



**CLEO Connect**  
Training and tools for community workers

# Going to court without a lawyer: tips and traps

**Speakers:**

**Moya McAlister, Communications Manager**

**Jennifer Leitch, Executive Director**

**National Self Represented Litigants Project**

**Tuesday July 23, 2024**

12-1:00 pm



## What can you expect today?

60 minutes in total (presentation and 2 Q+A periods).

This webinar may contain legal information, not legal advice.

The information is current as of today's date July 23, 2024

Recording and slides will be sent out afterward.

ASL Interpretation is available today. Subtitles (closed captioning) have also been enabled.

## Land Acknowledgement

CLEO's work takes place across the home and traditional territory of the Mississaugas of the Credit, the Haudenosaunee, and the Wyandot peoples, on land that many of us know as Ontario.

As we provide legal information today, we acknowledge the ongoing impact of colonization and anti-Indigenous racism, built into our laws and legal systems, resulting in deep and harmful inequality for Indigenous Peoples of every generation.

We also recognize the incredible amount of work and leadership that Indigenous Peoples contributed to the Calls to Action in the Truth and Reconciliation Commission report calling for Equity for Indigenous Peoples in the Legal System.



# **NSRLP/CLEO SKILL-BUILDING WEBINAR**

**HELPING SELF-REPRESENTED LITIGANTS**



# **FACTS AND FIGURES**

# QUESTION 1

What is the average percentage of Self-Represented litigants across Canada?

In Civil Cases

- a) 20%
- b) 40%
- c) 10%



In Family law

- a) 50%
- b) 30%
- c) 80%



In urban centres

- a) 25%
- b) 80%
- c) 50%

# SELF-REPRESENTED LITIGANTS BY THE NUMBERS

- Numbers of self-represented litigants (SRLs) have been exponentially increasing over the last several decades
- Current averages across Canada:
  - Up to 40% in civil cases
  - **On average over 50% in family cases**
  - In some urban centres **up to 80%** of family litigants are SRLs



# STATS ON WHO ARE SRLS (2021-2023 INTAKE REPORT)

- Gender: 49.2% identified as female & 48.8% identified as male
- Age: 44.4% over the age of 50, 32.7% 40 – 50, 20.6% 30 – 40, 2% 25 – 30, 0.9% under the age of 20 (first for the NSRLP)
- Persons with disability: 43.1%, 9% cognitive disability, 6.7% physical disability
- 89.3% of respondents said that opposing party had a lawyer while 10.6% percent stated that the opposing party was self-represented.

# STATS ON WHO ARE SRLS CONTD. (2021-2023 INTAKE REPORT)

- Income: 43.5% of respondents reported their annual income to be below \$30,000, 19.4% of respondents reported an annual income between \$30,000 and \$50,000, 14.6% stated their annual income was between \$50,000 and \$75,000
- Ethnic Identity: 65.9% of respondents stated that they are Caucasian, 5.9% stated that they are Asian or East Asian, 5.56% identified as South Asian, 4.76% as Black, 2.78% as Metis
- Education Level: 67.9% university degree, professional qualification or college, 15.3% have a high school diploma, 4.3% do not have a high school diploma

# **QUESTION 2**

**WHAT DO YOU BELIEVE ARE THE  
BIGGEST REASONS THAT  
PEOPLE SELF-REPRESENT?**

# WHY SELF-REPRESENT?

- The high cost of lawyers' fees and the general unaffordability of legal services
  - 68.9% received assistance from lawyers in some capacity
  - 31.1% stated that they had not received any assistance.
  - 55% said they felt the service was poor
  - 19.6% said the service was moderate
  - 14.3% said that they were well-satisfied with the service.
- These statistics seem to suggest that many self-represented litigants not only feel that legal services are unaffordable, but also that they are unsatisfactory

# QUOTES FROM CANADIAN SRLS

- “I slowly was losing my savings and realized my only option was to self-represent.”
- “I'm just starting to be an SRL after using a private lawyer for 5.5 years. I am now out of money but thanks to the NSRLP course, I feel at least a tiny bit prepared for what is to come.”
- “When I was self-represented and unable to afford a lawyer, judges have assumed that I chose to appear before them self-represented rather than accept the advice of a lawyer.”
- “It is lonely and it is scary trying to find help when you cannot afford a lawyer. When you have mental disabilities, mood disorders, and fluctuating cognitive abilities it is harder.”



