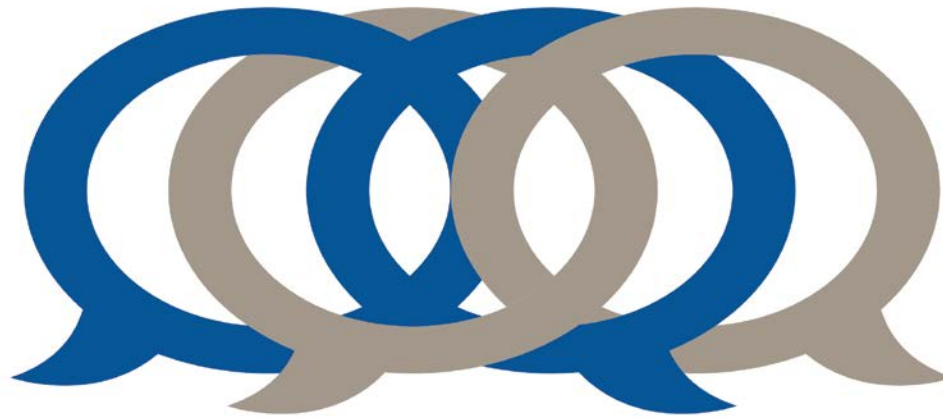


# Responding to the New Normal: the Self-Represented Litigant Phenomenon

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# The numbers

- In most family courts in Canada and the US, SRLs now outnumber represented parties
- This trend is spreading to civil and appeal courts
- The growth of self-representation in family and civil courts over the last 10-15 years has been dramatic



# Why would anyone represent themselves?

The single greatest barrier to retaining counsel is the cost of legal services

“Its not that I think I can do this better than a lawyer, I have no choice. I don't have \$350 an hour to pay a lawyer.”

# Not just the poor : study demographics

- 50% had a university degree
- 40% reported income of less than \$30,000 a year and 57% less than \$50,000 a year
- Almost 20% reported income between \$50-75,000, 12% between \$75-100,000 and 6% over \$100,000
- These results consistent with US studies

# THE AFFORDABILITY PUZZLE

Legal costs

Perceived  
value of  
legal  
services

Insufficient  
resources

Self-Help  
culture



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# THIS MEANS THAT IN 2014, SRLs ARE DIVERSE AND COME FROM ALL SECTORS AND STRATA OF SOCIETY





This makes the (historical)  
distinction between  
“unrepresented” and “self-  
represented” litigants  
unclear - and unhelpful in  
understanding the SRL  
Phenomenon

53% of the study sample  
had begun with a lawyer,  
but ran out of funds/  
willingness to pay

86% of the sample sought legal  
advice

“It was far harder than I had ever imagined – it drained me in every way”

# Meaningful responses to the SRL challenge

- Challenging the stereotype and relying on empirical data for information
- Working to accepting the “new normal” and developing options to make SRLs more functional in the tribunals and the courts



# Including:

- More efficient mobilisation of legal information services
- Form simplification
- SRL orientation and education
- Legal coaching
- On-line resources designed for SRLs
- Emotional support eg McKenzie friends

