

# A Transparency Guide for Clients

Who we are, what we do, how we charge

It is crucial that you choose the right legal team for your needs. This Transparency Guide contains everything you need to know about who we are, what we can do for you and how we charge for our help and advice.



## The purpose of this short guide

When deciding which legal services provider to choose, it is important to know exactly who you are instructing and their suitability and experience to carry out the work. In the same way as you wouldn't ask a GP to carry out complex surgery, your legal advisors need to be specialists in the area you need help in. This need for transparency for law firms is a legal requirement in certain areas of law and is expected to extend to all areas in the future - we think it's a great idea and have created this guide even though transparency in this area of law is not yet compulsory.

To help, we have designed a series of questions which you can reasonably ask any proposed provider of inheritance dispute legal services. We have also provided our own answers to those questions to illustrate our expertise, how we operate and the way we charge.



# 1

How do I know that IDR Law has enough experience and qualifications to deal with my inheritance dispute?

- Quite simply; it's all we do! We are still the only law firm in the country that specialises purely in resolving inheritance and trust disputes – every member of the IDR Law team is an expert in contentious probate.
- IDR Law was founded by Martin Holdsworth who has been:
  - Dealing with contentious wills, trust and probate work for over 25 years.
  - Listed for several years by the Legal 500 as a leader in his field and has been awarded Top Tier 1 ranking by Chambers and Partners.
  - A national committee member for the Association of Contentious Trust and Probate Specialists (ACTAPS).
  - Having previously won a number of national and Yorkshire based awards, IDR Law was again shortlisted in 2019 by the Yorkshire Legal Awards for “Niche law firm of the year” and Martin personally for the prestigious “Yorkshire Lawyer of the Year” award. IDR Law also shortlisted for the Brand Yorkshire “Out of their League” award in 2019.
  - Published in several journals and provided ongoing training and guidance for several national organisations including the National Bereavement Service.
- Our team of solicitors and paralegals have over 80 years of combined experience between them dealing exclusively with inheritance dispute work. Each and every case is supervised by Martin with a solicitor and paralegal assisting. This combination of expertise and experience is what sets us apart.



# 2

What percentage of the work done at IDR Law involves dealing with inheritance disputes?

- All of it - 100% - it's all we do!
- We have a very clear view about who should be carrying out inheritance dispute work (which includes will disputes, trust disputes, probate disputes, administration disputes and so on). You can reasonably expect your legal advisor to have a wealth of experience and knowledge to draw on when dealing with your case. It's important so conduct your own due diligence – do they have a team or a single solicitor? Check the Law Society Website to see what a solicitor lists as their areas of expertise and how long they have been qualified – check their website to see how many other areas they are specialists in! Don't settle for a generalist when there are specialists around.

### 3

How many cases like mine have you dealt with before at IDR Law?

- The team at IDR Law has been involved in literally thousands of cases between them already, almost 200 mediations between them and several reported court cases, including decisions from the Court of Appeal. We are a boutique specialist practice.
- Most cases involve a combination of claims, legal issues and practical considerations in the midst of a maelstrom of human emotion. There is no substitute for experience of having been there before – whilst each case turns on its own particular circumstances, every case is soluble, and we always pro-actively manage each case to a conclusion.

### 4

Who will actually be working on my case at IDR Law?

- With everyone at IDR Law specialising in inheritance Dispute work, you can be assured that your case is in good hands at all times.
- We adopt a simple team approach with every case we handle.
- **Supervision and tactical lead** – always by Martin as the most experienced and knowledgeable member of the firm.
- **Day to day actions** – this will be headed by one of the solicitors in the team – Richard, Louisa, Kate, Louise and Eleanor will be your main contact, with Martin available at important stages or as and when you want his views and input.
- **Day to day support** – this will be provided by either our trainee solicitor Kate or our senior paralegal Chloe. Both are law graduates and are being trained and mentored through to qualification as solicitors within the IDR Law team.
- Don't worry if a member of the team isn't available for any reason, any member of staff will be more than happy to help. We operate an entirely paperless office, so all our team can work intelligently and remotely as and when needed.