# **SRLS AND LEGAL SERVICES**

**MANY RESPONDENTS WERE INELIGIBLE FOR LEGAL AID AND OTHER PRO BONO SERVICES, AS THEY WERE ABOVE INCOME THRESHOLDS, WHILE STILL BEING UNABLE TO AFFORD ONGOING LEGAL SERVICES. (2021-2023 INTAKE REPORT)**

# THE COST OF LEGAL ACCESS

A single person must earn less than \$18,795 a year to qualify for legal aid for family (limited) and civil cases in Ontario

**BUT**

Lawyer fees average \$360 an hour (and increase every year)

# THE STRESSES OF SELF-REPRESENTATION

## CHALLENGES

- Knowledge level
  - Substantive law; procedures; finding reliable info
- Skill level
  - Navigating the court system
- Emotional comfort
  - Unfamiliarity; hostility; case is *personal*
- Outcome
  - Low success rates

## IMPACTS

- Financial
  - Previous legal costs
  - Incidentals (transcripts, time off work, child care)
  - ‘Costs’ of losing
- Social
  - Relationships; leisure activities
- Health
  - Mental; physical



# WHAT SRLS WANT

- For everyone to stop telling them to get a lawyer!
- Emotional support
- Reliable information sources
- Help with substantive law and procedure questions
- Respect from legal service providers, court staff, judges
- Access to affordable legal services

“I can’t feed my children – and the judge is telling me to hire a lawyer.”



# **RESOURCES FOR COMMUNITY WORKERS**



**NATIONAL  
SELF-  
REPRESENTED  
LITIGANTS  
PROJECT**

**Primers for SRLs**

**National & Provincial  
Resources Directory**

**Directory of Professionals  
Assisting SRLs**



# QUESTION 3

WHAT ARE THE MOST COMMON  
'COURT RELATED' QUESTIONS  
YOU HAVE BEEN ASKED BY SRLS?

# NSRLP.COM

(representingyourselfcanada.com)



## “SRL Resources” – Guides for self-reps

### Coping with the Courtroom

- ~Preparing, technically and emotionally, for court
- ~What to do beforehand
- ~What court will actually be like

### Reading a Case Primer

- ~How to make sense of case law
- ~Structure of case reports
- ~Understanding what you're reading
- ~Legal language

### The CanLII Primer

- ~Case law research
- ~Effectively using the database
- ~Search strategies, legal language
- ~Eng/Fr

### Settlement Smarts

- ~How to wisely use settlement practices
- ~Conferences, mediation, negotiations
- ~Practical strategy tips

# RESOURCES - NSRLP.COM

(representingyourselfcanada.com)



## “SRL Resources” – Guides for self-reps

### Mindfulness Training

- ~Practical tips and for managing stress
- ~Focus training, body awareness, breathing
- ~Mental/physical health for SRLs

### My Learned Friend

- ~Working with opposing counsel
- ~Constructive relationships
- ~Tips for SRLs and counsel
- ~Practical strategies

### Suggestions from the Bench

- ~Judges' advice for SRLs and judges on working together effectively
- ~Practical tips
- ~Future possibilities

# NSRLP.COM

(representingyourselfcanada.com)

