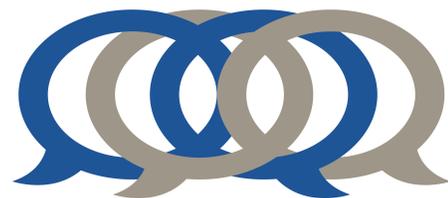


Tracking the Continuing Trends of the Self-Represented Litigants Phenomenon:

Data from the National Self-
Represented Litigants Project,
2015-2016

Julie Macfarlane, Gurleen Gill & Piper Riley
Thompson



**THE NATIONAL
SELF-REPRESENTED LITIGANTS PROJECT**
Research, Resources, Dialogue & Collaboration

Table of Contents

1. Introduction	3
2. Who are the SRLs?	3
a. Gender and age breakdown.....	3
b. Party status.....	4
c. Was the other side represented?.....	4
d. First language	4
e. Educational level.....	5
f. Annual income levels.....	5
3. Where are the SRLs in this sample appearing?.....	7
a. Civil/family litigants.....	7
b. Provincial jurisdiction and court level.....	7
4. What kinds of help do SRLs seek, and what do they find?.....	8
a. Prior experience of legal services.....	8
b. Did they begin with legal representation in the present case?.....	9
c. Did they feel comfortable doing their own legal research?.....	10
d. Did they continue to seek (free, subsidized) legal assistance?.....	11
e. Did they use mediation?.....	11
f. Did they bring a support person with them to court?	11
5. SRL stories and statements: qualitative data	13
6. Conclusions	18
a. Annual income levels.....	19
b. Evaluation of prior legal services experiences.....	19
c. Beginning with counsel and running out of funds.....	19
d. Seeking legal assistance	19
e. Experiences with mediation.....	19
f. Advice for other SRLs.....	20
g. Poor experiences of the justice system and self-representation	20
h. An ongoing commitment to Access to Justice	20
Appendix A: Intake Form	22



1. Introduction

From 2011-2013, Dr. Julie Macfarlane conducted a study about experiences of self-representation in Canada in three provinces, Ontario, British Columbia and Alberta¹. She conducted detailed personal interviews and/or focus group interviews with 259 self-represented litigants (SRLs).²

Since the Study's release in 2013 – "[The National Self-Represented Litigants Project: Identifying and Meeting the Needs of Self-Represented Litigants](#)" – SRLs continue to contact the National Self-Represented Litigants Project (NSRLP). This led the research team to develop an "[Intake Form](#)" in SurveyMonkey³, in order to collect information from SRLs across Canada.

While the data provided in the Intake Forms is less detailed and the SurveyMonkey format offers less context than the original study interviews, the questionnaire tracks SRL demographics using the same variables, such as income, education level and party status. The Intake Form also provides a glimpse into SRL personal experiences based on a final question which is "open format".

NSRLP is committed to regular reporting on this data. Our last effort spanned from March 2014-2015. This Report presents our latest data from 73 respondents (collected from April 01 2015-December 31, 2016)⁴.

Additionally, in this Report, we shall compare what we see in this new data to the same variables reported in both the [2013 Research Report](#), and in the [2014-2015 Intake Report](#).

2. Who are the SRLs?

a. Gender and age breakdown

¹ Funded by the Law Foundations of Ontario, Alberta, and British Columbia

² Julie Macfarlane, "The National Self-Represented Litigants Project: identifying and Meeting the Needs of Self-Represented Litigants", 2013 at www.representingyourselfcanada.com.

³ A widely used software program: <https://www.surveymonkey.com/>. The Intake Form is available at <https://www.surveymonkey.com/r/2016Intake>

⁴ As one would expect, some respondents left some questions unanswered. The results provided here are presented as percentages of completed responses to each question. The results provided here represent percentages of completed responses.

Of the 73 SRLs who completed our online Intake Form from April 2015 to December 2016, 49% were female and 51% were male. This approximately equal male/female breakdown resembles both the 2013 Study and the 2014-15 Intake Report.

With the exception of one demographic, SRL ages also followed the same pattern. The largest number of respondents (42%) in the over 50 age group (45% in the 2013 Study), and by far the smallest group the under 30's. One change in the 2015-16 data was the larger percentage of SRLs between 30 and 40 – 21% of the total number of respondents compared with just 14% in the 2013 Study.

b. Party status

Almost identical to both the 2014-15 Intake Report and the 2013 Study⁵, 67% of respondents indicated that they were the plaintiff (or petitioner) in their case, while 33% were the defendant (or respondent).

c. Was the other side represented?