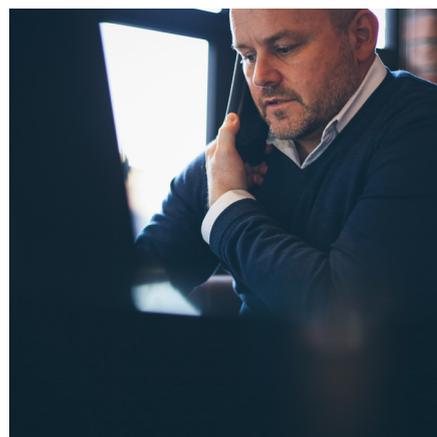
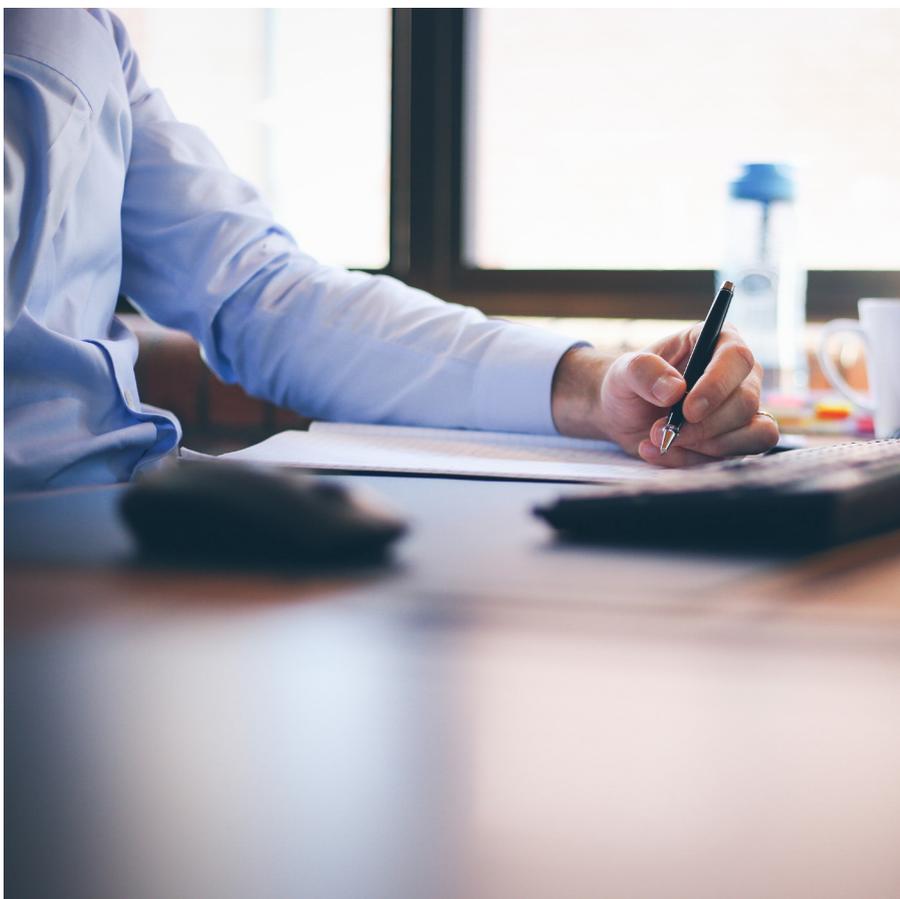
### 5

How will I know what work IDR Law will be doing on my behalf and how do I track how things are proceeding?

- To start with, we provide a no obligation initial meeting or telephone discussion to discuss your case when you first contact us. If you choose not to instruct us at the end of that initial discussion, then matters rest there (and there is no charge).
- If you instruct us to proceed, we will commence by drafting a Confirmation of retainer. That document will clearly set out our initial advice and what was initially discussed, but most importantly, it will set an agreed goal(s) – a sample extract appears below.

## Your Goal(s) (A sample)

- To investigate the circumstances surrounding the drafting and execution of the Will.
- To ensure, as far as possible, that the Deceased's intentions are carried out.
- To maximise your inheritance as far as possible by bringing a probate claim against the Deceased's estate if the evidence supports the same and;
- For the administration of the Deceased's estate to be finalised.



- In order to achieve these goals – not all of which may need ‘legal’ solutions – we break down the journey to achieving them by phasing the work. The vast majority of cases will not go to Court, but we always try to estimate all the potential phases, so you know and understand what the entire journey might look like. There is no point starting a trip without knowing where you might stop along the way and where it ends! An example of how we phase a job can be seen below;

## A typical example of our phased approach to a case

### Phase 1

Provide ongoing advice and support in relation to the potential claims being intimated against your Mother’s estate, to seek the removal of the Caveat (if appropriate) and to engage with Rasputin.