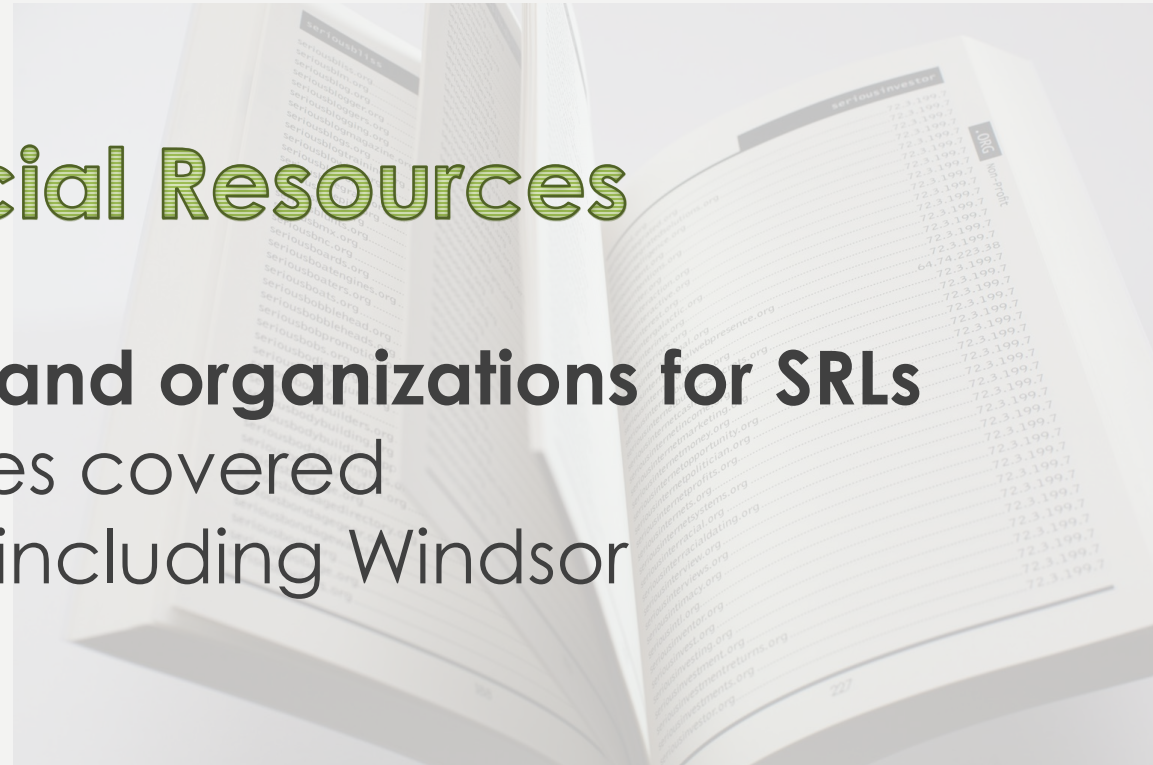


## “SRL Resources”

### – National & Provincial Resources

**Directory of resources and organizations for SRLs**

- All provinces/territories covered
- Some specific cities, including Windsor



# NSRLP.COM

(representingyourselfcanada.com)

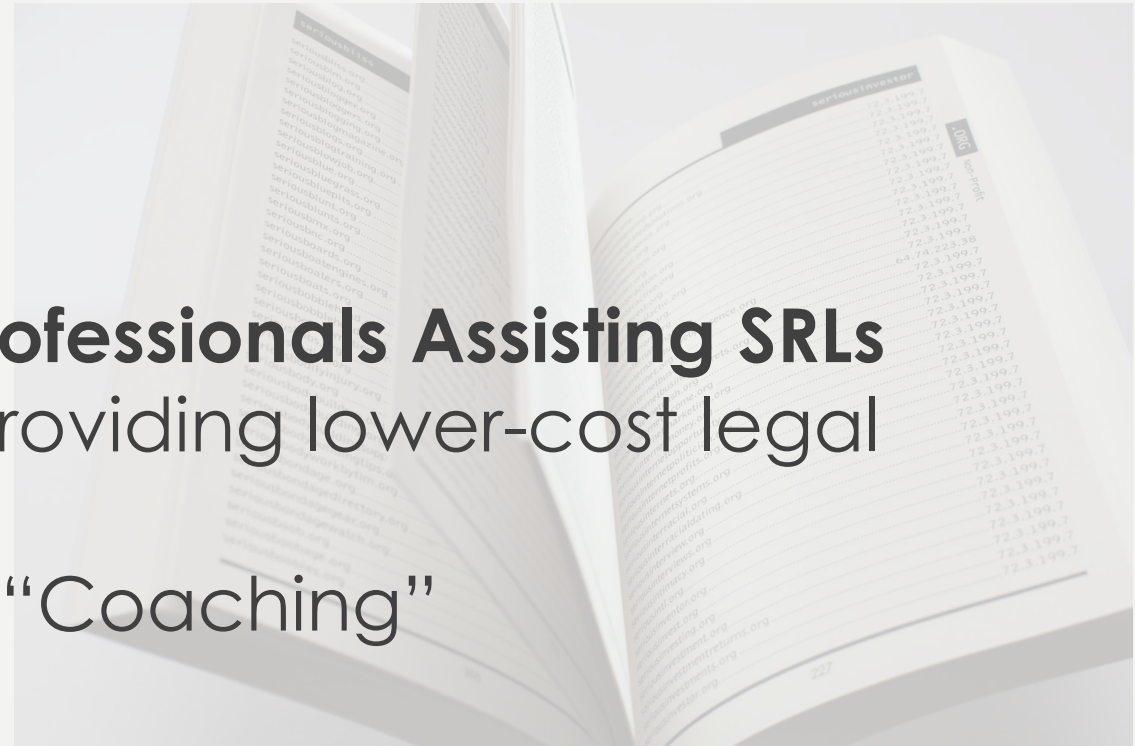


## “Initiatives”

### – National Directory

#### **National Directory of Professionals Assisting SRLs**

- Lawyers and others providing lower-cost legal services
  - “Unbundling” and “Coaching”
- Over 300 listings
- Organized by city, province, type of professional
- Also, keyword search
- Windsor, Chatham, Sarnia, London



