

# **Report: Self-Represented Litigants in Nova Scotia: Needs Assessment (Canada 2004)**

The Self-Represented Litigants Project of the Court Services division of the Nova Scotia Department of Justice surveyed 40 judges, 163 court staff and 58 self-represented litigants (SRLs) to identify the greatest needs for courts and SRLs and to make recommendations to improve services and develop realistic programs for SRLs. The project team also observed 20 court hearings that involved the participation of one or more SRLs. The report may be found at <http://www.novascotia.ca/just/publications/docs/SRL%20Report%20March%202004.pdf>

The interviews, focus groups and questionnaires used by the SRL project team confirmed our expectations that:

- SRLs are impacting in a significant way on the day to day administration of the courts.
- SRLs often do not have sufficient knowledge to adequately represent themselves and may be disadvantaged by representing themselves.
- SRLs are most common in family and criminal matters, and before the Small Claims Court of Nova Scotia.
- SRLs would benefit from additional resources, e.g. brochures and do-it-yourself kits.

The team also learned that:

- SRLs need the most assistance at the pre-filing stage.
- SRLs usually do not distinguish between “legal information” that can be provided by staff and “legal advice” that can be provided by a lawyer.

- The other party in a dispute with a SRL may be disadvantaged by the fact that the other side is not represented.

The SRLs who participated in the process had the following characteristics:

- 45% were between the ages of 35 and 44 years; 19% were between 45 and 54.
- 29.3% had some university education; 24.1% were community college graduates.
- 31% had an annual income between \$15,000 and \$29,000; 29% had less than \$15,000.
- 71% had access to the Internet and an e-mail address; 59% had a public library card.

SRLs indicated that they did not have a lawyer for varying reasons:

- 40% did not need or want one.
- 34% could not afford one.
- 26% were denied Legal Aid.

The court staff and judges who were interviewed highlighted the SRLs' lack of knowledge of the rules of evidence as a challenge facing the court system. They suggested that SRLs receive information on how to present a case, information on how to fill out forms, and information on court processes.

The report makes twenty (20) recommendations to improve the Department of Justice's service to self-represented litigants.

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