February 2016 Consultation by the Lord Chief Justice of England and Wales and the Judicial Executive Board on Reforming the courts’ approach to McKenzie Friends

Response from the Society of Professional McKenzie Friends

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SUMMARY OF THIS RESPONSE

The Society of Professional McKenzie Friends was formed in 2014 in response to a recommendation by the Legal Services Consumer Panel and the Legal Services Board that fee-charging McKenzie friends should form a Trade Association. We currently have 27 members, all of whom have professional indemnity insurance, and are subject to a complaints procedure, should they not keep to our published standards of conduct and accreditation.

The key recommendation in this consultation paper is number 9: the proposed prohibition on fee recovery by McKenzie Friends, and it is this which our response addresses primarily. This proposal would mean that Professional McKenzie Friends could no longer provide services and large numbers of litigants, for whom legal aid is no longer available and who cannot afford traditional practising solicitors or barristers, would have access to no legal advice.

We oppose it on grounds which we summarise below and elaborate on in the body of this response. We also put forward a workable counter-proposal, at page 4 and Annex 1, which we commend to the Lord Chief Justice.

9.1 The proposal is premised on the need to protect “vulnerable litigants” (4.24). No evidence is offered that such protection is necessary; it is wholly speculative. By contrast we attach to this paper signed statements from 93 informed consumers who have used the services of SPMF members, value the service, and wish it to remain. This balance of evidence is against the proposed prohibition.

9.2 The proposal is protectionism, masquerading as concern for the vulnerable litigant:

- It runs counter to the direction of travel by other public bodies since 2011: the Civil Justice Council (CJC), the Legal Services Consumer Panel (LSCP) and the Legal Services Board (LSB).
- The Competition and Markets Authority (CMA) is currently undertaking a study into the supply of legal services in England and Wales, including the role of McKenzie Friends, and this proposed prohibition takes no account of whatever recommendations might come from that CMA study.
- Responsibility for consumer protection belongs, not with the Judicial Executive Board, but with public bodies such as CMA, LSCP, and LSB. None of these
bodies calls for a prohibition on Professional McKenzie Friends to protect vulnerable litigants, which brings into question the motive behind JEB doing so.

- Members of the Judicial Executive Board (JEB) arise principally from the ranks of the Law Society and Bar Council, organisations whose members have been adversely affected by the withdrawal of legal aid since 2013, and would see McKenzie Friends as undercutting the prices their members charge privately.
- Professional McKenzie Friends have become the only source of legal advice for many litigants on modest incomes. Therefore, members of JEB have a likely interest in this proposed prohibition on Professional McKenzie Friends, since it would increase pressure on government to restore legal aid to pre-2013 levels and so restore levels of income to members of the Law Society and Bar Council.
- This is an interest which should have been declared on the face of this consultation paper and it has not been declared. This exposes JEB to the charge of using their position to eliminate the competition for their erstwhile friends.

9.3 The proposal is irrational. To permit the amateur McKenzie Friend who offers only moral support, but not the Professional McKenzie Friend who can actually help with the case simply makes no sense. Professional MFs can be an asset to busy courts, which this proposal would discard. Vulnerable litigants are better protected if MFs are paid and insured than if they are unpaid, and uninsured.

9.4 **EDM 795** attracted little support last year. This proposal would now impose controls on MFs by secondary legislation, so by-passing Parliamentary scrutiny. Fee recovery is inherent in case law, and beyond scope (ultra vires) of secondary legislation. The proposed Rule, if made as proposed, would be open to challenge by Judicial Review.

9.5 The proposed Rule would also be ultra vires the primary legislation on which Rule making powers rest. There is no power to make civil or family procedure rules except with a view to securing that the justice systems are accessible, fair and efficient. The proposed rule would prohibit a private contractual relationship between litigant and friend. It would not impact accessibility, fairness or efficiency of the justice systems.

9.6 It would stand contrary to Human Rights Articles 6 & 8, to a fair trial, and family life.
SPMF’s COUNTER-PROPOSAL

At Annex 1 is our proposal of a workable civil procedure rule as an alternative to the one contained at Annex A of the consultation paper. We have taken the consultation’s Annex A as a starting point and have shown our amendments to it as tracked changes.

The Society of Professional McKenzie Friends (SPMF) was formed in 2014 in response to a recommendation by the Legal Services Consumer Panel (LSCP), endorsed by the Legal Services Board (LSB), that fee-charging McKenzie Friends should form a Trade Association. SPMF followed the LSB recommended remit to introduce “accreditation and indemnity insurance to mitigate the risks posed to consumers.” All SPMF members have professional indemnity insurance (SPMF checks and retains copies of each member’s PII schedule) and all full members have a minimum of A-level law or 3 years experience. SPMF also adopted the Civil Justice Council’s code of practice for McKenzie Friends.

We have gone as far as we can, outside of becoming an LSB regulatory body, in protecting the consumer from rogue McKenzie Friends, and what is needed next is a reciprocation from the judiciary, to give individual McKenzie Friends a reason to join SPMF. Our 27 members incur the cost of SPMF membership, of ICO registration and professional indemnity insurance, and yet find they are treated the same by courts as McKenzie Friends who do not incur those costs, and do not provide these protections to the consumer. We feel the ball is now in the court of the judiciary to provide professional McKenzie Friends with a solid reason to join SPMF, (or any similar Trade Association which might arise), and so ensure the protection of the vulnerable litigant which this consultation paper advocates.

We propose that the civil procedure rules, as drafted at annex A of the consultation paper, be put in place, after making amendments to the draft, as outlined here:

a) references to a prohibition on fee recovery be removed.

b) the provisions at 3.23 of the draft, concerning grant of a right of audience and to carry out conduct of litigation, be amended so as to permit the grant of such rights by a court at its discretion, that a court shall grant such rights when it is in the interests of justice to do so, and that when considering whether to grant such rights the court shall take into account whether the proposed McKenzie Friend is a member of SPMF or other Trade Association which requires and verifies the accreditation and indemnity insurance of its members.
DETAILED RESPONSE TO THE CONSULTATION PAPER’S QUESTIONS

Question 1: Do you agree that the term ‘McKenzie Friend’ should be replaced by a term that is more readily understandable and properly reflects the role in question? Please give your reasons for your answer.

No. The term has been in use for 45 years and has gained wide recognition in that time. The role is as clearly defined as is necessary for the purpose. That role is, as Tenterden CJ defined it: “Any person, whether he be a professional man or not, may attend as a friend of either party, may take notes, may quietly make suggestions, and give advice.” Terms such as “Court supporter,” lacking the word “friend” in the title, would not be an improvement and would lose the inherent befriending element of the role in its title.

Question 2: Do you agree that the term ‘court supporter’ should replace McKenzie Friend? If not, what other term would you suggest? Please give your reasons for your answer.

No. See answer to question 1

Question 3: Do you agree that the present Practice Guidance should be replaced with rules of court? Please give your reasons for your answer. Please also give any specific comments on the draft rules in Annex A.

Yes. Our summary counter-proposal is that the proposed new civil procedure rules, as drafted at annex A of the consultation paper, be put in place, after making these amendments:

a) references to a prohibition on fee recovery be removed.

b) the provisions at 3.23 of the draft, concerning grant of a right of audience and to carry out conduct of litigation, be amended so as to permit the grant of such rights by a court at its discretion, that a court shall grant such rights when it is in the interests of justice to do so, and that when considering whether to grant such rights the court shall take into account whether the proposed McKenzie Friend is a member of SPMF or other Trade Association which requires and verifies the accreditation and indemnity insurance of its members.
We attach at Annex 1 our draft counter-proposal, showing the amendments we propose as tracked changes to the Consultation paper’s draft Rules.

**Question 4:** Should different approaches to the grant of a right of audience apply in family proceedings and civil proceedings? Please give your reasons for your answer and outline the test that you believe should be applicable. Please also give any specific comments on the draft rules.

Yes. Where an alleged perpetrator of abuse acts as a litigant in person in private family law proceedings, is assisted by a McKenzie Friend, and is required to cross examine the alleged victim, the court should give particular consideration to allowing the McKenzie Friend a right of audience to undertake the cross examination. Similarly, if the alleged victim is assisted by an MF, consideration should be given to the MF cross-examining the alleged perpetrator.

**Question 5:** Do you agree that a standard form notice, signed and verified by both the LiP and McKenzie Friend, should be used to ensure that sufficient information is given to the court regarding a McKenzie Friend? Please give your reasons for your answer.

Yes. A number of variants forms, variants of the Civil Justice Council’s 2011 draft, are already in use in many courts. It would be a positive step for a single standard form, based on the CJC draft, to be used uniformly in all courts.

**Question 6:** Do you agree that such a notice should contain a Code of Conduct for McKenzie Friends, which the McKenzie Friend should verify that they understand and agree to abide by? Please give your reasons for your answer.

Yes. The Civil Justice Council drafted a 20 point code of conduct in 2011, which all members of SPMF are required to comply with. It is in plain English and readily understood. We would commend this as the wording for this proposed Code of Conduct, and we agree that McKenzie Friends be required to verify that they understand and agree to abide by it.

**Question 7:** Irrespective of whether the Practice Guidance (2010) is to be revised or replaced by rules of court, do you agree that a Plain Language Guide for LiPs and McKenzie Friends be produced? Please give your reasons for your answer.
Yes, but with the proviso that the guide does not change the meaning of the practice guidance.