**QUESTIONS?**





# **LEGAL FORMS ONLINE**

# FAMILY LAW COURT FORMS

[ontariocourtforms.on.ca/en/family-law-rules-forms/](http://ontariocourtforms.on.ca/en/family-law-rules-forms/)

Ontario Court Services

Accessibility | Contact | Français Search Search

Family Law Rules Forms

Form Number	Form Title	Version Date	Effective Date	HTML/PDF Form	MS Word Form
4	Notice of Change in Representation	Oct. 21, 2013	Jan. 1, 2014	<a href="#">flr-4-e.pdf</a>	<a href="#">FLR-04-Oct13-EN-fil.doc</a>
6	Acknowledgment of Service	Sept. 1, 2005	May 1, 2006	<a href="#">flr_06-e.pdf</a>	
6A	Advertisement	March 19, 2015	June 10, 2015	<a href="#">flr-6a-e.pdf</a>	
6B	Affidavit of Service	April 12, 2016	July 1, 2016	<a href="#">flr-6b-e-1016.pdf</a>	<a href="#">flr-06b-apr16-en-fil.doc</a>
8	Application (General)	April 12, 2016	July 1, 2016	<a href="#">flr-8-e-1016.pdf</a>	<a href="#">flr-08-apr16-en-fil.doc</a>
8A	Application (Divorce)	April 12, 2016	July 1, 2016	<a href="#">flr-8a-e-1016.pdf</a>	<a href="#">flr-08a-apr16-en-fil.doc</a>
8B	Application (child protection and status review)	March 1, 2018	April 30, 2018		<a href="#">form_8b_2018.doc</a>

Rules of the Small Claims Court Forms

Juries Act forms

Evidence Act forms

Provincial Offences Act forms

Forms under the Criminal Rules of the Ontario Court of Justice

Forms under the Criminal Proceedings Rules of the Superior Court of Justice

Office of the Children's Lawyer forms

Solicitors Act assessment forms (non-prescribed)

Court Fee Waiver Forms

# COMMON FAMILY LAW FORMS

Steps to Justice's "Guided Pathways" can help to fill out family law forms – series of questions

[stepstojustice.ca/guided-pathways](http://stepstojustice.ca/guided-pathways)

## Pleadings

- Application (8 General; 8A Divorce)
- Affidavit in Support of Claim for Custody or Access (35.1)
- Financial Statement (13 short form; 13.1 long form)
- Certificate of Financial Disclosure (13A)
- Answer (10)

Pleading: formal written statement of a party's claims or defenses – Pleadings define the issues to be adjudicated

# COMMON FAMILY LAW FORMS

Steps to Justice's "Guided Pathways" can help to fill out family law forms – series of questions [stepstojustice.ca/guided-pathways](https://stepstojustice.ca/guided-pathways)

## Motions

- Notice of Motion (14)
- Affidavit – General (14A)
- Motion to Change (15)
- Change Information Form (15A)
- Response to motion to Change (15B)
- Reply (10A)

Motion: a request from a party to a judge to decide a specific issue before a trial

# CIVIL FORM PAGES FROM THE COURTS

- [Ontario](#)
- [Alberta](#)
- [British Columbia](#)
- [Nova Scotia](#)
- [Manitoba](#)
- [Newfoundland and Labrador](#)
- [Saskatchewan](#)
- [New Brunswick](#)
- [PEI](#)
- [Yukon](#)
- [Northwest Territories](#)

