

## **How We Charge for our Professional Services**

### **Hourly Rates**

We provide services to companies, businesses and private individuals, both domestic and overseas. We aim at all times to be transparent on our costs and provide an excellent service to clients. As a professional adviser, you are viewed as valued clients, not customers. We seek to be your trusted adviser and grow with your business.

We charge on an hourly-rate basis for the work undertaken according to your instructions.

These hourly rates range from £250.00 to £400.00 plus VAT, depending on the fee-earner undertaking the work and the nature, complexity and urgency of the work.

VAT is charged at 20%.

### **How We Work**

We provide an initial estimate of costs for the work, or the first phase of work, depending on the type of work we are undertaking. If it is a relatively straightforward matter, this is the price that will be charged in the final invoice. However, if the work is more complicated, the initial estimate will be subject to further revisions and estimates to cover subsequent stages of the work.

The initial estimate will be inserted into the firm's letter of engagement or client care letter, which is approved, signed and returned. This is a 'capped fee' in that it cannot be exceeded without your consent.

Subsequent estimates will be confirmed to you in writing. If you continue to instruct us following receipt of a revised estimate (and have not objected in writing), you will be deemed to have accepted the revised estimate.

### **Debt-Recovery (up to £100,000)**

#### **Costs**

A debt-recovery matter would be charged at £250.00 per hour, plus VAT.

However, a matter such as an urgent injunction may require that the work is completed to a very tight deadline, sometimes a matter of a few days. We are entirely comfortable handling this type of work but we reserve the right to charge more, so £400.00 plus VAT. The same would apply if we were instructed shortly before a Court deadline or the expiry of a limitation period.

A debt recovery matter up to £100,000 might incur legal costs of £20,000 to £25,000 plus VAT. The cost would include the following key stages of a claim:

#### *Pre-Action*

- Taking instructions from you;
- Reviewing documents received from you; and
- Compliance with the Pre-Action Protocol.

#### *Legal Proceedings*

- Drafting legal documents known as pleadings or statements of case;
- Reviewing any defence;
- Preparing a costs budget;
- Attending a case management conference;
- Conducting disclosure (exchange of factual information and review);
- Preparing witness statements;
- Reviewing other side's witness statements;
- Dealing with any settlement negotiations;
- Preparing (collating and reviewing) hearing/trial bundles;
- Preparing and attending trial/hearing; and
- Instructing or briefing a barrister.

We aim to give you the best possible information about the likely overall cost, both at the time you instruct us and when appropriate, as the matter progresses.

A more complicated and protracted debt recovery matter up to £100,000 might incur costs of £25,000 to £35,000 plus VAT.

Enforcement of any judgment is charged separately and might be another £2,500 to £10,000 plus VAT, dependent on the nature of the enforcement proceedings.

If you are successful, you should expect to recover approximately 70% of your legal costs with the exception of small claims under £10,000. Fixed costs are awarded to the successful party on claims between £10,000 and £25,000.

Unless the work is uncontested, we generally do not work on fixed fees. Litigation or contentious work is notoriously difficult to estimate, as the other side may seek to introduce issues or matters which will increase costs. However, Courts will engage in active cost management of claims in excess of £25,000. This is done at the case management conference.

VAT is charged at 20%.

### **Timescales**

Pre-Action Stage – 1 to 3 months.

Legal Proceedings Stage – 15 to 24 months.

### **Employment Tribunal (Unfair/Wrongful Dismissal)**

#### **Costs**

An employment claim would be charged at £250.00 per hour, plus VAT.

Every employment case is different, but a relatively simple case might incur costs of £10,000 to £25,000 plus VAT. If the case is more protracted and complicated, it may incur costs of £25,000 to £35,000 plus VAT.

VAT is charged at 20%.

The fee estimates set out above, cover work in relation to the following key stages of a claim:

#### *Pre-Action*

- Taking your initial instructions, reviewing the papers and advising you on merits and likely compensation (this is likely to be revisited throughout the matter and subject to change);
- Entering into pre-claim conciliation, where this is mandatory to explore whether a settlement can be reached.

### *Employment Tribunal*

- Preparing the claim or response;
- Reviewing and advising on the claim or response from the other party;
- Corresponding with the Employment Tribunal and the other party;
- Preparing or considering a schedule of loss;
- Preparing for (and attending) a preliminary hearing;
- Exchanging documents with the other party;
- Agreeing and preparing a bundle of documents for use at the Tribunal hearing;
- Taking witness statements, drafting statements and agreeing their content with witnesses;
- Reviewing and advising on the other party's witness statements;
- Agreeing and preparing a bundle of documents for use at the Tribunal hearing;
- Preparing and agreeing a list of issues - a chronology and/or cast list;
- Instructing and liaising with Counsel; and
- Preparation for and attendance at the final Tribunal hearing.

The stages set out above are indicative only and are not a comprehensive list of the steps that may be required, some of which may be dependent on your objectives and instructions.

### **Timescales**

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 and the length of time it takes the Court or Employment Tribunal to process your claim. If a settlement is reached during the Pre-Action Protocol or pre-claim conciliation, your case is likely to take 1 – 3 months.

If your claim proceeds to a final hearing or trial at Court or Tribunal hearing, your case is likely to take 9 – 18 months, depending on how long it takes the Court or Tribunal to schedule the hearing. Delays at the Employment Tribunal mean that it can take longer than this for claims to reach a final

hearing. This is just an estimate and we will be able to give you a more accurate timescale once we have more information as the matter progresses.

