

## Mark L Ryan Solicitors Pricing & Service Guide 6<sup>th</sup> December 2018

### Our commitment to transparent pricing

We are committed to providing you with the best possible information about the likely overall cost of your matter, both at the time of engagement and, when appropriate, as the matter progresses.

We are also committed to giving you enough information to help you make an informed choice about the legal services you may need and that includes an understanding of what the costs might be. To help you to do this we provide you with information about our services and the prices we charge for them.

### Our experience and qualifications

We use experienced and qualified staff on all engagements. You will be told who is handling your matter but, irrespective of who this is, all work is overseen by Mark Leslie Ryan - a Solicitor with over 25 years post-qualification experience.

### Our Fees

If we provide you with a fee estimate or quotation for a piece of work then (perhaps obviously) this is made in good faith based upon the information we have before us at the time the estimate is given. We will tell you if it becomes apparent that our fees are likely to exceed the estimate that we have given and we will discuss and agree with you the best way forward.

All our fees may be quoted as inclusive or exclusive of VAT and disbursements where applicable.

### Charging Rates

Although we try wherever possible to quote a fixed fee for your work, sometimes we invoice on the basis of the time our professional staff have been engaged on your matter. Our charging rates are reviewed annually. The charging rate for Mark Leslie Ryan for the calendar year 2018 is £225 + VAT per hour.

(NB – Throughout this guide, the word ‘disbursements’ appears. Disbursements are costs incurred relating to your matter that are payable to third parties such as Court fees, barrister’s fees and the like. The amount of these disbursements may change from time to time).

### *We have set out in this guide our fees for:-*

- A. *Probate – see page 2*
- B. *Employment Tribunals – see page 4*
- C. *Debt recovery – see page 5*

*We may add to this pricing guide at any time and our fees for any type of legal work that is not currently listed in this guide will be set out separately but will still be within the spirit of our commitment set out above.*

## **A. PROBATE**

We have over 35 years of collective experience in delivering high quality work in all matters relating to Wills, Probate and estate administration.

### Our fees

Obviously, fees vary because estates vary – they vary in size, complexity and the work involved. It is not possible to consider every possible type of case we may be presented with. Every case is dealt with on a case-by-case basis. Some cases are charged according to hourly rates (see above for the current rate) and in certain circumstances (we can tell you if these apply to you), we may instead be able to offer you a fixed fee (ie inclusive of disbursements and VAT). Even with fixed fees, these can vary depending upon what is required.

Here are just two examples of types of Probate cases:-

*Example 1 - Non-taxable estate – where we are only asked to obtain the Grant of Probate and, quite specifically, we are not instructed to do anything else.*

If we are instructed to apply for the Grant in an estate where there is a valid Will and no Inheritance Tax to pay, we anticipate that our fees would be in the region of £375 to £1,000 plus VAT and disbursements.

Anticipated disbursements might include:

- Probate application fee of £155 (+ 50p per Court sealed copy)

*Example 2 - taxable estate – and we are instructed to do the full estate administration*

If we are instructed to apply for the Grant of Probate in an estate where there is a valid Will and the estate is subject to Inheritance Tax, we anticipate that our fees could be anywhere from £1,500 to £12,000 plus VAT and disbursements.

Anticipated disbursements might include:

- Probate application fee of £155 (+ 50p per Court sealed copy)
- Swearing of the Oath (per executor) of £7
- Creditor Notices under s.27 Trustee Act 1925 of £80-£250
- Property valuation fees of £50-£250
- Insurance of property of £200-£600 (approximately depending on level of cover)

Whilst not a disbursement to our invoice, the estate would have an Inheritance Tax liability to settle with HMRC. The attached link can help explain how Inheritance Tax is charged:-

<https://www.gov.uk/inheritance-tax>

Our price may or may not include conveyancing charges for dealing with the sale or the transfer of a property in the estate, depending on what we have agreed with you.

