

Legal Ombudsman

Using a lawyer as you get older: Ten top tips

LEGAL
OMBUDSMAN

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The information in this leaflet is useful for anyone who is considering using a lawyer but it may be particularly useful for people who have specific needs because of their age.

A lawyer should provide you with clear information about their role, how they will work with you, as well as details of their service including costs.

Introduction

Many of us will need a lawyer at some time in our life. However, research shows that as we get older we tend to use lawyers more – to buy or sell property, to get married or divorced, make a will, sort out our finances or to make sure we have made plans in the event that we can no longer deal with our affairs ourselves. Lawyers can help with all of these issues but it is important to choose the right lawyer for you. Finding the right lawyer will depend on what you want and how much it will cost.

This guide sets out our top ten tips to help you if you need to use a lawyer. The most important thing is that you feel confident enough to ask questions and are sure that the service is what you want and one that you can afford.

We have come up with ten questions to ask your lawyer alongside our top tips. We have also explained the terms used to help you get the most from conversations with lawyers about their service to you.

A lawyer who values good service will happily answer your questions. They work under a Code of Conduct and so must behave professionally and with integrity and act in your best interests. Lawyers also have a duty to provide you with information when you first appoint them, which explains what they will do for you as well as the likely costs.

Of course, sometimes you can have problems with your lawyer along the way. Thankfully the Legal Ombudsman is here to help.

Based on the type of issues and complaints we see, we hope this guide will help ensure the legal side of things runs smoothly.

1 Do I need a lawyer?

This depends on what you want help with. If you have a legal or practical problem that needs sorting out, like putting in place a will or selling a house, then you might need a lawyer.

But legal services can be complex and you need to find someone with the right expertise and experience to help you. It can help if you take some time to find the right lawyer – don't feel rushed into making a decision that you don't feel comfortable with. Getting legal advice is usually linked to important decisions, and you need to work with someone you trust and who will work with you to come to the outcomes that you want. Using a legal service needs to be your decision and not someone else's choice.

2 What do I want from my lawyer?

A lawyer's role is to help you to get the result that you want. But in order to do this they need to know what you want to happen.

It helps to be clear about what help you need before you talk to a lawyer. Writing a will, for instance, isn't just about signing the papers – the document will set out what you want to happen with your house, possessions and finances. In the same way, deciding who should be your power of attorney is an important choice and you need to consider who can best carry out this role. These are personal decisions that only you can make – though your lawyer will be able to offer some advice to help you come to a decision you are happy with.

So think clearly about what result you are looking for. The clearer you are, the simpler it is for your lawyer to understand what you want - and the less room there is for misunderstanding.

The same is true when thinking about costs. Before you talk to a lawyer, it helps to be clear about what you can afford. Being clear about the specifics of what you need will help a lawyer give you a better estimate of what it might cost.

Top tip

Ask questions. If you don't understand something, ask so you are clear. Legal services can be complicated, so there are no silly questions. Make sure you understand what is going on and how much you might be charged. Sometimes the answer can't be a fixed amount but it's good to get an idea of the price range.

3 How do I choose a lawyer?

Once you know what you want to do, there are lots of ways of finding a lawyer. It can be helpful to get a personal recommendation from family or friends or you can look in the phone book and online. If you have access to the internet, bodies such as the Law Society or the Council for Licensed Conveyancers have a find-a-lawyer search tool. You can see these [here](#).

The main point is to shop around until you find someone you are happy to work with.

It can also help to talk to a lawyer about how they will work with you before you decide to use their service. You should consider if you would prefer face-to-face conversations rather than talking on the phone or by email. If that is the case then you might need to consider where the office is and whether you can get there. If you can't, then ask if they will do home visits and how much it will cost. It is important to think about how you will work together as well as checking if the lawyer has the rights skills and experience for you.

Top tip

It's ok to shop around. Get advice to help you find a lawyer that you trust and feel comfortable talking to. Speak to family, friends and other people you trust or contact organisations like Age UK or a Citizens Advice Bureau for free guidance on finding a lawyer.

4 What will it cost?

Before you make your choice you may find it helpful to have a consultation by phone, face-to-face, letter or online. A lawyer can charge you for this but they should tell you before you book and explain any conditions. For example, they may offer the first 30 minutes free but charge for time above that.

A lawyer should speak to you about costs and provide the best possible information so you can make an informed choice.

Lawyers have different ways of charging and their charging method may also vary according to the service. For example, they may offer a fixed fee for writing a will, but an hourly rate for a probate service (the administration of a will when someone has died). Find out what charging method the lawyer will use and ask them to explain it to you in detail.

A lot of firms will not issue you with a quote but will instead provide you with an estimate of the amount of work and their costs. This can make it difficult to compare but all estimates should provide a reasonable idea of the final bill. This can sometimes be hard to predict but at the very least your lawyer should keep you updated throughout a case.