**Question 8: If a Plain Language Guide is produced, do you agree that a non-judicial body with expertise in drafting such Guides should produce it? Please you’re your reasons for your answer.**

Yes, but the devil is in the detail. Such draft should go out to consultation to interested bodies, to ensure no unintended consequences are likely to flow from the Guide.

**Question 9: Do you agree that codified rules should contain a prohibition on fee-recovery, either by way of disbursement or other form of remuneration? Please give your reasons for your answer.**

No. We oppose the proposal on the following grounds:

9.1 The paper offers no evidence of harm to vulnerable litigants. We offer counter-evidence from informed consumers. The balance of evidence is against the proposal.

The only discernible evidence of harm to litigants cited in this paper is in this study\(^1\), referred to at paragraph 3.6 of the consultation paper. At pages 111-112 of the study it declares itself at odds with the LSCP study undertaken earlier that year (2014) on the question of fee charging McKenzie Friends, and it does so on the basis of a sample of 3 cases; the study reports that 3 customers of professional MF’s spoke positively about the MF’s but in the case of two of them the researchers thought otherwise\(^2\). Conclusions based on such a small sample cannot be considered reliable evidence, particularly when the researchers presume to know better than the litigants themselves what is in their own best interests.

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\(^2\) Equally one cannot expect lay consumers to always know what they need to know or to be able to evaluate the advice they receive. In this sample the clients of all three paid MFs were very positive about the MF’s
In stark contrast to the absence of evidence in support of the proposal, we offer solid evidence at Annex 2 in opposition to the proposal, from people who have used the services of Professional McKenzie Friends. These are not simply people who think it might be a good idea to have professional McKenzie Friends; they are informed consumers, who have sampled the service and speak from first-hand experience of the impact it had on their cases, and their lives. As such, considerable weight should be placed on this evidence when considering whether to move forward with the proposed ban on fee recovery.

Accompany this response, in a separate file, are 93 signed statements from people who have used the services of an SPMF member. The statement each has signed reads:

*I do not agree that McKenzie Friends should be prohibited from charging for their services. I have received and paid for valuable help from a member of the Society of Professional McKenzie Friends, and I wish to have the freedom to do so again whenever I need such help.*

Most of the signatories have chosen to make additional comments of their own. The original statements, showing the name and address of each signatory, are in a separate file which accompanies the copy of this response which is sent to Lord Chief Justice. Those additional comments are also shown at Annex 2 of this response, without name and address, so that this response may be sent to other bodies without breaching confidentiality.

It is worth taking a little time to read those comments, to fully appreciate the strength of feeling at the prospect of having this service removed. Some see the proposal as patronising:

*As an adult I welcome having a choice of either try and muddle through on my own or use this service.*(81)

Most cite cost as the reason for choosing a McKenzie friend but many also describe having previously used a solicitor or barrister before subsequently using a McKenzie Friend and finding the McKenzie Friend to be not only cheaper but better; here are just a few extracts from those comments:
“I saved at least two thirds of the fee of what a practising solicitor would have charged me.”(45)

“I could not otherwise afford help and would be stuck in an unhappy marriage.”(43)

“I was so very well advised by my McKenzie friend.”(32)

“I value the help of my McKenzie friend and after spending money on solicitors without anything to show for it I feel I have made progress.”(30)

“The support I received was far beyond that of a solicitor.....it was nice to be able to deal with a human being (albeit very professional) instead of some stuffy solicitor.”(29)

“Thanks to him (my McKenzie Friend) I am still in contact with my daughter, four years on from his intervention. He provided an extremely inexpensive service and promoted non-confrontational methods of interacting with my ex-wife.”(19)

“I am appalled to read that the service I have used and value is under threat. Although my McKenzie Friend is not legally trained his knowledge and expertise in supporting me through this case has been invaluable. Why then would someone want to ban a service such as this?”(22)

“I gained far more with the assistance of my McKenzie friend than I did with full legal representation.”(18)

“Without the help of McKenzie Friends, I would not have been able to do this. I was not entitled to Legal Aid and had no funds available with which to pay hefty Solicitor bills. Had I not been able to obtain a Residence Order, I dread to think what would have happened to my daughter – she would have been devastated (at the time she was 9 years old). She was deeply affected by her drunken father, suffering for years from anxiety and panic attacks and has only just finished Counselling. She will be 15 years old next week and luckily is now a happy, healthy teenager... To take this service away from normal working people like myself would
be a travesty.”(14)

“the consultation paper completely misrepresents them and appears to be more about protecting a monopoly of lawyers rather than protecting “vulnerable litigants.” ”(11)

“I spent 6 years in court to gain my rightful contact with my daughter who is now 8 years old. The first 2 years I used solicitors and barristers with limited success of contact but a huge bill. The last 4 years of court I used a McKenzie friend. Not only did we achieve a contact order until my child becomes 16 years old, but the cost involved was a fraction of the money I had spent in the first two years. I cannot thank my McKenzie friend enough for what he did for me. I will never forget him.”(8)

“My case led to a shared residence order put in place. Following the recommended route of solicitors/barristers would have left me penniless and broken. You want to deny this lifeline to others!! Shame.”(6)

9.2 The proposal is protectionism, masquerading as concern for vulnerable litigants.

- This JEB proposal runs counter to the direction of travel of other bodies with a greater responsibility for consumer protection than does JEB.
  - In 2011, the Civil Justice Council (CJC) published a 20-point code of practice for McKenzie friends, as part of its report on access to justice for litigants in person. It concluded: “it will become more important to ensure that the approach to McKenzie friends is one of readiness to welcome and value the contribution that some can make rather than one of over caution about the harm that some can do.”
  - In April 2014 the Legal Services Consumer Panel reported on fee charging McKenzie Friends and made a series of recommendations, including:
    - fee charging McKenzie friends should be recognised as a legitimate feature of the evolving legal services market (1)
    - external regulation of McKenzie friends should not be introduced.(13)

3 Cited in LSCP 2014 report paragraph 5.3
• fee charging McKenzie friends should form a recognised trade Association. (14)

  o in September 2014 the Legal Services Board responded to the LSCP report. The LSB did not accept recommendation 1, as it might mislead the consumer into believing McKenzie friends were subject to the same consumer protections as regulated professionals. It did accept 13 and 14 and added that the Trade Association should address accreditation and indemnity insurance to mitigate the risks posed to consumers.

That same year, 2014, The Society of Professional McKenzie Friends was formed with the intention of being that Trade Association and following the LSB remit. It has been a success so far. It has grown in membership from 10 in January 2015 to 27 currently. Whatever reservations and criticisms there may be about fee charging McKenzie Friends they cannot be levelled at members of SPMF.

  • All members hold professional indemnity insurance and the Society sees and retains a copy of each member’s PII schedule of insurance.

  • All members are registered with the Information Commissioners Office for data protection purposes, and the registration number is noted by the society.

  • Full members have a minimum qualification equivalent to A-level law, 3 years experience, or be a member of a regulating body (BSB, SRA, CILEx). Probationary members, who are working towards one of these criteria, are monitored by the Society and shown as probationary on the society’s website so that any consumer who chooses to engage them is aware of their probationary status, and makes an informed choice as to whether to engage their services.

  • All members must comply with the 2010 practice guidance and CJC Code of Practice, and would similarly be obliged to comply with any code or rule of court which might flow from this consultation.

  • An easily accessible complaints procedure is published on the Society’s website, for use by customers of our members, should any member fail to adhere to our published standards.

  • The maximum hourly charging rate of each member is published against their name on the society website, so that any consumer who is considering engaging a McKenzie Friend will have an approximation of cost before contacting a member.
In its response to the LSCP paper, LSB wrote: “In particular the LSB welcomes the establishment of the judicial working group announced by the Lord Chief Justice.” (Page 2 paragraph 2). The LSB will be writing to the judicial working group that is considering McKenzie Friends and will also commend the panel’s proposal to it.” (Page 4, final paragraph).

One would have expected, as a next step, that JEB would have followed the same direction of travel. Instead, JEB’s proposal to ban fee recovery can best be described as a great leap backwards. The proposal to ban fee recovery runs counter to the direction taken by these other significant bodies: CJC, LSCP and LSB. The proposed ban on fee recovery is premised upon no evidence, or at least none that is stated and verifiable in the consultation paper. At best it is based on speculation and anecdotes; at worst it appears to be protective of the interests of the Law Society and Bar Council, from which the membership of the Judicial Executive Board arises.

It also appears to be an attack on government policy concerning legal aid. Professional McKenzie Friends assist those who cannot afford solicitor or barrister and would previously have qualified for legal aid. If Professional McKenzie Friends are removed as an option to litigants, it would become increasingly difficult for the government to resist reinstating legal aid to pre-LASPO levels, to the financial benefit of the Law Society and Bar Council.

This proposal to prohibit fee recovery by McKenzie Friends runs counter to the direction taken by other significant bodies, and barely any evidence is put forward to support it. The membership of JEB has links with professional bodies which stand to benefit financially from this proposal. This is a significant interest which should have been declared and has not been, so exposing JEB to the charge of using its office to eliminate the competition.

9.3 The proposal is irrational.

a) **Payment is irrelevant to quality of advice.**

A barrister will normally charge for his services but on occasion will provide them pro bono. His advice is of the same quality whether he charges or not. If the proposal were that
McKenzie Friends shall be barred from advising because their advice is unreliable or their conduct is not conducive to the administration of justice then that at least would be a rational position to hold, but to bar McKenzie Friends who charge but not McKenzie Friends who do not charge is not rational. The fact of payment, per se, must be an irrelevance.

