**Litigation**

**Who will carry out the work**

**Simon Robinson, Solicitor/Partner or John Crompton Consultant Solicitor will carry out the work on your fie.**

Our litigation team offer a variety of services, including: assisting you with a licensing application, preparing a claim or defence and acting on your behalf in a debt recovery claim, preparing a claim or response and acting on your behalf in a claim to the Employment Tribunal, as well as providing employment advice to you and your business.

**First Consultation**

We can offer a first fixed fee consultation. This will give you up to 30 minutes of general advice from our specialist lawyers to enable you to consider the options available to you moving forward. The cost of this consultation is £100 plus VAT. (£20)

**Licensing**

For licensing applications for business premises, it is estimated that the average application will take 6 hours work at £250.00 per hour plus VAT. If we need to amend estimate, you will be informed about this when it becomes known to the Solicitor that more work will need to be undertaken.

Before instructing us, if you have any questions about costs, you should arrange a fixed fee appointment to speak with one of our litigation solicitors.

**Debt Recovery Claims**

**Undefended Claims**

For debt recovery claims, if the claim is not defended by the debtor, then you can enter Default Judgment and seek to enforce the Judgment. The Court issue fees can be found on Court Form EX50. The time for preparing the letter of claim and preparing the Court papers for issue will involve 2 to 3 hours work, charged at £250.00 per hour plus v.a.t. A further £80.00 plus VAT will be payable to request the Default Judgment, which should take around 10 working days for the Court to process.

**Defended Claims**

For a claim up to £10,000, we would estimate that this would entail 9 to 12 hours work at a charging rate of £250.00 per hour plus VAT. Court fees would also be applicable as shown on the Court Form EX50. You should note that costs generally cannot be recovered from the other party in the event of a successful claim. For more information about the recoverability of your legal costs in a small claim, please arrange a fixed fee appointment to speak to one of our Solicitors.

For a fast track claim between £10,000 - £25,000, we would estimate that this would entail 26 to 33 hours of work, plus the costs of counsel and any disbursements. This estimate is based on standard directions been given in the claim. Counsel’s fees are fixed at £1,035 plus VAT for a claim between £10,000 - £15,000 and are fixed at £1,650.00 plus VAT for a claim for more than £15,000. In the event of a successful outcome, a proportion of your legal costs may sometimes be recoverable from the other party. Prior to issuing proceedings, should you have any questions about recovering your legal costs, please arrange a fixed fee appointment, to speak to one of our Solicitors.

For a multi-track claim, usually when the claim is £25,000 or more, it is difficult to place an estimate on the costs of dealing with your claim. It could be a simple £100,000 claim, or it could be a complex £20,000 claim, which requires evidence to be prepared and given by 10 witnesses as well as considering hundreds of pages of documents. The only information that we can provide about acting for you in a claim of this nature is that the hourly charged rate is £250.00 per hour plus VAT per hour and that an estimate will be advised at the outset of instructions with the estimate remaining under constant review throughout the litigation.

**Enforcing a Judgment after a successful claim**

Once a Judgment has been obtained, you have the choice of which enforcement option to pursue in order to satisfy the Judgment debt, including:

* **County Court Bailiffs/High Court Sheriffs**

It will cost approximately £75.00 plus VAT to instruct either the County Court Bailiff or the High Court Sheriff with a refundable £66 Court fee for the County Court Judgment to be transferred up to the High Court. This fee is sometimes recovered from the debtor from a successful visit. If the Sheriffs are unsuccessful, there is a £100 plus VAT abortive fee payable. As above, we shall require the payment of all disbursements up front prior to action being taken. We would estimate that making the application will entail 1 to 2 hours work, chargable at our hourly rate of £250.00 per hour plus VAT.

* **Statutory Demand and Bankruptcy Proceedings**

If you want to issue a statutory demand, this will usually entail 2 to 3 hours work at a cost of £250.00 per hour plus V.A.T. per hour. You will also need to pay the costs process server, which is usually between £150 to £350.00 plus VAT, dependent upon the location of the person being served. If you want to proceed to bankruptcy proceedings if the Judgment is against an individual, we would estimate that this will entail 2 to 3 hours work, again at a cost of £250.00 per hour plus VAT per hour, with another process server fee as before.

The Court fee is £280 and the Deposit for the proceedings is £990. There will also be Counsel’s fees for the hearing of approx. £1200 to £2000 plus VAT. A bankruptcy order can usually be obtained within 10 to 12 weeks of the petition being issued by the Court.

* **Winding up Proceedings**

For a winding up hearing against a company where the matter is being determined at the first hearing and the debt has not been disputed or a Court Judgment has been obtained which has not been set aside, we would estimate that this would entail 7 to 8 hours work chargable at our hourly rate of £250 per hour plus VAT. Court fees are payable at £20, a Petition deposit of £1,600, process server fees of up to £150 to £300 plus VAT, fees for advertising the Petition in the London Gazette of £101.52 and Counsel’s fees as referred to as before. The timescale for a winding up order is as with the bankruptcy proceedings in the section above.

**Attachment of Earnings**

If an attachment of earnings is the appropriate way of enforcing the Judgment, we would estimate that this will entail 2 to 3 hours work payable at our charging rate of £250.00 per hour plus VAT and a Court fee of £110 if the Order is obtained without a hearing. The timescale for obtaining an order is 8 to 10 weeks of the application being issued in the Court.

* **Charging Order**

For a charging order, we would estimate that this will entail approximately 2 to 4 hours of work charged at £250.00 per hour plus VAT. This estimate does not include the costs of the court hearing, which again will be charged at our hourly rate of £250.00 plus VAT. There will be the £110 Court fee, agents fee of £200 - £400 plus VAT for the hearing attendance and a £40 land registration fee.