90% of respondents reported that a lawyer was representing the other party in their case (in the 2013 Study this figure was 75%, and in the 2014-15 Intake Report it was 94%). This means that the vast majority of SRL experiences that we learn of are matters where one side is represented by counsel, and the other is not. Our frequent conversations/ interactions with SRLs suggest that it is not uncommon for the other side to have a pattern of on-again, off-again representation; so it is probably safe to assume that those reporting such representations mean that at least *at some point* in the case the other side was represented.

d. First language

Almost all the SRL respondents reported that their first language was English (92%). This is unremarkable given that our Intake Form is presently available in English only. In order to make the Intake Form more accessible to Canadians, in 2017 we hope (subject to our available resources) to offer a French-language version.

⁵ 2014-2015 Intake Report: 66% plaintiff, 34% defendant; 2013 Study: 63% plaintiff, 37% defendant.

e. Educational level

In the 2014-2015 Intake Report, 56% of respondents held a university or professional degree (this figure was 50% in the 2013 Study). In the 2015-2016's intake, 33% of respondents held a university or professional degree. While this is a decrease from earlier data points, we are still seeing a range of levels of education among those identifying as SRLs and a spectrum that is close to national educational levels.⁶

f. Annual income levels

One important findings remains stable. We continue to see the majority of those representing themselves reporting lower income levels below \$50,000 with the majority below \$30,000.

In the latest sampling, 51% state that their income is under \$30,000 (in the 2013 Study this figure was 40%, and in the 2014-15 Intake Report it was 45%).

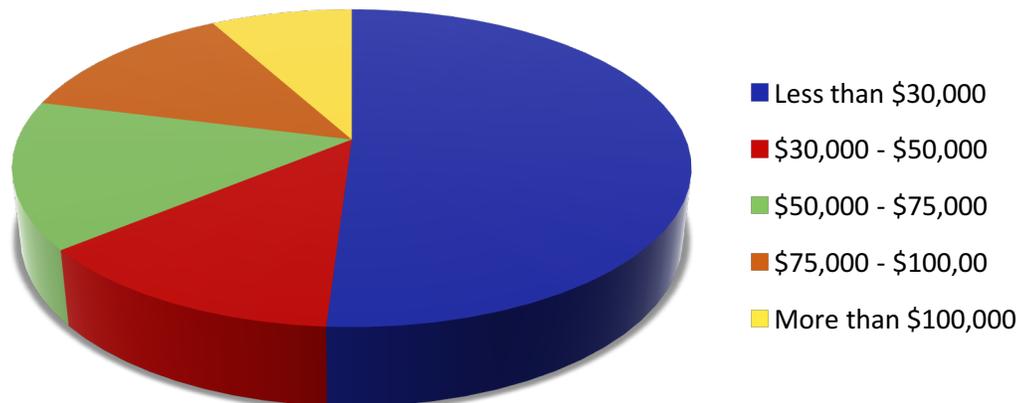
The next largest group (15%) report annual income of between \$50,000-\$75,000, followed closely by those reporting income of \$30,000-\$50,000 (13%). This also closely resembles the data reported in both the 2013 Study and the 2014-15 Intake Report.

Also consistent with earlier reporting, 8% of respondents (6% in both the 2013 Study and the 2014-15 Intake Report) report earning more than \$100,000. As income rises, so does the likelihood that the respondent previously retained a lawyer for this matter⁷. One respondent in this sample group reported having spent more than \$100,000 on legal fees before becoming self-represented.

⁶ Statistics Canada reported in 2008 that 58% of 25-34 year olds across Canada had postsecondary education, and 40% of 55-64 year olds.

⁷ See below at section 4(b)

Annual Income Levels of Respondents



Our socioeconomic data on SRLs is consistent with other studies that have collected data on SRL income. For example, the *Cases without Counsel* study reporting in 2016, conducted in four US states, found that that the largest group (43%) of SRL respondents earned less than \$20,000 (US), and a further 27% earned between \$20-40,000. *Cases Without Counsel* reports somewhat smaller numbers of higher earners compared with Canadian data – a total of 14% earned more than \$60,000⁸ - but this difference may be attributed to community income variations.

Between NSRLP’s three data points and the US (2016) *Cases Without Counsel*, the socio-economic profile of SRLs remains very similar: most SRLs are lower income individuals, but there is a significant proportion who earn a “middle” income. NSRLP’s data also shows that among higher income respondents there is an increased likelihood that they will have originally retained a lawyer (see below).

⁸ *Cases without Counsel: Research on Experiences of Self-Representation in US Courts*, the Institute for the Advancement of the American Legal System (lead researchers Natalie Knowlton, Corina Gerety and Logan Cornett), 2016 (http://iaals.du.edu/sites/default/files/documents/publications/cases_without_counsel_research_report.pdf).