At the end of this guide we explain what some of the different forms of funding agreements are to help you understand them.

Top tip

If you have a consultation, make the most of the opportunity. Don't just ask how much the hourly rate is. Ask for an estimate of how many hours it will take and what's included. Also ask what might cause this to change and see how likely it is. Sometimes you'll be given a range for the costs, but this will help you budget and know where you stand.

5 Is it ok to ask questions?

The law can be a complex area and part of your lawyer's work is to make sure that you understand each step of the service they are providing. If

there is anything that you're unsure about, ask. Your lawyer is the legal expert and that's what you're ultimately paying them for.

All too often people can feel intimidated when dealing with professionals who are experts in their field but good lawyers will welcome questions and it can help to prevent problems later on if you mention what's on your mind at the time.

Lawyers are experts in the law but only you know what is important to you. If there is something that you are particularly concerned about – whether it is the costs or the way that they deal with you – then you need to tell them so they understand.

There is no such thing as a silly question. For instance, you might ask what will happen if you change your mind and you don't want to move house after all. Or you might be more concerned about how they will work with you and whether they can come and see you if you aren't able to go to their office. It can also be useful to agree how you will contact each other and how often. For instance, if you have any particular requirements because English is not your first language or because you have specific physical needs then you should raise this with the lawyer and see what they can offer to assist. They may be able to offer translators or provide the service in a different way. Whatever the issue, you need to agree how you will work with your lawyer so that you both understand what is expected.

If you don't feel comfortable with something, then tell someone you trust and ask them to help you raise what is on your mind.

Top tip

Don't assume that because some lawyers offer free consultation, they all do. Ask if there's a fee when you book a consultation. Sit down and use any first meeting to talk about how you will work together. Agreeing that you'd prefer to do things face to face, or all by letter, can help later on.

6 What can I expect from my lawyer?

All lawyers agree to uphold a Code of Conduct in their work. So, when you are their client, they should be working for you and acting in your best interests – the lawyer should be clear about what you want to

happen and check that what they are doing matches this. Sometimes this means they might challenge you, so they are sure that you have thought about your requests and the consequences. Good lawyers will do this to help you think about what you are doing and to make sure you understand the legal implications.

If someone else has told your lawyer what you want on your behalf, a good lawyer will still want to check with you personally to make sure it is what you want to happen, even if it is a close family member who talks to them. Sometimes they will ask to check this with you in private, so they are clear that you agree to what they have been asked to do.

Sometimes your lawyer might ask you some difficult or unexpected questions. One example of this is that a lawyer may ask for a medical report. This can be a common request if you are older and making a will or making a power of attorney. Don't be offended, they are doing their job – but they should explain to you the reasons why they have asked for the report.

You should not feel pressured to make decisions too quickly or agree to things that you are not comfortable with. If this happens, then ask your lawyer to stop, or tell someone that you trust that you are not comfortable and why. You can stop using a lawyer at any time if you are no longer happy with their service. You may still have to pay for their services until that point.

Top tip

Ask what words mean. Sometimes lawyers use technical terms that you might not understand, so ask for an explanation.

At the end of this leaflet we explain some of the jargon and common technical words.

7 How do I agree with my lawyer about how to make decisions?

Many of the problems that arise – and the complaints which arise as a result – do so because there is a breakdown in communication. This can happen if you are not clear with your lawyer about what you want or if your lawyer fails to consult you about decisions that are being made. When this happens, disappointment is almost guaranteed.

Clarity on both sides is vital. If there is something you specifically want then you need to tell your lawyer so they can take steps to make it happen. On the other hand your lawyer needs to keep you fully informed about how things are progressing, asking for your input into key decisions (checking a draft will, for instance, or going through the contract or searches if you are buying or selling a house). That way, there should be less room for dispute between you.

Sometimes it can help to have the lawyer's advice in writing so you can think about what they are saying and take some time before you go back to say what you want to happen next. Being sure about what is happening at each stage might help you feel confident and in control of the process.

But it is also essential that you listen to what your lawyer is advising you. Lawyers are the experts on the legal issues; that is why we employ them. If your lawyer believes that you are being unrealistic in your expectations or should try another course of action, you should take that advice seriously. You should be able to have the final say, but a good lawyer will have your interests at heart and you should value their advice.

8 What do I need to watch out for?

Unfortunately, sometimes lawyers do exert undue influence on people to make decisions. This happens very rarely but it is serious when it does occur.

You should not be pressured into making any decisions either by your lawyer or by anyone else. This can be hard; sometimes when emotions

are running high in a family, especially around things like inheritances and selling houses, there can be competing views from different family members about what should happen. Your lawyer should be there to help you do what is right for you. If you feel pressured in any way then tell your lawyer you want to stop and think. If you need help, ask someone you trust that is removed from the issue for some advice and support.