The screenshot shows the Ontario Court Services website. The header includes the Ontario logo, the text "Court Services", and navigation links for "Accessibility", "Contact Us", and "Français". A search bar is located in the top right corner. The breadcrumb trail reads "Home / Rules of Civil Procedure Forms". A left-hand navigation menu lists various categories: "Home", "Family Law Rules Forms", "Rules of Civil Procedure Forms" (highlighted), "Estate Forms under Rule 74, 74.1 and 75 of the Rules of Civil Procedure", "Rules of Civil Procedure Forms Archive (Obsolete)", "Rules of the Small Claims Court Forms", "Juries Act forms", "Evidence Act forms", "Provincial Offences Act forms", "Rules of the Ontario Court (Provincial Division) in Provincial Offences Proceedings", and "Rules of the Ontario Court (Provincial Division) in Provincial Proceedings". The main content area is titled "Rules of Civil Procedure Forms" and contains the following text: "Electronic versions of forms under the [Rules of Civil Procedure, R.R.O. 1990, Regulation 194](#), are available in the table below in HTML or Adobe and Microsoft Word formats. Please note that to complete your court document, you may need to combine several of the forms listed below." A "WARNING" section states: "Any forms shaded in grey in the table below have not yet come into force. Do not use them prior to their effective date, which is listed in the table below. Until the effective date, only use the current version of the form, which appears unshaded in the table below." A note specifies: "The estate court forms are available under the section [Estate Forms under Rule 74 and 75 of the Rules of Civil Procedure](#)." A paragraph explains that many forms contain the phrase "General heading" and lists the required forms: "Form 4A - General Heading (for actions)", "Form 14A - Statement of Claim, and", and "Form 4C - Backsheet." A final paragraph states: "Your completed form should be in 12 point (or 10 pitch) size, or neatly printed, with double spaces between the lines and a left-hand margin approximately 40 mm wide. See [Rule 4](#) of the Rules of Civil Procedure for further requirements." The bottom of the page notes: "The *Rules of Civil Procedure* allow many civil court forms to be filed electronically through the Civil Claims Online Portal or submitted through the Civil Submissions Online Portal. To learn which forms may be filed or submitted electronically through these portals, refer

# LEGAL SOURCES



**CANLII.ORG** (canlii.org)



- CanLII is a nonprofit funded by the Canadian law societies to provide a virtual library of Canadian legal information
- Free legal service accessible to all (English and French)
- Reported court decisions (“case law”, or “case reports”)
- Legislation
- Some articles/papers discussing law

# **CANLII.ORG** (canlii.org)

- “CanLII Primer” from NSRLP:
  - Explains structure of the Canadian legal system and system of precedent
  - Database basics
  - Generating search terms; how to search by jurisdiction, case name, legislation
- “Reading and Understanding Case Reports” Primer from NSRLP
  - Navigating the different parts of a case
  - How to use cases to make your own case

# BASIC SEARCH



Français | English

## Search all databases

Document text ?

Case name, document title, file number, author or citation ?

Noteup: cited case names, legislation titles, citations or dockets ?



## Primary law

[Canada \(Federal\)](#)

[British Columbia](#)

[Alberta](#)

[Saskatchewan](#)

[Manitoba](#)

[Ontario](#)

[Quebec](#)

[New Brunswick](#)

[Nova Scotia](#)

[Prince Edward Island](#)

[Newfoundland and Labrador](#)

[Yukon](#)

[Northwest Territories](#)

[Nunavut](#)

## Commentary

[Books, articles, reports and more...](#)

CanLII **Connects**

2019-04-05 [Heller v Uber: An Opening to Say that Termination Clauses are ...: Heller v. Uber Technologies Inc., 2019 ONCA 1 \(CanLII\)](#)

2019-04-04 [Court of Appeal confirms narrow family status discrimination t...: Envirocon Environmental Services, ULC v. Suen, 2019 BCCA 46 \(CanLII\)](#)

2019-04-04 [Commentaires sur la décision Gestion immobilière Langlois inc....: Gestion immobilière Langlois inc. c. Brodeur, 2019 QCRDL 6783 \(CanLII\)](#)

2019-04-04 [Compliant but not enforceable: beware of ambiguous language in...: Bergeron v. Movati Athletic \(Group\) Inc., 2018 ONSC 885 \(CanLII\)](#)

[Quick Survey](#)

# SEARCH STRATEGIES




- Generate good search terms (as in any other database or search engine)
  - Familiarize yourself with relevant legal terms and expressions – background reading (legal dictionaries, Wikipedia etc.)
  - Start broad, gradually narrow and refine
  - As you read cases, note terms that seem important, are repeated, or appear in quotes
- Start with legislation – figure out what statute or piece of legislation covers your issue (e.g. read *Divorce Act* and *Family Law Act* on family law matters)