3. Where are the SRLs in this sample appearing?

SRLs are now appearing in every court and tribunal at every level across Canada. This is confirmed by other studies which have all concluded that the number of self-represented litigants has grown rapidly in courts all over Canada and the US in the last decade.⁹

a. Civil/family litigants

The percentage of respondents representing themselves in family as opposed to a civil case has fluctuated slightly between our three data points. Among the 2015-16 respondents, 48% were family litigants and 52% were civil litigants.

Figures from Canadian courts suggest that more SRLs appear in family courts, with slightly lower levels in civil courts depending on case type and jurisdiction.¹⁰

b. Provincial jurisdiction and court level

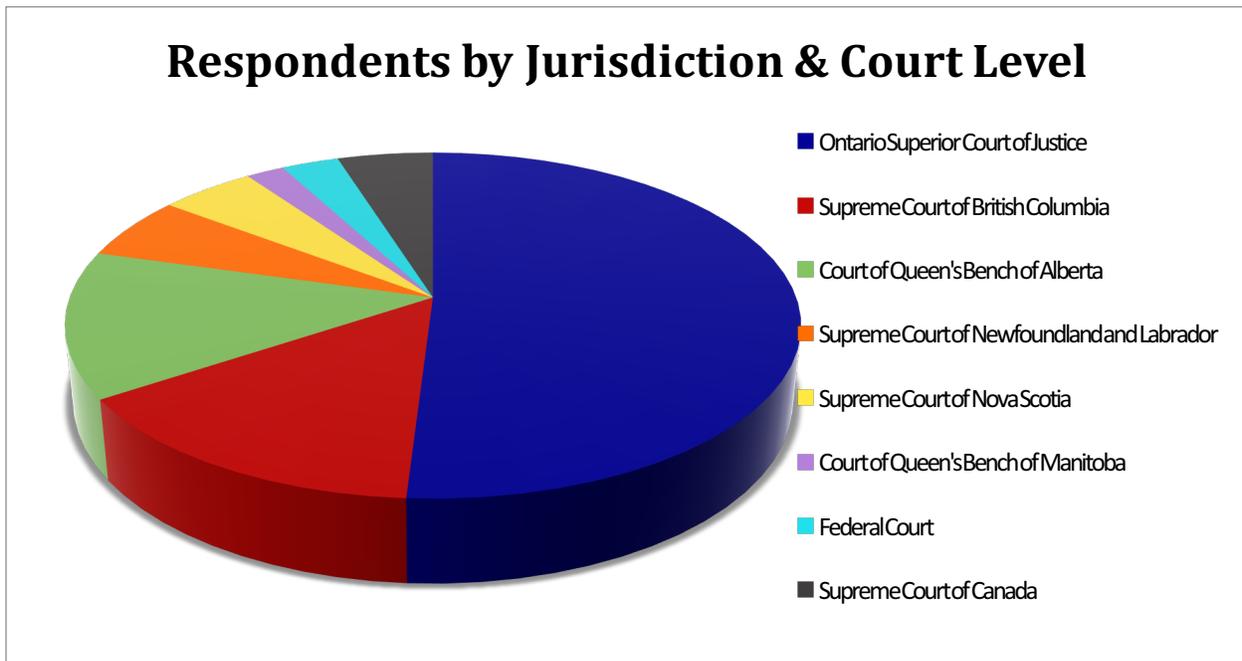
The greatest number of the 2015-16 SRLs filed in the Ontario courts (55%); 16% filed in British Columbia, and 14% in Alberta. Unfortunately, there were no respondents from New Brunswick, Prince Edward Island, Saskatchewan, the Northwest Territories, the Yukon or Nunavut. The NSRLP needs to do more outreach in order to better capture the SRL experience throughout Canada. This suggests that NSRLP needs to do more outreach in these provinces in order to include the experiences of SRLs in these provinces (all of

⁹ See for example Farrow, T. et al, *Addressing the Needs of Self-Represented Litigants in the Canadian Justice System*, A White Paper Prepared for the Association of Canadian Court Administrators, March 27, 2012 <http://www.cfcjfcj.org/sites/default/files/docs/2013>; Hough, B. *Self-Represented Litigants in Family Law: the Response of California's Courts*, *California Law Review Circuit* vol 1 Summer 2010. The greatest number of SRLs are in family courts, with numbers close to 80% in some urban courts (Ontario Ministry of the Attorney-General, combined Ontario Court of Justice and Superior Court figures for 2014/15). The Alberta Court of Queen's Bench reports a 121% increase in the number of self-represented family litigants from 2005 to 2014. In Ontario, a 500% increase in the number of family SRLs between 1995-1999 is reported by Lynne Cohen (Canadian Lawyer 25:8, August 2001). In civil court, numbers vary between courts and jurisdictions with the Alberta Court of Queens Bench reporting a 65% rise in SRLs in civil cases between 2006 and 2014; in many civil courts now between 30-40% of litigants are self-represented. The same trend is seen in appellate courts; for example, the British Columbia Court of Appeal reported that in 2014 30% of civil litigants were self-represented.

