

The views and experiences of civil sheriff court users

Findings Report

July 2009

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Summary

Overview

At present, litigants are often unsure of which are the most appropriate sources of advice and information for them when trying to deal with a problem which may have legal consequences for them. Awareness of the in-court advice services was low among those who had not had contact previously and use of online sources of advice was uncommon among those interviewed. In some cases, it had taken a few attempts for litigants to find the right source of help after having contacted different services for assistance.

Whether or not litigants actually ended up going to court, their expectations of going were, on the whole, far worse than actually proved to be the case. Lack of awareness of what to expect throughout their case and at their hearing(s) created a great deal of apprehension for litigants. Those who were going to be unrepresented in court were particularly anxious about appearing on their own; facing their opponent's solicitor; being able to address the sheriff correctly; not being able to understand the legal jargon being used; and what the outcome of the case and penalty for the litigant might be.

Positively, the majority of litigants interviewed were quite satisfied with the experience they had appearing at court. Most had little difficulty understanding what was being discussed in court and found that they were treated fairly and with empathy by the sheriff. However, there was some concern among pursuers that unfair allowances are made for defenders, since they are able to delay proceedings and in turn, increase costs for the pursuer, by failing to respond to communications or appear in court when required.

Represented litigants felt that they were kept reasonably well informed by their solicitor and those who had received advice from in-court advisers thought that they communicated well with their clients. However, even among unrepresented litigants who had been in contact with an in-court advice service, a number of litigants said they found it difficult to know what was expected of them throughout their case and wanted to be kept better informed by the court about their hearings. In some instances, unrepresented litigants had arrived in court only to find that they were not required to be present or else had not been advised of postponements to their hearing and this was clearly a source of irritation and something that litigants perceived to be avoidable.

Overall, even though litigants have at least had support from an in-court advice service and some have received legal representation from a solicitor, many would appear to find it beneficial to receive more information at all stages of their case. In particular, this would be at an early stage, including guidance on the most appropriate options available to them; the processes they will need to go through; how long it might take to resolve the issue; what they will be responsible for doing; what they should expect from a court appearance; and what the likely outcome might be.

The in-court advice services were regarded very highly by those who had received advice and assistance from them, with service users describing advisers as proactive, knowledgeable and helpful. The in-court advice services are clearly a vital resource for providing legal advice and assistance for unrepresented litigants involved in court proceedings. However, despite offering a good deal of praise for the in-court services, litigants did perceive some of the services to be over-stretched and under-staffed and were critical of the poor advertising of the services and their apparent lack of connection with the court's own staff.

While few litigants had much idea of the costs which were likely to be involved in their case at the outset, most thought the fees involved were quite reasonable and manageable to pay. The perceived high cost of engaging a solicitor deterred some litigants from seeking representation, particularly those pursuers whose cases were of a relatively low value.

Being unaware of the likely timescales involved in resolving their case was a source of anxiety for many litigants and their concern was sometimes exacerbated by delays during their case and lack of explanation for these. Litigants had, inevitably, been inconvenienced by postponements to their hearings and lengthy waiting times in court and were irritated that they had not been informed about the reasons for these.

The clear message emerging from the research is the need for greater provision of practical and comprehensive information for litigants on what to expect during legal proceedings and how litigants can best seek advice and progress their case effectively.

Objectives and approach

Objectives and approach

Background

In February 2007, a review of the civil courts, to be led by Lord Gill, the Lord Justice Clerk, was announced. Its formal remit is to review the provision of civil justice in Scotland, including its structure, jurisdiction, procedures and working methods. The Review will make recommendations for changes in autumn 2009 with a view to improving access to civil justice in Scotland, promoting early resolution of disputes, making the best use of resources and ensuring that cases are dealt with appropriately.

The Ministry of Justice has recently published the findings of a review of the evidence on the general public, court users and businesses satisfaction with courts and tribunals¹ and a key finding confirms that overall there is a paucity of robust information on how members of the public view the courts, and in particular those who have been through civil court proceedings.

Some information about the experiences and views of such court users can be obtained from research studies into how people deal with their civil disputes, but the numbers with experience of court are small. The most comprehensive research study in this area, *Paths to Justice Scotland*², published in 2001, examined the experience of consumers with civil disputes and found that there are significant problems in the provision of legal advice and information in Scotland.

In order to help strengthen the evidence base on court users' experience and to provide useful evidence to the Gill Review this research was commissioned by the Scottish Legal Aid Board in partnership with Consumer Focus Scotland. In this report the findings from a qualitative survey of 35 civil litigants conducted by Ipsos MORI Scotland in December 2008 and January 2009 are summarised.

Objectives

The overall aim of the research was to understand the nature and drivers of civil litigants' views and experiences of sheriff courts in Scotland. The core objectives were to:

¹Just Satisfaction? What drives public and participant satisfaction with courts and tribunals? Richard Moorhead, Mark Sefton and Lesley Scanlan, Cardiff University. Ministry of Justice Research Series 05/08. March 2008

² Genn, H; Paterson, A (2001) *Paths to Justice: Scotland*. Nuffield Foundation. London

- Describe the experiences and views of people coming before the civil courts in Scotland;
- Identify and explore the factors associated with these experiences and levels of satisfaction; and
- Make recommendations for changes to the court process that may improve court users' satisfaction.

Of particular interest to the research was collecting the views of litigants who were unrepresented and also examining the differences in the experiences and perceptions of court between litigants who had received legal aid funding and those that did not.

Our approach

The original objective of the research was to interview court users with and without legal representation who had been party to a civil action in the Scottish courts within the past two years. The preferred option for identifying court users was to find suitable parties through court records, however third party access to court records was not allowed by the Scottish Court Service under data protection regulations. An alternative option was therefore used, whereby a sample of litigants who had contacted an in-court advice service and a sample of litigants identified through Scottish Legal Aid Board applications data was provided to Ipsos MORI.

There were a number of drawbacks to using these sample sources for the research. Firstly, since not all litigants will use an in-court service and the services only currently operate in six sheriff courts, the litigants deriving from this sample source cannot be said to be typical of the population of unrepresented litigants, in terms of geography, case type, type of litigant (defender/pursuer) and other demographic factors. Since no mapping exercise has been carried out to ascertain different levels of provision of advice and information to litigants in courts with and without in-court advice services, we also do not know the extent to which litigants' experiences have been affected depending on which court they attended.