To the extent that payment may make a difference, it is likely that the paid adviser is better, and therefore to bar the paid adviser but not the unpaid one makes no sense. If payment were to be used to decide whether a McKenzie friend should be allowed to assist, it would be more logical to admit the paid McKenzie friend and prohibit the unpaid one, since a McKenzie Friend who provides services regularly and earns his living from it is more likely, by virtue of his experience gained, to assist his customer, and justice, than one who does not charge and does it only occasionally.

b) **It would give less, rather than more, protection to the vulnerable litigant**

Members of SPMF all carry professional indemnity insurance, which gives litigants a substantial fund against which to claim if they receive negligent advice. Prohibition on fee recovery would remove this safeguard for litigants. Without payment, it would be hard to establish that any contract existed, and while a claim could still be based upon tort, it would be far more difficult for a litigant to pursue such a claim. Even if successful, without insurance, the amount of recompense would be limited to the McKenzie friend’s personal assets. As such, prohibiting fee recovery provides less rather than more protection for the litigant. It would also make it unwise for any McKenzie friend to advise at all; without charging fees and without insurance, they could still potentially be sued if their advice proves negligent, and all their personal assets would be vulnerable to the claim.

c) **Without professional McKenzie friends, court diaries become congested**

“From many quarters we heard the general view from judges and staff that on balance it was better to have McKenzie Friends than not.”

Since 2011, LASPO has led to an increase in Litigants in Person, and there have been a variety of developments to enable courts to cope more effectively with LIPs. The formation of SPMF is one such development. Encouraging self-regulation of Professional McKenzie Friends through such a Trade Association must surely be preferable to banning us. At present, in cases where neither side is represented and

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⁴ Civil Justice Council report, 2011: (142)
one party is assisted by an SPMF member, it is increasingly common for courts to invite that
SPMF member to carry out tasks normally undertaken by solicitor or barrister, such as
drafting orders, and facilitating discussions to narrow the issues outside of court. If utilised in
this way, Professional McKenzie Friends, provided that they belong to SPMF, or any similar
Trade Association which might arise, which verifies insurance and accreditation and
investigates any complaints against a member, can be an asset to busy courts, to help them
manage resources in the absence of solicitors funded by legal aid. We commend this line of
reasoning to Lord Chief Justice and JEB.

9.4 The right to fee-recovery is inherent in case law. To overturn it would require primary
legislation. The proposed Rule would be ultra vires and open to challenge by Judicial
Review. This proposal is a back-door attempt to by-pass Parliamentary scrutiny.

EDM 795 attracted little support last year. It described professional McKenzie Friends as “a
poor substitute for proper legal advice” and, based on “anecdotal evidence” of a McKenzie
friend with a criminal record “who acted for a number of vulnerable women,” it called for
McKenzie Friends to be regulated. The Legal Services Board considered regulation of
McKenzie friends in 2014 and decided against it for sound reasons. Significantly, this EDM
attracted the signature of only one Conservative party member, the party which is now in
Government. This proposal now seeks to by-pass Parliamentary scrutiny altogether and
impose, not simply regulation, but an outright ban on Professional McKenzie Friends!
The consultation paper characterises the historic role of the McKenzie Friend as someone
giving primarily moral support to a litigant, and the Professional McKenzie Friend with
knowledge of the law as a recent interloper who seeks to misappropriate the role for personal
gain. This is to misunderstand the origins of the right. The Friend who sought to assist in the
eponymous 1970 McKenzie case was a barrister (although offering his services gratuitously
in that case) and that judgment cites (P38 A-B) an earlier judgement by Lord Chief Justice
Tenterden that such a friend might be “professional man or not.”

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5: “to do so might drive the provision out of the market, and in any event, the basis on which this
would be done is unclear given that many of the services are unreserved (p 2, para 2).”

6 McKenzie v McKenzie [1970] 3 WLR 472 relied (P38 B) on the authority of a previous Lord Chief Justice,
Tenterden: “Any person, whether he be a professional man or not, may attend as a friend of either party, may
take notes, may quietly make suggestions and give advice.” [Collier v Hicks (1831) 2 B & Ad 663]
A professional man is one who has particular skills from which he earns his living. In case there is doubt that is what Lord Tenterden would have understood by the term “professional man” the phrase “professional assistant to confer and consult with,” is used elsewhere in that judgment to describe the role. In the McKenzie v McKenzie authority, Sachs L J described the nature of the right being upheld as the litigant having “skilled assistance at his elbow during the whole of a lengthy trial.” Neither Authority comments on whether the person could charge for his services. It was unnecessary to do so; it is inherent in the terms used: “professional man,” “professional assistant,” “skilled assistance.” Any professional charges for his services; in upholding a litigant’s right to professional assistance, without prohibiting payment, these Authorities implicitly uphold the concomitant right to receive payment. A prohibition on fee recovery now would contravene this principal. It would require primary legislation and Parliamentary scrutiny; it would be beyond the scope of secondary legislation.

On the face of it, the JEB proposal does not seek to challenge the Collier v Hicks and McKenzie v McKenzie Authorities. If such a challenge is intended, it is not stated openly in the consultation paper. While not challenging a litigant’s right to professional advice and assistance in court from a skilled person, it seeks to add a condition: that the person providing these professional services must not be paid for it. This is tantamount to denying the right itself. People providing any professional service are entitled to charge for it. If fee recovery is prohibited, professional advice and assistance would no longer be available to litigants as intended by the Authorities. This would, de facto, overturn well-established caselaw by secondary legislation.

It might be argued that because a prohibition on fee recovery has been introduced in Scotland since 2010, then that establishes a principle which can be transferred to the England/Wales jurisdiction. The situation in Scotland is distinguished by virtue of the distinct origins of Scottish law; prior to 2010 there was no entitlement in Scottish courts to a McKenzie friend; there was no existing case law to consider, such that a McKenzie Friend provision could be introduced in Scotland, including a prohibition on fee recovery, by secondary legislation: i.e.

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7 Collier v Hicks (1831) 2 B & Ad 663: Parke J: “All may be present, and either of the parties may have a professional assistant to confer and consult with, but not to interfere in the course of the [672L] proceedings. No person has a right to act as an advocate without the leave of the Court, which must of necessity have the power of regulating its own proceedings in all cases where they are not already regulated by ancient usage.”
an Act of Sedurunt. By contrast, in England and Wales, there is well established Authority, dating back nearly 2 centuries which cannot be similarly overturned by secondary legislation.

To introduce a prohibition on fee recovery now would require primary legislation to overturn such well-established Authorities, upheld by someone of the rank of Lord Chief Justice.

9.5 The proposed Rule would also be ultra vires the primary legislation on which Rule making powers rely.

**Civil Procedure Act 1997 section 1 (3),** “The power to make Civil Procedure Rules is to be exercised with a view to securing that the civil justice system is accessible, fair and efficient...

**Courts Act 2003, section 75 (5)** “Any power to make Family Procedure Rules is to be exercised with a view to securing that—(a) the family justice system is accessible, fair and efficient...”

These Acts do not confer power to make rules except with a view to securing that the justice systems are accessible, fair and efficient. The proposed rule addresses only a private contractual relationship between litigant and friend. It does not impact accessibility, fairness or efficiency of the justice systems.

The consultation paper cites no evidence that the proposed rule would secure accessibility, fairness or efficiency. We provide evidence to the contrary at Annex 2 of this response, from consumers who have used our services, that the proposed rule would make the justice systems **less** accessible and **less** fair, and we cite the LSCP 2014 report as evidence that the removal of fee-charging McKenzie Friends would make the justice systems **less** efficient.

**Accessible**

The consultation provides no evidence that the proposed rule would make the justice systems accessible. There are 27 Professional McKenzie Friends who are members of SPMF who would no longer be able to provide services to litigants. This would clearly have the effect of making the justice systems less, rather than more, accessible to the litigants who currently use their services.

**Fair**
Neither would the proposed rule change have the effect of making the justice systems fair: on the contrary, it would deny litigants access to legal advice which they would otherwise have, and so have the effect of making the systems **less** fair than they currently are. The balance of evidence in this consultation (i.e. the weight of statements from consumers opposing the change and none cited in the consultation paper of consumers being in favour of it) does not support the premis that the proposed rule would be fair to litigants. It could be argued that the rule change is needed to provide fairness to regulated providers of legal services; however, a natural reading of the two acts is that the rules must be intended to be fair to litigants rather than to those who earn their living from the justice systems.

**Efficient**

The consultation paper makes no case for the proposed rule being needed for efficiency reasons. The LSCP 2014 report into fee charging McKenzie Friends found some evidence (4.8 – 4.12) of McKenzie Friends improving the administration of justice. The MOJ study also found some evidence of the Judiciary welcoming involvement of MFs. This being so, removing this provision by means of this proposed rule would lead to a **less** efficient system.

9.6 It would stand contrary to Human Rights Articles 6 & 8, to a fair trial, and family life.

*a) Article 6 right to fair trial*

As enshrined in Article 6 of the Human Rights Act, a litigant has a right to a fair hearing. Restricting litigants to either paying for a barrister or solicitor, or not being able to have any professional help in court impacts adversely on this right.

The majority of SPMF customers who made comments on the petitions at Annex 2 of this response made reference to McKenzie friends being more affordable than solicitors or barristers. We asked a small sample of 11 to respond to this statement: “If a McKenzie friend was not available I could/could not afford a barrister or solicitor.” The responses were:

- I could not afford a barrister or solicitor – 8 (respondent nos. 57-63 & 67)
- I could afford a barrister or solicitor – 1 (respondent number 65)
- no response – 2 (respondent numbers 64 and 66)

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8 4.12 “the consensus view among the small number of judges we spoke to, as set out in the Civil Justice Council’s report, is that some help for litigants in person is better than none at all.”

