

Evening Herald

Cents & Sensibility: Legal Issues

...do it yourself can be the money-saving option for legal matters while there is free advice for life's complications

By Katie Byrne

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The recession has had a huge impact on the legal profession. Solicitors' fees have dropped significantly, a slew of low-cost legal providers are mushrooming and a do-it-yourself legal ethos is fast emerging.

Costs have been cut in an industry that has long been associated with exorbitant fees as consumers take legal affairs into their own hands and shop around for a better deal. People are realising that legal services don't have to cost an arm and a leg and discovering that they can pay the minimum by cutting out the middleman: the solicitor.

PERSONAL INJURY

While many people go straight to a solicitor in the event of a personal injury, in most cases, they can handle their claims themselves through the Injuries Board (www.injuriesboard.ie), an independent government body which was set up to reduce legal fees and speed up claims. You must apply to the Injuries Board whether or not you use a solicitor.

Those who decide to use a solicitor do so for legal advice and application assistance, in cases where insurance companies contact them to settle cheaply and where they are seeking an early settlement and require a solicitor to contact the insurance company on their behalf. Solicitors must be used when the injured person is under 18, in cases where the driver is uninsured or untraced and where a fatality has occurred.

Remember: if you use a solicitor, the Injuries Board is not permitted to deal with you directly. More importantly, the Injuries Board does not give legal advice. If you are not 100pc sure of your rights and entitlements, consult a solicitor, even if it's just for a one-off consultation.

The Injuries Board provides an independent assessment of personal injury claims for compensation following road traffic, workplace or public liability accidents. However, it will only get involved where the person responsible is not disputing liability and consents to the Injuries Board assessing your claim for compensation. Claimants are charged €50 to make an application to the Injuries Board for compensation for a personal injury.

Claims are assessed on average within seven months of the respondent consenting. Guideline amounts for compensation are set out in the Book of Quantum. An online version can be found on the Injuries Board website. Call 1890 829 121 or see www.injuriesboard.ie.

WILLS AND PROBATE

Your solicitor, assuming you have built up a relationship with them, will generally complete your will for free. Otherwise, ask a solicitor who is working for you on other affairs to include the drafting of your will in the final fee.

Avoid online will-writing services like the plague. Ironically, they are the fastest way to line a solicitor's pockets as people tend to file them erroneously.

Dublin-based solicitors Carney McCarthy regularly run fundraising drives in which they will professionally draft your will if you agree to make a donation to a charity of their choice. They are currently waiving the professional fees for wills for those who make a donation to the Peter McVerry Trust (call 01 269 8855).

Do-it-yourself probate should be considered where the estate is simple and non-contentious, ie there is no possibility of dispute. It costs a fraction of the price set by solicitors, who generally charge a percentage of the estate.

If you are the executor or have been appointed an administrator of an estate, you can make a personal application to the Personal Application Section of the Probate Office or to one of 14 District Probate Registries around the country. The schedule of costs depends on the value of the estate (an estate of €500,000 would cost €558 for example). Be advised that the current waiting time for an appointment is five to six months.

DIVORCE & FAMILY LAW

There is no legal requirement to employ a solicitor or barrister to file for divorce. However, in the case of contested divorce and where there are issues of custody, hiring a family law solicitor is recommended.

Uncontested divorces can be filed through the Courts Service. Roddy Tyrrell, of Tyrrell Solicitors in Dublin 4, (www.lawyer.ie) is a proponent of the do-it-yourself model. However, he is quick to add that consumers should seek out experience over savings should they be employing a solicitor. "People should, when they can, do it themselves," he says, "but they should not go penny-pinching in the situations where they can't."

Forms are available free at the Circuit Family Court, Phoenix House, Phoenix Street North. They also supply divorce packs, which include templates of the documents required. Consumers are largely unaware that do-it-yourself divorce providers are simply providing this service.

However, those who have a natural aversion to form-filling might consider Irish Divorce Services, a group that has bridged the gap between the do-it-yourself divorce kit and the family law solicitor. Unlike other do-it-yourself divorce services, they fill out all the papers for the client. The service costs €500 and takes approximately six weeks, depending on available court dates. It does not include pension adjustment order, property adjustment order, custody or maintenance orders.

For free family law advice, One Family (a national organisation for one-parent families) offers a free legal advice centre with a family law specialist at Cherish House, Dublin 2, on the second Tuesday of each month from 5.30pm to 7.30pm.

The next session is on July 13. To make an appointment, call 01 662 9212.

BUYING OR SELLING A HOME

Conveyancing -- the legal work required when buying or selling a home -- can cost between €1,000 to €5,000 plus VAT and costs. Though it's rare nowadays, some solicitors still charge a percentage of the total transaction cost.

Generally, though, the conveyancing industry is becoming increasingly competitive. Moving.ie, a comprehensive website for home buyers and sellers, offers a conveyancing fee of €799 (including VAT and outlay) on all properties costing less than €500,000 until July 31. If the property costs more than €500,000, there's an additional fee of €150 plus VAT to allow for the extra work involved in getting the relevant tax clearances.

Other low-cost offers can be found at Robert Sweeney Solicitors (www.robertsweeneylaw.ie) and Moran Solicitors (www.lowcostlegal.ie).

Besides your solicitor's fee, you should also budget for legal searches (at least €80) and registration of the title (costing anything from €100 to over €850), depending on the complexity of the registration.

BUSINESS ADVICE

Access Legal is the brainchild of John Gleeson, a former employee of Quinlan Private. By removing the overheads associated with traditional Irish law firms, such as large city centre offices, trainee staff and pyramid partnership structures, the firm offers savings of up to 50pc on legal fees.

The company has brought together a team of former big-firm solicitors, all of whom are at least seven years' qualified. "Our clients are paying for the advice, not the art collection," says Gleeson, a qualified barrister and son of former Attorney General and former AIB chairman Dermot Gleeson.

Though Access Legal is targeting corporate clients, they are also working with start-up businesses, to which they offer cost-effective packages that include company incorporation and tax and employment law advice.
www.accesslegal.ie