The small number of litigants interviewed may also be described as atypical in that they were proactive enough to have sought advice either from a solicitor or in-court advice service, when many of their counterparts did not. Secondly, there was no guarantee that these litigants would have had their case heard in court, never mind been to court themselves. Similarly, whilst the SLAB sample consisted of those who had received a

final legal aid payment, litigants had not necessarily had their case heard in court or appeared in court with their solicitor for their hearing.

Finally, and perhaps most critically, due to the limitations in the available sample, it was not possible to approach and interview people who were unrepresented and did not use an In Court Advice service. This group of people, who go through the sheriff courts with little or no support and advice may be even more likely to report some of the problems highlighted in this findings report and may possibly report different experiences and views of the sheriff court process from their counterparts.

For these reasons, this small-scale study should be regarded as an exploratory piece of research, building upon an existing weak evidence base. In the conclusions section of this report, we consider where there is scope for further research to bridge the gaps in knowledge which still exist.

With this in mind, Ipsos MORI conducted 35 telephone depth interviews with civil litigants in December 2008 and January 2009. All interviews were conducted using a discussion guide agreed with the Research Advisory Group, a copy of which is appended to this report.

Analysis and Interpretation

Two of the key strengths of qualitative research are that it allows issues to be explored in detail and enables researchers to test the strength of people's opinion. This form of research is used to get at underlying issues that would otherwise be impossible to get from quantitative research.

However, it needs to be remembered that qualitative research does not allow conclusions to be drawn about either the extent to which something is happening or percentages of litigants who have certain attitudes and opinions. Qualitative research is designed to be *illustrative* rather than providing statistically representative data. This is why verbatim comments are used in support or opposition to a particular point of view.

It should also be borne in mind that throughout this report we record perceptions, not facts. Litigants may hold views based on incorrect information; these perceptions are reported here.

Throughout the report, use is made of verbatim comments from respondents. Where this is the case, it is important to remember that the views expressed do not always

represent the views of litigants as a whole, although normally the quotation is representative of at least a significant minority.

The sample

Overall, 35 interviews were conducted with a broad range of civil litigants. The sample was not intended to be representative of the population of civil litigants as a whole, but was designed to include those who had received advice from an in-court advice service³ or who had made an application to the Scottish Legal Aid Board for civil legal aid.

The sample included court users with and without legal representation who had been party to a civil action in the Scottish Courts within the past two years. Litigants had been involved in a variety of case types, including small claims actions, debt, housing/eviction actions and mortgage repossession proceedings. The sample did not include other court users such as witnesses or jurors in civil cases. The sample also did not include parties involved in family cases. There are additional sensitivities connected with these cases and it was felt it would not be appropriate to include such cases in this particular research as it had limited scope.

Although not probed for during interview, it is likely that the vast majority of interviewees had gone through either small claims or summary cause procedure, with only a few having dealt with their case under ordinary cause procedure. Because of the small number of interviews conducted, however, it is not possible to draw any conclusions about how attitudes vary according to the type of legal procedure which applied to each case.

Because of the source of the sample and the nature of the cases included in the research, more defenders than pursuers were interviewed. The sample included not just those whose case was actually heard in court, but those who were involved in civil legal proceedings at any stage e.g. from the issue of a summons.

However, it should also be remembered that although only twelve of the civil litigants interviewed had actually appeared in court, many more had *thought* that they might need to go to court, and as such their perceptions have been recorded here.

³ Sample was provided by the in-court advice services in Aberdeen, Airdrie, Kilmarnock and Hamilton Sheriff Courts

Overall, 12 litigants appeared in court at some time during their legal proceedings. The final profile of the 35 litigants interviewed was as follows:

RESPONDENT TYPE	NUMBER OF INTERVIEWS
Civil Legal Aid Applicant	19
Received advice from in-court advice service	16
<hr/>	
LITIGANT TYPE	
Defender	26
Pursuer	9
<hr/>	
COURT HEARINGS	
Case heard in court	17
Case not heard in court	17
Not sure whether case heard in court	1
<hr/>	
REPRESENTATION IN COURT	<i>Of 17 cases heard in court</i>
Represented by solicitor in court at some stage in proceedings	6
Represented self in court at some stage in proceedings	9
Case heard in court but did not attend	2

We also achieved interviews with a mixture of men (18) and women (17) in different locations around the country, including a range of case types.

A couple of litigants whose cases were heard in court but who decided not to appear, said they did not attend because they were told it wasn't necessary and that their solicitor would appear on their behalf or else because they had to work and were reluctant to take time off since they were going to lose a day's income.

Acknowledgements

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Main Findings

Main Findings

Accessing civil justice

Faced with a problem which might have legal consequences for them, there were a variety of ways in which litigants had tried to resolve their case in the civil justice system. A common issue for many litigants, however, was that at least at the beginning of their case, they were often unaware of all the options available to them for dealing with their problem or the sources of help and advice they were able to access.

Awareness of sources of help

Awareness of the in-court advice services was low among those who had not had previous contact with the service and use of online sources of advice was very rare among the sample. Litigants were far more likely to turn to traditional sources of advice such as the Citizens Advice Bureau, Shelter or else contacting the sheriff court direct. A couple of litigants had turned to the internet and websites such as the Govan Law Centre and forums where people were discussing issues relevant to their case (e.g. website forums set up to address the 'illegal charges' being levied by banks).

In some cases, litigants felt that they just needed a little help to get them started on the right course of action. For example, they may have heard about the small claims court, but were not sure of how to actually go about raising an action or if, in fact, this was the best way for them to try and resolve the problem they had.

Some felt that it had taken them quite a while to find the most appropriate option to help them deal with their problem, which is not a surprising finding since many did not know who to contact in the first place. For instance, they may have first contacted a Citizens Advice Bureau for advice, then been referred to a solicitor, only then to have been told that their best option was to contact the in-court advice service because it wasn't a matter for a solicitor. In other cases, it was only after litigants had visited court on more than one occasion to submit papers or telephoned to ask questions of court staff, that they were directed to the in-court advice service for help.

There was also a certain group of litigants, particularly those who were unrepresented and who had sought advice from the in-court advice services for problems with debt and rent arrears, that appeared to live quite chaotic and unstable lives and who did not attempt to tackle the problem until threatened with legal action. A number of litigants

admitted to ignoring correspondence from their local authority or housing association for months and even years, usually either because they thought that the problem would go away or because they did not know what options they had for how to deal with their debt problems.

You get the kind-of 'ostrich effect' where you shove your head in the sand and think it's just going to blow away and it doesn't. And the longer you leave it obviously the arrears are mounting and mounting.

