



Taylor *Bracewell*

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Litigation fees information

Wills Probate and Trust Disputes

It is not always the case that costs come out of the estate. In fact, the general rule is that each party should meet their own costs as the case progresses through litigation. At the conclusion of the case a decision will have to be made by the Judge as to who is responsible for the costs of the case. That is unless the parties have reached their own agreement on the case and the costs of the case before a final hearing.

The general rule is that the losing party will pay for their own costs and their opponents costs. The costs awarded are usually for payment of the winners reasonable and proportionate costs. But costs are always a matter of discretion for the Court which means that a successful party may not always recover back their costs. Or indeed costs could be Ordered to be paid from the estate.

Reasonable costs means that the costs incurred have to be reasonably incurred and necessary to progress the case. Proportionate means that the costs incurred have to be proportionate to the size of the dispute. In light of this there is a real risk that if successful you may only recover back a contribution towards your costs, rather than the full costs that have been incurred.

Executors who remain neutral usually obtain their costs from the estate. But an executor who has a financial interest cannot always expect to recover back their costs or for them to be paid from the estate.

If proceedings are issued, then Contested Probate cases are usually complex and costs can run into tens of thousands of pounds per party. We of course will be able to give you an indication of the likely costs in your matter at the first appointment.

It is likely that disbursements would have to be incurred in a contested probate case. The filing of a Caveat usually incurs a fee of £20.

If we had to prepare a report on capacity, then medical notes would have to be obtained. The medical institution could charge per page of the medical notes that they are providing and therefore an estimate of the likely cost would be obtained from them before the notes are requested. Further a medical expert's report may be required. Again the cost of this does depend upon the size of medical notes that they are considering and the complexity of the matter.

You may have a number of funding options available to you. These are outlined here [link to funding options leaflet].

If Court proceedings were to be issued, then there would be the cost of the Court fee. These are outlined here <https://www.gov.uk/court-fees-what-they-are>

At Taylor Bracewell we understand the importance of meeting with our Clients and fully discussing the dispute. Therefore, we offer a fixed fee first appointment. The appointment does not have a

set time limit but is anticipated to last somewhere between 30 minutes and one hour. The cost of the first appointment is £250 plus VAT.

The fee includes:

- Meeting with the Solicitor who will have conduct of your case
- Obtaining the details of your dispute and listening to your concerns / issues
- Considering the relevant papers
- Advising on the various options available to you
- Running through the likely costs of progressing your case
- Providing you with a written record of our meeting and the advice that has been given
- Considering your funding options and explaining how each one may affect your claim and the damages that you receive

It may be that an initial meeting is sufficient to fully run through your concerns and deal with the same. If you do however instruct us to proceed with acting on your behalf we will send to you our terms of business which will outline future costs, timescales and additional work that will be required specific to your matter.

We would welcome discussing matters with you on the telephone prior to any appointment being arranged. Please contact Emma Cornell on 01302 341414.

Landlord and Tenant Disputes

There are a number of issues that can arise between a residential Landlord and Tenant. This can be a dispute regarding the terms of the Tenancy Agreement and whether the same has been breached by either the Landlord or the Tenant. In the alternative it could be a Landlord seeking possession of their property back.

In light of this costs can vary and does depend upon the complexity of the issues and the conduct of the parties.

As a general rule ordinarily when proceedings are issued by a Landlord seeking possession they are only entitled to recover back from the Tenant Court fees and fixed costs. The fixed costs are a set amount which we would be able to advise you of during the course of the appointment. However, it is likely that the actual costs that would be incurred would be greater than the fixed costs that you could recover.

The costs do depend upon the work that the matter entails. Whether any Notices can be delivered by post or require hand delivery. If a matter can be dealt with as a paper exercise by the Court or whether an attendance at a hearing is required.

If the matter is complex and the Court decide to proceed it beyond an initial hearing it could become a fully contested matter that would thereafter follow a full trial process. In that case it could be that the loser has to meet their own costs along with the winner's reasonable and proportionate costs. Costs always being a matter of discretion for the Court taking into account the parties conduct and behavior.

