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In February 2014, the Magistrates’ Association (MA) in conjunction with the Bureau of Investigative Journalism (BIJ) conducted a survey of MA members. This survey looked at the issues relating to litigants in person (LiPs) and unrepresented in magistrates’ courts. A second survey repeat of the survey was sent in November 2014, to track changes over time.

A third of the MA members who are active magistrates and signed up to receive MA email notifications (4,000 magistrates in total) was randomly selected and emailed a link to the first online survey. The same third was then sent a link to the second survey. They were asked to track a few simple things the next time they sat in court other than a youth court:

- the total number of parties seen
- how the parties were represented
- whether they felt that litigants in person/unrepresented defendants negatively affected the effectiveness of the court process.

Each response was identified by which type of court or hearing it related to and the MA branch the respondent belonged to. 461 magistrates completed the first survey, and 258 completed the second.

Analysis: magistrates’ opinions on the impact in the courtroom

Magistrates were asked the following question:

- Do you feel litigants acting in person negatively affects the effectiveness of the court process?

All courts: first survey

Opinion on adverse impact on courts	Number of magistrates	Percentage (%)
Never	9	1
Occasionally	146	51
Most of the time	113	39
All of the time	13	5
Can't say	5	2
No view given	2	1

All courts: second survey

Opinion on adverse impact on courts	Number of magistrates	Percentage (%)
Never	7	4
Occasionally	74	41
Most of the time	75	41
All of the time	18	10
Can't say	5	3
No view given	2	1

Breaches: first survey

Opinion on adverse impact on courts	Number of magistrates	Percentage (%)
Never	1	10
Occasionally	7	70
Most of the time	1	10
All of the time	1	10
Can't say	0	0

Breaches: second survey

Opinion on adverse impact on courts	Number of magistrates	Percentage (%)
Never	0	0
Occasionally	0	0
Most of the time	2	100
All of the time	0	0
Can't say	0	0

CJSSS/first listed bail/'Narey' courts: first survey

Opinion on adverse impact on courts	Number of magistrates	Percentage (%)
Never	2	4
Occasionally	30	65
Most of the time	13	28
All of the time	0	0
Can't say	1	2

CJSSS/first listed bail/'Narey' courts: second survey

Opinion on adverse impact on courts	Number of magistrates	Percentage (%)
Never	2	4
Occasionally	26	55
Most of the time	15	32
All of the time	3	6
Can't say	1	2

Family - private law: first survey

Opinion on adverse impact on courts	Number of magistrates	Percentage (%)
Never	0	0
Occasionally	10	34
Most of the time	13	45
All of the time	5	17
Can't say	0	0
No view given	1	3

Family - private law: second survey

Opinion on adverse impact on courts	Number of magistrates	Percentage (%)
Never	0	0
Occasionally	7	37
Most of the time	10	53
All of the time	1	5
Can't say	1	5

Family - public law: first survey

Opinion on adverse impact on courts	Number of magistrates	Percentage (%)
Never	0	0
Occasionally	3	33
Most of the time	5	56
All of the time	0	0
Can't say	1	11

Private prosecutions: first survey

Opinion on adverse impact on courts	Number of magistrates	Percentage (%)
Never	0	0
Occasionally	3	33
Most of the time	6	67
All of the time	0	0
Can't say	0	0

Private prosecutions: second survey

Opinion on adverse impact on courts	Number of magistrates	Percentage (%)
Never	0	0
Occasionally	4	67
Most of the time	2	33
All of the time	0	0
Can't say	0	0

Remand/bail hearings: first survey

Opinion on adverse impact on courts	Number of magistrates	Percentage (%)
Never	2	3
Occasionally	30	51
Most of the time	23	39
All of the time	1	2
Can't say	3	5

Remand/bail hearings: second survey

Opinion on adverse impact on courts	Number of magistrates	Percentage (%)
Never	0	0
Occasionally	8	28
Most of the time	13	45
All of the time	4	14
Can't say	3	10
No view given	1	3