¹⁰ See note 8 above

which have seen the same trend of large increases in the numbers of those coming to court without a lawyer).

SRLs are present in all types and levels of courts and tribunals. These include provincial superior and supreme courts, small claims court, federal court and a variety of administrative tribunals.



4. What kind of help do SRLs seek and what do they find?

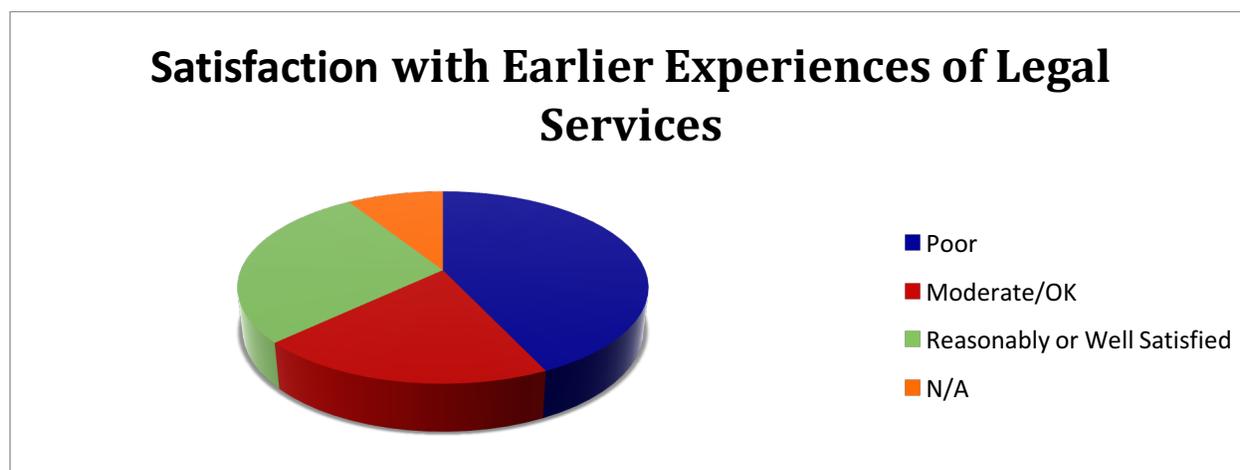
As in the original 2013 Study, we continue to be interested in earlier experiences of legal services (and satisfaction therein). The Intake Form tries to gauge respondents' satisfaction with earlier experiences (if any) of legal services. Respondents are asked if they have ever retained a lawyer in the past, for example for drafting a will or conducting a real estate transaction. They are then asked about their satisfaction with those earlier services.

a. Prior experience of legal services

In our latest report, 92% of respondents reported having had experience of legal services on an earlier legal matter - for example for a real estate transaction or to write a will. The 2014-2015 Intake Report reported the same percentage (92%).

In our latest report, 28% of these respondents reported a “reasonable or well satisfied experience”, 20% reported the experience as “moderate/OK”, and 43% reported their experience as “poor”. This is similar to the results in the 2014-15 Intake Report.¹¹

When seen alongside the 2013 Study, both the 2014-15 and our latest report show a slight decline in satisfaction with previous experiences of legal services. In 2013, 39% of respondents said that their experience had been “good or mostly good” 25% said that the experience had been “OK”, and 35% said that their experience had been “poor”.



b. Did they begin with legal representation in the present case?

When asked if they had initially retained a lawyer *in the case in which they are now self-representing*, 56% of respondents said that they had. This is reasonably consistent with the 2013 Study (53%) and the 2014-15 Intake Report (65%)¹². Among respondents earning more than \$50,000, this figure rises to 62%. One respondent in the current sample reported having spent in excess of \$100,000 on legal fees before becoming self-represented.

¹¹ In the 2014-15 Intake Report, the numbers broke down as follows: 19% reporting that this prior experience was “good”, 20% “moderate” and 54% “poor”.

