

Litigants in person in Northern Ireland:

Barriers to legal participation

- 2+ year study, funded by Nuffield Foundation, on LIPs in civil & family courts in Northern Ireland
- Examined Article 6 ECHR (right to a fair trial) implications of self-representation:
 - effective participation
 - equality of arms



The data set

- 179 litigants in person – observation, interview, questionnaire – including GHQ-12
 - 77 Family Proceedings, Family Care Centre & Domestic Proceedings
 - 43 Bankruptcy
 - 32 Ancillary Relief, including Matrimonial Summons
 - 12 Undefended Divorce
 - 7 Family Homes and Domestic Violence
 - 3 Civil Bills
- 59 court actors interviewed: court staff, legal representatives, judiciary, CCOs and McKenzie Friends



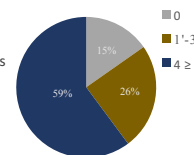
The General Health Questionnaire-12 (GHQ-12)

- A standardised screening instrument for common mental illnesses
- 12 questions about general levels of happiness, depression, anxiety & sleep disorder
- Answers are scored with low scores (2 or less) indicating no psychiatric ill-health, and high scores indicating likely psychiatric ill-health
 - Max score of 12 corresponds to clinical depression
 - Score of 4 or more indicates probable psychiatric ill-health



How do LIPs prepare and run their case? Mental Health...

- N = 120
- Results show that:
 - High prevalence of mental ill health among LIPs
 - 59% had 'caseness' in terms of psychiatric morbidity
 - 9% had scores of 12
- Finding of high proportion broadly comparable to other studies of people involved in legal proceedings



How do LIPs prepare and run their case?

What is it like for the LIP...

- Confusion, exhaustion, despair
- Appearance vs GHQ-12 score
- Outsider / Firestarter
- Lack of fairness



Concerns around mental health

- High prevalence is a cause for concern
- Gap in understanding of how MHPs manifest themselves
- LIP is exposed to unfamiliar court procedures regardless of their mental health & the court is exposed to the LIP in that state.
- Lack of structural support to assist individuals with MHPs
- Lack of buffer for court actors
- Implications for article 6 rights, esp relating to additional barriers to legal participation



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