9 Page 94: “In interview, most judges indicated willingness, even keenness, to permit the involvement of MFs.”
While 11 is a small sample, when taken with other comments about affordability from respondents in Annex 2, there is a weight of evidence that the right of litigants to a fair hearing would be adversely affected if professional McKenzie friends were not available. In the McKenzie v McKenzie case, the court found that Mr McKenzie had in fact been prejudiced by not being allowed the assistance of Mr Hanger, and this was one of the reasons given for upholding his appeal. Had the Human Rights Act been in place at the time, there would no doubt have been a reference to the Article 6 right at this point in the judgement.  

b) Article 8 right to family life

The majority of McKenzie friends, professional and otherwise, assist in family proceedings, most notably children proceedings. In such cases, where the welfare of a child and its future relationship with its parents is at issue, Article 8 rights are engaged.

The evidence we present at Annex 2 includes many references to what would have been adverse effects on the family lives of those concerned were it not for the help of SPMF members. Here are just a few of those comments:

1/ My McKenzie friend provided me with excellent advice and direction. The cost of a solicitor would have been prohibitive, I would not have been able to bring my case to court, and most likely my daughter would have had to grow up with no contact with her father.

3/ ... resulted in my winning the case and keeping my Grandchildren safe.

8/.. we achieve a contact order until my child becomes 16 years old.

14. I needed to go to court to obtain a Residence Order for my daughter, as she wished to live with me permanently and visit her dad on occasions. Without the help of McKenzie Friends, I would not have been able to do this. I was not entitled to Legal Aid and had no funds available with which to pay hefty Solicitor bills.

50/ The service provided by McKenzie friends is invaluable. John has been very key in getting more time with my son.

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10 McKenzie v McKenzie [1970] 3 WLR 472. Sachs LJ “As Mr. Payne aptly pointed out, all the assistance a litigant in person receives from a judge and from opposing counsel is not really the same thing as having skilled assistance at his elbow during the whole of a lengthy trial. In those circumstances it has not been shown that there was no prejudice to the husband on the adultery issue through lack of assistance which he ought to have had. It is moreover always, to my mind, in the public interest that litigants should be seen to have all available aid in conducting cases in court surroundings, which must of their nature to them seem both difficult and strange.”
61/ Working with a McKenzie friend enabled me to continue with my case without the financial stress I would have had if I had continued to use a solicitor. In my particular case I had to take swift action to protect my son.

65. Without my mckenzie friend I would not have been able to afford a solicitor. They helped me gain more time with my daughter

72/ The McKenzie friends from courtwithoutalawyer were absolutely brilliant and it is without doubt that without them our son would have lost any contact with his daughter and us with our grand daughter.

75/ If I had not been able to use the services of Ashlie Prescott my life and my son’s life would have such a different outcome.

93. Karen’s help was invaluable. I was a victim of domestic abuse and had employed a solicitor but could not keep up with the fees they were requiring to protect both me and my son.

The evidence we present here argues against the proposed prohibition on fee recovery. It would remove Professional McKenzie Friends as an option for litigants and contravene the Article 8 rights of those who would otherwise engage their services in Family Proceedings.

**Question 10: Are there any other points arising from this consultation on that you would like to put forward for consideration? Please give your reasons for your answer.**

**This consultation has not followed government guidelines:**

The consultation paper does not comply with government guidelines for consultations, in particular:

- The consultation did not inform or invite comment from SPMF, a “body affected by the policy.” Parties affected by the policy have not been invited to respond, and as a consequence all relevant views may not have been heard.

- Readers are given untrue and misleading information; responses cannot be relied on to be informed ones when based on inaccurate understanding of the issues. In particular, it fails to inform the reader of the existence of SPMF, which substantially misleads the reader, e.g. characterising fee-charging McKenzie Friends as “..uninsured individuals..” (4.24) when all SPMF members have professional indemnity insurance. It fails to “ensure that those consulted understand the issues and can give informed responses.” The paper misinforms
the reader to such an extent as to invalidate any responses received to this consultation.


K Consultations should be targeted
Consider the full range of people, business and voluntary bodies affected by the policy, and whether representative groups exist. Consider targeting specific groups if appropriate. Ensure they are aware of the consultation and can access it. Consider how to tailor consultation to the needs and preferences of particular groups, such as older people, younger people or people with disabilities that may not respond to traditional consultation methods.

There is no indication of any invitations to interested parties to respond to this consultation. SPMF received no invitation to respond. We learned of it when contacted by the Law Gazette, asking for our comment on it. It is likely therefore that other interested parties, who may have held counter-views to the proposals, were not aware of the consultation.

C. Consultations should be informative
Give enough information to ensure that those consulted understand the issues and can give informed responses. Include validated assessments of the costs and benefits of the options being considered when possible; this might be required where proposals have an impact on business or the voluntary sector.

There is no mention in the report of the existence of SPMF. Paragraph 4.24 informs the reader that a prohibition on fee recovery is necessary to provide “effective protection to vulnerable litigants who would otherwise have little or no effective protection, or means of redress from unregulated and uninsured individuals of varying and generally unverifiable competence carrying out otherwise reserved legal activities before the courts.”

This characterisation of Professional McKenzie Friends is wholly untrue in respect of members of SPMF, and neither is any evidence put forward of Professional McKenzie Friends who are not members of SPMF preying on vulnerable litigants in this manner.
• *protection to vulnerable litigants.* The consultation paper cites no evidence of harm suffered by litigants. This is wholly speculative. There were 2 well-publicised accounts of rogue McKenzie Friends in the press last year. In the pages of the Law Gazette there are 2 stories a week about solicitors or barristers who are disciplined, struck off or even imprisoned for their conduct. The paper offers no evidence that McKenzie Friends as a group pose any greater risk to vulnerable litigants than members of the LSB regulated bodies pose. In contrast to the absence of evidence in this consultation paper of harm to vulnerable litigants, we attach to this response signed statements and comments from over 93 customers who have previously used the services of an SPMF member and oppose the proposed ban on fee recovery. These are all informed consumers who give the lie to the premise in this paper that vulnerable litigants need protection in the form of a ban on this form of help.

• “..unregulated..” It was the LSB which decided against MF regulation, for sound reasons: “to do so might drive the provision out of the market, and in any event, the basis on which this would be done is unclear given that many of the services are unreserved (p 2, para 2).”

• “ .uninsured individuals .” . **LSB recommended we should address insurance (P3, para 5).** We did so. All of our members have professional indemnity insurance, as a condition of membership and we retain a copy of each member’s PII schedule of insurance. To describe us as “uninsured individuals” is simply untrue, and this is so central to the consultation’s rationale for prohibiting fee recovery as to render unreliable any responses to this proposal.

• “ varying and generally unverifiable competence...” **The LSB recommended that we should address accreditation (P3, para 5).** We did so. All of our full members have a minimum of A-level law or three years full-time experience and most have significantly more.

• “no effective protection or means of redress,” we offer an easily accessible complaints procedure on our website.

• “carrying out otherwise reserved legal activities..” We do not carry out reserved legal activities other than with the express permission of a judge in a particular case. To do so without permission would be a criminal offence. Judges are guided to grant such permission only in exceptional circumstances, where it is in the interests of justice.
• No mention of SPMF. The consultation paper fails to even inform the reader that SPMF exists! There is not a single mention of us. This too is such a significant omission as to render unreliable any responses concerning fee-recovery. It is not as though SPMF has a low profile. We have contributed to a number of articles in Law Gazette, and one in the Financial Times. Any online search for “McKenzie Friend” places SPMF on the first page of results. The failure to mention us is either a deliberate omission, or staggering incompetence, and in either case, its effect has been to substantially mislead the reader. Anyone who visits our website would immediately see that we are not as characterised in this consultation paper.

The paper also misleads the reader elsewhere in respect of the Scottish system which it advocates as the model for England and Wales:

• The consultation paper advocates (4.22) copying the Scottish prohibition on fee recovery, no doubt hoping that most readers will not follow the footnote link in that paragraph to an independent article which describes the Scottish system as “excessively complicated... inaccessible....confusing..” and needing a “rethink.”

• Hidden costs. In 4.22 it reassures the reader that adequate alternative services are provided in Scotland, and in 4.23 that: “it would seem that such assistance and support is akin to that provided in England and Wales…” The paper does not make plain that the Scottish support systems it cites are publicly funded, by Local Authorities, Scottish Legal Aid Board, and the Scottish Parliament, while the equivalents cited for England and Wales are all pro bono services! Significant levels of extra public money would be needed to provide assistance and support services in England and Wales which would be “akin” to those in Scotland, services which themselves are described as complicated, inaccessible and confusing!
Annex 1 – Proposed New Civil Procedure Rules\textsuperscript{11}  

Civil Procedure Rules Draft rules 3.22 – 3.24\textsuperscript{12}  

Section XXX Court Support  

Court Support – Generally

3.22 (1) Except where a rule or other enactment provides otherwise, where a hearing is in public a McKenzie Friend – court supporter may assist a litigant. Assistance may, as the litigant requires, take the form of any of the following:

(a) providing moral support;
(b) helping to manage the court documents and other papers;
(c) taking notes of the proceedings;
(d) advising the litigant quietly on—
   (i) points of law and procedure;
   (ii) issues which the litigant might wish to raise with the court;
   (iii) questions which the litigant might wish to ask a witness.