Defender, rent arrears, received advice from in-court advice service

Some of the unrepresented litigants interviewed said they had also been approached in court, either by Shelter or by an adviser from the in-court advice service, after arriving in court for their first hearing. On some occasions, litigants had initially phoned the sheriff court direct to get advice on how to respond to a summons or how to go about raising an action.

In other instances, litigants were quite clear on how to deal with the legal problem facing them. In some cases, where local authorities had decided to take action against people for rent arrears, their communications had advised litigants to take legal advice from a solicitor and some were already aware that it was possible to have a free initial consultation with a solicitor. That said, solicitors were often perceived by litigants to be prohibitively expensive and there was some reluctance to make contact with a solicitor at all.

Appearing in court

Perceptions of going to court

Whether or not litigants actually ended up going to court, their expectations of going were, on the whole, far worse than actually proved to be the case. Nearly all of the 12 litigants who appeared in court said that they did not find the experience as frightening or intimidating as they had expected.

Before going to court for their hearing, litigants had a number of concerns which made them worried about the prospect of doing so. Those who were unrepresented were particularly likely to be concerned about having to stand up in court on their own to address the sheriff and not being able to understand the language being used by the

sheriff and other legal professionals. One or two respondents thought that if they themselves used the wrong terminology while speaking in court, it might annoy the sheriff and actually influence the decisions he or she made.

[About the prospect of going to court] They seem to use a lot of legal jargon...I'm pretty much a straight talking person, I'm not one for the words that they use....I could possibly have used the wrong word or put it in a different way and it wouldn't have helped me.

Pursuer, small claims action, received advice from in-court advice service, case not heard in court

I wouldn't have a clue what to do anyway, they're professionals so they know the ins and outs....I'd rather they did it and did it correct than I did it and made an ass of it.

Defender, mortgage arrears, represented by solicitor in court

Some of those who were appearing unrepresented thought that they might be at a disadvantage if their opponent had a solicitor, though there was some expectation that the sheriff would recognise that they were a lay person without representation and as such, would make some allowances.

He was pretty good, knowing that we're not legal folk, he just spoke to us as an adult person.

Defender, rent arrears, represented self in court

The main issue for unrepresented litigants who were expecting to appear in court was their lack of awareness of what to expect from the process. What was it going to be like in court? What would they be expected to say? Who else would be there? How long would it take? Would it all be resolved in the one day? What would be the likely outcome for them? This lack of awareness often created a great deal of anxiety for litigants, which was usually out of proportion with what they actually experienced. In a couple of instances, litigants appearing in court for rent arrears mistakenly thought that they might be sentenced to prison for failing to make their payments and it wasn't until they arrived at court on the day of their hearing and spoke to other defendants appearing for the same reason that they found out that this would not be the case.

I was actually shaking to be quite honest with you....What was going to happen to me, was I going to go to jail? I was sitting outside the courtroom and I was biting my nails

and I was like, 'what's going to happen to me?'. I was in a terrible state and the boy next to me said, 'nothing's going to happen to you', and I was actually crying. I thought honestly....I thought I was going to jail. Nobody had said what would happen to me.

Defender, rent arrears, received advice from in-court advice service, represented self in court

Others said that they only found some information about what it was like to appear in court from websites and forums where people discuss similar cases (e.g. pursuing banks for repayment of bank charges) or else based their expectations on what they had seen on television. Once at court, litigants found that they were often left on their own for up to a couple of hours, with no one to keep them informed about what was happening unless they were there with their solicitor. This inevitably led to increased levels of worry for some.

A number of litigants said that they would have found it reassuring to know that they were not going to be the only person appearing in court for their hearing, but that there may also be many other litigants there (e.g. if they were being taken to court by the local authority for the same reason, such as not allowing access to service gas appliances under the conditions of their tenancy).

You think you're standing there yourself, but there was obviously other people, that kind of takes the pressure off it.....[I would have liked] some form of correspondence about what to expect ,what I was actually going for and how many other people were actually going for the same thing and things like that.

Defender, dispute with Local Authority re. access to property, received advice from in-court advice service, represented self in court

To me it was quite a strange thing....there were people there in the same situation....I thought it would be on a more personal kind of level rather than fifteen or twenty people all sitting in one room getting called for the same kind of thing.

Defender, rent arrears, received legal aid, represented by solicitor in court

Experience of appearing in court

Only one or two litigants said that they found it difficult to understand what was being said in court and were reliant on their solicitor to explain matters to them afterwards and to explain what was going to happen after the court hearing. Although it is possible that some litigants were reluctant to admit during their interview that they had

difficulty understanding what was being said in court, from the detailed discussions we had with litigants, it would appear that they were quite honest with telling us where they had problems with comprehension, and that it was not generally a problem for most.

My lawyer, [had to explain] after the case, because [of] all these big words that they use, you don't really know what they're talking about. Then she explained it in plain English and I understood a bit better.

Defender, rent arrears, represented by solicitor in court

The majority of litigants found that they were treated sympathetically by the sheriff and were able to understand what was being said in court. Sheriffs were said to speak to litigants in laymen's terms and were felt to empathise with their circumstances, listening carefully to their points of view. This was also reflected in, for example, the payment terms which sheriffs set down for those in rent arrears, which litigants were relieved were realistic for them, even if it did appear a fairly small amount. Some litigants commented on the relaxed atmosphere in court and one or two pursuers even seemed to enjoy the experience. Many pursuers and defenders said that they appreciated being able to put their views across to the sheriff when they felt that no one else had been listening to them.

He [the sheriff] shot the guy down in flames. I came out feeling quite good actually.

Pursuer, small claims action, represented self in court

Fairness of process

Generally, litigants appeared satisfied with the fairness of the legal process they went through and understood that there were certain procedures which needed to be followed. Sheriffs were perceived to be fair in the decisions they made, not biased towards any party.

That said, there was a perception among a minority of pursuers that the legal system is 'loaded' in the favour of the defender since they are allowed to prevaricate over points of law when it seems apparent that they are wrong and will ultimately have to admit that they are at fault. A couple of pursuers had also been given the impression from their experiences that businesses being pursued know how to 'play the system' and make matters difficult for the pursuer.

Why are they [the courts] allowing companies to drag their heels and tie up valuable court time, when they know fine that they're going to pay up anyway? Why are they allowing them to go to court, and let them drag out and play cat and mouse, and leave it to the last minute, eleventh hour, and they don't turn up? And they know the courts know this. Why don't they turn round and say, well, hold on a minute, if you get this sorted out within a couple of weeks, they give you 21 days and get this sorted out, or even giving them shorter court dates? But they seem to go through the process and they know fine what's happening.