Reasonable costs does mean that the costs incurred have to be reasonably incurred and necessary to progress the case. Proportionate means that the costs incurred have to be proportionate to the size of the dispute. In light of this there is a real risk that if successful you may only recover back a contribution towards your costs, rather than the full costs that have been incurred.

Therefore, we would only be able to give you an indication as to cost when meeting with you and discussing the specifics of your matter.

You may have a number of funding options available to you. Please download our [funding guide](#) for more information on this.

If Court proceedings were to be issued, then there would be the cost of the Court fee. These are outlined here <https://www.gov.uk/court-fees-what-they-are>. Generally, the court fee to issue Court proceedings for possession is £355. If possession was granted and the tenant did not vacate then you may have to instruct a bailiff. The Court fee for this is £121. You may also need to meet the cost of a locksmith to be present on the day that possession is granted to make sure that the tenant does not gain entry again.

Taylor Bracewell fees are usually in the region of £500 plus VAT to draft and serve a notice. But a better estimate of costs would be given once matters have been fully discussed with you.

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The fee includes:

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- Obtaining the details of your dispute and listening to your concerns / issues
- Considering the relevant papers
- Advising on the various options available to you
- Running through the likely costs of progressing your case
- Providing you with a written record of our meeting and the advice that has been given
- Considering your funding options and explaining how each one may affect your claim and the damages that you receive

It may be that an initial meeting is sufficient to fully run through your concerns and deal with the same. If you do however instruct us to proceed with acting on your behalf we will send to you our terms of business which will outline future costs, timescales and additional work that will be required specific to your matter.

We would welcome discussing matters with you on the telephone prior to any appointment being arranged. Please contact Emma Cornell.

Personal injury claims

At Taylor Bracewell we understand the importance of meeting with our Clients and fully discussing the potential claim. Therefore, we offer a free first appointment. The appointment does not have a set time limit but is anticipated to last somewhere between 30 minutes and one hour.

The appointment includes:

- Meeting with the Solicitor who will have conduct of your case
- Obtaining the details of your claim and listening to your concerns / issues
- Considering the relevant papers
- Advising on the various options available to you

- Running through the likely costs of progressing your case
- Providing you with a written record of our meeting and the advice that has been given
- Considering your funding options and explaining how each one may affect your claim and the damages that you receive

It may be that an initial meeting is sufficient to fully run through your concerns and deal with the same. If you do however instruct us to proceed with acting on your behalf we will send to you our terms of business which will outline future costs, timescales and additional work that will be required.

You may have a number of funding options available to you. Download our **funding options guide** for more information.

If your case is funded by a Conditional Fee Agreement, should your case be successful, our fees will be paid in part by the Defendant's Insurance Company. We will be able to recover our base costs from the Defendant. However, we can claim an uplift known as a success fee from you. The success fee is based as a percentage of the base costs and cannot be recovered from the Defendants and therefore will be deducted from damages that you receive.

Please note that the maximum that you will be liable to contribute is capped at 25% of your general damages and past financial loss as further explained within the Personal Injury Claims Funding Options leaflet.

This means that you will receive at least 75% of the damages awarded to you.

Medical institutions normally now cannot charge for the supply of medical notes. Therefore, likely disbursements are the cost of medical expert's reports, court fees and Barristers. Barristers can be instructed on a Conditional Fee Agreement (no win, no fee) basis. We can give you the likely estimate cost of disbursements when we meet.

If Court proceedings were to be issued, then there would be the cost of the Court fee. These are outlined here <https://www.gov.uk/court-fees-what-they-are>.

Likely costs do however vary depending upon the size of the damages recovered, the complexity of the case and at what point it settles. Therefore, costs can range from around £1,500 plus VAT upwards.

It may be that an initial meeting is sufficient to fully run through your concerns and deal with the same. If you do however instruct us to proceed with acting on your behalf we will send to you our terms of business which will outline future costs, timescales and additional work that will be required specific to your matter.

We would welcome discussing matters with you on the telephone prior to any appointment being arranged. Please contact Robert Clarke.