If you do feel under pressure and think you have a problem with your lawyer, you can make a complaint to the Legal Ombudsman.

9 What do I do if I feel worried about what is going on?

Using a lawyer can be a stressful experience; we use lawyers at times of change in our lives. The emotions involved can allow for poor decisions to be made. Be aware of how you are feeling and how other people around you are feeling. Things like selling houses and writing wills can raise emotions in other people as well.

If you are worried about what is going on then tell your lawyer. If they know what your concerns are then they can try and put them right. At the end of the day, you are the client and your lawyer is there to do what you want them to do. It's never too late to share your concerns, but it is often better to say what is on your mind at an early stage, as it can mean it is easier to put right.

If your lawyer doesn't fix things after you tell them your concerns, then you can contact the Legal Ombudsman for help.

Top tip

Lawyers shouldn't charge for looking at a complaint you have made against them. If you are unhappy with the outcome of their investigation into a complaint you've made, you can contact the Legal Ombudsman for advice.

10 What do I do if I have a problem with my lawyer?

If there is a problem with your lawyer's service you should tell them. The vast majority of lawyers want to do a good job and will want to try and put it right.

If you don't get what you want, remember that you are entitled to complain. If you do complain, be clear about what you think has gone wrong and what you want done. As always, stay calm and be reasonable. But hold your ground: you are the client and it is your wishes that form the basis of the legal service.

Following our top ten tips should help reduce your chances of adding to the stresses that can come with using a legal service. However, if things do go wrong, and you can't resolve the complaint with your lawyer directly, the Legal Ombudsman may be able to help.

The Ombudsman accepts complaints from people who have used a lawyer or legal service. We will accept complaints from representatives too – and we also accept complaints from beneficiaries. This means, for instance, if someone has died and there is a problem with a will, the person who benefits from the will can bring a complaint to the Legal Ombudsman.

Terms explained

Capacity – This refers to a person's ability to perform a given task such as managing their own finances or other day to day activities. In a legal context it refers to the person's ability to make a decision which has legal consequences.

Code of Conduct – These are a set of rules that outline the responsibilities and requirements for practice of an individual or organisation.

Conditional fee agreement (CFA) – Known as ‘no win, no fee’ arrangements. If you lose, you won’t, in general, have to pay your lawyer’s fees, but may need to pay some out of pocket expenses such as barrister’s fees or court fees.

Contingency fees – If your lawyer agrees to represent you under a contingency fee agreement, they will be able to claim a percentage of any money they win on your behalf plus expenses. The fee percentage must be agreed in advance.

Disbursements – These are expenses the lawyer has paid on your behalf, for example, fees paid to the court and barristers’ fees.

Damages based agreements – this is a method of funding a case where the lawyer receives a percentage of the damages recovered if you win a case. If you lose, the lawyer will receive no fees. However, in some circumstances you may be required to pay a discounted fee. There is a maximum amount that a lawyer can charge from your damages, and this depends on the type of case. For example, commercial cases are capped at 50%, employment cases at 35% and personal injury cases at 25%.

Executor – This is a person who is named in a will and who has responsibility for making sure that a will is administered in accordance with the deceased’s wishes. This can be a lawyer or it could be a family member or friend.

Fixed fees – A fixed price which may just cover your lawyer’s fee or may include other elements of the service.

Hourly rate – Here, the lawyer is paid at an agreed hourly rate for the time they work on your case.

Power of Attorney – This is a legal document that authorises one or more people to handle someone else’s affairs. This can be indefinite, for a limited amount of time or to deal with a specific situation.

Probate – the administration of a will when someone has died.

Trust – This is a legal arrangement in which a person holds the property (this can be land or money) of another for the benefit of a third party, called the beneficiary.

If you aren't happy with your lawyer's final response you have up to six months to bring your complaint to us. We will accept complaints up to six years from the date of act/omission, or three years from when the complainant should have known about the complaint. However, this limit has been introduced gradually starting from 6 October 2010. If the problem happened earlier than that, you must not have been aware of it before 6 October 2010.

How to contact us

Call: You can call us on 0300 555 0333

(Calls to the Legal Ombudsman cost the same as a normal 01 or 02 landline number, even from a mobile phone, and are recorded for training and monitoring purposes.)

We are open Monday to Friday
between 8.30am and 5.30pm.

If you are calling from overseas,
please call +44 121 245 3050.

For our minicom call 0300 555 1777.

Email: You can also email us at
enquiries@legalombudsman.org.uk

If you want to find out more about us and what we do, please visit
www.legalombudsman.org.uk

Write: If you prefer, you can write to us at

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If you need information in another language or in large print, Braille or on audio CD, please get in touch.