Self-Represented Parties – An Informal Checklist for Tribunals
“Are You Being Served?”

1. The Parties
   a. What percentage of parties appearing before you are self-represented?

   b. Is there statistical tracking of significant characteristics of self-represented parties?
      □ Yes □ No

   c. What are the characteristics of the self-represented parties?
      o Language literacy □
      o Interpreter/translation needs □
      o Cultural literacy □
      o Web-literacy □
      o Disability accommodations □
      o Other needs □

2. Planning
   a. Are service delivery objectives related to self-represented parties built into your business plan?
      □ Yes □ No

   b. Is there an individual designated to make annual (or other periodic) recommendations about matters concerning self-represented clients?
      □ Yes □ No

   c. Are there initiatives with stakeholders to address needs of self-represented parties?
      □ Yes □ No
      (e.g., evaluation of effectiveness of resources/services with self-represented parties)

   d. Has your case management process been tested to identify where procedures for self-represented parties could be improved?
      □ Yes □ No
      (e.g., running sample cases through the process)

   e. Do you have an annual budget line with funding to develop your website and other support/educational resources for self-represented parties?
      □ Yes □ No

3. Availability of Information for Self-Represented Parties
   a. Will self-represented parties learn what they can expect regarding proceedings when they first contact you?
      □ Yes □ No

   b. If self-represented parties have logistical questions* about attending for their hearing, is there an easy way to obtain answers?
      □ Yes □ No
* such as: transportation, language support, interpreters, length of hearing, photocopies, expenses, etc.

c. If self-represented parties have case-specific questions, is there an easy way to obtain answers? □ Yes □ No (e.g., A "justice access centre" or staff designated to assist self-represented parties)

d. Are there Guides for tribunal proceedings? □ Yes □ No

Samples:
- Nova Scotia – WCAT - Guide to oral hearing
- Immigration & Refugee Board Canada – Claimant’s Guide
- Representing Yourself Before an Administrative Tribunal – Quebec Bar Foundation

e. Are there checklists for parties outlining steps to be taken & timelines? □ Yes □ No

Sample: BC Court of Appeal – Appellant’s Checklist

f. Are there explanatory FAQs? □ Yes □ No

Samples:
- SJTO - Human Rights Tribunal of Ontario
- Commission des lésions professionnelles

g. Are video-clips available to demonstrate the Tribunal process? □ Yes □ No

Samples:
- Tribunal administratif du Québec
- SJTO - Landlord and Tenant Board

4. Language Questions

a. If services are provided in French or English, are parties informed of these language options? □ Yes □ No

b. Are interpretation services available if a party requires them? □ Yes □ No

c. Is plain language used to facilitate understanding of tribunal procedures?
   - Correspondence □ Yes □ No
   - Rules □ Yes □ No
   - Forms □ Yes □ No
   - Policies □ Yes □ No

5. Website Design & Information

a. Is your website designed to be accessible to a wide range of education levels and to people with disabilities? □ Yes □ No

Sample: Tribunal administratif du Québec
b. Does the website facilitate comprehensive access to information, documents and videos for unrepresented parties?  □ Yes □ No
   *(integration of FAQs, Rules, Practice Directions, Forms, legislation, case law)*
   *Sample: BC Court of Appeal self help website*

c. Does the website contain a glossary of terms?  □ Yes □ No
   *Sample: Supreme Court of Canada*

d. If assistance is required while on the website, is it available?  □ Yes □ No

e. Is there a process for ongoing review & update of website information?  □ Yes □ No
   *(e.g., FAQ’s, self-help kits, etc.)*

f. Is parallel information available in hardcopy for parties who are not web-literate?  □ Yes □ No

g. Do you use smart forms that are fillable online?  □ Yes □ No

h. Do you have a strategy for evolving your website to the next level?  □ Yes □ No
   *(e.g., use of videos, virtual assistants, chat, telephone assistance)*

i. Have you evaluated the effectiveness of your website with any self-represented parties?  □ Yes □ No

6. Use of Other Programs
   a. Are referrals made by the tribunal staff or website to neutral sources?  □ Yes □ No
      *(e.g., law society information & referral programs; legal assistance clinics; public legal education websites; government websites; interpreter & community services; duty counsel programs; etc.)*

   b. Are referral lists kept current?  □ Yes □ No

   c. Is there an ongoing process for identifying referral needs and updating referral protocols?  □ Yes □ No

   d. Is information regarding appeals from tribunal decisions available to self-represented parties in an appropriate manner?  □ Yes □ No

