The Birmingham Litigant in Person Support Scheme

(“B-CLIPS”)

Explanatory note for persons without representation

Birmingham Business and Property Court

*To be provided to a Litigant in Person ahead of the B-CLIPS Applications List*

*Also to be handed to any unrepresented person appearing outside the Court for a hearing*

On the day of the hearing, barristers who are qualified and trained advocates are on duty and may be able to offer you assistance. The barrister will assess your case in order to decide whether they can help, and you should also be aware that there may be other individuals who also require assistance. There is, therefore, no guarantee that a barrister will be available to assist you.

The B-CLIPS scheme is designed for those unable to afford to pay for legal representation. The barristers are acting voluntarily and will not be paid for any work they do for you.

* **The duty advocate is a barrister, is acting as a volunteer, and is working for free.**
* **They will try to help you on this hearing but there will be limits to that help.**
* **They will only be able to give limited time to your case.**
* **On the day of your hearing, you will be directed to the duty advocate at the Birmingham Civil and Family Justice Centre.**
* **If the barrister can help you, they may offer you some advice and may be willing to speak for you at the hearing.**
* **If you want the barrister to help you, you can ask them to make all of the arguments for you, or to make only some of the arguments for you.**
* **There may be points that the barrister is not able to make. You can choose to make these points yourself.**
* **If you would like the barrister to say anything on your behalf, you should not speak while the advocate is speaking, and you will not usually be able to comment on or add to what the advocate has said.**
* **The advocate can only help you on the day of your hearing. If you need further help, you may be able to get help from Advocate.**

The scheme is operated through Advocate, which is one of the country’s main “pro bono” (free of charge) legal charities, and is supported by the Birmingham Civil and Family Justice Centre (“CJC”), the Midland Chancery and Commercial Bar Association and members of the local Bar.

**If you receive this before the day of your hearing**

1. You will have the opportunity to discuss the details of your case with the duty advocate to see if they can help. You will have already been provided with their contact details.

1. If a barrister is able to assist with your case, you should ensure that the advocate has a copy of the relevant papers for your hearing. This is important as the advocate will try to read them in advance.
2. On the day of the hearing you should report to the second floor, where you should locate an Usher who will direct you to the duty advocate. You should arrive at least 30 minutes before the time of your hearing, and ask the Usher to introduce you to the advocate on duty.

**If you receive this on the day of your hearing**

1. Please go to court 208 on the 2nd floor at the Civil Justice Centre and introduce yourself to the Usher.
2. If the hearing **has been listed** by the Court and a duty advocate is already present, the Usher will introduce you to them.
3. If a duty advocate is not present, you should stay in the area outside the Court to wait for them. If the duty advocate has not appeared when the Judge’s clerk comes to speak with you, please let the clerk know that you are due to receive assistance through the Scheme. The Judge’s clerk will contact the duty advocates for the day and ask them to go to the Court as soon as possible.

In either situation the duty advocate will, if appropriate (a) offer you advice about what is possible in the immediate circumstances, and (b) be ready, if you wish, to speak for you before the Judge at your hearing that day.

If you want the duty advocate to speak for you at the hearing you can ask them to make all or only part of the argument for you. Equally the duty advocate may inform you that they are prepared or able to make only part (rather than all) of the argument – this might be because the barrister does not consider a point to be properly arguable by an advocate in a court, or for other proper reasons. Where the duty advocate will be making only part of the argument, and you will be making the rest, the Court will simply be asked to hear both of you. You should not speak while the advocate is speaking on your behalf and then you will be able to make the rest of the argument. You will not usually be asked by the Judge to comment on or add to the arguments (or the part of the argument) made by the advocate.

Under the scheme, the duty advocate, who is a volunteer, is only available to help you with this hearing. If you need further help after this hearing, you will need to speak to Advocate. Further help might be, for example, detailed advice, or appearance at the next hearing. Three weeks’ notice is normally required and there is no promise of further help. You are able to contact Advocate about any further work and Advocate will provide you a link to complete their online application form.

**PLEASE REMEMBER:**

* **The duty advocate is acting as a volunteer and is working without charge.**
* **They will try to help you on this hearing but there will be limits to that help.**

**Data protection notice**

**The duty advocate and Advocate will process data about your involvement in B-CLIPS. They both have privacy notices to explain how they process clients’ data. Where the duty advocate is a barrister, the barrister’s chambers will also have a privacy notice. All those privacy notices are available on their websites. The duty advocate will inform Advocate about what happened in relation to your hearing. They may comment about the need for any further assistance in the case. If your case requires a hearing in the CJC on a later date then the duty advocate on that date may be informed about what happened in relation to your hearing, unless you say that you do not wish this to happen. This is because the later volunteer has a legitimate interest in knowing the background to the case. Advocate, the volunteer barristers, and the CJC may keep records to monitor the use of the scheme and may make such information available to duty advocates.**

**Comments, concerns or complaints**

If the unrepresented person or a volunteer barrister wishes to raise any comment, concern or complaint he or she should, in the first instance, write to the Chief Operations Officer of Advocate at International Dispute Resolution Centre, 1 Paternoster Lane, London, EC4M 7BQ.

**Reporting**

Advocate will produce quarterly reports addressing:

1. How many volunteers are listed
2. How many requests for assistance have been submitted
3. How many requests for assistance have been accepted

B-CLIPS will provide a yearly report to Advocate on the impact of the scheme on the court process by consulting court staff and/or the Judiciary hearing these cases including, where available, information about:

1. Time saved by volunteer involvement
2. Cost of the time saved
3. Anecdotal comments from the Judiciary or court staff