*YOUR FUNDING OPTIONS EXPLAINED*

Our family team at Batt Broadbent specialise in all areas of family law. We understand how difficult it can be to afford legal advice from experienced family lawyers when money is tight. With this in mind, we are pleased to be able to offer our clients the following options for funding their legal costs

FULL REPRESENTATION

This is the traditional route where you instruct your legal adviser to do all the work on your behalf. They run the case for you and communicate with all relevant parties on your behalf including your spouse/partner, their legal advisers, the court and anyone else involved in your case.

All work undertaken on your matter is time recorded by means of a computer-based time recording system on which each member of the firm records the time spent on your case. Each individual has an hourly charge out rate (usually set out in the Terms of Business). Charge out rates will apply to all work done on your case, including, but not limited to:

* time spent on the telephone
* reading incoming post or emails
* preparing or dictating outgoing letters or emails
* preparing file notes of meetings
* considering and drafting documents
* reviewing your file
* considering your case
* preparing instructions and briefs to barristers
* researching law where necessary
* attending conferences with barristers
* attending court with or without a barrister
* attending meetings with you
* attending meetings with the lawyers acting for the other person in your case or other people connected with the case
* taking statements from witnesses
* and any other time spent in connection with your matter.

Your legal adviser will provide you with an estimate of the likely costs for the work you instruct them to undertake on your behalf before commencing any work. This costs estimate will be based purely on the information provided by you at the outset.

You will be asked to pay a specific amount on account of costs, usually before any work is undertaken for you.

You will be sent invoices on a monthly basis for work undertaken during that time period. Unless otherwise agreed between you and your legal adviser, you will be expected to settle invoices as they are raised and pay further payments on account as and when required.

All clients are expected to pay any disbursements associated with their matter, including counsel’s fees, court fees etc. upon request. Clients will be expected to fund the majority of disbursements in advance.

PAY AS YOU GO SCHEME “PAYG”

This form of funding works particularly well in straightforward matters. Under the PAYG scheme, the client runs the case, represents themselves and does the majority of the work themselves with the legal adviser providing background advice as and when required.

Your legal adviser will usually provide advice in face-to-face pre-arranged meetings rather than over the telephone or via email which helps to keep the costs down. You are responsible for all work involved such as:

* communicating with the other person or their legal advisers
* communicating with the court
* form filling
* considering and drafting documents
* lodging documents with the court
* preparing statements
* perusing statements/documents received from the court or the other party
* attending court

Meetings with your PAYG legal adviser can be used to help with completing forms, giving legal advice and assistance, helping you to decide what you should say in correspondence.

With this form of legal funding, you pay as you go alongand not in advance of any work being done, unless in exceptional circumstances when this will have been agreed with you beforehand\* please see note below. A bill is raised immediately after the meeting and you are expected to pay immediately for all time spent.

Occasionally, your legal adviser may agree to conduct the meetings over the telephone or to provide advice via email but this form of PAYG must be agreed with your legal adviser in advance and you will still be expected to pay for all work undertaken immediately an invoice is raised.

The legal adviser’s hourly rate still applies but you are still in control of your case.

After each meeting you will usually have a list of things that you will need to do and the quicker you deal with the tasks, the quicker your case will progress.

FIXED FEE SCHEME

This type of legal funding is usually most suitable where you simply require an initial brief consultation to consider your options or where there are court proceedings and an impending hearing that the client is required to attend. The work will involve a clearly defined piece of work to be undertaken for you. You will be responsible for all other matters that fall outside the fixed piece of work.

If you need legal advice outside of the parameters set, this can usually be done by simply entering into a separate agreement, with a separate fee structure.

Fixed work/fixed fee advice does not cover:

* Any communication with a third party, other than for the piece of fixed work/fixed fee agreed.
* Acting as your representative by filing documents or conducting litigation other than for the fixed work/fixed fee agreed.
* Keeping your papers other than in relation to the fixed work/fixed fee agreed.
* Attending court hearings for you. Although attendance at court with either your legal adviser or a barrister instructed to represent you can form part of the fixed cost but we will discuss this with you.
* A full retainer which guarantees we will act for you from the beginning to the end of your case.

The legal adviser’s hourly rate still applies but, provided the matter runs the way expected, you should not be expected to pay anything other than the fixed fee quoted. The fixed fee will be confirmed to you within your client care package prior to any work being undertaken by your lawyer and payment of the fixed fee quoted must be made in advance.

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| ***\* CORONAVIRUS - IMPORTANT NOTE***  *As a result of the Coronavirus pandemic and the Government’s restrictions it may not be possible for us to provide the face-to-face meetings referred to within this leaflet. We are, however, able to offer video call meetings via Zoom or telephone meetings.*  *Please note that we do not provide advice and assistance via email exchange.*  *If you wish to instruct us under the PAYG or Fixed Fee Schemes, you will be expected to make a payment on account BEFORE your video or telephone meeting takes place. Once you have confirmed to your fee earner the Scheme you wish to choose, we will send you our client care package with notification of the amount you will be required to pay in advance of your meeting and, once payment has been made and the necessary documentation returned, the first meeting will be arranged.* |