

engagement with politics, fosters a genuine collective identity and strengthens representation mechanisms. Both forms of privatisation – whether towards individualistic agents or non-state cultural communities – challenge the book’s central thesis regarding the legitimacy of political authority and state action.

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*Litigants in Person in the Civil Justice System: In Their Own Words.* By KATE LEADER. [Oxford: Hart Publishing, 2024. viii + 173 pp. Hardback £85.00. ISBN 978-1-50994-832-1.]

The impact of Litigants in Person (LiPs) on the civil justice system is significant, yet under-researched. The value of qualitative empirical research, specifically through interviews with people to find out the “lived experience” of the legal system, cannot be overstated. I was therefore absolutely delighted to see these two important issues come together in Leader’s new book *Litigants in Person in the Civil Justice System: In Their Own Words*. Providing an insight into the civil justice system, its strengths, faults and peculiarities, through the lens of people trying to advocate their rights in the system, is so novel, yet so worthy. As outlined by Leader herself (p. 17, emphasis in original):

For LiPs to genuinely have better experiences when going to law, an explicit commitment needs to be made both to understand them more and to think about how they can navigate legal proceedings *without* legal professionals. Ultimately, that is why we need the stories in this book: because we need to bring LiPs into focus outside of the limiting lens of how legal professionals see them.

I could not agree more. Despite being well-researched and academically written, the book is structured in a way that made it a joy to read; engaging, informative and grounded in the stories of the 15 LiPs at the centre of the analysis. It contains the backgrounds, hopes and struggles of the people interviewed, making the reader go beyond the “claimant” or “defendant” status and instead seeing the human being behind the legal system. This is a powerful framing and the reader is automatically engaged in the outcome of the claim in a way that would not be achieved by reading through cases.

The book is divided into three parts – “Before Litigation”, “During Litigation” and “After Litigation”. Originally, I thought that Part I (“Before Litigation”) was strangely structured. The first two substantive chapters focus on (1) “How the Law Sees the Litigant in Person” and (2) “Creating the Litigant in Person”, before moving onto (3) “Who are Litigants in Person?”. My initial thought would be that we need to consider who are LiPs before addressing how the law sees them or how they are “created”. However, reading through the initial chapters, particularly the important political developments (such as the Legal Aid Sentencing and Punishment of Offenders Act 2012), provides much needed depth and context to the discussion of who are LiPs. Before providing an overview of the variety of backgrounds and stories, it is crucial to see how this situation has

developed, including how LiPs are far too often overlooked and misunderstood by courts, practitioners and academics.

Part II – “During Litigation” – provides a unique insight into the practical realities of litigating without legal representation. It focuses not just on what occurs in the courtroom, but also addresses the impact that litigation can have on LiPs and their loved ones – including the repercussions on financial stability, relationships, health, employment . . . the list unfortunately goes on. It is this section where the stark consequences of a series of political choices becomes clear. In exploring this reality, Leader highlights how (p. 94):

LiPs’ lives – and cases – are significantly more complex and challenging than expected. The impact of being a LiP goes deeper than anticipated. The individuals who talked to me in this study . . . told me of long multifaceted cases involving multiple courts that left them financially exhausted and emotionally drained. Some said the experience of pursuing a claim led to their losing their families, and some lost their homes. Many felt the experience had a negative impact on their mental health, with the spectrum covering minor anxiety, depression, severe depression and those who had been, at times, suicidal. The stories told by LiPs demonstrate significant, genuine vulnerability.

The chapter discusses many aspects of LiP litigation, including the complexity, high stakes and vulnerability experienced by the individuals. This moves onto the following chapter, misleadingly titled “How To Be Good”. I had thought that this would provide some success stories of LiPs beating the odds and possibly some helpful tips for people about to start this journey. Unfortunately, this chapter continues the stark reality of litigating without legal representation, highlighting that – due to the way our “justice” system has been structured – it is nearly impossible to be a “good” LiP. This is not an isolated event; the stories cover family court, county court and the local magistrate’s court. None provided adequate support for LiPs and they continued to be at a significant disadvantage.

The third and final part, “After Litigation”, further explores the “afterlife of litigation”. There is a huge variation amongst the LiPs interviewed, with some never wanting to be involved in the law again and others, some mid-proceeding and others having finished one proceeding and moving onto the next. The section on “Loss” develops the negative consequences discussed in Part II and “Trust” highlights how disillusioned most litigants were by their experiences in the courtroom.

I was particularly fascinated by “Conspiracy” and the role that conspiracist thinking had on LiP behaviour. Leader very sensitively discusses these issues, highlighting that one-third of participating LiPs appear to express conspiracy theory ideas in their discussion. Whilst it is easy to dismiss these concerns as fantasy, considering that “LiPs have worse outcomes than represented parties, and legal professionals can display bias towards them both unconsciously and consciously” (p. 151), it is easy to see how some of these conspiracy concerns would arise. In light of this, it is important to remember that the structure and difficulty of the legal system are “at least partly responsible for creating” (p. 152) many of the conspiracy theories that arise. Leader discusses these issues in a

sensitive and emphatic manner, while reconfirming the inappropriate nature of the beliefs held by many of the interviewees.

The book finishes with a consideration of the “Future”, which – unfortunately – does not look too bright. It is clear that LiPs will continue to experience significant and unacceptable disadvantages until the “justice” system is seriously reconsidered, restructured and refunded. There is also an unacceptable lack of information about the reality of LiPs. It is generally accepted that there are too many people self-representing and that it is having multiple negative impacts on the legal system (and, as Leader has shown, to the LiPs themselves). There is however an unacceptable lack of understanding of and research into LiPs. If we are going to address the situation, we must first understand it. Leader’s book is an important first step, but it must be combined with reliable quantitative data. These three parts however work effectively together to provide a compelling, story-telling based, perspective on the reality of being a LiP.

It is always good for a review to be balanced and to provide some constructive feedback on the book in question. Leader has made this a difficult task and I struggled to find any substantive issues or clear areas for improvement. I did however notice that the synonyms used throughout the book were very “anglicised” and did not reflect the cultural and ethnic divergence in the UK – we had Eleanor, Oliver, Anna, Charles, Marie, Tom, Clive, etc. Leader highlights that she sought a cross section of society in her interviewees and the stories of the LiPs reflect this diversity. It would however have been good to ensure that this was reflected in the names chosen for the participants, reminding readers of the melting pot of people who make up the UK generally and LiPs specifically.

Whilst I understand that not everyone is as engaged with and excited about empirical research methodology as I am, I would have loved to have had more detail on this aspect of the project. The authority of the research outcomes would have been strengthened with some further analysis and discussion of this process. I had a number of unanswered questions – what ethical processes were followed, how were the interviewees chosen and located, were the participants given some consideration as a thank you for their (in some circumstances considerable) time, were the interviews in person or online? Whilst these details may not be of interest to all readers, they are crucial parts of the story. They also will assist future empirical researchers who may wish to undertake similar projects, giving them a methodological starting point.

Leader has provided a refreshing, novel and engaging exploration of a very important issue. Whilst the overall message was quite negative, there were amusing anecdotes and personal stories dotted throughout the pages. It made the grim reality of LiPs more bearable to read and understand but did not take away from the overall sombre message of our current situation. I strongly recommend this book for any academic interested in understanding more about the state of our legal system and the negative impact that recent political decisions have had on already vulnerable individuals and on everyone’s access to justice.

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