

Unrepresented litigants

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Summary

I shall deal briefly with the general situation in Tuvalu and then relate it to other small jurisdictions in the Pacific (as far as I have been able to obtain answers to my questionnaire.)

In Tuvalu unrepresented litigants occur mainly in the lower courts and virtually never in the High Court. Government employed lawyers have effectively provided a free service to most litigants in the latter and, in more serious cases, in the lower courts. The recent appearance of lawyers in private practice may result in some changes.

A similar picture appears in other, but not all, small jurisdictions. Unrepresented litigants are uncommon in the higher courts and much more frequent in lower courts but, in many, there is adequate free or financially assisted legal representation available.

In all, the registry will assist with preparation of the formal papers but not with the law. In most, the practice is for the judge to assist an unrepresented litigant in his discretion during the hearing.

In many, the problem is more the poor quality of the lawyers who do appear rather than the difficulties faced by an unrepresented party. The major problem is to ensure better lawyers become the norm.