

“ Plain speaking legal advice ”

SURREY LAW FIRM SUPPORTS PANORAMA'S WARNING OVER WILL WRITERS

Camberley, 9th August 2010 – Ruth Keighley, a member of the Surrey Committee for Solicitors for the Elderly and a Wills & Probate lawyer at Herrington & Carmichael LLP is warning that families are potentially putting themselves at risk by using unregulated, uninsured will writers.

"Many people are under the false impression that a 'will writer' is a solicitor, but unlike a solicitor they do not have to undergo any training or have insurance, and are not regulated by any organisation which ensures that they conduct their activities in the interests of the consumer and provides some form of redress if things go wrong," said Ruth.

Ruth's comments follow an investigation by the BBC's Panorama programme into the dangers of using a will writing service. In the programme, a husband had not been provided for in his late wife's will. The will writers appeared to have failed to advise on his right to bring a claim against the estate for inadequate provision.

"A specialist solicitor would have asked the wife why she had not made adequate provision for her husband, retained a record of those reasons and advised on the risk of the will being challenged by the husband," explained Ruth.

The lack of regulation has enabled many will writers to adopt high pressure selling techniques which the programme illustrated, often offering wills for a low or discounted fee, and then recommending themselves to be appointed as executors, selling other services without full advice such as transferring the home into a trust in an attempt to avoid care fees. Terms and conditions can be poorly worded and difficult to understand.

The fear of solicitors' costs prompts some people to use will writers:

"Solicitors are required to set out in writing the basis of their charges, and in many cases wills are undertaken for a fixed fee with free storage of wills and other documents," said Ruth.

Recent research by the consumer group, Which?, found that the average fee for a mirror will for a husband and wife drafted by a solicitor was £130 each compared to a will writer of £107 each.

Ruth continued: *"This programme has highlighted the potential for getting it wrong when proceeding without full legal advice, and of course, the need for proper regulation of will writers. It can be very costly to undo the estate after you have gone and can leave your family in disarray as they try to pick up the pieces."*

If you need help in finding a specialist solicitor near to you then contact Solicitors For the Elderly on 0844 567 6173 or go to www.solicitorsfortheelderly.com. Alternatively STEP (the Society of Trust & Estate Practitioners) www.step.org will be able to help you identify a local qualified practitioner.

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Notes to Editors:

1. Ruth Keighley is a member of the Surrey Committee for Solicitors for the Elderly, Vice Chairman for the Surrey branch of the Society of Trust & Estate Practitioners and a member of the Law Society Private Client Section.

2. Solicitors for the Elderly (SFE) is a national organisation of lawyers, such as solicitors, barristers, and legal executives who are committed to providing and promoting robust, comprehensive and independent legal advice for older and vulnerable adults, their family and carers (www.solicitorsfortheelderly.com).

3. 67% of consumers wrongly believe that all will writers are solicitors, research has shown. A survey of more than 1,000 people revealed that 82% assumed that training and qualifications are required before someone can become a will writer. The Fellowship of Professional Will writers and Probate Practitioners commissioned the survey.

4. Solicitors are regulated by the Solicitors Regulation Authority and must follow the Solicitors Code of Practice and Solicitors Accounts Rules.

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Herrington & Carmichael is a well established law firm providing an extensive range of services to business and private clients. An experienced team of 80 staff and lawyers operate from offices in Camberley and Wokingham with an enviable reputation for practical, cost-effective legal advice.

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