



# McKenzie Friends

This leaflet was created as a result of the British Academy/Leverhulme Small grant project, which looked at the advice provided online by McKenzie Friends.



McKenzie Friends is a term used for laypeople who support litigants in person. Litigants in person are people who represent themselves during court proceedings. If you decide to represent yourself, it is a good idea to explore different options you have for gaining information and advice

(see, for instance, <https://www.advicenow.org.uk/and> <https://www.legalchoices.org.uk/>).

This leaflet is on McKenzie Friends, who can support you for free or they can charge a fee for their services. A McKenzie Friend can be a friend, family member, colleague or someone else. Some litigants in person decide to employ a fee-charging McKenzie Friend

(see, for instance, <http://www.mckenziefriends.directory/> or <https://mckenzie-friend.org.uk/mckenzie.html>).

It is important to bear in mind what McKenzie Friends can or cannot do for you. McKenzie Friends can help with the following tasks: providing moral support; taking notes during court hearings; helping with case papers; quietly giving advice on any aspect of the case. But they may not act as your agent, manage your case, sign your papers, speak on your behalf in court or cross-examine witnesses. More information on what McKenzie Friends can or cannot do is available here

<https://www.judiciary.uk/wp-content/uploads/JCO/Documents/Guidance/mckenzie-friends-practice-guidance-july-2010.pdf>.

In recent years, there has been concern raised about the quality of information and advice provided by McKenzie Friends, especially McKenzie Friends who charge a fee without having any legal background or any proven expertise. The problem is that there are no formal requirements in terms of education or experience to become a McKenzie Friend and start charging a fee. McKenzie Friends are not regulated and they may not be aware of the duty of confidentiality. There is also little clarity around fee charging levels.

It can be very stressful going to court on your own and an experienced McKenzie Friend can provide the necessary support before the hearing and/or during the hearing. What usually helps people represent themselves is to have a better understanding of court procedures and processes as well as good understanding of the factors which are important for judicial decision-making. This is something you can explore with an experienced McKenzie Friend but it is always better to verify the information with reliable sources

(for instance, AdviceNow guides).





**If you decide to get support from a fee-charging McKenzie Friend, you might want to consider the following:**

- What background or education/training do they have in law or a relevant discipline?
- What experience do they have with the type of proceedings you are dealing with?
- Can they provide references from recent clients and can these references be verified?
- How much do they charge and what do they charge for?
- How did you find out about their services? Did they get in touch with you or did you contact them? Where do they advertise their services? For instance, if services are advertised for fathers only, they may not have much experience with supporting mothers and may be biased in their advice.
- Ask questions about the strengths and weaknesses of your case. If they sound overly confident in what they are saying or express negative opinions (for instance, about the court system, judges, legal professionals, social workers, the other party) or have a clear agenda, it may be better not to engage with them.
- Are they registered with the Information Commissioner's Office?
- Look for additional information and advice. Do not rely just on one source of information or one person for information and advice.

**Please find other options for legal and procedural information and advice:**

- Some solicitors provide initial information for free
  - Some solicitors offer 'unbundling' services and can provide initial advice, help you with a witness statement, preparing a bundle or other important tasks for a set fee.
  - Some barristers offer public access services, which means you can approach them directly, without going through a solicitor. Direct access barristers can represent you during the hearing, but you would need to manage your case independently
  - Search for university law clinics at universities near you, some law clinics offer advice for family cases
  - Search for bono services that may be available in your area – Pro Bono Legal Services UK
  - Search for support offered through Law Centre Network, Citizens Advice Bureau, LawWorks or other charities
  - Contact the charity 'Support Through Court' – their centres are based in some court buildings
  - Read 'AdviceNow' guides
  - Search for information on official websites, such as Cafcass or your local social services' websites
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