## **Immigration**

### **Costs**

On immigration matters, the costs generally are in the region of £1,000 to £15,000 plus VAT, again depending on the amount of time required to be spent on the matter.

Where the application is for permission to enter or stay in the UK under the Immigration Rules or European law, indefinite leave to remain (ILR), for naturalisation or registration as a British citizen or for application for an administrative review or other review of a decision, the key stages may include:

- Discussing your circumstances in detail, reviewing your current and previous immigration documents and other supporting documents;
- Advising you on your options for making an application, including providing you with information on the legal requirements, whether you currently meet them and if not, the requirements for meeting them in the future;
- Advising you on the supporting evidence required for your application;
- Reviewing the supporting evidence you provide us and assisting you, where required, to obtain further evidence (such as bank statements, supporting letters, criminal record certificates, documents to confirm English-language ability and documents to prove residence in the UK);
- Preparing your application and providing you with information about how to submit it;
- Liaising with the Home Office during the processing of your application (where possible) and keeping you updated on its progress; and
- Advising you about the Home Office's decision on your application and the immigration compliance and forward-planning actions applicable to your situation.

We do not undertake asylum cases.

VAT is charged at 20%.

## **Timescales**

The time that it takes from receiving your initial instructions to the final conclusion of your matter will depend on the specific circumstances and on the Home Office's processing time for your application.

## **Factors that will Affect the Costs and Timescale of Contentious Proceedings**

These include:

- the number and complexity of the issues in dispute;
- the number of documents held by either side and the steps involved in finding, disclosing and reviewing those documents;
- the number of witnesses;
- whether an opposing party is a litigant in person;
- whether there are preliminary issues to be resolved before the final hearing and whether such issues require a preliminary hearing;
- the length of the final hearing; and
- making or defending costs applications.

## **Stages Not Covered by our Estimate**

The fee estimates set out above do not include the following work. If any of these issues are relevant to your claim, or arise as part of it, it may increase the fee payable:

- Advising or acting in respect of any claims other than debt recovery, such as dealing with a counterclaim; attending a conference with a barrister; or instructing a barrister to advise on liability and quantum, unfair dismissal or wrongful dismissal, including, e.g. discrimination or detriment due to whistleblowing etc;
- Any issues under the General Data Protection Regulations;

- Any orders against you to pay the other side's costs or preparation time relating to any dispute over costs;
- Advising on or participating in any form of mediation other than mandatory pre-claim conciliation;
- Interim applications such as for summary judgment, strike out or security for costs; and
- Any appeal.

### **Disbursements**

For debt recovery matters, there will also be the Court issue fee (for any claim or counterclaim), which is charged on a sliding scale (5% of the total amount claimed) and costs such as instructing a barrister if the matter is more complex.

For debt recovery, employment and immigration matters we may instruct a barrister to represent you at Court or the Tribunal hearing including any interlocutory hearings (as appropriate). A barrister may charge between £3,000 to £7,500 plus VAT, for preparation and the first day of the hearing. Subsequent days in Court or at the Tribunal are paid at a daily rate known as a 'refresher' and would be in the region of £1,000 to £1,500 plus VAT. If the case was more complicated, a more senior barrister may be required who will charge more based on their experience and charge in the region of £7,500 to £10,000 plus VAT.

Interlocutory hearings will usually last no more than a couple of hours and a barrister would usually charge in the region of £1,500 to £3,500 plus VAT. Conferences with barristers to receive their advice are charged at a barrister's hourly rate, which may range from £150.00 to £450.00 plus VAT. If a barrister is instructed to draft or 'settle' any legal document, again it is charged at their respective hourly rates.

Bundles preparation for use at Court or the Tribunal will usually cost between £250.00 and £750.00 plus VAT.

VAT is charged at 20%.

## **Invoices**

Our invoices are known as ‘interim statute invoices’, in that they are invoices for a finite period and are usually delivered monthly or on completion of the work (or important stage). Costs are not usually recoverable in employment proceedings.

Our invoices contain:

- the total amount of costs plus VAT;
- a description of the work undertaken for the relevant period;
- the fee-earner(s) who worked on the matter and the total number of hours attributable to each fee-earner;
- your statutory rights to seek a detailed easement of the invoice if you are unhappy; and
- our bank details for settlement.

We deliver separate ‘disbursement only’ invoices for costs incurred such as barristers, photocopying, bundle preparation, Court fees, taxis and travel, including experts. VAT at the standard rate of 20% is shown as is, whether these costs have been paid by us or are marked ‘not yet paid’. We always ask for money on account to cover barristers’ fees.

Our terms of settlement are fourteen (14) days.

## **Money on Account**

We will always ask new clients for money on account, which will be held until the first invoice is delivered. The firm reserves the right to request further monies on account, to hold in the firm’s client account, to cover further work and expected disbursements such as barrister’s fees.

## **Qualifications**

John Kay Walmsley qualified as a solicitor in 1993 and has practised as a solicitor of the Senior Courts of England and Wales (previously the Supreme Court) for over 25 years. John holds a Bachelor’s degree (LLB) and Master’s degree (LLM) in Law.

John has spent much of his career specialising in litigation and dispute resolution. His SRA roll number is 160692.

In prescribed circumstances, the firm works with experienced consultants who are self-employed, practising solicitors, specialising in certain areas of law and who are fully covered by the firm's professional indemnity insurance (£2 million cover). They are charged out to clients at between £250.00 to £350.00 per hour, plus VAT.