(2) For the purposes of this Section:

(a) litigant means an individual who is not represented by a legal representative;

(b) court supporter McKenzie Friend means an individual who is not a legal representative who is to provide such assistance as specified in rule 3.22(1)(a)-(d) to the litigant.

(3) The provisions in this Section are only applicable during those periods, if any, where a litigant is not represented.

(Legal representative is defined in rule 2.3(1).)

(Rule 39.2(1) contains rules in respect of public hearings.)

(2) Where proceedings are in private a court supporter McKenzie Friend may only assist a litigant with the court’s permission.

(Rule 39.2(3) contains rules in respect of private hearings.)

(3) An application for permission under rule 3.22(2) must be supported by evidence, unless the court orders otherwise. Such application is to be made by Application Notice, signed by both the litigant and the court supporter McKenzie Friend, in Form NXXX (Court Support McKenzie Friend), unless the court orders otherwise.

\textsuperscript{11} Comparable rules could be drafted for family and other proceedings, with necessary adaptions.

\textsuperscript{12} To be supplemented by a new Practice Direction 3G – Court Support.
(Part 23 sets out the procedure for making an application)

(4) Where a litigant intends to have the assistance of a court supporter McKenzie Friend under rule 3.22(1) or makes an application under rule 3.22(2), the litigant must supply the court with the following evidence verified by a statement of truth:

(a) a short curriculum vitae or other statement setting out the McKenzie Friend’s relevant experience, and whether he/she is a member of the Society of Professional McKenzie Friends or other Trade Association which requires and verifies the accreditation and indemnity insurance of its members;

(b) a statement confirming that the court supporter McKenzie Friend has no interest in the case and understands that
   (i) their role is limited to providing support of the form set out in rule 3.22(1)(1)(a) – (d); and
   (ii) they have the duty of confidentiality.

(5) The court may on its own initiative or at the request of a party at any time:

(a) prohibit the court supporter McKenzie Friend from assisting the litigant under rule 3.22(1);
(b) refuse an application for permission under rule 3.22(2) and (3);
(c) withdraw a grant of permission made under rule 3.22(2) and (3);
(d) place such restrictions or limitations on the assistance necessary in the interests of justice.

(6) Assistance from a court supporter McKenzie Friend may be prohibited, refused, or withdrawn under rule 3.22(5) where:

(a) such assistance would be or is contrary to the efficient administration of justice; or
(b) the court supporter McKenzie Friend is an unsuitable person to act in that capacity (whether generally or in the proceedings concerned).

(7) Permission granted under rule 3.23(3) will be withdrawn by the court at any time where the court supporter is receiving, either directly or indirectly, remuneration from the litigant in respect of exercising the right of audience or carrying out the conduct of litigation.

When considering whether to curtail the assistance provided by a McKenzie Friend under rule 3.22 (5) or 3.22 (6), the court shall hold to the principle that the presumption in favour of such assistance is a strong one, which should be curtailed only when it impedes the efficient administration of justice. In such event the court shall give a short judgement setting out the reasons why it has curtailed the assistance. Litigants may appeal such decisions.

(8) Assistance from a court supporter McKenzie Friend, whether under rule 3.22 or rule 3.23, must not be permitted or allowed to continue in any circumstances where the individual is subject to, or made subject to, a Civil Restraint Order (whether generally or in the proceedings concerned).

(Rule 3.11 and Practice Direction 3C contain rules concerning the making of Civil Restraint Orders.)
When the court is considering taking any of the steps referred to in rule 3.22(5) and (6), the court supporteMcKenzie Friend, as a general rule, should be allowed to provide the litigant with assistance in court until a decision is taken under those rules.

Unless permission is prohibited or withdrawn during the course of proceedings or withdrawn it endures until the proceedings, including any appeal, finish.

Where a court supporteMcKenzie Friend is providing assistance, the litigant may—

(a) show the court supporteMcKenzie Friend any document (including a court document);

or

(b) impart to the court supporteMcKenzie Friend any information, which is in his or her possession in connection with the proceedings without being taken to contravene any prohibition or restriction on the disclosure of the document or the information; but the court supporteMcKenzie Friend is then to be taken to be subject to any such prohibition or restriction as if he or she were the litigant.

Any expenses incurred by the litigant as a result of the support of a McKenzie Friend under this Section are not recoverable disbursements in the proceedings.

Where an individual is authorised to act as a court supporteMcKenzie Friend, that individual in respect of those proceedings is deemed to be an officer of the court and thereby owes such duties to the court as if they were a solicitor.

**Court Support – grant of right of audience or to carry out conduct of litigation**

3.23 (1) This Part is without prejudice to any rule or enactment under which provision is

or may be made for a party to be represented by an individual other than a legal representative.

(Practice Direction 27 and The Lay Representatives (Rights of Audience) Order 1999 make provision for lay representatives in specified hearings.)

(2) Rule 3.9 does not apply to this Part.

(3) A litigant may apply to the court for permission for a court supporteMcKenzie Friend to:

(a) exercise a right of audience on behalf of the litigant at a specified hearing or in specified proceedings, including those to which rule 27 applies;

(b) carry out the conduct of litigation on behalf of the litigant in respect
of specified proceedings.

(4) A court supporter McKenzie Friend must not exercise a right of audience or carry out the conduct of litigation at any time before the court has granted permission under this Part.

(5) An application for permission under rule 3.23(3) must be made by a litigant and such application must be

(a) in Form NXXX (Court Supporter McKenzie Friend) unless the court orders otherwise; and in all cases
(b) must be supported by a curriculum vitae or other statement setting out the court supporter McKenzie Friend’s relevant experience and whether he/she is a member of the Society of Professional McKenzie Friends or other Trade Association which requires and verifies the accreditation and indemnity insurance of its members, verified by a statement of truth.

(6) The court must not grant the application if the court supporter is receiving or is to receive, either directly or indirectly, remuneration from the litigant for exercising the right of audience or right to conduct litigation.

(7) Except where rule 3.23(8) applies, permission under rule 3.23(3) may only be granted where:

(a) there is good reason to do so taking account of all the circumstances of the case; and
(b) it is in the interests of proper administration of justice.

(8) Where a litigant seeks permission under rule 3.23(3) and the court supporter McKenzie Friend has sought or been granted rights of audience or a right to conduct litigation in other proceedings, permission may only be granted

(a) where it is in the interests of the proper administration of justice; and
(b) there are exceptional circumstances justifying the grant of such rights that are otherwise restricted to legal representatives or individuals within the terms of any relevant rule or enactment in more than one specified proceedings.

(9) The court may make the grant of permission under rule 3.23(3) subject to such conditions or limitations as it considers just. When considering granting permission, the court shall take into consideration whether the McKenzie Friend is a member of the Society of Professional McKenzie Friends or other Trade Association which requires and verifies the accreditation and indemnity insurance of its members.

(10) Permission granted under rule 3.23(3) may be withdrawn by the court at any
(a) where the conditions set out in rule 3.23(7) or 3.23(8) no longer apply;

or

(b) the court supporter McKenzie Friend is an unsuitable person to act in that capacity

(whether generally or in the proceedings concerned).

(11) Permission granted under rule 3.23(3) must be withdrawn by the court at any time where the court supporter is receiving, either directly or indirectly, remuneration from the litigant in respect of exercising the right of audience or carrying out the conduct of litigation.

(12) Permission under rule 3.23(3) cannot be granted retrospectively.

(13) Where a grant of a right to conduct litigation is granted, the Court Supporter McKenzie Friend may sign statements of truth and statements of case, including any Appellant’s Notice. They may do so as if they were a legal representative (lawyer) acting on behalf of the litigant.

(14) Once the right to appear as an advocate has been given to a lay person, that right will extend to all hearings in that claim, unless specifically directed otherwise or the right is revoked.13

Amendment to Practice Direction 3C – Civil Restraint Orders

1. This Practice direction applies where the court is considering whether to make –

(a) a limited civil restraint order;

(b) an extended civil restraint order; or

(c) a general civil restraint order;

against:

(a) a party who has issued claims or made applications which are totally without merit; or

(b) against a court supporter McKenzie Friend who has acted in any proceeding or proceedings

(i) in a manner which is contrary to the proper administration of justice;

(ii) for remuneration contrary to any rule or order of the court; or

(iii) sought or exercised a right of audience or a right to conduct litigation on a regular basis.

13 This principal was established by the Authority: Graham v Eltham Conservative & Unionist Club [2013] EWHC 979 (QB), para 35.
ANNEX 2 – Statements from customers of SPMF members

Accompany this response, in a separate file, are over 93 signed statements from people who have used the services of an SPMF member. The statement each has signed reads:

I do not agree that McKenzie Friends should be prohibited from charging for their services. I have received and paid for valuable help from a member of the Society of Professional McKenzie Friends, and I wish to have the freedom to do so again whenever I need such help.

Most of the signatories have chosen to make additional comments of their own. The original statements, showing the name and address of each signatory, are in a separate file which accompanies the copy of this response which is sent to the Lord Chief Justice. The additional comments made by the signatories are also shown below, without name and address, so that this response may be sent to other bodies without breaching confidentiality.

**COMMENTS**

1. My McKenzie friend provided me with excellent advice and direction, highlighting the key aspects which are important to the courts and how to focus on these. He also responded quickly when situations arose which a typical solicitor would have taken much longer to address. The cost of a solicitor would have been prohibitive, I would not have been able to bring my case to court, and most likely my daughter would have had to grow up with no contact with her father.