### Our services

Our services in the first example are as limited as already set out within that example. In the second example our work would include most or all of the following:-

- Identify the legally appointed Executors/Administrators and beneficiaries
- Accurately identify the type of Probate application
- Obtain the relevant documents required to make the application
- Complete the Probate Application and relevant HMRC forms

- Advise on the eligibility to claim the available Inheritance Tax allowances (Nil-Rate band, Transferable Nil-Rate Band, Residence Nil-Rate Band and Transferable Residence Nil-Rate Band)
- Draft Oath for the Executors to swear
- Calculating the estate's Inheritance Tax liability and advising you upon the amount required to obtain the Grant of Probate
- Make the application to the Probate Registry on your behalf
- Correspond with financial institutions to raise cash to fund the estate's Inheritance Tax liability
- Obtain the Grant of Probate and send copies to you and the financial institutions
- Collect and distribute all assets in the estate and settle the debts and expenses
- Provide a financial statement detailing all the transactions in the estate
- Correspond with you and the beneficiaries at agreed intervals

As mentioned, the exact cost will depend on the individual circumstances of the matter. If any of the "complicating factors" mentioned below are applicable to the estate, then this will inevitably create additional work and will therefore increase the level of our costs.

#### How long will this take?

The length of time it takes to administer a taxable estate can vary and depends on its specific circumstances. Such estates can take many months to administer and are often subject to delay as we are reliant on HMRC agreeing the estate's tax liability. On average a taxable estate within our simple example can be dealt within 6 – 12 months of us being instructed.

#### Complicating factors that affect the level of our fees for all estates

If any of the following factors exist for any estate, there are likely to be additional fees payable which would affect our fee estimate :

- Disputes between beneficiaries or between Executors
  - Considering and/or applying for Business and/or Agricultural Property Relief
  - Complicated Intestacy provisions
  - Operating or selling a business
  - Attendance at any properties including supervising the clearance
  - Dealing with shares in a privately-owned company
  - Dealing with complicated stock/share investments
  - Overseas assets
  - Assets of a specialised nature e.g. classic cars, heritage items etc.
  - Complex tax issues and/or dealing with HMRC investigations
  - If the Will is considered to be unclear or disputed in any way
  - Property issues, e.g. missing title deeds
  - Transferring (rather than encashing) existing investments to beneficiaries
  - Deeds of Variation, disclaimers and/or renunciation of appointment as an Executor
  - Engagement in litigation or dealing with threatened or anticipated litigation (including Caveats)
- All other duties of an unusual, unforeseen or complex nature

We can give you a more accurate quotation once we have full details of the estate's profile and circumstances.

## **B. EMPLOYMENT TRIBUNALS**

We primarily undertake work connected with Employment Tribunals on behalf of employers. We rarely act for employees.

As with all legal work, every employment law case is different but to give you some useful examples we have set out below some common types of case and the likely fees that would apply:-

### Bringing and defending claims for unfair or wrongful dismissal

- Simple case: £2,500 to £5,000
  - Medium complexity case: £4,000 to £7,500
  - High complexity case: £7,500 to £15,000 (or more in exceptional circumstances)
- All of the above are excluding VAT and disbursements.

Please note that the above is a guide only. It is not a fixed fee.

Factors that could make a case more complex:

- If it is necessary to make or defend applications or to amend claims
- Defending claims that are brought by litigants in person and/ or against a number of parties
- Making or defending a costs application
- Difficulty taking instructions and/or changing your instructions from the original instruction
- Other parties' advisers not co-operating and/or not acting reasonably and promptly
- Adopting an unreasonable position during negotiations
- Complex preliminary issues such as whether the Claimant is disabled (if this is not agreed by the parties), whether the claims are brought in time (jurisdiction issues), whether the Employment Tribunal is the correct Tribunal/Court for the case to be heard
- The number of witnesses and documents
- A number of different claims being brought at the same time
- Allegations of discrimination which are linked to the dismissal (or otherwise)

### Disbursements

Hearings are usually undertaken by a barrister ('Counsel') on your behalf. We estimate Counsel's fees would be as follows:

- Brief fee (fee for reviewing papers, preparation for hearing and first day of hearing): £750 to £3,000 (excluding VAT)
- Daily rate: rate for each day thereafter: £750 to £2,000 per day (excluding VAT)
- We may also involve Counsel in reviewing and/ or drafting the claim and/or response and/ or Witness Statements.

The fees set out above cover all of the work in relation to the following key stages of a claim:

- Taking your initial instructions, reviewing the papers and advising you
- Entering into ACAS pre-claim conciliation
- Preparing a claim or response
- Reviewing and advising on a claim or a response from other party
- Exploring settlement and negotiating settlement throughout the process
- Discussing options/ tactics with you
- Preparing or considering a Schedule of Loss
- Preparing for (and attending) a preliminary hearing
- Dealing with the disclosure of documents including (but not limited to) liaising with you, exchanging documents with the other party and agreeing a bundle of documents
- Taking Witness Statements, drafting Statements and agreeing their content with witnesses

- Preparing a bundle of documents
- Reviewing and advising on the other party's Witness Statements
- Agreeing a List/ Statement of Issues and/or a Chronology
- Preparation for final hearing, including instructions to Counsel
- Liaising and corresponding with you, the Employment Tribunal and the other side throughout

The stages set out above are an indication and, if some of stages above are not required, the fee will be reduced accordingly. You may wish to deal with some parts of the claim yourself and only have our advice in relation to some of the stages. This can be arranged on a case by case basis.