¹² *Cases Without Counsel* in the US reports a smaller percentage saying that they had legal representation earlier in the case in which they are now self-representing (25%). See note 8 above at page 6. This may reflect the somewhat lower incomes levels for US respondents (see above at Section 2 (f)).

NSRLP now has three data points (2013, 2014-15, 2015-16) showing that more than half of those who report being self-represented began their case represented by a lawyer.

We also know from the 2013 Study (as well as comparable research such as *Cases Without Counsel* in the US¹³, and Bridgette Toy-Cronin's New Zealand study¹⁴) that the reason most no longer have a lawyer is financial.

c. Did they feel comfortable doing their own legal research?

Only 27% of respondents reported being comfortable carrying out legal research on their own, down from the 59% who reported being comfortable with carrying out their own legal research in the 2014-2015 Intake Report. One SRL described a miserable experience with legal research as follows:

"I was highly uncomfortable at first. I ended up finding case law online and burst into tears one minute into reading it because I didn't know the meaning of, or had heard the word 'supra' before."

Conversely, another respondent wrote that reading case law helped them feel more confident:

"Understanding case law and how it can be used to influence a judge's decision is a good thing to learn if you can find someone to teach you, or better yet, someone who understands case law and its importance to help guide your approach to your specific case."

SRLs were asked to judge the most useful on-line resource. In common with the 2014-2015 Intake Report and 2013 Study, the most frequently cited

¹³ See note 8 above at pages 12-15.

¹⁴ Bridgette Toy-Cronin "Keeping Up Appearances: Accessing New Zealand's Civil Courts Without a Lawyer" (PhD thesis) see Summary of Thesis at http://img.scoop.co.nz/media/pdfs/1511/Summary_of_Thesis.pdf reporting that "(F)inancial reasons are important and formed part of the reasons for litigating in person expressed by *every LiP* (litigant in person, our italics) who participated in this research."

resource was CanLII – a free, on-line legal database.¹⁵

d. Did they continue to seek (free, subsidized) legal assistance?

When asked whether they were receiving legal advice or assistance from a *pro bono* service or agency, 58% answered affirmatively. This is almost double the 30% of respondents who answered in the affirmative in the 2014-2015 Intake Report, but remains close to the 64% in the 2013 Study reporting that they sought such assistance once they became a self-represented litigant.

Despite these variations, this statistic continues to demonstrate that SRLs who can no longer afford or have never been able to afford private counsel continue to seek out other forms of *pro bono* and publicly funded assistance. When asked to describe where they go for legal assistance, respondents gave a wide range of answers ranging from *pro bono*/legal aid clinics, meeting with duty counsel, to legal information centres.

In common with the 2014-15 Intake Report and the 2013 Study, the majority of SRLs seek legal assistance in some form. Even if they cannot afford (to continue) to retain counsel and are ineligible for Legal Aid, they continue to look for ways to have help from a lawyer or legal information worker.

e. Did they use mediation?

This year, a new question asked whether SRLs recalled being offered mediation services (available for most family matters in court-connected programs) and if they had made use of mediation.

32% of SRLs (both civil and family) said they had been offered mediation services. The same percentage, but not necessarily the same individuals, said that they had actually used mediation. Some of those who said they used mediation said they had taken the initiative to propose this to the other side. Others who were offered mediation said that they refused, usually because they believed that the other side would be intransigent, or because the other side declined to participate in mediation. Several commented that they would

¹⁵ See the NSRLP CanLII Primer at: <http://representingyourselfcanada.com/can-lll-primer/> (available in both French and English)

have been interested in mediation but an earlier legal representative was not interested (there are some comments that lawyers prefer not to settle in order to charge more in legal fees). There were also some complaints about the power imbalance in mediation and judicial dispute resolution for SRLs.

The number of SRLs reporting using mediation (32%) was higher than expected¹⁶, and we shall be adding additional questions to the Intake Form to obtain details about whether mediation was successful in resolving the case.

f. Did they bring a support person with them to court?

The Intake Form asks respondents if they usually brought a support person with them when they went to the courthouse, either for an appearance, or to file documents or any other appointment (for example at a help service). We are interested in knowing how often a family member or a friend provides on-site emotional or psychological support. Consistent with our two previous data sets, these results show that most SRLs do not bring someone with them to court. We would expect to see these numbers changing if there were widespread adoption of a McKenzie Friend protocol by courts in Canada¹⁷.

Our latest data show:



59% of respondents reported that they never brought a support person with them to court.



22% of respondents reported that they sometimes brought a support person with them to court.

¹⁶ The 2013 Study found that many SRLs were unaware that they could access local mediation services and did not recall being offered such programs. See above note 2 at 73-75.