2. Without recourse to the McKenzie friend who supported me I would not have been able to get through the difficult process of litigation in the family courts. He always made clear his role in supporting me through the process and nurturing a positive attitude at times when emotions were playing havoc. As things are the cost of professional legal help and very quickly spiral out of control and beyond the means of the average person like me. In my experience the judge courted the view of Mr Barry on more than occasion which was a reflection of how he had helped me present by arguments.

3. Without help from the McKenzie Friends, facing court would have been extremely
frightening on my own. They helped me to put together a proper court bundle which resulted in my winning the case and keeping my Grandchildren safe. I had previously used up savings for a solicitor who achieved nothing and was left disillusioned and heart broken when there was no money left. At the last minute I was informed about McKenzie Friends who immediately came to my aid. Their costs were extremely low in comparison to usual solicitor’s fees. I believe it would be a grave injustice to prevent usual hard working citizens who do not have the capacity to pay for legal advice to be left adrift without aid. In fact I believe that McKenzie Friends deserve to be supported and should be more widely known to the public. I for one will always be grateful for their support, expertise and wonderful service.

4. I have no clue how I could have managed without a McKenzie friend's help and support through this extremely stressful event (divorce). Going through divorce and family matters are very stressful in the first place and not everyone can afford a lawyer’s fees. Having experienced this myself, I strongly feel McKenzie friends should be allowed to continue offering their support to individuals like myself at a very reasonable price. I am sure the Lord Chief Justice will consider the above and make a fair decision.

5. After the first 2 Court Hearings with my McKenzie Friend, the Woolwich District Judge called James Jonklaas back in to compliment him on how smoothly he had made the process. Part of how a McKenzie Friend helps is to allow the client to talk about personal issues affecting them, sometimes at length because no one is available or wants to listen. This can help direct the client’s course of action & s/he knows exactly why they have chosen the variance/order/etc. McKenzie Friends can sometimes bring their own personal experience into their advice as well as Court experience. All this comes at a lower cost than if talking to a junior solicitor, which some clients may not be able to afford or bring financial ruin & the stress that may cause.

6. My case led to a shared residence order put in place. Following the recommended route of solicitors/barristers would have left me penniless and broken. You want to deny this lifeline to others!! Shame.

7. I used a McKenzie friend to assist me in my court proceedings regarding my son. The service I received was very professional and reliable, I would gladly use them again in any of
8. I spent 6 years in court to gain my rightful contact with my daughter who is now 8 years old. The first 2 years I used solicitors and barristers with limited success of contact but a huge bill. The last 4 years of court I used a McKenzie friend. Not only did we achieve a contact order until my child becomes 16 years old, but the cost involved was a fraction of the money I had spent in the first two years. I cannot thank my McKenzie friend enough for what he did for me. I will never forget him. I live in Northern Ireland but my case was dealt with in Croydon, London.

9. I believe that without McKenzie friends people like myself would be unable to access advice and guidance relating to legal/court matters, without being charged extortionate price and unaffordable costs.

10. I strongly believe that McKenzie friends offer a very valuable social service that benefits those that are most vulnerable in society.

11. I would not have access to any kind of legal process without the option of a professional McKenzie friend – the consultation paper completely misrepresents them and appears to be more about protecting a monopoly of lawyers rather than protecting “vulnerable litigants.”

12. With all the cuts to legal aid the ban you propose is not logical. I have used Ray Barry of McKenzie friends several times, at a much lower cost than a high-street solicitor and found himself valuable.

13. Ray Barry and his team have been invaluable to us through our toughest of times. Really wouldn’t have got through it without help and guidance received from them.

14. I needed to go to court to obtain a Residence Order for my daughter, as she wished to live with me permanently and visit her dad on occasions. Without the help of McKenzie Friends, I would not have been able to do this. I was not entitled to Legal Aid and had no funds available with which to pay hefty Solicitor bills. Had I not been able to obtain a Residence Order, I dread to think what would have happened to my daughter – she would have been
devastated (at the time she was 9 years old). She was deeply affected by her drunken father, suffering for years from anxiety and panic attacks and has only just finished Counselling. She will be 15 years old next week and luckily is now a happy, healthy teenager.
I recommended McKenzie Friends to my friend, whose son was in the same position as myself. With their help, he also was granted a Residence Order for his son, again he would not have been able to do this if he had needed to pay large Solicitor bills.
To take this service away from normal working people like myself would be a travesty and would cause anguish and heartache to not only parents, but also the children involved.
My personal view is that I would fully support McKenzie Friends 100% for the help they provide to people and would be extremely upset if this option were taken away.
I am happy to be contacted at any time to confirm this.

15. I have had an extremely good service from McKenzie friends especially in my financial difficulties and would recommend for every father.

16. It is untrue that such a ban would protect vulnerable litigants. On the contrary it will increase the likelihood of miscarriages of justice if one party is LIP without any help and the other has a solicitor. It will also increase court time. Legal aid has been withdrawn from family court hearings and professional McKenzie friends offer a valuable service to litigants who either cannot afford a solicitor or who find that they receive better help from their McKenzie friend than from a barrister brought in. This has been the case to my knowledge and such a ban would look like protectionism rather than a genuine desire to protect the public. If a McKenzie friend who is a member of the SPMF is chosen, any litigant is sure of dedicated and responsible help. The McKenzie friend with whom we have had dealings has, to my knowledge, been complimented by a district judge for his conduct during a difficult hearing and it is a fact that professional McKenzie friends can and do defuse emotionally charged atmospheres and give invaluable guidance. There is no good reason to ban professional McKenzie friends and every reason to allow them to continue helping the vulnerable people this proposed act purports to protect.

17. The potential removal of the option for someone to have a professional McKenzie friend to assist them in the legal process is wrong, it is putting justice at risk for people who fall outside the legal aid system or where no legal aid is available and their financial situation
prevents them from having a solicitor. Surely it is everybody’s right to represent themselves in court situation and at least be assisted by someone who is supportive and able to advise. Surely if people cannot afford a solicitor and barred from using a professional McKenzie friend then the court process will be adversely affected by untrained litigant in persons having to be guided through a legal process by the magistrates will judge.

18. I feel it is wrong to remove this valuable service, I gained far more with the assistance of my McKenzie friend than I did with full legal representation. I really hope common sense prevails and this ban is not brought in.

19. Please see attached page (below) – detailing the invaluable assistance provided by Ray Barry at a particularly bleak time in my life. Thanks to him I am still in contact with my daughter, four years on from his intervention. He provided an extremely inexpensive service and promoted non-confrontational methods of interacting with my ex-wife. – Many thanks Ray!

Ray Barry, my McKenzie Friend assisted and guided me in 2012 towards a solution to a most aggravated and emotionally draining situation arising from my ex-wife’s announcement that she and her new husband were to take one of my children to live in Northern Ireland, thus reducing considerably my chances of contact with my daughter (then 14 years old). Ray analysed the situation carefully and suggested a pragmatic way forward at this bleakest point of my life. A comprehensive ‘Contact Arrangement’ was drawn up and duly signed by my ex-wife and this has stood the test of time, being complied with to this day.

At the time, there was no possibility of me employing the services of a solicitor. I had undergone a costly divorce and had, it transpired, been poorly advised by the solicitor from a major Crawley firm, (whose name I will divulge if it is considered pertinent). A great deal of money had been wasted for little return. My funds were extremely depleted and I would not have been able to afford to consult a solicitor at that juncture even if I had desired to do so.

At this point, I discovered the existence of McKenzie Friends, in the form of Ray Barry. Ray explained in detail the legal force and limitations of any advice and guidance he would provide. He left me in no doubt that he was not a solicitor. I was extremely impressed throughout at the speed of response to communications exchanged with Ray. He would normally respond to queries on the same day or certainly within a short time frame. These
exchanges were often conducted by email or telephone, with no need on my part to take annual leave from work to visit a solicitor’s office.

Ray’s fees were extremely modest and there was no attempt to charge for every letter sent or phone conversation – as favoured by the professional solicitors. In sharp contrast to this, he would answer as many as perhaps ten lengthy and detailed letters for the same price as I would have paid for one at the solicitors. He represented exceptional value for money. I guess that as a result of lower overheads, the Friends are able to spend more time analysing detail and devising alternative ways of achieving goals. The whole experience took much stress out of the process and, as I mentioned, has stood the test of time, with my contact remaining intact with my daughter.

Ray also pointed out various points in my Court Order which had been badly or ambiguously worded- or indeed points which I had simply overlooked – and enabled me to successfully claim back amounts of money due to me. I would add that he managed to advise me how to approach my ex-wife in a very non-inflammatory manner – again in marked contrast to my solicitor.

In finishing this note, I will add that there are many people out there far poorer than I, who could not even consider employing solicitors. I would plead with you not to deprive such people of what turned out to be a life line for me at such a depressing time. Such people will in reality probably end up representing themselves in Court fighting their case with next to no or at least very limited legal knowledge. I would suggest that surely the situation at present, where they are offered the assistance of a Professional McKenzie Friend, well versed in legal matters, is infinitely preferable to this bleak and retrogressive alternative.

20. Being a full-time working, busy single mum, I found Mr Barry’s services very helpful, well explained and affordable in my recent divorce, Financial and as well as in children cases. He has attended court hearing with me and I felt well supported in these hectic court proceedings.

22. I am appalled to read that the service I have used and value is under threat. I was advised by a mediator to undertake this service when I was at my most vulnerable. I met with my
McKenzie Friend for support and advice at a very crucial point in my life. I was not disappointed. Although my McKenzie Friend is not legally trained his knowledge and expertise in supporting me through this case has been invaluable. Why then would someone want to ban a service such as this?

