

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?
- d. Are special strategies warranted to address such characteristics?
 - Language literacy ☐
 - Interpreter/translation needs ☐
 - Cultural literacy ☐
 - Web-literacy ☐
 - Disability accommodations ☐
 - 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](#)
- [New Brunswick Securities Commission – Guide to Investigations & Hearings for Unrepresented Parties](#)
- [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?
(integration of FAQs, Rules, Practice Directions, Forms, legislation, case law)
Sample: [BC Court of Appeal self help website](#) ☐Yes
☐ No
- c. Does the website contain a glossary of terms?
Sample: [Supreme Court of Canada](#) ☐Yes
☐ No
- 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?
(e.g., FAQ's, self-help kits, etc.) ☐Yes
☐ No
- 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 on line? ☐Yes
☐ No
- h. Do you have a strategy for evolving your website to the next level?
(e.g., use of videos, virtual assistants, chat, telephone assistance) ☐Yes
☐ No
- 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?
(e.g., law society information & referral programs; legal assistance clinics; public legal education websites; government websites; interpreter & community services; duty counsel programs; etc.) ☐Yes
☐ No
- 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?
(e.g., a Tribunal newsletter, stakeholder meetings, integration into school/community programs?) ☐Yes
☐ No

- 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

parties?

☐ No

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
Sample: [Ontario – Consent & Capacity Board](#) ☐ No
- c. Are parties advised of the agenda* for the hearing? ☐ Yes
* *who speaks first, how long they have to speak, when they can ask questions, etc.* ☐ No
- 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
* *case self-assessment tools, alternatives to the tribunal* ☐ No
- 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?
Sample: [CanLII – Canadian Legal Information Institute](#) ☐ Yes ☐ No
- 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](#)