¹⁷ "The McKenzie Friend: Choosing and Presenting a Courtroom Companion"
<http://representingyourselfcanada.com/wp-content/uploads/2016/11/McKenzie-Friend-FINAL.pdf>

5. SRL stories and statements: qualitative data

The on-line Intake Form obviously lacks the spontaneity and depth of a personal interview, as conducted in 2011-12, but it does provide us with some glimpses into the SRL experience. We invite respondents in several places throughout the form to offer narrative details regarding particular parts of the self-representation experience. In addition, the final question in the survey is an open-ended question in which respondents are invited to share in detail any other aspect of their experience.

There are some common themes that run through these responses that are very consistent with the qualitative data analysis in the 2013 Study, and what we reported in the 2014-15 Intake Report.

Many respondents describe a feeling confused and overwhelmed by the legal process:

“Once you begin this legal process, you may and probably will be surprised to find yourself still involved in your case years later.”

“Completely draining, difficult, and last year almost cost me my job and my health ...”

This experience of being overwhelmed was reported irrespective of educational attainment or socioeconomic level. For example, the following statement was made by a university professor:

“My particular experience was devastating. I will never enter a court again. I spent months researching and writing my claim...”



Another common theme was a sense of disillusionment with and a resulting mistrust towards the legal system.

“I have no faith in the justice system and zero respect for lawyers or the judiciary after my experience. The legal system needs to stop condescending, bullying, and discriminating citizens from their self entitled perch”

Many respondents said that facing legal counsel on the other side of their case¹⁸ added to their stress. One stated:

“I found the system was set up for attorneys. Her attorney knew how to work the system, thereby putting me at a serious disadvantage.”

It was also common for respondents to suspect bias and hostility directed at them, and judicial failure to take what SRLs said seriously. One respondent urged:

“We need to restore the trust of people in judicial justice. [...The] courts must treat SRLs with the same respect as lawyers.”

Another remarked:

“While I understand that judges are lawyers and lawyers need clients, I remain embarrassed and disheartened that, if true, our system is so completely broken as to only work for those that are lucky enough to afford it.”

¹⁸ See section 2 (c)

Several respondents were frustrated that they were unable to hire a lawyer to assist them with just a part of their case, in a way that was realistic given their budget¹⁹. One wrote:

“I have attempted to secure help from a lawyer on a part time basis, and nobody is willing to help me. It is very disheartening that I can’t pay for a few hours of consultation as my finances allow. I have been told by lawyers that they only help when they can do the whole case.”

Another advised:

“Do whatever you can to conserve money so you can pay for a lawyer's advice - even a rookie will have a wealth of knowledge you don't have.”

One SRL even suggested:

“If you’re young and have the funds to pay for a lawyer, consider going to law school instead. It will probably cost the same and you’ll get a degree out of it.”

Almost all the respondents wrote something about the emotional ordeal of representing themselves. The following statement is especially poignant.

¹⁹ What is often called “unbundled legal services”: see NSRLPs National Database of Professionals Assisting SRLs at <http://representingyourselfcanada.com/national-database/>

This case is ALL I've done for 5 years to the exclusion of everything else in my life. I have been (reduced) to the lowest common denominator...survival. The anguish, grief, losses, and exhaustion are all extreme. My health is deteriorating as I'm going thru this having breast cancer, my ongoing living difficulties trying to find somewhere to live, and every relationship in my life is very strained. I work every day long hours.... desperately figuring out strategies.

Many SRLs offered tips and advice for others to learn from. One noticeable difference in the 2015-16 respondent group was the amount of detail and precision of the information some offered as advice, including sharing their experience of learning how they learned to prepare to present their case. They described the challenges of attempting legal research, how to read and understand case law and court procedures, and how to organize legal documents in a professional fashion. They counselled other SRLs to learn the court procedures as well as possible, to do their homework, and dig in for a long haul.

Others offered sage psychological coaching, including ways to reduce the emotional intensity of the case.

(for example, “do not focus on revenge...your time is better spent creating ...legal strategies”), and tips for staying patient, claim and focused.

“Do not focus on revenge...your time is better spent creating defensive and possibly contingent legal strategies.”

Several respondents counselled lowering expectations and staying focused on the goal:

“Be patient and try and remove your expectations about how you think this process is going to go for you. It won’t go the way you expect it to at all. There will be moments that you want to give up completely. If you are there about your kids, try and remember that their happiness and contentment will come from the work that you and their other parent do in that courthouse/mediation room.”

A number of respondents stressed the importance of avoiding escalating conflict with the other side and avoiding giving in to feelings of revenge.

“You are going to have many moments when you feel attacked and all alone. Just breathe and try to remind yourself of the purpose of why you’re there.”