Pursuer, small claims action, received advice from in-court advice service, case not heard in court

If it's a criminal case that causes vandalism or assault or whatever, they get arrested, they get jailed or whatever, they get fined, you know. People like this can go around screwing customers left, right and centre for money under false pretences and can get away with it and nothing else gets done....and they're sitting back laughing at you.

Pursuer, small claims action, received advice from in-court advice service, case not heard in court

There was annoyance among a couple of pursuers that defenders are thought to be given a long time to respond to communications, which is perceived to drag the process out unnecessarily, delaying proceedings and driving up the pursuer's costs. One pursuer in particular perceived that it was unfair that defenders who fail to respond to communications from the court or who do not turn up for the court hearing on the appointed date are not penalised, as they would be for a criminal matter. As a result of these complaints, a couple of pursuers expressed reluctance to pursue similar cases again through the civil courts.

I do think it is absolutely scandalous that the injured party is the person that has to cough up. If I go to court and this person does not turn up, it should be like any civil {sic} action, if the person does not turn up to court there's a warrant out for their arrest and then they get arrested and they have to go to court and get dealt with. Why should people be let off scot free?

Pursuer, small claims action, received advice from in-court advice service, case not heard in court

While a number of the litigants interviewed had already had their case resolved, a good number were still involved in the civil justice process, and were, for instance, waiting for

their opponent to respond to communications; to hear when their case was being called; and in the case of a number of litigants involved in rent arrears proceedings, were still having contact with the court to ensure they were maintaining regular repayments.

Because of the small number of interviews conducted with litigants and the fact that only a proportion of the cases had been resolved, it is difficult to draw any firm conclusions about a link between case outcome and satisfaction with the fairness of the process. However, there does appear to be some link between a positive outcome and satisfaction with the civil justice process overall.

Self-representation

Those litigants who represented themselves in court did so either because they felt they did not need a solicitor, they had been told they did not need representation because of the nature of their case, or because they felt that they could do a better job than a solicitor. Some also thought it would cost too much if they used a solicitor or else were reluctant to pay solicitors' fees on a point of principle.

Asked how they felt about having to represent themselves in court, most said that they felt nervous, but were still keen to put their case across to the sheriff. In the case of pursuers in particular, their annoyance at having to raise the action in court seemed to give them some 'Dutch courage' to represent themselves in court, though this didn't negate their nervousness.

I was nervous about it, it's something I've never done before and I'm out of my comfort zone. I'm a quiet natured guy, I mean, even in a factory meeting I wouldn't speak at a union meeting or anything.....but I just felt so enraged that somebody's going to take two hundred pound off me for nothing and thought, well I'm just going to go ahead and do this no matter what it costs me.

Pursuer, small claims action, received advice from in-court advice service, represented self in court

Some had been advised by the in-court advisers to arrive early at court and sit in on a couple of cases to get a feel for what would happen during their hearing and this was thought to be a good idea, helping to settle frayed nerves. On one occasion referred to, an in-court adviser had also offered the litigant a 'crib sheet', a list of pointers to help

them present their case in court and again this had helped the litigant to feel more comfortable about representing himself.

Again, lack of information about what to expect sometimes caused a great deal of concern for litigants. Some respondents said that they were unaware of how they should speak in court and were unsure of what the procedure would be. For instance, in one case a female litigant was addressing her father who was acting as a witness to her case, and thought she had to speak to him formally as if she was a solicitor, addressing him as 'Mr', which drew laughs from the sheriff and other legal representatives in the court. Whilst the litigant herself saw the funny side of what she had done, this does reinforce the lack of awareness litigants have before going into court about what is expected of them in such circumstances.

When I walked into court, I stood up in the box, I had to tell them who I was and then my daughter started talking to me as though she was like a lawyer. 'Mr xxxx, could you please explain why this happened and that happened?' And the Sheriff and the other assistant who was with her, you could see them starting to laugh, you know, the way my daughter was speaking to me.

Witness for daughter⁴ (pursuer), small claims action, received advice from in-court advice service, represented self in court

Information provision

On the whole, represented litigants felt that their solicitor kept them fairly well informed about the progress of their case and outcomes, letting them know when developments occurred and advising of the planned course of action. In-court advisers were also perceived to keep their clients well informed, making sure they knew what they should be doing at different stages and when their next hearing was.

Conversely, unrepresented litigants were sometimes unsure of the responsibilities expected of them throughout their case and what was likely to happen to them. For instance, they might have been notified that their case was going to be heard in court, but did not know whether they were expected to attend or not.

Some had turned up on the appointed day, expecting to appear in front of the sheriff with their opponent, only to find out that they didn't actually have to be there and that

⁴ Although not the litigant, this respondent had accompanied his daughter to the in-court advice service and was interviewed along with his daughter

the matter had been dealt with in private by the sheriff on the basis of the papers alone. Inevitably, there was a degree of frustration among these litigants that they had gone to court when they didn't need to be there and hadn't been informed otherwise, and that they had been worrying unnecessarily about having to appear in court.

I just had the court date and turned up and eventually one of the court clerks or somebody came over and said, 'what case are you here for and what's it about?' and I told them and they said, 'oh that was dealt with a few days ago, you didn't have to come to court....I wasn't informed about that, so that was another day off work.

Pursuer, debt, received advice from in-court advice service, case not heard in court

Similarly, there was also some annoyance that litigants had arrived in court for their hearing, only to find out that it had been postponed without them having been advised in advance. Whilst most were resigned to having to accept this, litigants were displeased that they had not been informed beforehand.

It's difficult to understand that you can go in there thinking 'right, this is it', you get your mind set, this is just one day and then you suddenly realise Oh! Well I've got to come back for another day...you come back on the second day and you think 'right, okay' and then they could call you back for a third time?

Pursuer, small claims action, received advice from in-court advice service, represented self in court

Overall, litigants expressed a desire to receive more information at all stages of their case, but in particular at an early stage, receiving guidance on what options are available to them to deal with their problem and the processes they will likely need to go through. This could, for example, be in the form of a leaflet included with the court summons.

Perhaps a leaflet or some form of information about what to expect, you know, how the process runs through....along with my letter to appear in court.