# SEARCH STRATEGIES



- Look for cases that deal with the specific section of legislation that relates to your issue
  - in the common law system, case law builds on judicial interpretation of legislation
- Start with cases in your jurisdiction (e.g. Ontario)
- “Binding” decisions
  - higher court decisions must be followed by lower courts
- “Persuasive” decisions
  - court not required to follow case, but may influence decision – e.g. made in another province/territory



**LEGAL ADVICE  
VS  
INFORMATION**

# WHAT IS LEGAL ADVICE?



An interpretation of the law and legal rules and principles to a particular situation

Providing recommendations to a person about their options based on an assessment of how the law applies to their specific situation and what that person wants to achieve

# WHAT IS LEGAL INFORMATION?



General information about the law that does not apply to an individual's specific situation

Helping a person understand when a problem is a legal problem

Discussing options and possible next steps, including when and where a person can get more help, including legal advice

# STEPS TO CONSIDER:

- Direct people to legal information online and in-print
  - community law libraries or university law libraries
- Make referrals to explore for getting one-on-one legal help
  - NSRLP Directory of Legal Professionals
- Directing people to our primer series
- Direct people to court websites for electronic forms and instructions
  - [Ontario superior court for family law](#)
  - [Provincial court for family law](#)
- Assist with the mechanics of filling out forms, check for spelling/grammar, general editorial assistance

- Questions?
- Your feedback is greatly appreciated!

## CONTACT INFO

[nsrlp.com](http://nsrlp.com)

[@SelfRepsCanada](https://www.instagram.com/SelfRepsCanada)

[Facebook.com/NationalSelfRepresentedLitigantsProject](https://www.facebook.com/NationalSelfRepresentedLitigantsProject)

## Steps to Justice Legal Information

- [Help from Lawyers and Paralegals](#) explains for different legal topics what to do if you can't afford a lawyer.
- The [Tools and resources section](#) can help you find 'unbundled' or "limited scope' services from a lawyer, particularly in family law.
- [Guided Pathways](#) are online interviews to help you fill out legal forms and letters.



# National Self Represented Litigants Project

- A [starter checklist](#)
- An [intake survey](#)
- Many [resources](#) to help clients prepare for court
- A [directory of professionals](#) such as lawyers, paralegals, and counsellors
- Helpful [national and provincial organizations and websites](#), including local organizations in nine Ontario communities.
- NSRLP has a [school for family litigants](#). More information about the next session of the school will be available at the end of October as part of [Access to Justice Week 2024](#).

## Community and Legal Resources

- [Find your community legal clinic](#) – 1-800-668-8258
- **Legal Aid Ontario** [How do I apply for Legal Aid?](#) Call Monday to Friday, 8 a.m. to 5 p.m.
  - [416-979-1446](#) (Greater Toronto Area)
  - [1-800-668-8258](#) (toll-free)
- [Justice Net](#) for people whose income is too high to access legal aid and too low to afford standard legal fees.
- [The Family Justice Centre](#) family lawyers supervise law students in virtual clinics of free, unbundled legal services.
- [Luke's Place Virtual Clinic](#) for women who have experienced violence in their relationship.

## Community and Legal Resources

- [Pro Bono Ontario](#) offers up to 30 minutes of free legal advice and assistance with civil law matters in Ontario (no family law, immigration or criminal). Call [\*\*1-855-255-7256\*\*](tel:1-855-255-7256) (toll free), **Monday to Friday, 9 am to 5 pm**. The Hotline does not accept calls from Blocked, Anonymous or No Caller ID accounts.
- [Ontario Legal Information Centre](#) offers appointments for personalized 30 minute virtual meetings with a lawyer, in English or French.
- [Human Rights Legal Support Centre](#) offers legal advice or assistance related to matters covered by the Ontario *Human Rights Code*.



## Indigenous Education and Resources

### Calls to action: Truth and Reconciliation

- [Truth and Reconciliation Commission of Canada: Calls to Action](#)
- [Income Security: A roadmap for change \(October 2017\)](#)
- [Settlers Take Action](#)

### Support

- [Survivors Secretariat – recovery, reclamation and revitalization](#)

### Education

- [Indigenous Canada - Free Course](#)
- [Whose Land?](#)

Learn about where you are situated, information for land acknowledgements and learn about the treaties and agreements signed across Canada (Turtle Island).

## Thank you for joining us!

Subscribe to [CLEO Connect](#) for updates on new legal information and upcoming webinars.

Steps to Justice – [Steps to Justice](#)

**Contact me!** Brenda Doner at CLEO  
brenda.doner@cleo.on.ca