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Dear Ms Nicoll

PROVISION OF CIVIL JUSTICE

In my opinion, the following measures would help provide civil justice:-

1. Court-ordered mediation if one of the parties wishes to use this method of resolution, prior to raising actions. Non-cooperation to be penalised through costs orders.
2. A Litigants' Library where parties who are conducting their own cases (through choice or necessity) can access information, manuals, sample documents, court forms, etc.
3. An investigative procedure to be undertaken by persons with no connections to the police, the legal profession and the judiciary, when litigants suspect that their cases include criminal matters not reported to the authorities.
4. The referral of criminal matters within civil cases to the relevant authorities, by the investigative body.
5. The resolution of criminal matters prior to civil court proceedings.

Many litigants cannot obtain legal services after lawyers or accountants fail to report financial crimes. The above measures would assist unrepresented parties to obtain equality of arms with represented parties, as required by Article 6(1) of the European Convention on Human Rights.

Yours sincerely

Patricia Ann Mallaby