Defender, rent arrears, represented by solicitor in court

Information about the next steps they need to take; how long it might take to resolve the issue; what they should expect from a court appearance; and what will happen to them afterwards, would all be helpful for litigants in terms of navigating the civil justice system and minimising their fear and concerns about the unknown.

Q: What would you have liked to have known before you went to court, what would have helped you?

A: Just what's happening when I go to court, what it's going to be like...and what will happen after it.

Defender, rent arrears, received advice from in-court advice service, represented self in court

In addition, keeping litigants informed about their forthcoming court hearings and the actions that they need to take would be of value, particularly to those who are unrepresented.

I thought they would have sent me a letter to remind when me I'm back up again and what time.

Defender, rent arrears, received advice from in-court advice service, represented self in court

In addition, more practical information about appearing in court would be of benefit to litigants having their case heard in court, particularly for those who are unrepresented. At present, the lack of advice and guidance available to litigants about what it is like to appear in court and about court processes creates a great deal of apprehension, which isn't actually reflected in the experience they have in court.

If you haven't done it before it can be quite intimidating when you walk in and you've all got to take a seat, but then you look in front of you and it's just full of solicitors.....and you see some people there that are very nervous, they don't know what to say, they don't know how to address him....I mean it's bad enough having to bring an action and getting to that level without then standing there and feeling that you're in the wrong.

Pursuer, small claims action, received advice from in-court advice service, represented self in court

Court staff

Court staff were generally perceived to be helpful, being easily accessible and knowledgeable, although the information they provided was found by a couple of litigants to be inaccurate. In some instances, litigants said they had to query the same issue with different court staff before they found the right answer and they did not always feel entirely confident in the people they were speaking to.

I started to find when asking different court staff or, you know, different departments, I started to realise how irregular the information was.....If I didn't query or didn't phone back again I wouldn't have found out that that information in some cases was wrong.

Pursuer, small claims action, received advice from in-court advice service, case not heard in court

There was also some criticism that litigants were not informed by court staff about the existence of the in-court advice services until after they had made contact with the court a few times for advice and assistance. To the litigants, it would have made better sense if the two services had been more joined up and they felt that they could have saved some time and effort if they had been told much earlier about the existence of the in-court advice service.

In-court advice services

Litigants were almost universally positive about the in-court advice services and the advisers who work there. Although not probed for during interview, users often spontaneously mentioned their satisfaction with the service they received, praising the proactivity, knowledge and helpfulness of staff.

She was very, very helpful and very explanatory. Everything she said I understood.

Defender, rent arrears, received advice from in-court advice service, not present when case heard in court

The in-court advice services appear to be a valuable resource for meeting otherwise unmet legal need for people involved in court proceedings. Litigants appreciated having one point of contact at court to receive advice from, rather than having to phone the court and get put through to different departments whenever they had a query.

Advisers had helped litigants in a range of ways, helping them to understand the options available to them; translating legal jargon; explaining in laymen's terms court processes and procedures; informing them of the implications of court hearings and what actions litigants were required to take; advising of when they needed to come back to court and if it was necessary for them to attend; and advising and assisting unrepresented litigants in presenting their case to court.

[Adviser offered help with understanding legal terminology} *It seemed a bit vague, you know, as to whether, you know, you're the claimant and defenders and things like that. It was all new to us, because we'd never ever been to court before.*

Pursuer, small claims matter, received advice from in-court advice service, represented self in court

In some cases, litigants said that while they felt capable of dealing with their case themselves, they still valued the input of the in-court advisers in, for example, ensuring that court papers were filled in correctly and being made aware of all the options available to them. In-court advisers were also able to give an indication of timescales for things happening which was helpful for litigants in terms of managing their expectations and planning their next steps.

He went over my submission with me and took the steps that I would, you know...what was likely to happen next and the fact that there's the time-to-pay option and things like that.

Pursuer, debt, received advice from in-court service, case not heard in court

As a result of the advice offered by the in-court services, a couple of pursuers felt that they had been given more confidence to pursue their claim because they felt more sure that they were following correct procedures, were assured that their forms were submitted without errors and had a greater awareness of the likely outcome of their case.

Whilst extremely positive about the in-court advice services, litigants did comment that the services seem to be very busy and the advisers stretched to capacity. At the same time, however, there was a feeling that they need to be better publicised so that people actually know that they are there and staffing levels increased to improve access to information and advice. In some instances, in-court advisers had canvassed clients in court to offer their services to those who needed assistance straightaway (i.e. if they were appearing in court that day and were unrepresented) but in other cases, litigants had discovered the existence of the service more by chance when they had been advised by other litigants in court or by the court's own staff.

You could certainly be doing with a lot more of her going around!

Pursuer, small claims action, received advice from in-court advice service, case not heard in court

There were also a couple of comments about the way the advisers work, i.e. asking litigants to make an appointment and come to court in person to see them, rather than answer queries over the telephone. For some litigants this could be very inconvenient if they did not live close to the court and there was a perception that operating in this way could also delay proceedings.

One or two litigants also felt that the advisers sometimes tried to 'hold their hand' too much, rather than offering some advice and letting the litigant manage the case on their own.

He drip fed me, saying, 'oh that's right, you've done that okay, the next thing is for another day, make an appointment'. And he could just have told me, it's like three steps, this, that and the other. I can understand three things, you know, and he just wouldn't, he just kept drip feeding me and having me coming out there all the time and he would have had me come out more times!.... He was helpful, he probably knows his stuff, but how simple does he think I am?

Pursuer, debt, received advice from in-court advice service, case not heard in court

Cost of litigation

Most litigants had little idea of the costs likely to be involved in their case at the outset if they were raising a small claims action, for instance, and tended to be particularly concerned about solicitor charges and fees associated with raising an action in court. For the majority of litigants who were pursuing their opponent, the court costs involved seem quite reasonable and the ability to pay the fees as the case progressed made it more manageable. That said, some litigants commented that it would have been helpful if they had known from an early stage what the action was likely to cost them.

Because I've done it before, I know what the costs are, but I think somewhere costs need to be displayed for people to see how much it costs to bring an action....there's nothing actually attached to any of the forms when they're sent out to you to say this is the cost of bringing the action.

Pursuer, small claims action, received advice from in-court advice service, represented self in court

[To raise a small claims action] *I knew it was fairly nominal, I knew it wasn't thousands or anything, if I'd maybe had a lawyer it would have cost me a lot more.*

Pursuer, debt, received advice from in-court advice service, case not heard in court

They weren't enormous sums, if you like, £44....then £32 I paid in another month....I could absorb those costs on a monthly basis, but I wouldn't have liked to have turned round and paid out £100.

