

ITEM 5.1: LITERATURE REVIEW - LITIGANTS IN PERSON AND ALTERNATIVE DISPUTE RESOLUTION

Purpose

1. To provide the committee with a working draft of a literature review covering arrangements for party litigants and the information available to them.

Background

2. At the last meeting of the Access to Justice Committee (on 16 December 2013), 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.”*

Discussion

3. **Paper 5.1A** is a working draft of the literature review covering party litigants, the information available to them, legal capability (public legal education) and the arrangements for lay representation and support. **Paper 5.1B** and **5.1C** contains material on judicial mediation and case management in the employment tribunal, supplied by Judge d’Inverno, which will be incorporated into the next iteration of the review.
4. **Members are invited to note the progress of the review of party litigants and provide feedback in relation to its content.** In particular, members are invited to comment on any areas of the review that could be expanded on in greater detail

and if there are any areas that the review has not covered. Members' feedback will be incorporated into the draft review for the Committee's next meeting.

Recommendations

Members are invited to note the progress of the draft literature review covering party litigants, give feedback on its content and note the intention to provide a finalised report for the Committee's next meeting.

Scottish Civil Justice Council - Secretariat

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