Sentencing (following reports): first survey

Opinion on adverse impact on courts	Number of magistrates	Percentage (%)
Never	1	4
Occasionally	15	58
Most of the time	9	35
All of the time	1	4
Can't say	0	0

Sentencing (following reports): second survey

Opinion on adverse impact on courts	Number of magistrates	Percentage (%)
Never	0	0
Occasionally	5	33
Most of the time	7	47
All of the time	3	20
Can't say	0	0

Traffic summons: first survey

Opinion on adverse impact on courts	Number of magistrates	Percentage (%)
Never	0	0
Occasionally	8	53
Most of the time	7	47
All of the time	0	0
Can't say	0	0

Traffic summons: second survey

Opinion on adverse impact on courts	Number of magistrates	Percentage (%)
Never	1	8
Occasionally	7	54
Most of the time	5	33
All of the time	0	0
Can't say	0	0

Traffic trials: first survey

Opinion on adverse impact on courts	Number of magistrates	Percentage (%)
Never	0	0
Occasionally	5	38
Most of the time	8	62
All of the time	0	0
Can't say	0	0

Traffic trials: second survey

Opinion on adverse impact on courts	Number of magistrates	Percentage (%)
Never	1	8
Occasionally	9	75
Most of the time	2	17
All of the time	0	0
Can't say	0	0

Criminal trials (non-traffic): first survey

Opinion on adverse impact on courts	Number of magistrates	Percentage (%)
Never	3	4
Occasionally	33	49
Most of the time	27	40
All of the time	5	7

Criminal trials (non-traffic): second survey

Opinion on adverse impact on courts	Number of magistrates	Percentage (%)
Never	3	9
Occasionally	7	21
Most of the time	18	53
All of the time	6	18

Analysis: parties seen by magistrates

Magistrates were asked the following questions about the parties they saw in court at their last sitting:

- How many defendants: were represented by their own solicitor/barrister; were represented or advised by the duty solicitor; or represented themselves?

Note on accuracy

Members were asked to say how many parties they saw in their court and how many fitted into each of the three categories. These figures did not always add up, which means that not all figures below add up to 100%.

All respondents: first survey (449 respondents)

Total number of parties seen:	How many parties were:					
	Represented by their own solicitor/barrister		Represented or advised by the duty solicitor		Represented themselves	
	Number	%	Number	%	Number	%
3,682	2,056	56	711	19	923	25

All respondents: second survey (258 respondents)

Total number of parties seen:	How many parties were:					
	Represented by their own solicitor/barrister		Represented or advised by the duty solicitor		Represented themselves	
	Number	%	Number	%	Number	%
2,132	1,099	52	493	23	608	29

Breaches: first survey (13 respondents)

Total number of parties seen:	How many parties were:					
	Represented by their own solicitor/barrister		Represented or advised by the duty solicitor		Represented themselves	
	Number	%	Number	%	Number	%
122	56	46	26	21	40	33

Breaches: second survey (2 respondents)

Total number of parties seen:	How many parties were:					
	Represented by their own solicitor/barrister		Represented or advised by the duty solicitor		Represented themselves	
	Number	%	Number	%	Number	%
11	4	36	2	18	6	45

CJSSS/first listed bail/'Narey' courts: first survey (63 respondents)

Total number of parties seen:	How many parties were:					
	Represented by their own solicitor/barrister		Represented or advised by the duty solicitor		Represented themselves	
	Number	%	Number	%	Number	%
921	506	55	250	27	166	18

CJSSS/First listed bail/'Narey' courts: second survey (55 respondents)

Total number of parties seen:	How many parties were:					
	Represented by their own solicitor/barrister		Represented or advised by the duty solicitor		Represented themselves	
	Number	%	Number	%	Number	%
718	402	56	178	25	135	19

Private family law: first survey (34 respondents)

