or relevant stages of proceedings can assist vulnerable SRLs to clarify and resolve issues in dispute, which is ultimately beneficial for all parties involved, including courts and tribunals. Below are examples of initiatives adopted by LawRight to offer effective, efficient and appropriate unbundled legal services to SRLs.

Pilot Representation Services

33. When a litigant is particularly vulnerable and a matter has reasonable prospects of success, the Service works together with LawRight's Referral Schemes to refer the litigant to the legal profession for full pro bono representation. However, litigation can be resource intensive even for the largest firms. Referrals for one-off representation at important stages of proceedings



are more likely to be accepted because firms and barristers can measure their pro bono commitment. For example, when full representation is not a viable option, the Service assists clients to progress their matter until mediation or a hearing occurs, and at that stage refers clients to the legal profession for one-off pro bono representation. Junior barristers are generally willing to undertake that kind of pro bono work, as they can make a meaningful contribution and have the advocacy experience without an extensive commitment.

34. In April 2016 LawRight commenced pilot services developed with extensive consultation with internal and external stakeholders to offer one-off legal representation to vulnerable SRLs in particularly stressful circumstances, specifically when faced with the execution of a debt, in workers' compensation appeals and in administrative reviews related to child protection orders. LawRight currently operates three pilot representation services under the umbrella of the Service to assist:

- parents and carers in compulsory conferences for certain children's matters in QCAT;
- appellants in workers' compensation appeals at compulsory conferences in the Queensland Industrial Relations Commission; and
- debtors in enforcement hearings in the Brisbane Magistrates Court.

35. LawRight engages pro bono barristers to provide one-off legal representation to clients at these critical stages, but clients remain self-represented for the remaining of their proceedings. In its first three months (between April and July 2016), 18 SRLs were offered one-off legal representation through the pilot services. All clients were surveyed and indicated that they were satisfied with the quality of the service provided. LawRight has a panel of 57 barristers willing to represent SRLs through the pilot services, however these services are currently only funded to operate until July 2017.

36. A new pilot representation service is also being considered by LawRight, the Queensland Law Society and QCAT to offer one-off legal representation to vulnerable SRLs in that jurisdiction. It is likely that such service would target clients participating in guardianship and administration hearings, administrative review hearings and compulsory conferences.

37. Proceedings in QCAT can have serious consequences for the welfare, dignity and daily living of people and their families, and most SRLs that the Service assists in QCAT have a special vulnerability. Approximately 35% of clients have a disability and 61% rely on Centrelink benefits as their only source of income. Despite QCAT procedures being designed to accommodate SRLs, in our experience clients still struggle to present their case to the Tribunal. Offering one-off representation to vulnerable clients at important stages of QCAT



proceedings will likely expedite hearings and reduce operating costs. It will also offer advocacy experience and training opportunities for young lawyers and reduce legal and associated costs incurred by government departments and agencies involved in litigation.

Alternative Dispute Resolution

38. While SRLs generally approach the Service for advice and assistance to commence, respond to, or progress legal proceedings, LawRight integrates alternative dispute resolution (**ADR**) to service delivery whenever possible to encourage SRLs to resolve disputes out of court.
39. The Service assists capable SRLs in preparing for mediations, conferences and negotiations, and advises on proposed terms for settlement. Vulnerable clients who do not have the necessary skills to participate effectively without the assistance of an advocate are referred to the legal profession for one-off or full representation as discussed above.
40. LawRight also has pro bono mediation panels in Brisbane and regional locations and facilitates ADR services by connecting SRLs with accredited mediators who have agreed to conduct mediations on a pro bono basis when clients cannot afford the cost of mediation and other parties do not agree to cover the full cost.
41. In February 2017 LawRight commenced a review of its ADR services with the aim to improve the quality and reach of the Service and outcomes for SRLs, and hopefully contribute to a decrease in the number of cases unnecessarily requiring determination by the courts.

Fair Work Settlement Conferences

42. In the Federal Circuit Court in Brisbane, the Service has a panel of 15 pro bono barristers, who are also accredited mediators, rostered to facilitate Fair Work Settlement Conferences for parties involved in small claims proceedings. The Fair Work Settlement Conferences target the increasing numbers of SRLs seeking to recover unpaid employment entitlements in that jurisdiction.
43. At the first court date, parties who are not current clients of the Service are referred by the judge to LawRight for conciliation. If a dispute is settled during conciliation, the Service reports the outcome to the Federal Circuit Court and the matter is finalised without the need for the parties to return to the court room. Alternatively, if the dispute is not settled during conciliation, the parties return to the court room and a directions order is issued for the



continuance of the proceedings. The Service has facilitated 15 conciliations this financial year, 10 of which resulted in settlement agreements and savings to the Court and all parties involved.

