



Making sense of our courts and tribunals

On 25th January JUSTICE launched its latest working party report, ***Understanding Courts***, chaired by Sir Nicholas Blake and supported by Allen and Overy LLP.

This report seeks to place lay people at the heart of the justice system – across all courts and tribunals – so that these are places not simply where legal professionals work but where the public can participate effectively in the resolution of their legal problems and feel that they have fully received access to justice. Courts and tribunals are arenas in which the public resolve legal disputes. If they cannot understand and feel connected to the legal process, access to justice is undermined.

Despite many attempts to simplify the process, in an era where cuts to legal aid mean that many more people go unrepresented, studies continue to cast doubt on how our justice system is currently operating. Previous research and the work of other JUSTICE working parties has revealed a disconnect between professionals and lay users in court, with the at-times chaotic nature of proceedings creating a culture that marginalises the public using our courts.

The Working Party recognises that a huge amount of work is already underway to help lay users to understand the legal system – from the clear and simple guides and tools developed by NGOs to the training in vulnerable witness handling for judges and advocates. However, these efforts are currently piecemeal and targeted at certain categories of lay user. We consider that a change in approach is required by HMCTS, lawmakers and court professionals to place *all* lay users at the heart of legal process, so that every effort is taken to enable lay people – according to their role – to understand and take part in legal process. As the title of our report, *Understanding Courts*, implies, a two way process is required: lay users need to understand what is happening in court and courts need to understand why the position of lay users, especially the unrepresented and vulnerable, needs thoughtful consideration and adjustment of practise.

Sir Nicholas Blake, chair of the working party said:

“There are many good practices already operating in our courts and tribunals that seek to improve the effective participation of the public in their legal cases. Indeed, tribunals were established to enable unrepresented people to resolve their legal disputes. Yet there are repeated examples of lay people being confused, distressed and overwhelmed by how our justice system operates. We can and must do better.”

Our 41 recommendations focus on what effective participation should mean in practice:

- lay people informed about what will happen at their hearing through advance information provided by multiple means;
- court professionals recognising that lay people should be their primary focus and adapting their approach accordingly;
- case management that checks for and assists understanding;

- the avoidance of legal jargon and confusing modes of address for plain English alternatives;
- a change in culture that can exclude lay people;
- appropriate adaptations to enable participation for children and those with disability; and
- support for all users who need it.

Andrea Coomber, Director of JUSTICE, said:

“Access to justice doesn’t stop at entry to the courtroom, but requires that lay people really understand and effectively participate in proceedings. Some of our recommendations require Government investment to support and empower users, but most require small adjustment in the attitude and approach of lawyers and judges to put the needs of users at the centre of the process. We all know that courts are confusing and intimidating places for non-lawyers – it’s time we did something about it.”

Notes for editors

1. JUSTICE has a long history of using Working Parties of its membership to effect systemic changes within the legal system. For example, the Ombudsman system and Criminal Injuries Compensation Board were set up on the recommendation of previous JUSTICE Working Parties.
2. This Working Party, set up and supported by JUSTICE and drawn from its membership, included experts from the legal profession and beyond. The Working Party was chaired by Sir Nicholas Blake and its members were Solicitor Richard Blann, Magistrate Louise Bryant, Judge and Solicitor Advocate Leslie Cuthbert, Retired Judge Carlos Dabezies, former Personal Support Unit CEO Nick Gallagher, Professor Felicity Gerry QC, Professor Jackie Hodgson, Theo Huckle QC, Dr Jessica Jacobson and Dr Amy Kirby, District Crown Prosecutor Michael Mallon, Professor Linda Mulcahy, and Barrister and Fellow Emeritus, David Wurtzel.
3. JUSTICE is an all-party law reform and human rights organisation working to strengthen the justice system in the United Kingdom. For more information, please visit www.justice.org.uk
4. Please direct queries to Jodie Blackstock, Legal Director on jblackstock@justice.org.uk