

The Chancery Bar Litigant in Person Support Scheme
(“CLIPS”)

PROTOCOL
High Court

The Scheme

1. The scheme provides “on the day” advice and advocacy for unrepresented parties in the Chancery Applications List. It is a collaboration between the Chancery Bar Association (“ChBA”), the RCJ Advice Bureau (“Advice Bureau”), the Bar Pro Bono Unit (“Unit”), the Personal Support Unit (“PSU”) and LawWorks, and has the support of the Chancellor and the Judges of the Chancery Division.

Participants

2. “Participant” means a pro bono advocate who is either (a) a barrister who has post-pupillage Chancery experience and who is a member of the ChBA, COMBAR, TECBAR or ELBA, or (b) a solicitor advocate with appropriate experience who has volunteered through the Advice Bureau. For each sitting day during term, up to two Participants are on duty and on call.
3. The duty rota, for which Participants can volunteer, is administered and organised by the Advice Bureau. A link to the rota can be found in the weekly ChBA newsletter, or in the CLIPS section of the ChBA website. Participants volunteer and are instructed under the licensed access auspices of the Bar Pro Bono Unit. The ChBA encourages its members to participate.
4. Once a Participant has volunteered, this constitutes a professional commitment, and must be treated as such. Participants should withdraw only in exceptional circumstances, and are responsible for providing a replacement.
5. Participants are responsible for ensuring that they act at all times within their professional obligations and their competence. Participants are free to decide whether, and if so, how, they can assist. The Court will respect a Participant’s decision on these matters, and will be receptive to reasonable requests (for example, that a matter is taken further down the list in order to allow the Participant sufficient time properly to consider the matter).

LIPs

6. "LIP" (Litigant in Person) means an unrepresented person intending or due to appear before the Chancery Applications Court, and who is unable to afford legal representation.
7. If it is a day before the hearing day:
 - 7.1. The LIP should go to the Advice Bureau at the Royal Courts of Justice.
 - 7.2. Where possible an initial review interview will be undertaken by an Advice Bureau legal assistant. Among other things the initial review will identify whether the matter appears to be one that is appropriate for the Interim Applications Court, and if not what other appropriate assistance can be made available to the LIP.
 - 7.3. If the case might be suitable for help from a Participant, a case note will be made. The LIP may also leave a copy set of the papers at the Advice Bureau before 2pm the day before the hearing.
 - 7.4. The LIP will be asked to go to Court 10 in the Rolls Building on the hearing day at least half an hour before the time listed for the hearing and ask the Court Clerk or Usher to introduce him or her to the Participants.
 - 7.5. The Advice Bureau will contact the Participants if there are case notes or copy papers to collect. The Participants should arrange to collect these from the Advice Bureau between 3pm and 4.30pm the day before they are on duty, in order to prepare as appropriate. The Participants should confer (by telephone) and divide the matters suitably between themselves.
8. If it is already the day of the hearing, the LIP should go to the area outside Court 10 in the Rolls Building and ask the Court Clerk or Usher to introduce him or her to the Participants.
9. The LIP will be given a copy of the Explanatory Note by the Participant, and asked to read at least the boxed text.
10. The scheme is designed only for persons unable to afford legal representation. For practical reasons, no "means test" will be carried out on the day, but on any application to the Unit for further assistance after the day of the hearing, there will be a review of the ability of the unrepresented person to afford legal representation.

Practicalities

11. Conference Room 18 (outside Court 10) is designated for the use of CLIPS. It will be available for the Participants from 10am and it should be manned until the Court sits at 10.30am and thereafter until 11am.
12. If the interim application has not been listed by the Court, a Participant will decide whether it is appropriate to assist on the day, or whether it would be more appropriate to refer the LIP to the Advice Bureau. If the latter, the LIP will receive an

Advice Bureau referral card, which will enable the unrepresented person to receive an initial review interview from an Advice Bureau legal assistant.

13. If the interim application has been listed by the Court for that day and a Participant is already present, the Court Associate or Usher will make the necessary introduction.
14. If a Participant is not present the Court Associate or Usher will phone the Advice Bureau's staff member for Interim Applications Schemes (Shucra Musa) on direct line 020 7947 7120. The Advice Bureau will then call one of the Participants who will attend outside the Court as soon as possible. In cases of urgency the Court Associate or Usher or Judge's clerk may contact the Participant directly but the Participant should then immediately inform the Advice Bureau. No more than 30 minutes should elapse between the call and the Participant's attendance at court. Meanwhile the LIP should return to the area outside the Court to wait for the Participant.

