

actlaw
society

MARCH MASTERY
a month of intensive cpd learning

Best Practices for Dealing with Self-Represented Litigants

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FAMILY LAW MORNING: TUESDAY 18 MARCH

VINCENTS
every angle.

Lawcover

OPTEON



Overview

- Professional obligations
- Case studies
- Examples of what not to do
- What you can do – some practical examples
- Safety
- Q & A

Professional Obligations

Legal Profession (Solicitors) Conduct Rules 2015

- 3 Paramount duty to the Court and the administration of justice
- 4 Other Fundamental Ethical Duties:
 - 4.1.2 be honest and courteous in all dealings in the course of legal practice
- 19 Frankness in Court
 - 19.1 A solicitor must not deceive or knowingly or recklessly mislead the Court
 - 19.4 Ex parte applications
- 22 Communication with Opponents
- 34 Dealing with Other Persons

Professional Obligations

Legal Profession Act 2006 (ACT)

- Chapter 4 – Complaints and Discipline
 - Unsatisfactory professional conduct
 - Professional misconduct

Case studies

1. The Self Rep who knows best (and has the upper hand)
2. The very unwell Self Rep
3. The very angry Self Rep

What not to do

- Assume someone is self represented
- Avoiding all self reps
- Giving legal advice
- Being rude / unprofessional
- Being too familiar
- Putting yourself in danger

What you can do

- Check they are not represented
- Take a formal approach
- Tell them you cannot give them legal advice
- Refer them to services
- Confirm conversations/agreements in writing

Safety

- Put boundaries in place
- Ending conversations if you are being abused
- Having third parties present
- Workplace Orders

Resources

Guidelines for solicitors dealing with self-represented parties

The Law Society of New South Wales

<https://www.lawsociety.com.au › default › files>

Self-represented litigants: tackling the challenge

Judicial Commission of NSW

https://www.judcom.nsw.gov.au › judicial_officers › sel...

Law Society of the Australian Capital Territory - At Court

ACT Law Society

<https://www.actlawsociety.asn.au › guidelines › at-court>

Questions?



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