Pursuer, debt, received advice from in-court advice service, case not heard in court

There was some concern among litigants that they would be left worse off after paying court fees and their opponent's costs if they lost their case, though in most cases they felt there was no option but to have their case heard in court.

My biggest worry was that somehow I would lose and then I would have to pay for the costs, like for the other costs of their lawyers.

Defender, debt, case not heard in court

Due to concern about solicitors' fees, some litigants were reluctant to engage a solicitor if they thought they might be able to handle the case on their own. This was particularly the case for pursuers who were claiming a relatively small amount of money and for those litigants who had sought advice from the in-court advice service and felt that they would be able to progress without a solicitor's help.

If I'd seen a solicitor then I would have involved a payment, which, well obviously that would have added to my expenses.

Pursuer, debt, received advice from in-court advice service, case not heard in court

I had at the beginning thought about the solicitor side of it, but with the fees, I mean.....the only person that was going to win was probably the solicitor, if anybody.

Pursuer, small claims action, received advice from in-court advice service, case not heard in court

On the whole, litigants were grateful to have received legal aid to pay for or at least contribute towards their case's costs. However, one or two found the contribution they were expected to pay towards the legal aid quite high.

It's a struggle...I feel a bit annoyed, because there are a lot of people out there who get everything paid for them. They've never worked in their lives a lot of them, and that annoys me.....I think the costs are high, you know, but I can't complain. I mean, had I had to pay for the whole thing, that was going to be a lot worse.

Defender, mortgage arrears, case not heard in court

Timescales

Lack of awareness of likely timescales and generally not knowing how long things might take to resolve was a source of frustration and worry for litigants. Often, both defenders and pursuers started proceedings with no idea of how long it might take to settle their case and many were surprised at just how long it could take to get their case heard in court. As a result, some litigants who had to wait for their cases to be resolved over many months became more anxious about the wait and what the outcome would be.

[While waiting to hear when case being heard in court] It's not good because it's something that's been playing on your mind all the time, you don't enjoy your holidays and you think....maybe I shouldn't go on holiday, maybe a letter will come in from the court and I won't be there to see it myself, and, you know, it was something that was hanging over me for about six months.

Pursuer, small claims action, received advice from in-court advice service, represented self in court

It would have been pure guesswork. We just had to take it as we went along.

Pursuer, small claims, received advice from in-court advice service, represented self in court

This anxiety over timescales wasn't just because of the length of time it took to raise the various papers and wait for the opponent to respond, but because of the delays and postponements which some litigants experienced a number of times and the lack of awareness of the reasons for these.

Some of those who were represented also thought that their solicitor worked fairly slowly, delaying matters unnecessarily and not processing cases as quickly as was possible.

To me, it should have all been resolved within at least a month. I think it took two or three months before it was resolved. Solicitors are overloaded in a lot of cases and I think things are left on desks and not dealt with as they should be. You phone up and the person who's dealing with it is at times not available or they're on holiday or they're in court, so it's somebody else you speak to and I don't think things get passed on as quickly as they should.

Defender, mortgage arrears, case not heard in court

When actually appearing in court, litigants complained that they had been told to be there at a certain time to have their case heard, but still had to wait a couple of hours, usually without being informed about the reason for the delay, unless accompanied by their solicitor. Again, this lack of information provision for litigants inevitably led to dissatisfaction that they were not kept informed of what was happening and why they were having to wait for their case to be heard.

It's always ten o'clock and it's always on a Thursday, but you can sit there for two hours.

Pursuer, small claims action, received advice from in-court advice service, represented self in court

Conclusions and Implications

This report contains the findings of a small scale, exploratory piece of research which has aimed to build on the existing weak evidence base of the experiences of civil court users in Scotland. Because of the difficulties involved in identifying and accessing court users, our eventual sample of litigants (a combination of those who had contacted an in-court advice service and litigants identified through Scottish Legal Aid Board applications data) cannot be said to be typical of the population of unrepresented litigants currently pursuing cases through the courts – in terms of factors relating to demographics, case and litigant type as well as their experiences, attitudes and behaviour.

With these limitations in mind, the research suggests a number of implications for the reform of the civil justice system, and specifically, the way in which civil litigants are able to access justice. In particular, the findings highlight the challenges faced by those people who move through the civil courts unrepresented and who often experience a great deal of anxiety relating to their lack of awareness of civil justice procedures.

The findings indicate that few litigants have been discouraged from pursuing a case in the future, since most found the justice process simple enough to navigate and ultimately worth the effort for the achieved outcome. While defenders were less likely to have the option of whether to defend their case again or not, most did not seem to have been deterred from going through the same process again.

However, while overall litigants were reasonably satisfied with the experience they had of the civil justice system, the dearth of information they received prior to and throughout their involvement in their case appears to heighten their levels of fear and anxiety. The lack of awareness litigants have of what to expect from the process in which they are involved and how the case is likely to progress, can create preconceptions which are far worse than the reality proves to be. In turn, this can serve to distance them from the process they are involved in and sometimes prolong the resolution of the case. It is, therefore, essential that litigants have access to the right information and advice, particularly at an early stage in their case, in order that they are made aware of all the options available to them for dealing with their case effectively and can make the right decisions about issues which may have serious consequences for them.

Ideally, information should be provided for litigants at an early stage in their case. Attached to the summons sheet, for instance, could be a document which would advise litigants of the options available to them and make them aware of the existence of the in-court advice services. Or in the cases of local authorities and housing associations corresponding with their tenants about their rent arrears, incorporating some information about how and where to seek advice at an early stage to deal with the problems they are having with debt and/or other social issues, may help the litigant to deal with the issue before it is escalated to formal legal action or an eviction notice.

While the in-court advice facilities were thought to provide a valuable service to those without representation and in need of legal advice, they were also perceived, by some, to be under staffed and over stretched and in some instances were thought to be impeding litigants' attempts to raise proceedings because of the way in which they operate. Increased staffing of the services, together with better publicising of their existence and providing a more joined up service between court staff and the in-court services, may serve to ensure that more litigants are able to benefit from the service on offer. In turn, this improved access to legal advice in court, may have implications for the efficiency with which cases are dealt with in court as well as for litigants' access to justice.