Role of Participants

15. On the day of hearing, in listed and unlisted matters, the duty Participant will:
 - 15.1. offer such advice to the LIP as is possible and professionally appropriate in the immediate circumstances;
 - 15.2. be ready, if requested and if content that it is professionally appropriate to do so, to appear for the LIP on that day's hearing.
16. Participants must take into account their professional obligations and their competence when deciding what assistance they are able to offer. Participants are free to decline to provide assistance, and to decide the scope of any assistance they do provide. Although the decision will be at the discretion of the Court, Participants are also free to request that the Court takes a matter further down the list in order to give the Participant sufficient time to consider the case.
17. As regards appearing for the LIP on that day's hearing, normally the Participant will appear to make the whole of the argument that is required. However:
 - 17.1. the LIP may request the duty Participant to appear to make only part (rather than all) of the argument;
 - 17.2. equally the duty Participant may inform the LIP that he or she is prepared to make only part of the argument;
 - 17.3. in either situation, for the purpose of the scheme the Court will simply be asked to hear both the duty Participant and the LIP, on the basis that the Participant will make only part of the argument.
18. At the end of the work undertaken on that day for the LIP the duty Participant will complete a form summarising what has happened and what needs to happen next (the Concluding Letter). A copy of the form should be given to the LIP and a copy placed in the post box in Conference Room 18 to be collected by the Advice Bureau.

Costs

19. Participants are encouraged to seek pro bono costs awards where appropriate. Information about pro bono costs will be made available in Conference Room 18, and can be found at www.ATJF.org.uk.

Additional assistance on the day of the hearing

20. Where the assistance of a representative from the PSU is considered desirable, the Participant should contact the Advice Bureau on the number in paragraph 14 above to arrange support. In any particular case the Advice Bureau may already have arranged this support before the Participant meets the LIP.
21. It is possible that the LIP will be accompanied by a “McKenzie friend”. The Participant is asked to respect this choice, but in the event of difficulty or complexity to raise the matter by telephone with the Advice Bureau or the Unit as soon as possible.
22. Where the matter is of a complexity or nature that the assistance of a solicitor (not undertaking advocacy) as well as of an advocate is necessary even for the purpose of appearing for the unrepresented person on that day’s hearing (for example, an ex parte hearing), the duty Participant is not required to appear (although the duty Participant may consider whether it would be appropriate to apply for an adjournment to enable the LIP to take further advice) and the LIP should be referred to the Advice Bureau for further assistance. If the Participant is in any doubt he or she should refer to the Bar Pro Bono Unit before proceeding further.

Further assistance after the day of the hearing

23. If the LIP wishes to apply for further assistance from the Unit (for example, detailed advice, or appearance at a subsequent hearing), he or she should be referred to the Advice Bureau, where application forms are kept. The duty Participant will, if requested by the LIP or by Advice Bureau staff, brief Advice Bureau staff, who will help to complete one of the application forms. The Advice Bureau will send the completed application form to the Unit.
24. The application will be considered by the Bar Pro Bono Unit in accordance with its usual procedures, to include a review of the ability of the unrepresented person to afford legal representation. Where appropriate (for example if solicitor assistance is required) the application will also be considered by LawWorks under its In-Depth Assistance scheme.

25. Where a hearing will continue or judgment will be delivered on a later day when the Participant will not be on duty, the Participant should ensure that sufficient information about what happened at the hearing is included on the Concluding Letter and/or that the Participant on duty on the next hearing date is adequately briefed orally. There is no expectation that a Participant will attend at the next hearing date, but the Participant is free to do so if the Participant considers it appropriate.
26. When briefing Advice Bureau staff or another Participant the duty Participant:
 - 26.1. should note any relevant observations made by the Court at the hearing; and
 - 26.2. is free to express any view to the Advice Bureau (including for communication to the Unit) about the merits and nature of any further assistance.

Comments, concerns or complaints

27. If the unrepresented person or a duty Participant wishes to raise any comment, concern or complaint he or she should, in the first instance, write to the Advice Bureau (attn. the Chief Executive) (RCJ Advice Bureau, Royal Courts of Justice, Strand, London WC2A 2LL). If he or she prefers, the matter may be raised with the Chief Executive of the Unit (National Pro Bono Centre, 48 Chancery Lane, London WC2A 1JF).
28. The Advice Bureau will monitor various aspects of the scheme and may request assistance in this from Participants and/or the ChBA.