An interim charging order can sometimes be obtained within about 4-6 weeks of application being made to Court. The timescale for the final charging order will depend upon whether the debtor files an objection and if the Court lists the case for a hearing. Without any objections or a hearing, it would be a further 6 - 8 weeks.

* **Third Party Debt Order**

For a third party debt order, we would estimate that this would entail 2 to 3 hours work, charged at our hourly rate of £250.00 per hour plus VAT per hour. In addition, the £100 Court fee and the same agent fees are payable as referred to previously. It usually can be obtained within 10-14 weeks of the application being issued by the Court.

* **Order for the debtor to attend Court for questioning**

Should you want the debtor to attend Court for questioning as to their means, this will entail approximately 3 to 5 hours work chargable at our £250.00 per hour plus VAT. In addition, court fees of £55 and process server fees of between £150 to £300 plus VAT

**PLEASE NOTE court fees are subject to change and as such the fees referred to above are subject to increase as decided by HMCTS.**

**MONIES REQUIRED FROM YOU**

**At the point that we take on your case, we shall require monies on account in relation to our costs. Thereafter, we shall require you to pay upfront with regard to any disbursements which will be incurred in your case, including court and expert’s fees and counsel’s fees etc. We shall provide you with an interim bill in relation to our charges at least every 3 months. We will require our interim bill to be discharged within 7 days of delivery and shall require further monies to be paid on account of costs before further additional work can be carried out on your case.**

**Employment**

**Unfair Dismissal/Wrongful Dismissal/Discrimination/Equal Pay/Flexible Working Employment Tribunal Claims**

* **If you are a Claimant our costs for acting on your behalf are as follows:**

For a simple claim we would estimate that we would carry out 21-35 hours of work, charged at our hourly rate of £250.00 per hour plus V.A.T.

For a medium claim (of either document volume or complexity) we would estimate that we would carry out 35-50 of hours work, charged at our hourly rate of £250.00 per hour plus VAT.

For a complex and/or fact heavy claim, we would estimate that we would carry out 50 – 100 hours of work, charged at our hourly rate of £250.00 per hour plus VAT.

NOTE: Counsel’s fees would be an estimated £1500 - £2500 plus VAT for a one day trial, if the case carries over to further days, counsel will charge an additional refresher for every day heard after the hearing at a cost of approximately £1000 to £2000 per day plus VAT.

If you are Respondent our costs for acting on your behalf are as follows:

For a simple claim we would estimate that we would carry out 30 hours – 45 hours of work, chargeable at our hourly rate of £250 per hour plus VAT.

For a medium claim (of either document volume or complexity) we would estimate that we would carry out 45- 60 hours of work, at our hourly rate of £250 per hour plus VAT.

For a complex and/or fact heavy claim we would estimate that we would carry out 60 120 hours of work, which again, would be charged at our hourly rate of £250 per hour plus VAT.

NOTE: Counsel’s fees will also be applicable to this section with the same estimates as above.

NOTE: In these types of claims, it should be noted that fees are generally not recoverable in the event of a successful claim. This should be borne in mind when providing instructions, and, if you would like further information about scenarios in which your legal costs may be recoverable, please arrange a fixed fee appointment, prior to instructing us to issue your claim so that you may speak to one of our Solicitors for further information.

It should also be noted that these estimates **exclude settlement discussions.** The reason that these discussions are excluded is that, if they are successful discussions, the cost will fall within the estimate provided. Every case is unique with its own set of facts and it would not be possible to provide an estimate of the added costs to the matter in the event of unsuccessful settlement discussions between the parties.

**TUPE**

Each company and employers have their own set of issues that need to be dealt with. It is difficult to estimate how long it will take to deal with matters of this nature due to there being a variety of factors, which influence the amount of work required to complete the task.

In cases involving TUPE we would estimate that we would carry out 10 – 70 hours of work, charged at our hourly rate of £250 per hour plus VAT.

**Drafting policies for employers**

Our expert Solicitors provide advisory services to employers, regardless of whether or not there is an anticipated Employment Tribunal claim. Their services help ensure that companies have the best procedures in place in order for employers to be able to deal with employment issues in a fair and legal manner.

For one of our Solicitors to draft a grievance procedure, disciplinary procedure, or any other company policy for you or your company, we would estimate that this would involve 8 to 13 hours work chargable at our hourly rate of £250 per hour plus VAT.

**Redundancies and Settlement Agreements**

The circumstances surrounding a redundancy situation can vary dramatically. If you are an employee facing redundancy, our Solicitors need to understand the situation with your employer before they can fully advise you on the settlement agreement; we need to ensure that you have taken the correct steps in reaching that decision as well as advising you on the offer that should be put to that employer.

We estimate that the cost of advising on and preparing a settlement agreement (for an employer) or advising on a settlement agreement (for an employee) would be £300 - £1500 plus VAT, with the cases attracting the higher end of the bracket being cases of the factual background and/or complexity.

**PLEASE NOTE disbursements are subject to change and as such the fees referred to above are subject to increase.**

**MONIES REQUIRED FROM YOU**

**Upon being instructed to act on your behalf, we shall require monies on account in relation to our costs. Thereafter, we shall require you to pay upfront with regard to any disbursements which will be incurred in your case, including court and expert’s fees and counsel’s fees etc. We shall provide you with an interim bill in relation to our charges at least every 3 months. We will require our interim bill to be discharged within 7 days and further monies to be paid on account of costs before further work can be carried out on your case.**