

McKenzie Friends

In general we have found that if you want the best result in court then you need a good (and we stress good) solicitor and/or barrister with experience in public order law and protest cases.

There are however two situations when you may want or have to represent yourself in court:

- Firstly if you want to present a political (non-legal) defence and
- secondly if you can't get legal aid and can't afford to pay the lawyers (even then if you were arrested in a protest situation we may be able to get you free representation).

If you do represent yourself in court you will need to spend a lot of time researching and getting to grips with the law and procedure (if yours is a protest case LDMG may be able to help). One thing you will definitely need is a McKenzie Friend.

What is a McKenzie Friend?

A McKenzie friend is somebody who accompanies a defendant in a court hearing to assist them with such tasks as

- taking notes,
- helping to organise documents,
- and quietly making suggestions – for example as to questions to put to a witness.

They need to be someone who you trust. They also need to be well organised and act in a way which won't antagonise the judge.

There is no right to have a McKenzie friend: the only right is that of the defendant to have reasonable assistance. However, generally, a defendant who wishes to have a McKenzie friend should be allowed to do so unless the judge is satisfied that fairness and the interests of justice do not require it. **A McKenzie Friend has no right to address the court.**

The term McKenzie Friend comes from a divorce case (McKenzie v McKenzie

[1970] 3 WLR 472). The judge had refused to permit Mr McKenzie to be accompanied by a friend who wished to sit beside him in court. The Court of Appeal overruled the judge relying on a case from 1831.

McKenzie Friend's were widely used in anti-poll tax cases, but most of the recent examples come from family cases. In the civil courts there is a strong presumption in favour of allowing a McKenzie Friend and recent guidance has been issued by the Master of the Rolls, as Head of Civil Justice, and the President of the Family Division, as Head of Family Justice

<http://www.judiciary.gov.uk/Resources/JCO/Documents/Guidance/mckenzie-friends-practice-guidance-july-2010.pdf>

Although aimed at civil cases we recommend you read this guidance.

In our experience most Judges in the criminal courts will allow a McKenzie Friend.

Finally a word of caution. There are so called "professional" McKenzie Friends advertising on the web that they can "represent" you for less than the cost of a lawyer. Never pay a McKenzie Friend.