

How to be a Litigant in Person In The New Legal World.

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## **Introduction**

“Litigant in Person” is a term used to describe a party in legal proceedings who is conducting their case without legal representation. It could be an individual or a company that acts for itself without lawyers. In recent years, there has been a significant increase in the number of litigants in person (“LIP”). This can be explained by a number of factors, such as the increasing cost of legal services and the greater availability of information from sources such as the Internet.

This book aims to provide practical advice on how to act for yourself and present a case in the civil courts of England and Wales, as well as presenting the basic principles of law and procedure. Information is given on some of the commonly encountered aspects of the law to ensure that a person acting for themselves has a basic understanding of the legal issues so that they can make a reasoned decision as to whether they have a case to bring. However, legal advice should still be sought because in most cases a brief consultation with a legal professional is essential before embarking on any significant legal action.

With court fees for civil claims having risen quite considerably in recent years, it is quite costly to start legal proceedings. Therefore, it is sensible to know beforehand if the case has merit and what procedures you should follow. Indeed, in some of the areas covered in this book it is made abundantly clear that you should seek legal advice and consider very carefully whether it would be appropriate to conduct such a claim without proper legal assistance. The absence of proper legal advice can lead to a litigant in person becoming a vexatious litigant. Vexatious litigants are people who persistently take legal action regardless of the merits of the claims. In serious cases, the court has powers to make an order which prevents the individual from making a legal claim without permission of the court.

## How to be a Litigant in Person In The New Legal World.

This book refers to the litigant in person in the new legal world. The New legal world is a reference to various developments in the civil courts which began back in 1999 with the implementation of the Woolf reforms. Lord Woolf undertook a substantial reform of the procedural rules that apply to civil cases. The overriding objective of the Woolf reforms was to ensure that cases are dealt with justly and at proportionate cost. The Civil Procedure Rules ("CPR") were drafted in plain English to make them more understandable to lay people using the courts. Since the Woolf reforms were implemented there have been many amendments and additions to the CPR so that the original aim of simplicity has been lost. There have been other changes to the civil procedural rules, such as the changes to the rules relating to costs introduced by Lord Jackson. These changes are moving towards a system of fixed costs so that a winning party is only able to recover a set amount from the losing party. This has probably also contributed to the increase in the number of litigants in person. If you are aware that even if you succeed in court action you will only be permitted to recover a fixed amount of costs from the loser, then you might be more likely to make a court claim without legal representation.

There has also been a stricter application of the sanctions that can be applied if a party fails to comply with court directions. One would have thought that a litigant in person would not have sanctions so rigidly applied against them compared to a party that has legal representation. However, legal cases have decided that litigants in person should not expect courts to be more lenient if they fail to carry out a step in a legal action by the required deadline.

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