The following excerpt echoed a familiar theme of why it is essential to keep going, despite the challenges.

“Face fear; courage is not always like a lion's roar but sometimes is a whisper to get back up one more time; learn early how to do basic procedural things including what to object to and how to object; find out about rules of evidence; imagine facing your children when they are older and they ask you ...why didn't you fight for us? how will you respond?”

Another respondent described the experience of self-representation as motivating force for her work to change the system going forward.

“I am educated, articulate, and motivated to make change. I am becoming politically active as I have witnessed far too many others suffer from the current legal system. I am a creative out of the box thinker who has survived as a result of these skills.... I would like to use my experience to bring positive change to the system.”

As with our previous data sets, there were a few positive experiences and/or moments as a SRL. One respondent emphasized the help of the court staff, a comment made often in the 2013 Study²⁰:

“I did find the court’s support staff very helpful. They were informative and helped [me] navigate the system.”

One respondent encouraged other SRLs to ask judicial officers for help, presumably after their own good experiences.

“Ask the Judges for as much guidance as possible. Do not be afraid to let them know that you are nervous, and may need to refer to notes.”

6. Conclusions

Since the original 2013 study, SRLs continue to reach out to NSRLP on a daily basis; this intake data from 2015-2016 only represents completed Intake Forms only and covers a small fraction of the SRLs who contact the NSRLP with their concerns and questions.

The data analyzed in this report from the 2015-2016 intake period is generally consistent with the original 2013 study and the 2014-2015 Intake Report, with a few interesting exceptions.

²⁰ See pages 67-72

a. Income levels

The majority of respondents continue to report low annual incomes, but a significant proportion who earn closer to a middle-class income, or higher²¹. This supports the theory that legal services are not seen as affordable – or at least not for the whole case - even by many those earning above a higher income bracket.

b. Evaluation of prior legal services experiences

This respondent group rates their prior experiences of receiving legal services less favourably than respondents in the 2013 Study and the 2014-15 Intake Report. This – and the overall tenor and the detail of the open-ended comments and narratives provided by this group - *may* reflect an increasing disillusionment with legal services in general. This group was extremely negative and critical about the justice system and those who work in it, with the exception of a few positive comments about court services staff.

c. Beginning with counsel and running out of funds

The number of respondents who initially had the assistance of a lawyer with the case in which they are self-representing mirrors the original report. This data continues to reinforce the finding of the 2013 Study that when possible, Canadians prefer to be represented by counsel, but they simply cannot afford to be or to continue to be in many cases.

d. Seeking legal assistance

Consistent with the original 2013 Report, SRLs constantly seek out any form of resources or assistance that may bolster their case. Respondents sought out assistance from various forms of *pro bono* and/or publically funded resources, and even carried out legal research to the best of their abilities. However, such resources do not equal the assistance that can be purchased as legal representation. It would seem that SRLs are still not bringing a support person to court in significant numbers.

²¹ Environs Analytics calculate the “middle 20%” of Canadian incomes (40-60% of incomes) lies between \$61,000 and \$82,000, depending on which part of the country one looks at. See Macleans Magazine “Are You in the Middle Class?” January 27, 2015, available at <http://www.macleans.ca/economy/money-economy/are-you-in-the-middle-class/>

e. Experiences with mediation

There appears to be more familiarity with mediation services among this respondent group than was observed in the 2013 Study. In response to this development, we shall add further questions on mediation to the Intake Form.

f. Advice for other SRLs

The level of detail provided in the form of tips for other SRLs – in relation to both the technical and the emotional dimensions of self-representation – was noticeable more detailed in this group than in previous reports. A number of respondents went to considerable lengths to describe how they advised others to best manage the process of self-representation.

g. Poor experiences of the justice system and of self-representation

Respondents continue to express frustration and concern about the treatment of SRLs, and to offer accounts of experiences that are both financially and personally devastating. Although a few described having a positive experience and/or moment as a SRL, the majority of respondents report being inundated with stress such that it takes a toll on their emotional and physical health.

There are also some minor differences in this new sample set, none of which are statistically significant. While most respondents continue to be over 50 years old, there is an increase of respondents in the 30-40 year age group compared to earlier data sets. This 2015-2016 data includes fewer SRLs with university or professional degrees, and fewer SRLs who had completed high school.

h. An ongoing commitment to Access to Justice

99% of respondents who answered this question (n=68) indicated that they wanted to be added to the NSRLP newsletter mailing list, challenging the pervasive myth that SRLs do not retain an interest in and concern for Access to Justice once their own matter is concluded. NSRLP's social media presence is now at an all-time high. These fora regularly host discussions by SRLs about their experiences navigating the Canadian legal system.

