

Debt Recovery Services for Businesses from J H Powell & Co Solicitors Price and Service Information (December 2018)

This document is designed to provide information about the services that we can offer to businesses in connection with the recovery of debts under £100,000, to explain how our fees for assisting with such debt recovery matters are calculated, and to summarise the third-party costs ('disbursements') that are usually incurred in such matters. It is published in accordance with the Solicitors Regulation Authority Transparency Rules.

Our Business Debt Recovery Team

The following qualified solicitors are available to assist you with your debt recovery matter:

- David Tomlinson - David qualified as a solicitor in 1989 and has been a partner at the firm since 1995.
- Jonathan Hill – Jonathan qualified as a solicitor in 1995 and has been a partner at the firm since 2000.
- Caroline Major - Caroline qualified as a solicitor in 2016.

Our following trainee solicitors are also available to assist with your debt recovery matter under the supervision of our solicitors:

- Faith Hill - Faith studied Law at the Open University and Nottingham Law School.
- Manpreet Ark - Manpreet studied Law at the University of Leicester and has a Masters degree in Law from the University of Nottingham.

The Business Debt Recovery Process

The following is a simplified guide to the various stages of the debt recovery process - some disputes are settled at an early stage, whereas others are not resolved without a claim being filed at court. We also provide below an indication of how long each stage can take to be concluded. These timescales are indicative only, and depend on the circumstances of each individual dispute.

Depending on the circumstances of your dispute, your debt recovery matter will usually progress through one or more of the following stages:

- Stage 1 – taking your instructions, considering the circumstances of the dispute and the relevant evidence, carrying out any necessary searches, and providing you with initial advice on both the merits of your claim and the likely initial costs of pursuing the dispute – *1 to 2 weeks*.
- Stage 2 – corresponding with the debtor in an effort to settle the dispute outside of court, including sending a formal letter before action – *3 to 6 weeks*.
- Stage 3 - if the dispute is not settled at Stage 2, taking your further instructions and if necessary drafting a claim form and particulars of claim and filing these with the court – *2 to 3 weeks*.
- Stage 4 - The debtor may then admit the claim, defend the claim, or make no response at all, in which case we will advise you on next steps - *the timescales involved depend on the time the debtor takes to respond and also the time taken by the court to issue the claim*.

- Stage 5 – if a hearing is convened we will assist with all aspects of preparation for the hearing. This may include complying with directions (given by the court in relation to the conduct of the claim), attending case management hearings, preparing costs budgets, disclosure of documentation, instructing experts where necessary and also filing witness statements and other evidence – *again, the duration of this stage depends on the deadlines set by the court - it can be expected to take several months but in a more complex case it is not unusual for this stage to take a year.*
- Stage 6 – assisting you with the court hearing itself. Depending on the complexity of the dispute we will either represent you in court or instruct a barrister on your behalf.
- Stage 7 – if your claim is successful at either Stage 4 or Stage 5 but the debtor fails to repay the debt in full we can assist you with the various methods of enforcement available.

At any stage we can also assist with the process of Alternative Dispute Resolution, for example mediation whereby the parties meet in front of an independent third person and agree terms to settle the claim outside of court.

Our Fees

Our fees for the work that we carry out for you are calculated according to the amount of time that we spend on your matter, as based on our hourly charging rates, which are as follows:

Partners and Solicitors more than 8 years of PQE	£235 +VAT per hour
Solicitors with 4-8 years of PQE	£195 +VAT per hour
Solicitors with up to 4 years of PQE	£160 +VAT per hour
Trainee Solicitors	£130 +VAT per hour

‘PQE’ means post-qualification experience – the number of years that someone has been a qualified solicitor. Where we refer to VAT throughout this document, this is at the current rate of 20%.

No two debt recovery matters are ever the same and it is therefore not possible to provide an accurate estimate of our fees for acting for you before we understand the specific circumstances of your case. Our fees for your debt recovery matter will depend on a number of factors, including:

- Whether the debtor disputes your claim against them.
- How quickly your dispute is resolved.
- The legal basis of your dispute and whether there are complex legal issues at stake.
- The amount of evidence involved.
- Whether a specific pre-action protocol applies to your dispute.

At the outset of any of the above stages, and once we are in receipt of all the relevant information, we will provide you with an estimate of our fees for assisting you with that stage of the debt recovery process.

Third Party Costs

As part of your debt recovery matter you may also be required to pay fees to organisations other than J H Powell

& Co (known as ‘disbursements’). These are in addition to our legal fees as detailed above, and we will handle the payment of the disbursements on your behalf. At the outset of each of the stages set out above, we will provide you with an estimate of what these disbursements are likely to include.

The disbursements payable depend on the exact circumstances of each case, but as a general guide, they might include the following:

- Court fees to file the claim, for a hearing to be convened or to make other applications to the court – these fees depend in part on the amount you are claiming, and further details (correct at the time of writing) are published by gov.uk [here](#).
- Barrister’s fees (where necessary) to provide advice, draft particulars of claim or to represent you at a hearing – these depend on the complexity of the matter and the barrister’s level of experience. We will provide you with the barrister’s fee estimate before instructing them on your behalf. Information is published by the Bar Standards Board [here](#). Barristers’ fees will attract VAT.
- Expert’s fees (where necessary) to provide a report or to give evidence at a hearing. Experts’ fees will attract VAT. We will provide you with the expert’s fee estimate before instructing them on your behalf.

Responsibility for Legal Fees and Disbursements

You will be responsible for paying our fees and disbursements as part of your debt recovery matter. However, if your claim is successful, you may be entitled to an order that the debtor reimburse you for all or some of these fees and disbursements. This depends in part on the value of your claim and the ‘track’ which it is allocated to by the court. At the outset of any matter we will advise you whether we anticipate that you may be able to recover any of our fees and disbursements in this way.

In some cases (for example if your claim is unsuccessful) you may be ordered by the court to reimburse the debtor for their fees and disbursements. Please note that this would be in addition to your responsibility for our fees and disbursements.

You should check if your liability for our fees and disbursements (and those of the debtor) may be covered by any existing insurance policy you have (known as ‘Before the Event’ legal expenses insurance), an ‘After the Event’ legal expenses insurance policy (to cover your liability for the debtor’s costs if your claim is unsuccessful) or by other third party funding. We are unable to offer Conditional Fee Agreements or Damages Based Agreements for business debt recovery matters under £100,000.

Our Dispute Resolution Services

Our firm can assist you and your business with a wide variety of dispute resolution matters - of any value - including rent arrears, contractual disputes, personal injury, dilapidations, construction disputes, professional negligence and boundary disputes. We assist our clients with bringing and defending claims, court proceedings, enforcement of judgments and also settling disputes outside of court. Please contact us for further information about our services.

If you have any further questions about our dispute resolution services, please contact us using the details set out below and a member of the firm will be happy to speak to you.