My McKenzie Friend is well versed in matters of the court as he has had numerous years of experience on both sides of the court process. He always ensured that the standards of competence and conduct required by the court were adhered to. In addition, he ensured that I was made aware of these policies and practices.

23. To not have the benefit of James Jonklaas’s vast experience would have meant disaster for my complex and extended case.

24. I am grateful to McKenzie friends for the impartial assistance and help received and wish to have the freedom to do so if needed again.

25. I am employed by Thames Valley police for the last 6 years, I have used the services of a McKenzie friend for assistance in preparing case file for court, and found their help and support invaluable.

26. My professional McKenzie friend was incredibly helpful in my divorce case. Without his help I could not have conducted the case as well which would have lengthened court proceedings and would not have been in my son’s best interest.

29. After incurring a solicitor’s bill of almost £5000 for my divorce I was unable to fund another solicitor. Mrs Karen Marshall (McKenzie friend) was completely invaluable in negotiating the minefield of the court process when it came to understanding the documents and court process I needed to adhere to. All forms/documents were professionally completed, I was kept up-to-date at all times. The support I received was far beyond that of a solicitor. I was never made to feel stupid or a lesser person if there was anything I didn’t understand. Actually being honest it was nice to be able to deal with a human being (albeit very professional) instead of some stuffy solicitor who always seemed more concerned with lining his own pocket.

I always knew what to expect, knew what was going to be discussed, never came or went
with great expectations. My McKenzie friend was always honest and upfront.

We always discussed the court process before we went. I could ask any questions and would always be pointed in the right direction of what I could and couldn’t do in court, what I could or couldn’t say how to say it.

If McKenzie friends are no more, how do people with little money, no confidence, vulnerable situations defend themselves.

Without the help of my McKenzie friend I am in no doubt that I would not have left and completed the court process the way I have.

Court is a daunting, sorry placed for “normal folks.”

Anyone in a vulnerable situation would find the whole process overwhelming.

Without McKenzie friends how would “normal folks” negotiate everything. Surely the court processes would become more lengthy and drawn out. This would only cost courts more, clog the system up and cause more frustration for all involved.

I have been a litigant in person both with and without a McKenzie friend. Litigants without any help/representation do not understand the court process or indeed how to conduct themselves. This can turn the courtroom into a circus. If someone is in need of help a McKenzie friend ticks all the boxes, obviously without the massive cost of a solicitor.

I know from experience that my McKenzie friend Mrs Karen Marshall, Absolute Legal Services was of paramount importance in me dealing with the situation I found myself in. I would have been lost and would have felt in a much more vulnerable state without her unwavering support.

Without legal aid and McKenzie friends the solicitors can name their prices too can’t they!!

30. I value the help of my McKenzie friend and after spending money on solicitors without anything to show for it I feel I have made progress. I do not mind paying for this invaluable service.

31. Karen’s help and fantastic service have been invaluable in helping me to see my daughter on a regular basis again. I could not afford to pay a solicitor as many people can’t as they are so expensive.

32. I am happy to pay for a McKenzie friend to help me with any future family court
proceedings I may have. I also want to emphasise how great their help has been in the past and without the help of a McKenzie friend the court may not have come to the right decision because I would not have been able to afford the use of a solicitor, and I was so very well advised by my McKenzie friend on which direction to take through my court proceedings case, and I would have really struggled to represent myself in court.

33. I think McKenzie friends should be allowed to stay as mine has been a great support within my case and as a single parent I wouldn’t have been able to get any help and support as I am from Karen.

34. The service I have received from Karen Marshall (McKenzie friend) has been outstanding. The help, support and advice I have received is totally exceeded any money I have paid for service. I don’t think anybody putting that much in should work for no financial gain.

35. I wouldn’t of been able to afford or done it without them.

37. Robert Smith of Altruro has provided me with a high-class service and have recommended him to others.

38. I write to advise that without the assistance and help from Karen, I would not have been in a position to pay for solicitors in order to proceed with my divorce, due to the cost involved by them.

40. They are helpful. Far cheaper than traditional lawyers and many McKenzie friends are doing this out of their interest to help people.

41. Not everyone can afford a solicitor, with the increase of online divorce procedures which may result in unfair decisions, it’s extremely important to have the support from a solicitor (McKenzie friends) so I feel confident in a time of stress that I’m getting the professional support to help my situation.
43. My McKenzie friend has been exceptionally helpful in his support and knowledge during my child arrangement and divorce case. I could not otherwise afford help and would be stuck in an unhappy marriage.

44. McKenzie friends must be allowed to appear in court and help families who cannot afford unreasonable fees imposed by lawyers.

45. As a single mother with limited income and minimal support from my estranged husband, I found the help of a McKenzie friend to be so helpful. I saved at least two thirds of the fee of what a practising solicitor would have charged me. At least I know I won’t have to get another loan (which I cannot afford) to pay for my divorce proceedings.

48. I received professional and friendly service from my McKenzie friend who helped me tremendously in court. Their service is very valuable especially now that legal aid is restricted and I was not eligible for legal aid.

49. Without the support of my McKenzie friend I would not have gained joint care of my two children.

50. The service provided by McKenzie friends is invaluable. John has been very key in getting more time with my son. My barrister’s comment was “this is one of the best statements I have ever seen.” What they do they is needed and should be available to anyone who needs them.

51. I’m pretty shocked and disgusted that this would even be considered. More light needs to be shone on the family court. McKenzie friends and should be encouraged whenever possible.

53. It is outrageous that solicitors are allowed to charge more per hour than the British Prime Minister receives. And then they refuse to act for you in court. McKenzie Friend was the only way I was able to complete my divorce procedure at a reasonable and realistic cost.
56. I started my divorce process in 2013. The solicitor I met was really nice and assuring. He promised a quick process. Unfortunately due to my ignorance in the family law area I had no choice but trust him. Two years and about £3000 later! realised how incompetent he was. My divorce reached the Decree Nisi stage. Nothing else was done.

I decided to change the law firm. In April 2015 my new lawyer was really nice and assuring. She promised a quick process. I had no choice but trust her. My ex-husband decided to take me to court. I couldn't afford a lawyer to represent me in the childcare matters and my friend mentioned a McKenzie Friend. I contacted Nicholas Walton-Jones.

We have already been through four hearings. I wish someone had mentioned him to me before I lost all my money on the lawyers who didn't progress my divorce at all. I am representing myself but with Nik's help I actually understand the process now. I feel I have a professional advisor who doesn't lead me and has always been very clear on what I should or shouldn't expect. He is not biased or doesn't tell me what to do but his explanations give a great understanding on my situation. Nik doesn't make promises- he clarifies the process, prepares and supports.

When we go to hearings, Nik makes me feel really comfortable and confident. I also feel I have a friend who distracts me and makes me less stressed. Nik's fees are very low. He is flexible with the payments dates, which makes it possible to have professional and affordable help without worrying about charges. My childcare matters are being sorted thank to my McKenzie friend! A year and £2000 later my finances are still where they were over two and half year ago. I already contacted my current solicitor to tell them I wish for them to stop dealing with my finances matters. I have been waiting for the detailed breakdown and the final invoice for over a month. I am taking my finance matters to Nik. I know I will be finally divorced this year!

If you ban McKenzie friends from charging for their services, you will lose excellent professionals. They invested a lot of time and money in their qualifications. They could charge far more for their excellence and yet those minimal fees are all they get. Comparing to the lawyers' fees, they already seem to be doing almost a charity work. Comparing to the lawyers' quality of service... There is no comparison as they actually help.

If we start losing McKenzie friends (which is what is probable to happen with their charges
being banned), a lot of people will be disadvantaged because they won't be able to afford solicitors. I know I could have been one of them...

57. The practical and emotional support I have received from my McKenzie friend has been invaluable to my case regarding access to my children. The legal process regarding family court is a minefield and to have to negotiate this minefield during such an emotional time would have been almost impossible. There is no doubt that I would have not been able to commence or continue with proceedings without the professional help of a McKenzie friend. Their emotional support has also been invaluable and given me the strength to continue with my case and fight to get justice and the best for my children. There is no way I would have been able to continue without a McKenzie friend and I am so pleased that I have their support.

I approached a solicitor in the hope that they could help me but even on my average wage there was no way I could afford their services. At this time I was in despair until I discovered the services of a McKenzie friend and they have given me the hope that I need.

If a McKenzie Friend was not available I could not afford a barrister or solicitor.

58. Myself and friends have used McKenzie friend’s in the past as we were unable to afford Solicitor fees, and they have been instrumental in helping receive justice in court when without them cases have been lost and justice not served. This is a invaluable service that should continue as it has in the past. In my own case Helen Maltby, my Mckenie friend has been there to hold my hand through a very trying time, without her help I would not have known where to start, not understood court procedures and understand how whole procedure works.

Countless hours were spent preparing my case, something that I could have not done by myself. She made sure that how I approached everything was within the law and that I understood what I could and couldn’t do… I would never have gotten through the process without my McKenzie friend.

59. My McKenzie friend played such a big part in my case, both inside and outside the court, without there help it would have been impossible for me to be able to fund going to court to get access for my son. I hope not to so, but If I end up going back to court it is without questi
on I would be relying on my McKenzie friend to provide the help I need and is without a doubt a service that I couldn’t go without.