Total number of parties seen:	How many parties were:					
	Represented by their own solicitor/barrister		Represented or advised by the duty solicitor		Represented themselves	
	Number	%	Number	%	Number	%
199	111	56	0	0	92	46

Private family law: second survey (24 respondents)

Total number of parties seen:	How many parties were:					
	Represented by their own solicitor/barrister		Represented or advised by the duty solicitor		Represented themselves	
	Number	%	Number	%	Number	%
106	47	44	0	0	64	60

Public family law: first survey (19 respondents)

Total number of parties seen:	How many parties were:					
	Represented by their own solicitor/barrister		Represented or advised by the duty solicitor		Represented themselves	
	Number	%	Number	%	Number	%
97	60	62	3	3	33	34

Private prosecutions: first survey (10 respondents)

Total number of parties seen:	How many parties were:					
	Represented by their own solicitor/barrister		Represented or advised by the duty solicitor		Represented themselves	
	Number	%	Number	%	Number	%
87	17	20	11	13	57	67

Private prosecutions: second survey (7 respondents)

Total number of parties seen:	How many parties were:					
	Represented by their own solicitor/barrister		Represented or advised by the duty solicitor		Represented themselves	
	Number	%	Number	%	Number	%
96	8	8	10	10	78	81

Remand/bail hearings: first survey (80 respondents)

Total number of parties seen:	How many parties were:					
	Represented by their own solicitor/barrister		Represented or advised by the duty solicitor		Represented themselves	
	Number	%	Number	%	Number	%
1,103	682	62	247	22	181	16

Remand/bail hearings: second survey (46 respondents)

Total number of parties seen:	How many parties were:					
	Represented by their own solicitor/barrister		Represented or advised by the duty solicitor		Represented themselves	
	Number	%	Number	%	Number	%
515	325	63	188	37	71	14

Sentencing: first survey (following reports - 46 respondents)

Total number of parties seen:	How many parties were:					
	Represented by their own solicitor/barrister		Represented or advised by the duty solicitor		Represented themselves	
	Number	%	Number	%	Number	%
369	217	59	87	24	55	15

Sentencing: second survey (following reports - 20 respondents)

Total number of parties seen:	How many parties were:					
	Represented by their own solicitor/ barrister		Represented or advised by the duty solicitor		Represented themselves	
	Number	%	Number	%	Number	%
188	90	48	55	29	43	23

Traffic summons: first survey (17 respondents)

Total number of parties seen:	How many parties were:					
	Represented by their own solicitor/ barrister		Represented or advised by the duty solicitor		Represented themselves	
	Number	%	Number	%	Number	%
163	37	23	15	9	109	67

Traffic summons: second survey (14 respondents)

Total number of parties seen:	How many parties were:					
	Represented by their own solicitor/ barrister		Represented or advised by the duty solicitor		Represented themselves	
	Number	%	Number	%	Number	%
126	14	11	4	3	110	87

Traffic trials: first survey (14 respondents)

Total number of parties seen:	How many parties were:					
	Represented by their own solicitor/ barrister		Represented or advised by the duty solicitor		Represented themselves	
	Number	%	Number	%	Number	%
94	20	21	4	4	71	76

Traffic trials: second survey (12 respondents)

Total number of parties seen:	How many parties were:					
	Represented by their own solicitor/ barrister		Represented or advised by the duty solicitor		Represented themselves	
	Number	%	Number	%	Number	%
52	20	38	5	10	29	56

Criminal trials (non-traffic): first survey (149 respondents)

Total number of parties seen:	How many parties were:					
	Represented by their own solicitor/ barrister		Represented or advised by the duty solicitor		Represented themselves	
	Number	%	Number	%	Number	%
507	340	67	63	12	107	21

Criminal trials (non-traffic): second survey (74 who gave numbers)

Total number of parties seen:	How many parties were:					
	Represented by their own solicitor/ barrister		Represented or advised by the duty solicitor		Represented themselves	
	Number	%	Number	%	Number	%
291	180	62	48	16	63	22