The intake procedure at the NSRLP is an ongoing process. We shall continue



to modify intake questions based on the changes we observe and the growth of new subject areas which require investigation. We shall be updating our Intake Form in 2017 to include additional questions to gauge the understanding and use of McKenzie friends, unbundled legal services, the result of access to mediation services, and the value of on-line resources.

If you have questions about any of the data presented here, please contact NSRLP at representingyourselfcanada@gmail.com.



Appendix A: Intake Form



2016 NSRLP Intake Form

National Self-Represented Litigants Project Intake Form

Although we are not currently conducting full research interviews, we are continuing to populate our database of self-represented litigants (SRL's) with background information and demographic data collected with their consent from SRL's who contact the Project.

If you are willing to contribute your information to our database, we shall place your answers to the following questions into our secure database. All files are assigned a number and. It is only by this number that your data is identified, unless you provide your permission for us to identify you (for example, in response to a speakers request, see (2) below)

The information that we are continuing to collect will be used for:

1. Developing further data about SRL demographics and experiences
2. Matching SRL's to organizations and agencies requesting a speaker or a working group member or similar participation by a SRL, with permission
3. Generate quantitative data to further generate the discussion about the SRL phenomenon and access to justice issues in Canada

Thank you for taking a few moments to provide this information about yourself and your experience as a self-represented litigant.

1. Name:

2. City:

3. E-Mail Contact:

4. Telephone Contact:

5. Today's Date:



6. What type of case are you involved in?

- Family Matter
- Civil Matter

7. What is your gender?

- Female
- Male
- Other (please specify)

8. Do you have any dependent children?

- Yes
- No

9. In this case, what is your position?

- Plaintiff (Petitioner)
- Defendant (Respondent)

10. Is your case:

- Ongoing
- Concluded

11. What is your age?

- Under 20
- 20-25
- 25-30
- 30-40
- 40-50
- 50 plus

12. What is your annual income?

- Under \$30,000
- \$30,000-\$50,000
- \$50,000-\$75,000
- \$75,000-\$100,000
- More than \$100,000

13. What is your highest level of education?

- No high school diploma
- High school diploma
- College
- University/professional qualification
- Other (please specify)



14. Have you ever retained a lawyer in the past?

(For example: real estate transaction, criminal case, to draft a will, other)

- Yes
- No

15. If yes, how would you rate your satisfaction with the legal services provided to you?

- Poor
- Moderate/OK
- Reasonably or Well Satisfied
- N/A

If possible, please provide your reasoning behind your evaluation of your past experience with a lawyer

16. Have you retained a lawyer to represent you at any stage *in this case*?

- Yes
- No

17. If yes, was it:

- A Private Lawyer
- A Legal Aid or Publicly Funded Lawyer
- N/A

If possible, please describe your experience with your lawyer for your present case.

18. Have you received legal advice from a service or agency?

- Yes
- No

If yes, please state the name of the clinic or agency or program



19. What is your first language?

- English
- French
- Spanish
- German
- Madarin or Cantonese
- Punjabi
- Urdu
- Polish
- Other (please specify)

20. In what province/territory is your case filed?

21. In what court in that province/territory is your case filed?

Other (please specify)

22. Are you comfortable using the Internet for research and to find and use other tools and programs for SRLs? Please describe your experience with legal research using the Internet - and tell us what was the most useful resource you found.

- Yes
- No
- Other (please specify)

23. Do you bring a support person with you to court?

- Most of the Time
- Sometimes
- Never

24. Is the other side represented by counsel?

- Yes
- No



25. Have you ever been offered mediation services?

- Yes
- No

26. Have you ever used mediation services?

- Yes
- No

Why or Why Not?

27. Would you be willing to have us contact you for a brief telephone interview?

- Yes
- No

28. Are you interested in participating as a SRL in (eg) a conference, a working group or pilot project?

- Yes
- No

Please use this space to tell us anything additional that you would like to pass along about your experience as a SRL. In particular, we are very interested in your own tips for other SRL's.

29. In compliance with the Canadian Anti-Spam Legislation that came into effect on July 1, 2014, the NSRLP requires your express consent to communicate with you electronically and sending its press releases, statements, news, events information and other materials relating to NSRLP.

NSRLP greatly appreciates your support! We hope we can provide information that is relevant to you.

I consent to receive NSRLP emails and other electronic communications:

- Yes
- No

Once again, thank you for your time and being willing to share your experience with us. We very much appreciate it!
- Dr. Julie Macfarlane and the NSRLP Team