Lastly, the issue of the inconvenience for litigants caused by postponements to their hearings, waiting times in court and not being made aware of whether or not their attendance in court is expected, are made worse by the lack of information provided for the reasons for these and what the implications are for the litigant. Communicating more effectively what is expected and required of litigants as well as giving notice of postponements and delays to hearings would go some way to increasing litigants' satisfaction with the civil justice process. In addition, it may be worth considering the introduction of an appointments system, whereby litigants have an actual time at which they have to appear in court. Again, this may have the effect of reducing the degree of frustration felt at being requested to arrive in court at 10am and wait in turn alongside other litigants to have their case heard.

Further research

While this study has built on and added to the existing body of evidence surrounding litigants' experiences of civil justice in Scotland, the limited scope of this research has also served to highlight where knowledge gaps still exist and where there are possibilities for further research.

While there have been previous evaluations of the operation of the In Court Advice Services, no systematic research has been carried out across courts with regard to the range of ways in which advice and information is made available to litigants. Carrying out a mapping exercise which looks into working methods across courts would be a useful way of ascertaining best practice procedures. This exercise would serve a dual purpose: firstly, to provide comprehensive information on the practices of courts where civil litigants are likely to attend; and secondly, to use this information in future research or evaluations to understand the impact on litigants of the services available to them as they are progressing through the civil justice system.

We have acknowledged in this report that the unrepresented litigants involved in this piece of research are not typical of the population of unrepresented litigants as a whole, for a number of important factors. Specifically, our research has not included those litigants who are not represented and have not received advice from an in-court advice service. Since this group of litigants could be assumed to be particularly vulnerable in terms of their ability to access information and navigate their way through the civil justice system without professional help, this would appear to be an area where there is value in carrying out further research.

Lastly, because of the narrow range of sample available to us in order to conduct the research, those interviewed had gone through either a small claims or summary cause action. None had experienced ordinary cause procedure, and considering that these cases are likely to be more complicated, with no standard forms available to help unrepresented litigants, there is good reason for ensuring this group is included in future studies.

Appendices

Appendix

Views and experiences of civil court users
Final discussion guide – 3/12/08

Description	Aims and comments	Time (mins)
<p>Introduction Introduce self, Ipsos MORI</p> <p>Research commissioned by the Scottish Legal Aid Board and Consumer Focus Scotland to undertake research among people who have had particular experience of the civil court system. In particular, we are interested to find out about how satisfied you have been with sheriff court processes and to hear about your experience of the civil court system generally.</p> <p>Thank participants for agreeing to be interviewed, mention should take around 30 mins, depending on their responses.</p> <p>Anonymity of respondents and MRS (Market Research Society) code of conduct. Stress independence of Ipsos MORI and confidentiality of what respondent tells us. Personal information passed on to Ipsos MORI will only be used for the purposes of the research and will not be retained after the survey is completed. Respondent will not be identified in the research findings. Information they provide us with will have no bearing on their case (if still active).</p> <p>Permission to audio record, explain how it will be used.</p>	<p>Background to research.</p>	
<p>1. Respondent's background Note to moderator: Ask following question as applicable, depending on origin of sample. I understand that you have a) received legal aid for a case; or b) been in touch with the in-court advice service at X Sheriff Court quite recently?</p> <p>Note to moderator: If necessary, clarify which case we want to talk about (If SLAB recruit – refer to database; if in-court advice, check which was most recent case). If respondent only appears to have been involved in a criminal case, terminate interview.</p> <p>Could you please tell me a little bit about your case/ the problem which you have sought advice on? Probe: e.g. debt, housing, family etc. Use SLAB civil app codes to probe for detail on type of case to clarify.</p> <p>Note to moderator: If necessary, clarify that we only need to know a little about the background to their case in order that we can better understand the experience they have had of the civil courts.</p>	<p>This section will allow us to clarify the nature of the respondent's case.</p> <p>General discussion about case to find out background. Opportunity to reassure respondent about confidentiality of research.</p>	<p>5</p>

<p>When did you first realise there was an issue to be dealt with? Probe for brief history. What was the case regarding; what stage is it currently at/did it get to?</p> <p>Would you mind telling me roughly what the value of the claim you raised against your opponent (if pursuer) was / value of the claim being taken against you was (if defender)?</p> <p>Note to moderator: If necessary, clarify what is meant by 'raising claim' and reassure if not known. Do you know if your case was heard in court? Were you present while your case was called in court? By this I mean did the court hear about your claim? If not, was there a reason why not?</p>		
<p>2. Accessing legal advice</p> <p>What was the first thing that happened which made you realise that you were going to need legal advice to help you deal with your problem? Probe: received summons or writ? Correspondence from opponent's solicitor? Informed by opponent? Advised by court staff to obtain legal advice? etc.</p> <p>Did you know what options you had at this stage in terms of how to deal with the problem? Probe: what were your options? How did you find out what your options were?</p> <p>What did you decide to do first? Probe: seek advice from any organisation or from a solicitor? If not mentioned contacting a solicitor, ask: Did you think about contacting a solicitor? If not, why not? Probe: concern about cost; didn't think necessary; didn't think could help etc.</p> <p>If not mentioned contacting in-court advice, ask: Did you think about contacting an in-court advice service? If not, why not? Probe: didn't know about it; too far away to visit; didn't think they'd be able to help etc.</p>	<p>This section will allow us to probe about the path taken by the respondent through the civil justice system.</p>	<p>5</p>
<p>Note to moderator: this section will be asked of people who had contact with the in-court advice service at some stage during their case.</p> <p>3. In-court advice</p> <p>When did you first make contact with the in-court advice service? Probe: amount of time lapsed since became aware of problem.</p> <p>What in particular made you contact the in-court advice service? Probe: received court papers or forms (e.g. summons, calling up notice, initial writ, summary warrant)? Visit by debt collection agency?</p> <p>When you first made contact, what were you looking for help with? Probe: general legal advice on court</p>		<p>5</p>

