ADL SOLICITORS

COMPLAINTS

YOU SHOULD ALSO SEE THE TERMS AND CONDITIONS AND OUR GENERAL HANDBOOK - These contain additional information about complaints



IS OUR BILL FAIR?

Our Fees

All bills should show you the dates between which the work was done and enough information for you to decide whether the bill is reasonable. Sometimes your solicitor will accompany the bill with a print out of a computer time record or work summary.

If you want more information you may request a bill containing detailed items within three months of receiving a summary bill. This will then replace the summary bill and may be for more. if you ask for this more than 3 months after receiving the summary bill you may be charged a time charge for this preparation.

Working out your solicitor's charges

The ways in which charges are worked out differ depending on whether your legal work has been contentious (with court proceedings which includes Pre-Action work) or non-contentious (with no court proceedings). In both cases your solicitor's bill should contain enough information for you to see what work has been done and what you are being charged for so that you can decide whether to get your bill checked.

Bills for contentious (Court and litigation Pre-Action) work

If the work involved a court case, your solicitor can send you either a brief summary of costs (called a gross sum bill) or a bill containing detailed items. If you receive a summary, you may ask for a bill containing detailed items within three months. If you ask for a bill containing detailed items, it will replace the original summary and can be for more or less than the summary.

Bills for non-contentious work

Your solicitor may be prepared to give you more detail of the work that has been done, if you ask.

Getting your bill checked and if you are unhappy about your bill

You may object to the bill by making a complaint to the Legal Complaints Service or the Office of Legal Complaints, and/or by applying to the court for an assessment of the bill under Part III of the Solicitors Act 1974.

Contentious work is work that relates to litigation i.e. if your matter has been issued at court then it is regarded as contentious. Arbitration is also contentious work but matters that are brought before a tribunal e.g. employment tribunal claims, are not regarded as contentious work.

Pre-Action Litigation Rider

a) Where we have been engaged for non-litigation purposes, we may advise on the early stage of contemplated litigation, if within the field of scope covered by our Scope letter, without entering into a new Scope letter; however you will be expected to enter into an additional agreement covering the litigation once it is intended to issue proceedings.

b) Counsel and Court Fees paid to our office fees account are non-refundable even if the matter goes not further as we will incur liability at the time we bank your cheque or receive your payment. There will be use of Counsel for hearings and advice from time to time (including pre-action). We will require all fees for Counsel in advance prior to booking Counsel. Counsel Fees are not refundable once booked. The same applies for agents, experts, overseas lawyers and the like. All Court hearings are attended by Counsel.

[Corporation Name]

MINUTES OF THE COMPANY

Chair: [ ] was appointed quorate.

Quorum: The meeting was declared quorate.

It was noted that the company wished to appoint ADL Legal as solicitors.

The Directors noted that they had received a fee concession and the Directors determined to appoint ADL Legal as the Companies Solicitors.

RESOLVED, The Corporation appoints ADL LEGAL LLP.

There being no other business, the meeting was closed.

Dated: 20 (being the date of the meeting)

Signed by the Chairman as an accurate record of the company meeting

CONTENTIOUS BILLS
(i.e. Bills in relation to Court Action (including Pre-litigation and Pre-Action Protocols)

If your bill is for contentious work you may get your bill checked by the court. This is called assessment. There are rules about the time when you can use this procedure and the procedure to follow.

If you have paid your bill over one year ago then you will have lost the right to challenge the bill. It is therefore important that you do not delay.

However, there are a number of technical requirements relating to solicitors' bills. If the "bill" you receive does not comply with those requirements (which are set out in section 69 of the Solicitors Act), your time for challenging it will not have started to run. Consequently, even if you have paid your solicitor's costs more than one year ago it may still be possible to mount a challenge. Again, we will be pleased to advise you further on this point.

You are automatically entitled to have your bill assessed if you issue assessment proceedings within one month of receipt of the bill. If more than one month has passed, you may still be entitled to have the bill assessed but the Court may impose conditions for example, you may be ordered to pay part or even the full amount of the bill.

If the bill is over one year old but you have not paid it, you may still be entitled to have the bill assessed but only if you are able to demonstrate "special circumstances" to the Court. "Special circumstances" are not defined but may included cases where there is an obvious error in the bill or the costs are substantially in excess of the estimate of costs given to you at the outset of the case.

In contrast to the other procedures this procedure is not free and as a general rule you will only be awarded your costs of bringing the assessment proceedings if you are successful in having the bill reduced by at least 20% at assessment.

If the bill is reduced by less than 20% you will almost certainly be ordered to pay the solicitors' costs as well as your own. This is an important consideration when deciding whether or not you should proceed with the assessment procedure and we are more than happy to advise you as to whether you are likely to be successful in challenging your solicitors' costs through this procedure

GUIDANCE FROM LAW SOCIETY RE BILLS

You can get guidance from

The Law Society Site
http://www.lawsociety.org.uk/

The Legal Complaints Service site
http://www.legalcomplaints.org.uk/home.page

Checking our Fees: If you think fees are too high, you can:

a. Complain to our complaints partner
   The bill will be reviewed within 14 days

b. Ask a court to examine the bill.
   This procedure can be used for any work done by a solicitor, including court work, and is known as assessment. The court can examine the whole bill, and can either approve it or reduce it. If the reduction is more than one-fifth, you will not pay the costs of assessment.
   For non-court work, the court which assesses the bill is the High Court in London. Where court work is involved, the bill will be assessed by the court which dealt with the case.

   If you ask for assessment within one month of getting the bill, the court must assess it, but will normally require a good explanation why you were not able to ask within the first month.
   Between one month and a year, the court decides whether to agree to assessment of the bill.
   After a year it is very unusual for the court to agree to assess a bill.
   The court cannot agree to assess the bill if it has been paid and more than one year has gone by. You can ask the court to examine the bill even if you have signed a conditional fee agreement.\

c. there may also be a right to object to the bill by making a complaint to the Legal Complaints Service or the Office of Legal Complaints, and/or by applying to the court for an assessment of the bill under Part III of the Solicitors Act 1974

d. Discounts:
   Automatically lost if a fee is not paid within 1 month of fee bill being issued.

e. A request for Payment. A request for Payment is deemed to be a fee bill.