- 1.1** We will provide ongoing advice to you in respect of tactics, strategy and legal risk, whilst preparing to respond to any potential claims.
- 1.2** Make initial contact with Rasputin’s solicitors in order to educate him as to the law, how he must discharge his evidential burden and to set out some consequences for him should he seek to delay matters.
- 1.3** Evaluate the available evidence and any initial correspondence received in response to our letter out.
- 1.4** To seek the removal of the Caveat if it appears that the probate claims are vexatious, Rasputin has no intention of seriously advancing the same, or if the evidence is very weak. Advise upon, and consider, whether it will be viable to issue a warning.

### Phase 2

To consider and respond to any properly evidenced Letter of Claim and to consider and/or enter into a form of alternative dispute resolution.

- 2.1** If a formal letter of Claim is provided, along with the substantive evidence that Rasputin intends to rely on, then we will need to evaluate the same and respond accordingly.

**2.2** On the assumption that any probate claims and/or the 1975 Act claim have some merit, or at least carries some risk to you, then it may be appropriate to seek early settlement. We will advise you accordingly at this point.

**2.3** If mediation is required, then we will represent your interests throughout this process.

### **Phase 3**

To advise and represent you in respect of any necessary litigation.

**3.1** We hope not to find ourselves in a position where Phase 3 work is required. However, in the event that Rasputin issues either his probate and/or his 1975 Act claim, then we will respond to the same within formal litigation.

**3.2** If proceedings are issued, then we will represent you throughout the same - up to and including trial if necessary.

## **6**

How does IDR Law charge for the work it does and how long do you think it will take to complete the work?

- It is very difficult to estimate or predict exactly how long each phase will take and it's important not to set unrealistic expectations. What we do, therefore, is draw on our experience in having dealt with many cases before, to give you best advice about how long any given task or phase might take. If these estimates change, we aim to let you know as soon as possible.

Whenever instructing a solicitor, it is crucial to have a relationship of trust and confidence when it comes to costs – especially in litigation where so much depends on how the 'other side' reacts. We go into more detail below about the basics of how fees are 'generated' so that you can better understand this process, but we make it easier and more transparent for you by providing fee range estimates for each phase of work outlined. This means that whoever works on your file, the overall estimated cost for each phase stays the same. An example can be seen on page 8 (again, this is all clearly set out in the Confirmation of retainer at the beginning).

### Estimate of Fees Payable for Each Phase of Work

- As an indication only, we have set out the sample below, based on our general experience, an estimated min-max level of fees payable for each of the currently anticipated Phases/steps outlined above. You will appreciate, however, that litigation is very difficult to predict, and we will endeavour to regularly update you concerning fees and estimated future fees. Please note that there may be future, currently unknown phases of work required that we will need to discuss with you as your matter progresses.

## An example of our phased fee range estimates

**(THE ESTIMATE COSTS BELOW ARE ILLUSTRATIVE ONLY AND ARE NOT RELATED TO YOUR ACTUAL CASE)**

All figures below do not include VAT or disbursements (Court fees, Counsel's fees etc.).

#### **Phase 1** £1,500.00 – £3,000.00 +VAT & Disbursements

The final level of costs in the phase is dependent on how Rasputin reacts and whether or not there are a large number of pre-action issues that arise in respect of his claims, his conduct, the evidence and/or the Caveat.

#### **Phase 2** £2,500.00 – £7,500.00 +VAT & Disbursements

The maximum estimate in this phase is to take into account the possibility that a mediation is required and that we need to prepare for and attend the same; along with having already responded to a Letter of Claim in detail.

#### **Phase 3** £5,000.00 – £25,000.00 +VAT & Disbursements

The maximum estimate in this third phase is provided if it transpires that legal proceedings are necessary and the same result in a fully contested Trial. If this occurs, which we would hope is unlikely, then we will need to discuss costs in more detail.

## Our team at IDR Law

The last phase of the majority of cases is almost always a 'worst case scenario', and most cases will be resolved within the early phases. Our transparency on costs does not stop at the retainer and it is something that we will openly update you about. You must always feel completely comfortable to discuss costs with us too!

- With fee range estimates in place, the team then operates based on time recorded by each of the team members – the fee range estimates are based on our experience of how this will work as a blended team rate and they are usually very accurate.
- Each member of the team operates on an hourly rate that matches their experience and seniority. These are reviewed each year and are always available and confirmed at the outset of a case.

### **Working as a team saves you money**

Remember we work as a team at IDR Law. Each case has 3 of our team invested in it and the various stages of the work are carried out by the right level of fee earner.

What that means is that based on our actual fees charged since we opened our doors in 2017, we can say that our average "Blended hourly rate" is £240. What this means is that for every hour worked in your case, the average charge is £240. This is lower than most law firms actually charge (with often a fraction of the experience) and it is half the price of many of our competitors in London.



