



**Ledingham Chalmers**

**Litigation and dispute resolution — pricing**

## Litigation and dispute resolution — pricing

# There are times when, to get a fair resolution, you need legal support. That's where our litigation experts come in.

We generally provide legal support to individuals in

1. Disputes relating to wills, trusts and executry matters
2. Property and building disputes (for example boundary disputes and problems with contractors)
3. Defamation
4. Sale of goods
5. Payment of debts
6. Personal injury

### What to expect

The wide range of complexity and circumstances when it comes to litigation and dispute resolution make it very difficult to provide set prices.

We use hourly rates ranging from £160 to £350 per hour (plus VAT) to charge for litigation and dispute resolution work on a time basis.

Not all of our work involves formal proceedings in court or other forms of dispute resolution such as arbitration, mediation or adjudication. In many cases, we provide advice on the merits of a claim or issues in dispute and then act on behalf of clients to negotiate an acceptable settlement agreement. In cases where a negotiated settlement is not likely or cannot be achieved, we advise on the prospects of success in pursuing – or defending – claims in formal proceedings such as court.

Some cases in court can follow a relatively straightforward procedure to achieve a resolution, and our advice is then required on how best to enforce a court order. Enforcing an order and securing, for example, recovery of money is not guaranteed. Statute heavily regulates the steps to enforce any court order and these depend on whether the other party is in a position to pay, or has assets to secure payment.

### How long will it take?

We have a responsive team of experts, with a track record in responding to urgent matters quickly and effectively.

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The time spent varies considerably depending on the complexity of the matter. More complex cases will require more time (which will impact on your costs).

In our experience, a defended court action can take nine to 12 months to reach a conclusion in court, but can be longer dependent on when the court fixes dates for key stages of the process. Things will also take longer if decisions are appealed or if the other party delays in responding to matters as they arise.

### Costs

We will provide an estimate for providing initial advice and for certain stages of work.

We base our costs on the time spent on a case. Any estimates we provide may change if we have to carry out more work than has been allowed for. The factors which may impact on costs include —

- Number of documents to review
- Complexity of claim
- Number and length of hearings required
- The amount of ancillary procedure involved
- Likely length of hearing on the merits
- The approach you, the court and other parties take
- Number of witnesses
- Value of the claim
- What steps are required to enforce any decision

Costs are not determined by the value of a claim, and we charge regardless if a claim is successful or not.

We charge depending on the time taken to undertake the work at the relevant team member's hourly rates. The hourly rate applied and the team member primarily working on your behalf will be agreed with you when we are appointed.

We shall keep our work in progress under constant review and let you know if we anticipate our initial budget figure is going to be exceeded, why and by how much. We invoice for work on a monthly basis.

Depending on the nature and complexity of your matter, several members of our legal team may carry out work on your behalf.

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The hourly rates we use are —

| <b>Fee earner</b>         | <b>Hourly charging rate (exclusive VAT)</b> |
|---------------------------|---|
| Partner                   | £350  |
| Senior associate          | £300  |
| Associate                 | £275  |
| Senior solicitor          | £240  |
| Solicitor                 | £215  |
| Trainee solicitor         | £160  |
| Paralegal/legal executive | £160  |

VAT at 20% would be added to all of these hourly rates.

### **Disbursements or outlays**

We may incur third party costs on your behalf including court and tribunal dues and fees for any expert report required to support your case. In some cases, we may advise you that it is appropriate to instruct counsel (an advocate) to provide a legal opinion or to undertake representation on your behalf in court. Their rates vary depending on seniority.

Here is an example of what costs might be involved in an undefended action for payment.

In our experience, where a claim for payment of more than £5,000 is undefended, the typical costs for taking your instructions, drafting the initial writ, lodging that with the court, and receiving the decree would be £1,750 to £2,500 plus VAT. That would typically take one to two months.

If that same action is defended, in our experience if —

- The case is not legally complex
- There are no complex facts
- Expert evidence is not required
- Instruction of counsel is not required
- You and the other parties co-operate with us and the court/tribunal
- There is only one options hearing and one day of evidential hearing
- There are no more than four witnesses in total for all parties

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Then this action would take up to a year to reach the final evidential hearing in court. Typically, the costs will be in the region of £20,000 to £30,000 plus VAT and court dues (which may be in the region of £500).

It may also be helpful to summarise at this stage the position with regard to recovery of costs in litigation.

Awards of costs are within the discretion of the sheriff or judge hearing the case. Even if you are successful in pursuing or defending the action, you may not recover any, and will not recover all, of your expenses.

Where the other party is ordered to pay your expenses, the court usually assesses those at a lower level than the fees and outlays you may have to pay to us. You remain responsible for paying all of our costs in the first instance, irrespective of whether the court orders any contribution from the other party.