

**ITEM 5.4: ACCESS TO JUSTICE COMMITTEE LITERATURE REVIEWS****Purpose**

1. To provide the Council with two draft literature reviews prepared under the auspices of the Access to Justice Committee.

**Background**

2. The Access to Justice Committee's remit includes that it is to review:
  - b) the arrangements for actions conducted by party litigants in the sheriff court and the Court of Session;
  - c) the arrangements for lay representation and lay support in the sheriff court and the Court of Session;
  - d) the information and guidance that is available to party litigants, lay representatives and lay support in the sheriff court and the Court of Session; and
  - e) the arrangements for the use of Alternative Dispute Resolution methods in appropriate cases in the sheriff court and the Court of Session.
3. At its meeting of 16 December, the Committee instructed the Secretariat to carry out a literature review of materials available in respect of arrangements for party litigants and the information available to them, the arrangements for lay representation and support and the use of ADR in Scotland and other similar jurisdictions. It was also thought that it would be helpful to include information on case management.
4. **Paper 5.4A** is a literature review covering party litigants, the information available to them, legal capability (public legal education) and the arrangements for lay representation and support.
5. **Paper 5.4B** is a literature review on ADR methods.
6. The drafts have been subject to consideration at several Committee meetings and it was agreed at the last meeting that both should be submitted to the SCJC for subsequent publication.
7. The Committee will consider next steps in relation to its remit to review the various matters within its remit at its next meeting on 8 October 2014.

**Recommendation**

8. **Members are invited to consider the two literature reviews and agree to their publication.**