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Operations Manager

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## 7

### When do I have to pay IDR Law’s fees?

- From the beginning, we will set an agreed funding arrangement with you, and this is normally done just before the retainer is produced then confirmed in the Confirmation of retainer sent out at the outset.

Most cases are ‘pay-as-you-go’, which means that work is carried out in line with the estimated phases and fee range estimates, and our time is invoiced to you on a monthly basis. Our invoices are payable on receipt and you can pay via bank transfer or cheque. Depending on the case, sometimes costs are recoverable from either the estate itself or from an opposing party – we will confirm this again at the outset. We will advise on this on a case by case basis, but the primary liability lies with you. The agreed funding arrangement will be confirmed in the retainer like this:

SAMPLE

#### Agreed Funding Arrangement

You have agreed Funding Option A – ‘Pay as you go’.

- In accordance with our standard terms and conditions, our invoices are usually rendered on a monthly basis and payment of our invoices is due on delivery.
- If Phase 3 becomes necessary and it is in your best interests, then we may be able to look at other methods of funding at that point, but these are at the absolute direction of IDR Law.

- We do have two further funding arrangements which can sometimes be offered, but only on a limited basis:

SAMPLE

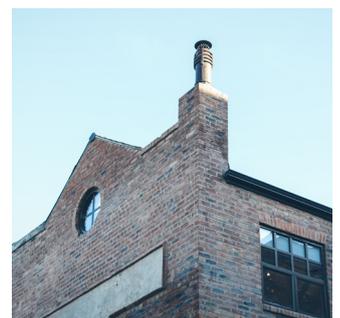
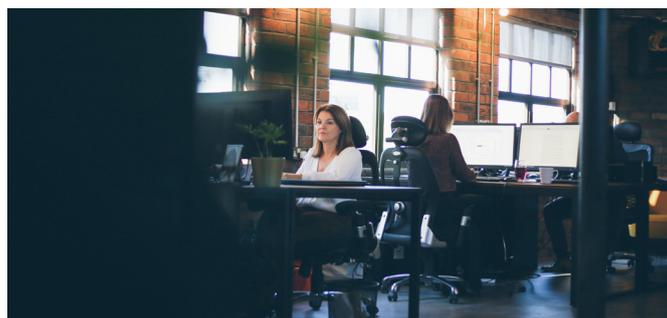
### Deferred Invoicing

- This is where you not invoiced until the end of a case or when an estate finally has funds that are ultimately due to you. We usually charge a 10% fee uplift for the use of this facility. All our work is still carried out in line with the phased approach and fee range estimates.

### 'No Win, No Fee'

- We rarely take on cases on these terms as we believe that they more often than not give rise to difficult situations at the end of cases, where on a win, the lawyer is entitled to not just their legal fees but a "success fee uplift" of anything from 25%, with this then being deducted from the award or settlement achieved for the client. That said, on occasion we do consider such an approach where there are no viable alternatives for our client and the case is appropriate.

- The options above are entirely at the discretion of IDR Law and we only run a set amount of cases with these funding arrangements at any given time. Sometimes a combination of funding arrangements will be appropriate, and this will be discussed in the retainer.



## 8

What procedures does IDR Law have in place to deal with complaints?

- Of course we hope you will never have cause for complaint but if one arises, you should refer the matter to our complaints partner, Martin Holdsworth. Details of the firm's complaints procedure are available on our website. Any complaint which is not resolved to your satisfaction may be referred by you to the Legal Ombudsman. Address: **PO Box 6806, Wolverhampton WV1 9WJ**. Telephone number: **0300 555 0333**.

## 9

What other information can IDR Law provide as assurance that they are the right law firm for me?

- We have the expertise and experience you would expect from a boutique law firm specialising solely in resolving inheritance disputes. We have demonstrated that we operate in a transparent, phased manner, providing you with all the information you need at the outset. You will always know what is happening next and the likely time and cost involved.
- At IDR Law we take pride and place emphasis on the soft skills needed in this area of law. Please do take the time to look at the testimonial section of our website and if you need professional or previous client references we would be happy to provide them.



**We hope you have found this Transparency Guide useful and look forward to working with you soon.**

On behalf of the team at IDR Law.

**Martin Holdsworth LLB (Hons) CTAPS**  
Founder & Director

1st September 2020



IDR Law is a nationally active boutique law practice that specialises solely in the resolution of disputes and problems that arise in connection with wills, probate and trusts.

With 25 years of experience behind us, whatever difficulties or situation you find yourself in, we can help you resolve it.

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Inheritance  
Dispute  
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**It's all we do.**