Medical Negligence

At Taylor Bracewell we understand the importance of meeting with our Clients and fully discussing the potential claim. Therefore, we offer a free first appointment. The appointment does not have a set time limit but is anticipated to last somewhere between 30 minutes and one hour.

The appointment includes:

- Meeting with the Solicitor who will have conduct of your case

- Obtaining the details of your claim and listening to your concerns / issues
- Considering the relevant papers
- Advising on the various options available to you
- Running through the likely costs of progressing your case
- Providing you with a written record of our meeting and the advice that has been given
- Considering your funding options and explaining how each one may affect your claim and the damages that you receive

It may be that an initial meeting is sufficient to fully run through your concerns and deal with the same. If you do however instruct us to proceed with acting on your behalf we will send to you our terms of business which will outline future costs, timescales and additional work that will be required.

You may have a number of funding options available to you. Download out **funding options guide** for more information.

If your case is funded by a Conditional Fee Agreement, should your case be successful, our fees will be paid in part by the Defendant's Insurance Company. We will be able to recover our base costs from the Defendant. However, we can claim an uplift known as a success fee from you. The success fee is based as a percentage of the base costs and cannot be recovered from the Defendants and therefore will be deducted from damages that you receive.

Please note that the maximum that you will be liable to contribute is capped at 25% of your general damages and past financial loss as further explained within the Personal Injury Claims Funding Options leaflet.

This means that you will receive at least 75% of the damages awarded to you.

Medical institutions normally now cannot charge for the supply of medical notes. Therefore, likely disbursements are the cost of medical expert's reports, court fees and Barristers. Barristers can be instructed on a Conditional Fee Agreement (no win, no fee) basis. We can give you the likely estimate cost of disbursements when we meet.

If Court proceedings were to be issued then there would be the cost of the Court fee. These are outlined here <https://www.gov.uk/court-fees-what-they-are>.

Likely costs do however vary depending upon the size of the damages recovered, the complexity of the case and at what point it settles. Therefore, costs can range from around £5,000 plus VAT upwards.

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Criminal injuries claims

At Taylor Bracewell we understand the importance of meeting with our Clients and fully discussing the potential claim. Therefore, we offer a free first appointment. The appointment does not have a set time limit but is anticipated to last somewhere between 30 minutes and one hour.

The appointment includes:

- Meeting with the Solicitor who will have conduct of your case
- Obtaining the details of your claim and listening to your concerns / issues
- Considering the relevant papers
- Advising on the various options available to you
- Running through the likely costs of progressing your case
- Providing you with a written record of our meeting and the advice that has been given
- Considering your funding options and explaining how each one may affect your claim and the damages that you receive

It may be that an initial meeting is sufficient to fully run through your concerns and deal with the same. If you do however instruct us to proceed with acting on your behalf we will send to you our terms of business which will outline future costs, timescales and additional work that will be required.

You may have a number of funding options available to you. Download our [funding options guide](#) for more information.

Most Criminal Injuries Compensation Claims are funded by way of a Contingency Fee Agreement. The terms of a Contingency Fee Agreement are that we would take 25% of your damages if you are successful as payment of our costs. The reason for this is that the CICA do not pay costs over and above damages.

The Agreement sets out how the 25% is calculated in terms of VAT. Any disbursements that are incurred would be over and above the 25% and again if these are not refunded back by the CICA you would remain liable to pay these out of damages. You remain liable for disbursements if the case is unsuccessful.

If your claim were unsuccessful then we would not charge our fees subject to the terms as outlined within the Contingency Fee Agreement, namely that you co-operate with us, that you allow us to continue with our work and you do not de-instruct us mid instruction (there are additional terms as set out within the Contingency Fee Agreement). However, if you were successful you would still be liable for any disbursements that have been incurred.

The CICA usually only pay a fixed amount of damages which could be less than that which you may be awarded in a personal injury claim, they usually also do not pay additional expenses and losses for a period of the first 26 weeks.