60. Without the support of McKenzie Friends there would have been a number of occasions I would have had to represent myself in the family court and would have not understood the legal terms and implications of actions that have occurred in my daughters case that has been escalated to her now having to been made part of the proceedings with a child’s Guardian and her own solicitor.

61. Working with a McKenzie friend enabled me to continue with my case without the financial stress I would have had if I had continued to use a solicitor. In my particular case I had to take swift action to protect my son and hadn’t heard of a McKenzie friend at this point. The fee through a solicitor for taking this action and one court appearance was £1000. Money I had to put on my credit card, and as yet have not been able to pay off. Because of the financial pressures I was considering representing myself but felt totally unskilled, but felt I had no other option. It was my Mum who found out about McKenzie friends on the internet. I went onto contact Helen Maltby, in Sheffield, who provided and excellent professional service that was affordable. I was able to meet the cost much more comfortably within my monthly budget and was offered the opportunity to spread the cost over a longer period if needed. Although my case was closed over 6 months ago I have since contacted my McKenzie on two occasions regarding organising contact between my son and his dad. Advice that has been invaluable, but a decision I would not have sort if I had had to use a solicitor and pay their fees. On a personal note working with a McKenzie friend was much less intimidating than working with a solicitor. She was able to come to my house, talk on the phone and also met me a short distance away from the court so we could walk to the court together, which supported me immensely.

I can’t talk highly enough of my experience of working with a McKenzie friend, and have recommended the service to many people. I felt happy to pay for the professional service I received, as the fee was a manageable amount that I could meet. I was very grateful to be able to make the choice of using a McKenzie friend.

62. The help and advise I received from McKenzie Friend was very professional and valuable and I cannot fault the service provided.
63. I recently used a McKenzie Friend following my divorce, this was an unbelievably stressful and expensive time for me and the help and support I was given by my McKenzie Friend was second to none. I strongly believe they should be available to help people in a variety of situations, and I do not know what I would have done had I not had their help. The legal system is both confusing, and I must say in my case, not helpful at all. If I had known about McKenzie Friends at the start of my ordeal then I wonder if I would have gone to court at all, therefore another good reason to have their expertise and help. I can not recommend them strongly enough.

64. McKenzie Friend helped in my case as she explained to me things which I was unable to understand, after my legal aid stopped and I couldn’t afford to pay a solicitor as the fees was too high for me, McKenzie Friend helped me in writing my statement and support me at court which I would have found it difficult without McKenzie Friend, I think its useful idea and I did appreciate that there is another way to help me at court and which is affordable to me.

65. Without my mckenzie friend I would not have been able to afford a solicitor. They helped me gain more time with my daughter which at present is nice but eventually I want to gain more contact and so I will be in need if my mckenzie again. Without legal aid avaliable it costs lots to go through family courts.

66. During a difficult separation (including divorce, obtaining an occupation and non molestation order and Children Act proceedings), Helen Maltby helped me with many court appearances and the preparation of court documents and correspondence in 2014 and 2015. She was courteous, well informed and professional at all times.

I could not afford the rates charged by a standard solicitor or barrister and it was a huge relief to me to know that help was out there at a reduced fee, but still with a knowledgeable and capable person. Staff at Sheffield Domestic Abuse Outreach Service recommended Helen initially and from the outset I could tell that she was experienced and well placed to help me at a very challenging time in my life. I am sure that her work and that of her colleagues is of the utmost importance in assisting the poorest members of society with legal matters. Without such help the court process would seem more baffling and the whole experience would
probably be almost unbearably stressful for many people.

67. I have found McKenzie Friends professional, friendly and most of all affordable. They provided me with a prompt and outstanding service in both of my cases – children & financial. They are approachable, understanding and reliable individuals who offer the solution for those who need it and not always can afford it.

68. Without the help of a McKenzie friend, I would have had to face an acrimonious divorce alone and as I could not afford a solicitor’s fee, my McKenzie friend was valuable and helpful beyond what can be measured in monetary terms. I had no problem paying for their help. It was a valuable service.

69. My divorce case had stalled in the legal system and I had paid lawyers a substantial amount in fees. I contacted a McKenzie Friend who supported me and offered clear and constructive advice throughout my dealings with him.

I can only say that the Lord Chief Justice is incorrect in his opinion. My experience is quite the opposite, in that my McKenzie Friend actually facilitated the proper administration of justice, whilst providing effective protection to me as a litigant who really felt that I had little to no effective protection, or means of redress, by 'regulated legal teams.'

The competency of my McKenzie Friend was second to none and he assisted me in obtaining an outcome I could not have expected from my previous 'legal teams'. The option for an individual to choose McKenzie Friends should not be removed.

71. I personally received much of help from McKenzie friends and I do really appreciate the hard works I received.

72. Our family had spent a considerable amount of money on solicitors who had got us nowhere. The McKenzie friends from court without a lawyer were absolutely brilliant and it is without doubt that without them our son would have lost any contact with his daughter and us with our grand daughter. To consider banning them would do a considerable injustice to all
involved in such cases.

74. Going through divorce is an extremely traumatic, worrying and stressful experience. One of the most concerning aspects about the whole process is about being able to afford all of the associated costs, especially for someone like me who earns less than the national average, has to pay child maintenance to my children's mother all while having to move back home with my own Mum because I can't financially afford a place of my own.

The one constant I have throughout this awful time of my life; the one reassuring person whom I can rely on completely is my McKenzie Friend, Ashlie Prescott. Even though I've still had to initially borrow the money from my Mum to pay for Ashlie's expert and value-for-money services, Ashlie has provided me with affordable, expert advice which I couldn't have obtained via a practising solicitor due to their extortionate costs.

I had contacted various Family Divorce Solicitors in the Hull area prior to meeting Ashlie. I couldn't quite believe just how much their costs were, and when speaking to a couple of them over the phone it immediately appeared to me that they were more concerned with the money side of things and less concerned about my emotional and financial welfare. With Ashlie this has been the complete opposite.

The fact that she is providing me with the same level of advice and professionalism I would expect from the legal services, but for a fraction of the cost is of extreme comfort to me. As a human being I much happier dealing with someone who is more concerned about me than their own financial gain - this is how everybody should operate in my view.

There is too much emphasis on profit in today's world. Making large sums of money out of people while they're going through what is deemed to be the second most depressing time of anyone's life behind a bereavement, is quite frankly absurd. It is my view that rather than consider banning good-hearted people like Ashlie and the wider network of McKenzie Friends from assisting ordinary people like me, you should in fact be reviewing the entire legal system from the perspective of reducing the amount of profit legal companies are permitted to make from situations like divorce.
Therefore, it will come as no surprise to you when I say that I wholeheartedly oppose your proposal and urge you to reconsider.

75. If I had not been able to use the services of Ashlie Prescott my life and my son's life would have such a different outcome. My ex-husband was extremely controlling over myself and my ten year old son due to him having severe mental health problems. I had to use Ashlie's services to fight to amend the contact that my ex-husband had. Since going to court and using Ashlie's services, my son had flourished at school, has stopped complaining of stress related symptoms and is able to manage his controlling father much better now as he does not see him as often.

Without being able to access this service I would not have been able to pay solicitors costs. I feel a withdrawal of this service would be dangerous and would affect the mental health of a lot of people, especially children. As human's we should have the choice to choose what service we want to pay for. If there are McKenzie friends who are unethical and not giving good advice then focus on these people rather than banishing the qualified caring people like Ashlie.

80. This concern was invaluable to me at a time that I needed professional help and didn’t know where to turn. They gave me a professional, competent and caring service.

81. Without Ashley Prescott service I would be unable to access affordable legal advice. As an adult I welcome having a choice of either try and muddle through on my own or use this service.

82. I do not qualify for legal aid. Without the support of my professional McKenzie friend, whom I pay for, I would not have been able to afford “full” solicitors fees and therefore could not have been confident in securing my daughters and my own financial security during my divorce.

83. I found the service I received from Ashley to be a great help to me at a time when I needed professional advice and could not afford to pay a solicitor’s fees.
84. The service has been invaluable to me as I would have struggled greatly to be able to afford the cost of instructing a solicitor. I have been very happy with the way the work has been undertaken.

85. The professional help and advice I received from Ashley Prescott as a McKenzie friend was invaluable and without the option to use a professional as a McKenzie friend, I would have had no means to proceed with my divorce.

86. Karen has helped me immeasurably with support in terms of both my divorce, and the finance and family matters associated, help I could not have afforded otherwise, and a service that is second to none in terms of its value.

87. The help and support I have received has been so beneficial to myself and my family. If it wasn’t for this service I could not and would not have moved forward with as little stress as I have done.

88. I have found it more personal and not so harrowing dealing with a McKenzie friend rather than an impersonal service from a solicitor. Also I received the same service but at an affordable cost.

90. I have received invaluable help and advice from Karen Marshall. Help and advice which I may not have been able to afford from a clock-ticking, cost rising solicitor. I would certainly use Karen or another member of the society of professional McKenzie friends again.

91. I have found the help given to me invaluable and my McKenzie friend has supported me whenever I have contacted her. It should be a choice for me to make who I wish to get advice from.

92. Without such dedicated professionals I don’t know how I could have afforded this. I have been in this position before and went down the solicitors route and found this very expensive and with very little effort to given to me to justify the fee they charged at the time.
93. Karen’s help was invaluable. I was a victim of domestic abuse and had employed a solicitor but could not keep up with the fees they were requiring to protect both me and my son. I am currently going through the financial settlement and divorce. Without doubt I wouldn’t be able to do this without Karen’s help and guidance.