#### How long will my matter take?

The time that it takes from taking your initial instructions to the final resolution of your matter depends largely on the stage at which your case is resolved. ACAS early conciliation may last up to 4 weeks and can be extended by up to 2 weeks by the ACAS conciliator where they believe that there is a reasonable prospect of reaching settlement by the end of the extended conciliation period and both parties agree.

If your claim proceeds to a Final Hearing, a typical two-day unfair dismissal hearing in the Manchester Employment Tribunal would currently expect to be heard within 6-9 months. This is just an estimate and we will of course be able to give you a more accurate timescale once we have more information and as the matter progresses.

### **C. DEBT RECOVERY**

Every single case is different and can shoot off in any number of directions. We have nevertheless set out below details of our fees in dealing with a simple unpaid invoice claim via the Pre-Action Protocol process, through to Court proceedings and enforcement of a County Court Judgment or, as an alternative, via Insolvency Proceedings. Where a claim is more complex then these fees do not apply. All fees quoted are exclusive of VAT. Note also that not all costs may be claimable from the other side. Anyone involved in any form of litigation should be prepared to meet their own legal costs in full unless and until it is confirmed that some or all of those costs can be (and are) recovered from the other side.

#### Pre-litigation fees

The fees applicable prior to the issuing of Court proceedings depends on the type of debt, the complexity of the issue and whether this is against a person or a business.

The first stage of the recovery proceedings is to send a Letter Before Claim to the debtor. This will show the Court that you have given the debtor an opportunity to pay the debt before Court proceedings are issued. This Letter Before Claim can often encourage the debtor to make payment before Court proceedings are issued. We will also claim interest on your debt and compensation on commercial debts pursuant to the County Courts Act 1984 or the Late Payment of Commercial Debts (Interest) Act 1998 if applicable.

The typical fee for this is between £100 and £500.

#### Pre-litigation negotiations and Settlement Agreement

As above, the fee varies depending upon the amount of work involved but is typically between £250 and £500.

#### Issuing Court proceedings

As above, the fee varies depending upon the amount of work involved but is typically between £250 and £750. In addition, there will be a Court issue fee to pay at the prevailing rate.

#### Continuing the proceedings

There are many procedural matters to deal with before a case can go to Trial. As above, the fee varies depending upon the amount of work involved but is typically between £1,000 and £10,000

#### Trial

If the case is contested all the way to a Trial then as above, the fee varies depending upon the amount of work involved but is typically between £1,500 and £10,000

#### Enforcement Fees

Should it be the case that you obtain Judgment against the debtor and yet the judgment debt remains unpaid, we can advise on the various methods of enforcement available to you. These may include:-

- Attachment of Earnings Order
- Charging Order on land or property
- Instruct a tracing agent
- Instruct an agent for a detailed investigation report
- Instruct a County Court Bailiff
- Instruct a High Court Enforcement Officer
- Order to Obtain Information
- Order for Sale
- Third Party Debt order

#### Insolvency Fees

You can, as an alternative to County Court proceedings, commence Insolvency Proceedings if the debt is undisputed. The proceedings will take the form of Bankruptcy Proceedings if the debtor is an individual, or Winding-Up Proceedings if the debtor is a company.

There are a number of stages which must be followed throughout Insolvency Proceedings, these are as follows:

- Drafting Statutory Demand/demand letter – fees typically between £150 and £500
- Instructing an agent to serve Statutory Demand – fees typically between £100 and £250
- Issuing Bankruptcy/Winding-Up Petition – fees typically between £500 and £2,500\*
- Serving Bankruptcy/Winding-up Petition – fees typically between £150 and £500
- Advertising Winding-Up Petition – fees typically between £100 and £250
- Final hearing – fees typically between £500 and £1,500

\*This fee may include the Official Receiver's deposit which is refunded if a Bankruptcy/Winding-Up Order is not made.

Finally, as we said at the start of this guide, we are more than happy to explain any aspect of our fees to you at any time. Please do not hesitate to contact us with any queries you may have.