Pilot McKenzie Friend Scheme

44. In consultation with the President of the Queensland Court of Appeal, The Honourable Justice Margaret McMurdo, the Service has recently undertaken research to inform a proposal for a McKenzie Friend Scheme to assist SRLs litigating in that jurisdiction. As a McKenzie Friend, students would not address the court but, with leave of the court, can provide moral support and limited practical assistance to SRLs such as note-taking, paperwork organisation, and describing court terminology.
45. The Queensland Supreme Court has reported that SRLs place additional burdens on appeals registry, court staff and judges. In 2015-16, 234 matters involving SRLs in the Court of Appeal were finalised either before or after the hearing (37% of matters lodged) including 118 civil appeals (53.2%). The number of SRLs in cases where judgement was delivered in the Court of Appeal increased from 82 matters in 2014-15 to 94 matters in 2015-16, while the success rate of SRLs in those matters decreased from 9% to 4.9% in that period.^{xxvii}
46. A common theme in LawRight's discussions with the judiciary, and our observation of SRLs in hearings, suggest that SRLs struggle during appeal hearings even with the assistance of the Service. The Service proposes to train and supervise volunteer law students to assist SRLs during appeal hearings by directing them to relevant parts of Appeal Books, documents, and provisions or cases being addressed by the Court or other parties. If the pilot McKenzie Friend Scheme is successfully implemented in the Queensland Court of Appeal, we anticipate that a similar proposal would be considered for the Service in other jurisdictions.

Law students as future pro bono lawyers

47. LawRight also utilises law students to increase the capacity of the Service to assist SRLs. We regularly engage law students as volunteers and offer placements in student litigation clinics and research clinics. Law students who engage in pro bono work during university studies are more likely to continue their pro bono commitment after they join the legal profession.^{xxviii} Many students joining LawRight as volunteers or through student clinics return to LawRight as volunteer Lawyers. A culture of pro bono and community service is encouraged while students are given an opportunity to develop their legal skills and confidence.



48. LawRight has partnerships with the Queensland University of Technology and Bond University and run the Civil Litigation Clinic located at the Supreme Court of Queensland. Students support all arms of the Service by conducting research and preparing draft briefs for volunteer lawyers. Students also have the opportunity to attend client appointments with volunteer lawyers and presentations from judges and members of the legal profession.

Utilising technology to improve access to justice

49. In partnership with the University of Queensland, the LawRight's Public Interest Research Clinic is currently researching innovations in technology used to facilitate access to justice. The Clinic will use software to produce self-generating settlement offers and interactive court forms for SRLs, particularly those seeking to recover unpaid employment entitlements in the Federal Circuit Court. SRLs will be able to use interactive court forms and a self-generating affidavit to support their application to the Court. Drafts produced by SRLs will be settled by volunteer solicitors before filing. LawRight anticipates that the use of interactive court forms will improve the participation of SRLs and save Court resources by reducing the number of forms rejected for filing and by refining affidavits relied on by applicants.

50. Students participating in the Clinic will improve their drafting skills, gain an understanding of diversity in practice models and how technology is disrupting the legal profession, and learn analytical, communication and technological skills in readiness for graduating.

51. LawRight has utilised technology in different ways to improve access to justice for SRLs, including through online application forms, self-help videos and Legalpedia,^{xxix} an online database hosted by LawRight to share factsheets, resources and articles contributed by legal professionals, law firms, universities and barristers. In 2015-16, there were approximately 414,000 page views of LawRight's website and the greatest number of hits was from people accessing our self-help guides. Most of the top 25 page views were of the Service's factsheets designed to help SRLs.

Conclusion

52. Much progress has been made since the Australian Institute of Judicial Administration held the Forum on Self-Represented Litigants and published the Litigants in Person Management Plan 12 years ago identifying numerous problems created by the increased involvement of SRLs in the Australian justice system.^{xxx} However, the lack of data mapping the participation of SRLs in courts and tribunals is a key obstacle to a comprehensive evaluation of both the



implications of SRLs for the administration of justice and the success of measures implemented to address the issue.

53. A fundamental question to be answered is how a complex and adversarial legal system created to interact with lawyers can be fair and accessible for SRLs, especially in an environment where service providers and decision makers are facing increased economic pressure to deliver services and outcomes.
54. The legal profession is doing its part by making generous contributions to community legal centres like LawRight, in the form of pro bono work, membership fees, management expertise, secondments and other in kind support. In 2015-16, 107 law firms reported undertaking an impressive total of 555,224 hours of pro bono work, an increase of 35% from the previous financial year.^{xxxi}
55. However, community organisations and the legal profession cannot be expected to substitute legal aid and meet the increasing demand for free legal services. That discourse has been echoed through the pro bono and community sectors for decades without an appropriate response from elected governments, unfortunately.
56. Unbundling legal services for SRLs can address some of the problems caused by their increased participation in the justice system, particularly when services are designed with input from the courts and tailored to clients' circumstances through an appropriate mix and level of legal assistance and referrals, including to non-legal services.
57. In the last decade, the community and pro bono sectors, judiciary, legal profession, universities and other stakeholders in the justice system have been innovating, collaborating and creating positive changes to the way the entire justice system operates. Governments need to recognise their role in properly funding legal services, facilitating innovation and creating a long-term solution to the increasing problems that SRLs pose to the justice system and the rule of law in Australia. Ultimately, governments must wear the responsibility for making policy decisions that provide essential services to vulnerable members of the community.
58. Market based responses can only solve a small portion of problems where a commercial market does not exist and there is no viable means of creating one, for example, where free legal services are required to service people who simply cannot afford private legal assistance, such as most SRLs.



