

A McKenzie Friend

Who are litigants in person (LIPs)

This means individuals who represent themselves in legal proceedings.

Who are McKenzie Friends?

This is a person who assists a LIP and accompanies the LIP to a court hearing.

The McKenzie Friend has no legal status. Often the McKenzie Friend is an actual friend of the LIP.

What the McKenzie Friend can do

He or she can provide:-

- (a) Emotional support;
- (b) Take notes at the hearing;
- (c) Help to organize the court documents and papers;
- (d) Quietly make suggestions or give advice on the conduct of the proceedings;

What the McKenzie Friend is not able to do

The McKenzie Friend is not able to:-

- (a) Speak to or address the Court;
- (b) Give legal advice as to how to conduct a case – the McKenzie Friend may be liable for misleading advice but is not covered by professional indemnity insurance;
- (c) Conduct a case on behalf of the LIP and sign documents for the LIP.

What you should do if you want a McKenzie Friend

You should inform the Court before a hearing if you require a McKenzie Friend and the other party or parties to the case, or if they have lawyers, to their lawyers. The McKenzie Friend should produce a short statement, giving his or her name, address, confirming no personal interest in the case and should confirm that the role of a McKenzie Friend is understood and the Court's rules as to confidentiality are understood.

The LIP must address (ask) the Registrar about a McKenzie Friend attending hearings. Please note that the Court can refuse to allow a McKenzie Friend to assist the LIP and can later refuse the

further attendance at Court of the McKenzie Friend if he or she is impeding or preventing the efficient administration of justice.

Confidentiality of family proceedings

Family proceedings are heard in private i.e. the Court is not open to members of the public. In principle there is no reason why a LIP should not show Court papers to a Court-sanctioned McKenzie Friend provided he or she understands that the disclosure is only being made for the purpose of the LIP effectively presenting his case. McKenzie Friends must be aware that they may be guilty of an offence if they publish material intended or likely to identify a child concerned in the proceedings, or address or school of the child, or disclose documents except to the category of persons named in the Children Rules 2005 without leave of the Court.