

LAW

Make courts easier to navigate without lawyers, judges told

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Fiona Scott Lazareff said that as you don't need an accountant to file a tax return, you should not need a lawyer in court DAVID SANDISON FOR THE TIMES

A woman who struggled to bring her own court case against solicitors over their fees is calling for the justice system to be made more user friendly for those without lawyers.

Fiona Scott Lazareff said the courts should work more like the tax system. "You don't need an accountant to file your tax return; in the same way, you should not need a lawyer to navigate the courts."

Ms Scott Lazareff, 61, an IT entrepreneur, is launching the group Right 2 Justice to campaign for proper help for people acting without lawyers, who are usually referred to within the courts as “litigants in person”.

“Back in 2001 I had a very reassuring experience of litigating in person and so when I had a similar dispute with a firm of solicitors in 2017 about their fees I saw no need to use a lawyer. Sadly my experience has been quite different.”

There is a growing number of unrepresented litigants because of the cuts in legal aid. At least one side has no legal representation in 80 per cent of family cases. There have been efforts by the judiciary and legal profession to help the growing numbers of litigants in person with, for instance, the publication of guides, but Ms Scott Lazareff said these are often ignored.

“There is a growing number of litigants in person who have had experiences which have made them lose faith in the courts: solicitors and barristers who have made errors; judges who don’t appear to listen, act fairly or explain what’s going on ... and yet they have no redress.

“Fighting on an unlevel playing field is so stressful that many litigants have suffered mental health problems as well as strokes and heart attacks and have just had to give up,” Ms Scott Lazareff added.

Her campaign will urge that the label “litigants in person” be scrapped. Litigants should instead be known as “the public” and treated as the norm rather than the exception, she said.

Court procedures should be adapted and the courts administrative system updated and made more user friendly, as has been done with HM Revenue & Customs and Companies House. Most procedures need to be digitalised so they can be accessed online. Other proposals include training for judges and lawyers on dealing with the public, a checklist at the start of every hearing to remind judges of their duty to unrepresented litigants, and spot checks.

One circuit judge wrote to Ms Scott Lazareff admitting that the rise in litigants in person had led some judges to be less understanding than they once were.

He said: “What is all the more troubling for me is that ... it is the younger judges who appear less accommodating to litigants in person than those of us who are longer in the tooth.”

Ms Scott Lazareff, who divides her time between London, France and New York, said that she had decided a campaign was the best way to improve procedures after the success of her previous campaign Missing Overseas.

This aimed to change the Foreign and Commonwealth Office (FCO) policies for when a UK national disappears or dies overseas. She launched the campaign after her son disappeared in Moscow in December 2016 and was later found dead.

After a debate in parliament, the FCO adopted various proposals Ms Scott Lazareff had made.

Comments(7)

“The SRA received just over 11,000 complaints about solicitors in 2016/2017. Out of these a lowly 59 were struck off, 57 received a fine, 18 were suspended, 223 received a letter of warning, 54 a rebuke or a reprimand. In other words a meagre 1% of all the complaints ended in more than a gentle slap on the wrist. No wonder the public thinks that the SRA is serving its own interests and the solicitors it represents (who fund it), rather than the public. Definitely should be investigated.”

“There are a growing number of abusive solicitors out there. It is impossible to litigate against them since they have a treasure chest full of tactics to employ, many of them blatant breaches of Court Procedure. The Courts and judges are either powerless to do anything or they turn a blind eye. It is a well-known fact that the SRA very rarely does anything, if solicitors are found in breach of its code, save in exceptional cases such as the theft of client money. One of their favourite tactics of these "abusive" solicitors is to run up huge costs, if anybody dares to challenge them and this combined with an unrelenting "harassment", causes even the bravest litigant in person, with a good case, to bow out, since there is always a possibility, however small, that he will lose his case and end up paying the solicitor's exorbitant costs. The SRA is not doing the honest solicitors any favours by failing to punish the practices of these abusive solicitors. It is time, as this excellent article suggests, that solicitors are regulated by an independent, government appointed body. It would be an excellent start to investigate the SRA and publish the findings. If the SRA have nothing to hide, they will welcome it to put the public's minds at rest.”

“I sued my lawyer for negligence as she wasn't a lawyer and they failed to inform the Court that my ex wife had brain damage and was violent. My ex wife went on to murder my son and I haven't received a penny in compensation. The whole case cost me at least £1 million”

“Indeed, from my extremely unpleasant experience - I now know that I am extremely far from alone- HMCTS appear extremely open to abuse by unscrupulous and greedy lawyers, who seem to know exactly how to ensure that they ALWAYS win, irrespective of actual outcomes, and exactly what they can get away with: ie: just about everything I had believed to be regulated by the Criminal Courts!”

Reply

“We have read about your case. "How a claim for an unpaid salary of £38,000 gets transformed, after a year, into a costs order of £300,000+" Worse still that the solicitors - again a-so-called "respectable" firm managed to get a cost order of £8,000 to get a charge over your flat.”

“Its all fixed for them to win, ask Lord Hunt of Wirral!”

“The complaints are pouring in together with clear cut evidence, including transcripts. The problem is more widespread than we thought”

“Several barristers and a Tory Party fixer worked at my former employer : I stood no chance against the army hired from a “reputable” law firm who clearly Breached my Confidential Information to my former employer September 2015, yet chose not to Disclose their profound Ongoing Conflict until Trial, September 2017, having refused every possible channel of Alternative Dispute Resolution. In fact, this “reputable” law firm and my former employer got away with numerous Breaches of Contract (I was issued and coerced into signing an Employment Contract as soon as commissions became due to me), Entrapment, Defamation, failing to Disclose at all or on time/selectively, Perjury, Tampering with Evidence, Interfering with witnesses, having complete control over the Trial Bundles and Prejudicing them. No regard was paid or enforced to my legal privilege. The sheer extent of the Inequality presided over by the Judge, his conduct toward me (he sought to minimise our Cross Examination time, to silence/query my Direct Access Barrister every time he tried to speak, mocked the fact that I was assaulted in my place of work and then dressed me down for having alleged, bullied me into recalling something I clearly could not instead of querying why my former employer had Tampered with Evidence HMCTS required them to keep etc etc), and the manner in which he appears to have simply handed them all the equity in my home, lead me to wonder whether he might simply be connected somehow to my former employer in a manner which would make a mockery of “Justice”. This could happen - unwittingly and inexorably, as in my case - to anybody. “