<p>action being taken; help with filling in forms/court processes; advice on dealing with debts or arrears etc. Probe: general usefulness and helpfulness of advice received?</p>		
<p>Note to moderator: <i>This section will be asked of respondents who have had contact with a solicitor at some stage during their case.</i></p> <p>4. Legal representation</p> <p>Contact with solicitor</p> <p>When did you first make contact with a solicitor?</p> <p>What made you contact a solicitor for advice? Probe: for type of advice being sought</p> <p>Representation</p> <p>Did you apply for legal aid to pay/pay towards your legal representation?</p> <p>If yes: Were you awarded legal aid?</p> <p>If didn't apply for legal aid: Why did you not apply for legal aid?</p> <p>Did you have to pay for a solicitor privately to represent you in court? Probe: how did you feel about having to do this? Did you feel you had any other options?</p> <p>Cost of litigation</p> <p>Did you have an idea of the costs that were going to be involved with trying to resolve your case?</p> <p>Were there any specific costs you were concerned about? Probe: court fees, cost of representation, loss of earnings, compensation, travel, opposing parties cost, etc.</p> <p>Were other factors more important in deciding whether to pursue/defend your claim? Probe: what were these factors?</p> <p>Self-representation</p> <p>Did you represent yourself in court at any time? Probe for why this was: ineligible for legal aid, couldn't afford to pay for solicitor, advised to represent self (etc).</p> <p>Did your opponent have a legal representative to speak on their behalf?</p> <p>How did this make you feel? Probe for positive and negative feelings. Why did you feel this way?</p> <p>How did you feel about having to represent yourself in court? Probe: <i>for positive and negative feelings, including how comfortable and confident they were re. court procedures, what would happen, what to say etc.</i></p>	<p>This section will explore respondents' contact with their solicitor; their access to legal aid and ease of finding a solicitor to represent them.</p> <p>Explore attitudes to and awareness of costs of litigation.</p> <p>Experience of self-representation.</p> <p>What provisions are made by the court to deal with self-representation: to what extent does sheriff take an inquisitorial role under these circumstances?</p>	5

<p>Did the court/sheriff/clerks do anything to make you feel at ease? Probe: What did they do?</p> <p>What do you think they could have done to make you feel more comfortable?</p>		
<p>5. Attending court</p> <p>Ask those whose case was heard in court but were not present:</p> <p>Why did you decide not to attend court when your case was being heard? Probe for positives and negatives: practical arrangements (childcare, work etc); didn't need to be there; someone else went on my behalf; worried about going to court; scared by formality of court etc.</p> <p>Ask those who attended a court hearing relating to their case:</p> <p>Did you attend court more than once for this particular case?</p> <p>Did you have any expectations of what going to court would be like before you first went?</p> <p>Had you ever been in court before? If so, what was that for?</p> <p>Did you read/receive any guidance this time on what would happen in court?</p> <p>What were your expectations? Probe: any particular concerns?</p> <p>How would you say you feel generally about the experience you had of court? Probe: Generally positive or negative experience? Why? Which aspects?</p> <p>How easy or difficult did you find it understanding what was going on at the hearing(s)? Probe: court procedures, why particular questions being asked; who various people were; language used etc.</p> <p>How well do you think the sheriff(s) you came before understood the circumstances of your case? Probe: did they perceive the sheriff to be 'in touch' with ordinary peoples' lives?</p> <p>How do you feel about the hearing you had? Probe: did it seem fair or unfair? Did the sheriff appear impartial or biased towards one party?</p> <p>Did you have to speak in court at any time?</p> <p>How do you feel the sheriff treated you while your case was being heard? Probe for positives and negatives?</p> <p>Why do you think they treated you like that? Probe: way they looked/dressed/spoke; nature of type of</p>	<p>In this section we will cover respondents' expectations of going to court; their specific concerns; how they feel about the experience they actually had and the communication they had with the court.</p>	<p>10</p>

<p>case etc?</p> <p>How fair do you feel the sheriff was in coming to his/her decision? Why?</p> <p>IF went to court a number of times re. same case:</p> <p>Did you come before the same sheriff a number of times or several different sheriffs in this particular case? Probe: how did you feel about that?</p> <p>Did you understand why you had to come back to court a number of times?</p> <p>What was the impact for you of having to come back to court on a number of separate occasions? Probe for difficulties encountered: taking time off work; child care arrangements; stresses of preparing for court each time; ongoing worry of case; delays encountered etc.</p> <p>Information provision</p> <p>Did you have any contact with the court before you had to go there for your case? What was that for?</p> <p>What type of information did the court provide you with?</p> <p>How well informed did you feel about what to expect <i>before</i> you went to court? If not well informed, why not? Probe: didn't look for/receive any/couldn't understand information?</p> <p>What would have helped better inform you?</p> <p>Note to moderator: <i>Please be sensitive to practical difficulties respondent may have encountered relating to low literacy skills and accessing and comprehending information</i></p> <p>When you were at court for your hearing, how well informed do you feel that you were kept about what was happening with your case? Probe: who provided information?</p> <p>What would have helped better inform you?</p>		
<p>6. Case outcome</p> <p>Clarify what stage respondent is at with case now.</p> <p>If decision or award in case not been made: Are you doing anything else to resolve the problem? What are you doing/planning to do?</p> <p>Do you think you will be able to sort it out? Why/why not?</p> <p>What do you think are the reasons why a decision or award has not been made in your case so far?</p> <p>Arrangements made in settlement of dispute being monitored?</p>	<p>This section will clarify what stage respondents' cases are at and what the prospects are for resolving unfinished cases.</p>	<p>5</p>

<p>If decision or award of decree in case has been made: Overall, how do you feel about the outcome of your case? Probe: Does the system seem fair/unfair? Why?</p> <p>Ask pursuers who have obtained a decree only:</p> <p>Did you receive the money you were owed following your court action? If not, why not? Have you applied to the court for an enforcement action? If not, why did you decide not to enforce the court order?</p> <p>If yes, was the enforcement successful? Probe for difficulties encountered in trying to enforce decree.</p>		
<p>7. Summing up To finish off our interview, I'd like you to think about your overall experience of the civil courts.</p> <p>Thinking back to when you first decided to do something about your case, how long did you think it would take to resolve the problem? Probe: Was the length of time longer/shorter/as expected?</p> <p>Do you think anything could have been done to speed things up? Note to moderators: <i>Speed not always the prime consideration when monitoring arrangements.</i> Probe: Any other improvements which could be made to court processes?</p> <p>If respondent had to pay legal fees privately, or contributed towards cost of legal aid ASK: What do you think about the level of costs incurred in your case? Probe: reasonable or unreasonable? Any aspects of costs which seem unfair?</p> <p>Is there anything which you wish you'd known at the beginning of your case which would have had an influence on the way things have gone/are going for you?</p> <p>If you were in the same position again, would you be prepared to go to court again? Why/why not? Is there anything else that is relevant, that you would like to add, that hasn't already been mentioned?</p> <p>THANK RESPONDENT</p>	<p>This section will wrap up the discussion and give respondents the opportunity to reflect on the processes they have been through, making suggestions for improvements.</p>	<p>5</p>