

Alternatives To A Solicitor For Your Business

By Amanda Hamilton - Oct 22, 2020 Minutehack.com

Having a legal problem in your business is far from ideal. Your first reaction will probably be to seek help and the profession that will spring to mind is a solicitor. The trouble is that the cost of using a solicitor can be financially prohibitive and not within the reach of most budgets. The fees charged by solicitors can be anywhere between £150 per hour to £600 + per hour. They can even charge you £500 for writing a letter on your behalf.

But there are cheaper ways of getting sound advice and help. A large percentage of legal matters can be dealt with by non-solicitors. These days there are alternatives to consider such as employing the services of a McKenzie friend, a paralegal or a mediator.

Indeed, a recent survey of statutorily regulated lawyers (solicitors, barristers and chartered legal executives) confirmed that only 20% of the work they do falls within the remit of reserved legal activities (i.e. meaning that they are reserved for solicitors, barristers and legal executives only to perform). Simply, this means that 80% of all other legal work can be carried out by non-solicitors.

If your legal issue means taking someone to court, or defending a claim against you, you can do this yourself if it is a relatively small civil claim. To assist you, you can use the services of either a McKenzie friend or a paralegal professional.

A McKenzie friend is usually a person who will accompany you to court if you are attending as a litigant in person (LIP). Because you are not represented by a solicitor or barrister a McKenzie friend can give advice and support – although he is generally not allowed to speak - but, more often than not, will have no legal qualifications but will have experience of court matters. They can be either family members or friends accompanying you to court for moral support, or can be volunteers from charitable organisations. Quite often McKenzie friends do not charge fees. As well as offering you moral support, McKenzie friends can also take notes during any court proceedings, and give advice and help on completing court forms and the court process.

A paralegal practitioner is distinguished from a McKenzie friend since they usually will have a legal or paralegal qualification and may have a Licence to Practise. Therefore, there is often a fee to pay but not as excessive as that of a solicitor. On the whole the fees that paralegals charge are anywhere between £40 - £80 per hour, or perhaps a fixed fee for carrying out a specific task or job.

A paralegal practitioner can assist with most cases that a solicitor can as long as they do not perform any 'Reserved Activities'. These activities are solely for solicitors and in some cases, barristers to perform, and include having an automatic 'right of audience'. This means that solicitors and barristers have an automatic right to represent clients in court and speak on their behalf. This right is not granted to paralegals or McKenzie friends.

However, in some instances, the Judge in a particular court case, can grant such a right, at his/her discretion, provided s/he is satisfied in respect of the competency of the paralegal/McKenzie friend and believe it in the best interests of justice to do so.

Paralegals and McKenzie friends are not regulated by statute in the same way as solicitors and barristers are. This means that anyone can refer to themselves as such. However, there are organisations that are voluntary regulators such as NALP (National Association of Licensed Paralegals) or The Society of Professional McKenzie Friends, that have strict codes of conduct that members must follow. If choosing to use a paralegal or McKenzie friend it is always advisable to ensure they are members of such a body.

Depending on the legal issue, in many cases, you may be able to avoid court altogether. Finding a mediator will assist you and your opponent to resolve the issues you may have, and is far less costly than instructing a solicitor. Mediators are trained to help and guide the parties to understand and focus on the main issues in order to find a satisfactory solution acceptable to both parties.