Likely disbursements could be the cost of any medical reports which the Criminal Injuries Compensation Scheme do not meet the cost of. These could range from around £50 for a simple GP report / letter to in excess of £1,000 if a full report on complex injuries is required.

It may be that an initial meeting is sufficient to fully run through your concerns and deal with the same. If you do however instruct us to proceed with acting on your behalf we will send to you our terms of business which will outline future costs, timescales and additional work that will be required specific to your matter.

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Boundary and Neighbour Disputes

As boundary and neighbour disputes can arise in many different guises, it is difficult to state exactly what the likely costs would be. Boundary and neighbour claims can be particularly complex and the likely claim can vary in respect of the size of loss that has been sustained as a result of a boundary and neighbour dispute.

Costs also depend as to whether the matter settles with or without the issue of court proceedings. Further whether the parties attend at mediation or not.

As a general rule boundary and neighbour disputes under £10,000 can incur costs in the region of £2,500 to £3,500 plus VAT. Between £10,000 and £25,000 can incur costs in the region of £8,000 to £10,000 plus VAT and claims for losses over £25,000 could incur costs that are tens of thousands of pounds per party. However, a better indication of costs would always be given to you when we meet and if we were instructed as to the case progresses.

Likely costs could be the cost of obtaining documents from the Land Registry. If Deeds are required and no longer within your possession it could be the cost of obtaining certified copies from the Deeds Registry. In addition to this it may be that you have to instruct a Surveyor to either plot out the area in issue or obtain an expert to consider the condition of your property and/or land. We would obtain an estimate of the expert's fees prior to instructing the same for your approval.

The general rule is that the losing party will pay for their own costs and their opponents costs. The costs awarded are usually for payment of the winners reasonable and proportionate costs. But costs are always a matter of discretion for the Court which means that a successful party may not always recover back their costs. However, if the claim was considered to be a small claim (i.e. valued at under £10,000 and not complex that requires a large amount of Court time) then the general rule is that a successful party may be able to recover back their Court fees and reasonably incurred disbursements (which are capped) but not their legal costs.

Reasonable costs does mean that the costs incurred have to be reasonably incurred and necessary to progress the case. Proportionate means that the costs incurred have to be proportionate to the size of the dispute. In light of this there is a real risk that if successful you may only recover back a contribution towards your costs, rather than the full costs that have been incurred.

You may have a number of funding options available to you. Download out **funding options guide** for more information.

If Court proceedings were to be issued, then there would be the cost of the Court fee. These are outlined here <https://www.gov.uk/court-fees-what-they-are>.

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We would welcome discussing matters with you on the telephone prior to any appointment being arranged. Please contact Emma Cornell on 01302 341 414 for further information.

Consumer disputes

As consumer disputes can arise in many different guises it is difficult to state exactly what the likely costs would be. Consumer dispute claims can be particularly complex and the likely claim can vary in respect of the size of loss that has been sustained as a result of a consumer dispute.

Costs also depend as to whether the matter settles with or without the issue of court proceedings. Further whether the parties attend at mediation or not.

As a general rule consumer dispute claims under £10,000 can incur costs in the region of £2,500 to £3,500 plus VAT. Between £10,000 and £25,000 can incur costs in the region of £8,000 to £10,000 plus VAT and claims for losses over £25,000 could incur costs that are tens of thousands of pounds per party. However, a better indication of costs would always be given to you when we meet and if we were instructed as to the case progresses.

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Recovering a personal debt

As debt claims can arise in many different guises it is difficult to state exactly what the likely costs would be. Debt claims can be particularly complex and the likely claim can vary in respect of the size of loss that has been sustained as a result of a debt claim.

Costs also depend as to whether the matter settles with or without the issue of court proceedings. Further whether the parties attend at mediation or not.

As a general rule debt claims under £10,000 can incur costs in the region of £2,500 to £3,500 plus VAT. Between £10,000 and £25,000 can incur costs in the region of £8,000 to £10,000 plus VAT and claims for losses over £25,000 could incur costs that are tens of thousands of pounds per party. However, a better indication of costs would always be given to you when we meet and if we were instructed as to the case progresses.

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