

Study scrutinises self-representation in the legal system

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Some of the potential pitfalls of representing yourself in court proceedings have been illustrated by the case of lawyer Davina Murray this week, a University of Otago PhD candidate studying the topic says.

Bridgette Toy-Cronin's PhD focuses on people representing themselves in civil court cases, including those in Family Court, but many of the issues raised are the same.

"Most people who represent themselves in court do not attract the same level of attention as Davina Murray, or author and Investigate magazine author Ian Wishart, who is currently defending himself, without a [lawyer](#), in a defamation case in the Wellington High Court."

Most are lay people in the Family Court or Civil Court cases, and the number is thought to be growing as the government scales back Legal Aid and cost issues force people to litigate themselves.

Self-represented litigants in the Family Court will also greatly increase when the Government's controversial Family Court Proceedings Reform Bill becomes law, making self-representation mandatory in the early stages of many Family Court proceedings.

"My study is timely as it investigates the experience of self-represented litigants currently in the Family Court, as well as the District and High Courts, the barriers they face and any changes they would like to see."

Bridgette is a court lawyer who has practised in New Zealand and Australia. She has a Masters in Law from Harvard University.

"I left legal practice to research self-represented litigants as I think it's a very important issue for the New Zealand [justice system](#)."

"The litigants who go to court without a lawyer are entering a system that was not designed with them in mind."

"There is very little research in New Zealand about who these people are who represent themselves, why they are self-represented and what their experience of the court system is. There is a [perception](#) among judges, court staff and lawyers that their numbers are increasing."

Bridgette's project, for which she is seeking participants who are representing themselves in civil cases in the Family, District or High Court, aims to understand the experience of representing one's self and how the court system can better respond to this.

It will also look at the effect this has on other people in the court system, including judges, [court](#) staff and opposing parties and their lawyers.

More information: www.selfrepresented.org.nz/

Provided by University of Otago

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