

## ITEM 5.1: LITERATURE REVIEW – PARTY LITIGANTS

### Purpose

1. To provide the Committee with a revised draft of the literature review covering arrangements for party litigants and the information available to them (“the literature review”).
2. To seek members’ views on the direction of the Committee’s work in light of the literature review and its remit.

### Discussion

3. **Paper 5.1A** is a revised draft of the literature review incorporating members comments received since the previous meeting. Amendments have been highlighted in grey.
4. **Subject to any further comments, members are invited to approve the final draft of the literature review.**
5. At the last meeting, the Committee were invited to consider next steps in relation to the review and further discussion was postponed pending the revised draft of the literature review.
6. The Committee’s remit includes reviewing:
  - a) the arrangements for actions conducted by party litigants in the sheriff court and the Court of Session;

b) the arrangements for lay representation and lay support in the sheriff court and the Court of Session; and

c) the information and guidance that is available to party litigants, lay representatives and lay support in the sheriff court and the Court of Session.

**7. The Committee is now invited to consider next steps in relation to the review. Subject to members' views, the Secretariat will develop a position paper for the Committee's consideration, in due course.**

8. To aid discussion, members may wish to consider the following matters:

- a. Whether there are opportunities to improve the guidance and information available to party litigants (it should be noted that in this respect, the Rules Rewrite Working Group in its Interim Report, recommended that the simple procedure should itself act as a guide to the procedure and should not therefore require to be supplemented by guidance).
- b. Whether it would be helpful to have guidance available for any particular actions, and if so which.
- c. Whether guidance for practitioners might be useful.
- d. Whether there should be any alignment of arrangements for lay support and representation of party litigants (this is not currently in the SCJC work programme but may merit future consideration once the work on the priority areas for courts reform implementation near completion.).
- e. The role of the judiciary in relation to handling cases conducted by party litigants and in particular in relation to the introduction of summary sheriffs and the new simple procedure.

**Recommendations**

- **That members:**
  - a) **approve the revised draft of the literature review subject to any further comments,**
  - b) **offer views on the matters arising; and**
  - c) **consider next steps in relation to the review, as outlined at para. 8.**

**Scottish Civil Justice Council - Secretariat**

**June 2014**