

# Litigation

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 face to face consultation. This will give you 30 minutes of expert advice from one of our specialist lawyers to enable you to consider the options available to you moving forward. The cost of this meeting is £50 + VAT.

## **Licensing**

For licensing applications for business premises, it is estimated that the average application will take 5 hours work at £201 + VAT an hour. If the case may exceed this, you will be informed about this when it becomes known to the Solicitor that more work will need to be undertaken. If you have any further questions about costs, they should contact the Solicitor responsible for dealing with your matter.

## **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 be 1-2 hours work, which will cost approximately £150 - £300 + VAT. A further £50 + 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, the estimated fees would be £1,500 - £3,000 + VAT. Court fees would also be applicable as shown on 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 speak to one of our Solicitors.

If you have any questions regarding our fixed fee service or wish to speak to a member of our team please do not hesitate to contact us on 01257 265711

For a fast track claim between £10,000 - £25,000, the costs would be around £5,000 - £7,500 + VAT. This estimate is based on standard directions been given in the claim. Counsel's fees are fixed at £1,035 + VAT for a claim between £10,000 - £15,000 and are fixed at £1,650.00 + VAT for a claim for more than £15,000. In the event of a successful outcome, a proportion of your legal costs are usually recoverable from the other party. Once again, should you have any questions about recovering your legal costs, please speak to one of our Solicitors.

For a multi-track claim, usually when the claim is for £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 £201 + 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 be approximately £60 + 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 will be recovered from the debtor from a successful visit. If the Sheriffs are unsuccessful, there is a £75 + VAT abortive fee payable.

- **Statutory Demand and Bankruptcy Proceedings**

If you want to issue a statutory demand, costs will be £150 + VAT plus a process server fee of up to £150 + VAT. If you want to proceed to bankruptcy proceedings if the Judgment is against an individual, the costs will be approximately £750 + VAT 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. £500 - £1,000 + VAT. A bankruptcy order can usually be obtained within 8-12 weeks of the petition being issued by the Court.

- **Winding up Proceedings**

For a winding up hearing against a company where the matter is 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, costs would be approximately £1,000 + VAT. Furthermore, there would be the £20 Court fee, a Petition deposit of £1,600, process server fees of up to £150 + VAT, fees for advertising the Petition in the London Gazette of £101.52 and Counsel's fees as referred to before. The timescale for a winding up order is as with the bankruptcy proceedings in the section above.

If you have any questions regarding our fixed fee service or wish to speak to a member of our team please do not hesitate to contact us on 01257 265711

- **Attachment of Earnings**

If an attachment of earnings is the appropriate way of enforcing the Judgment, the costs will be approximately £150 + VAT and a Court fee of £110 if the Order is obtained without a hearing. The timescale for obtaining an order is 6-8 weeks of the application being issued by the Court.

- **Charging Order**

For a charging order, the costs will be approximately £350 + VAT (excluding the costs of the hearing). There will be the £110 Court fee, agents fee of £150 - £300 + VAT for the hearing attendance and a £40 land registration fee.

An interim charging order can sometimes be obtained within about 2-3 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 4-6 weeks.

- **Third Party Debt Order**

For a third party debt order, the costs would be approximately £250 + VAT along with the £100 Court fee and the same agent fees as before as well. It can be obtained within 8-12 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, it will be approximately £200 + VAT along with the £55 Court fee and process server fees of up to £150 + VAT.

## **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 in which we undertake 21-35 hours work, we estimate that the costs would be £3,066 – £5,110 + VAT.

For a medium claim (of either document volume or complexity) in which we undertake 35 – 50 hours work, we estimate that our costs would be £5,110 - £7,300 + VAT.

For a complex and/or fact heavy claim in which 50 – 100 hours work would be required, the estimate of our costs would be £7,300 - £14,600 + VAT.

*NOTE: Counsel's fees would be an estimated £750 - £1,000 + VAT for a one day trial, or an estimated £1,500 - £2,000 + VAT brief fee plus a £750 refresher for every day heard after day one of the hearing.*

If you have any questions regarding our fixed fee service or wish to speak to a member of our team please do not hesitate to contact us on 01257 265711

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

For a simple claim in which we undertake 30 hours - 45 hours work, we estimate that the costs would be £4,380 – £6,570 + VAT.

For a medium claim (of either document volume or complexity) in which we undertake 45 – 60 hours work, we estimate that the costs would be £6,570 - £8,760 + VAT.

For a complex and/or fact heavy claim in which 60 – 120 hours work would be required, the estimate of our costs would be £8,760 - £17,520 + 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 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.

Our estimate for undertaking 10 – 70 hours work would be a cost of £1,460 - £10,220 + VAT, with the more expensive tasks being undertaken for a change of ownership for companies with multiple offices and several hundred staff members.

## **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, the estimated costs of these services would be £750 - £2,500 + 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. If you are an employer looking to offer a member of staff a settlement agreement, we need to ensure

If you have any questions regarding our fixed fee service or wish to speak to a member of our team please do not hesitate to contact us on 01257 265711

that you have taken the correct steps in reaching that decision as well as advising you on the offer that should be put to the employee.

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 - £1,500 + VAT, with the cases attracting the higher end of the bracket being cases of factual background and/or complexity.

If you have any questions regarding our fixed fee service or wish to speak to a member of our team please do not hesitate to contact us on 01257 265711