7. General Public Legal Education and Information
   a. Can members of the public, teachers or students arrange visits to the tribunal?  □ Yes □ No

   b. Do you conduct regular outreach activities?  □ Yes □ No
      *(e.g., a Tribunal newsletter, stakeholder meetings, integration into school/community programs?)*
c. Is your information on the website/in the pamphlet rack of relevant stakeholders and information & service agencies? □ Yes □ No

d. Are your decisions available on a public website? □ Yes □ No

Samples:
- CanLII – Canadian Legal Information Institute
- Commission des lésions professionnelles

8. Special Needs
a. Are your staff trained to identify issues for which disability accommodations or other special measures* may be warranted? □ Yes □ No
* any range of accommodations that may suitably facilitate the tribunal process for a self-represented party – including, for example, cultural accommodations.

b. Do you have an accommodation officer to provide timely and consistent advice and support to staff and tribunal members when parties may have special needs? □ Yes □ No

9. Case Management
a. Are your staff trained and available to facilitate the process for self-represented parties? □ Yes □ No
(neutrality v. advice; plain language explanations; directing to public resources/referrals; cultural sensitivity training; training in assisting individuals who may face mental health challenges; etc.)

b. Do staff have access to comprehensive procedure manuals that both define their role and provide directions in how to provide customer service? □ Yes □ No

c. Does the performance development plan for case management staff include performance metrics relevant to self-represented parties? □ Yes □ No

d. Are relevant Rules and policies communicated to the self-represented party in the course of the case management process? □ Yes □ No

10. Timelines & Service of Documents
a. If a self-represented party must serve documents, is there suitable information available as to how this is done? □ Yes □ No

b. Are there appropriate alternatives for service of documents? □ Yes □ No
(e.g., a party filing with the tribunal, with service on the other party by the tribunal)

c. Are timelines & time limitations clearly communicated to self-represented □ Yes
11. Hearing Preparation
   a. If applicable, are parties advised that they may observe other hearings of the tribunal? □Yes □ No
   b. Are simulated hearing video clips available on-line? □Yes □ No
      Sample: Ontario – Consent & Capacity Board
   c. Are parties advised of the agenda* for the hearing? □Yes □ No
      *who speaks first, how long they have to speak, when they can ask questions, etc.
   d. Do the parties receive a telephone or written reminder of the hearing date? □Yes □ No

12. Early Resolution Procedures & Case Conferences
   a. Do you have early resolution procedures? □Yes □ No
   b. Do you have any early resolution resources*? □Yes □ No
      *case self-assessment tools, alternatives to the tribunal
   c. Are case (or prehearing) conferences held in a manner that will assist a self-represented party to prepare for the hearing process? □Yes □ No
   d. Are case conference reports and orders provided to parties and written in plain language? □Yes □ No

13. Hearings
   a. Are hearings held at local venues? □Yes □ No
   b. Are teleconference or video conference options available to the parties? □Yes □ No
   c. Might a party be able to participate in the proceeding in writing? □Yes □ No
   d. Does the tribunal communicate to its members the expectation that they should conduct hearings in a manner appropriate for self-represented parties? □Yes □ No
   e. Is plain language and explanation of procedures the norm when self-represented parties are present? □Yes □ No
   f. Is a staff person or facilitator available for a self-represented party if there □Yes
are issues that tribunal members cannot respond to? □ No

14. Tribunal Members
a. Is there ongoing professional development for tribunal members on issues related to self-represented parties? □ Yes □ No
b. Are tribunal members knowledgeable / trained in the use of the resources designed to assist self-represented parties? □ Yes □ No
c. Are there ongoing forums for tribunal members to address issues related to self-represented parties? □ Yes □ No

15. Tribunal Decisions
a. Are your decisions written in plain language? □ Yes □ No
b. When cases are cited, are the principles of those cases articulated in a manner understandable to the parties? □ Yes □ No
c. Do citations include sources intended to be publicly available through the tribunal website and/or services such as CanLII? □ Yes □ No
   Sample: CanLII – Canadian Legal Information Institute

d. Are significant cases identified in the tribunal’s website and are they posted with plain-language head notes? □ Yes □ No
e. Once a decision is made, is there any follow-up/action required by the parties and is this clear to them? □ Yes □ No

Recommended Reading

Addressing the needs of self-represented litigants in the Canadian justice system, A White Paper Prepared For The Association Of Canadian Court Administrators; March 27, 2013

Reaching equal justice: an invitation to envision and act; The Canadian Bar Association; August 2013