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- ⁱ Productivity Commission, *Access to Justice Arrangements* (2014) 487-490.
- ⁱⁱ In 2015-16 FY, 78% of clients of the LawRight's Self Representation Service declared an annual household income of less than \$52,000 per year.
- ⁱⁱⁱ Elizabeth Richardson, Tania Sourdin & Nerida Wallace, 'Self-Represented Litigants, Literature Review' (2012) *Australian Centre for Court and Justice System Innovation*, 18
<https://www.ag.gov.au/LegalSystem/Documents/2012%20Report%20Self-Represented%20Litigants%20Report%20-%20Gathering%20Useful%20Information%20Monash%20University.PDF>
- ^{iv} Federal Court of Australia, *Federal Court of Australia Annual Report 2015-2016* (2016).
- ^v Federal Circuit Court, *Federal Circuit Court Annual Report 2015-2016* (2016).
- ^{vi} Deputy Chief Justice Faulks, Family Court of Australia, 'Self-represented litigants: tackling the challenge' (Paper presented at the Managing People in Court Conference, National Judicial College of Australia and the Australian National University, February 2013).
- ^{vii} Productivity Commission, *Report on Government Services 2016* (2016) 7 vol c
<http://www.pc.gov.au/research/ongoing/report-on-government-services/2016/justice/courts>.
- ^{viii} Productivity Commission, *Access to Justice Arrangements* (2014) vol 1, iv.
- ^{ix} Commonwealth Attorney General's Department, *Response to the Productivity Commission's report into access to justice arrangements* (2016) <https://www.ag.gov.au/LegalSystem/Documents/Government-response-to-Productivity-Commissions-report.pdf>
- ^x *Judiciary Act 1903* (Cth); *Collins v Hass* (1975) 133 CLR 120; *Cachia v Hanes* (1994) 179 CLR 403.
- ^{xi} Rule of Law Institute, *Access to Justice, Legal Aid and Self-Represented Litigants* (3 June 2013)
<http://www.ruleoflaw.org.au/self-represented-litigants-2013/>)
- ^{xii} UK Civil Justice Council, *Access to Justice for Litigants in Person (or self-represented litigants) - A Report and Series of Recommendations to the Lord Chancellor and to the Lord Chief Justice* (2011) 30 <https://www.judiciary.gov.uk/wp-content/uploads/2014/05/report-on-access-to-justice-for-litigants-in-person-nov2011.pdf>
- ^{xiii} Above n vi, 4.
- ^{xiv} Department of Justice and Regulation, *Access to Justice Review Background Paper – Self-Represented Litigants* (2016) 3.
- ^{xv} The World Justice Project, *What is the Rule of Law?* <http://worldjusticeproject.org/what-rule-law>
- ^{xvi} The World Justice Project, *Rule of Law Index Report* (2016).
- ^{xvii} Victorian Law Reform Commission, *Civil Justice Review Report* (2008) 565.
- ^{xviii} Rabeea Assy, 'Revisiting the Right to Self-representation' (2011) 30 *Civil Justice Quarterly* 267, 268.
- ^{xix} Above n iii, 27, 30.
- ^{xx} *Ibid.*
- ^{xxi} *Ibid.*, 27, 13.
- ^{xxii} LawRight's Director, Tony Woodyatt researched self representation in London and Minnesota in 2007, after receiving a Churchill Fellowship for that purpose.
- ^{xxiii} The four service providers successfully operating the Service are LawRight in QLD, JusticeNet South Australia in SA and NT, Legal Aid WA in WA, and Justice Connect in NSW, VIC, TAS and the ACT.
- ^{xxiv} LawRight (formerly QPILCH), *QPILCH 2015-16 Impact Report* (2016).
http://www.lawright.org.au/dbase/upl/QPILCH_impact_2015_16_v6.pdf
- ^{xxv} In 2015-16, 78% of clients whom we advised to not commence or continue proceedings accepted out advice.
- ^{xxvi} Julie Grainger, 'Litigants in Person in the Civil Justice System – learning from NZ, the US and the UK' (2012) *The Winston Churchill Memorial Trust of Australia*, 4.
- ^{xxvii} Supreme Court of Queensland, *Supreme Court of Queensland Annual Report 2015-2016* (2016).
- ^{xxviii} Tracey Booth, 'Student pro bono: Developing a public service ethos in the contemporary Australian law school' (2004) *Alternative Law Journal* 29: 280.
- ^{xxix} LawRight, *Legalpedia Queensland*
http://www.legalpediaqld.org.au/index.php?title=Welcome_to_Legalpedia_Queensland
- ^{xxx} Australian Institute of Administration and the Federal Court of Australia, *Forum on Self-represented Litigants: Report* (Sydney, 17 September 2004).
- ^{xxxi} Attorney General's Department, *2015-16 Commonwealth Legal Service Expenditure Report* (2016)
<https://www.ag.gov.au/Publications/Pages/CommonwealthLegalServicesExpenditure.aspx>