

Small Claims for Fixed Fees



Working with Donnelly & Elliott Solicitors

If you find yourself involved in a dispute, instructing a solicitor need not be expensive.

Our fixed fee service provides a cost effective and straightforward solution to resolving claims with a value under £10,000.

At Donnelly & Elliott we endeavour to reach a resolution efficiently. Our lawyers have extensive experience in dealing with all types of disputes including consumer disputes, small claims business disputes and those involving debts and loans.



The Small Claims Track of the County Court is designed to enable individuals (or litigants) to represent themselves without the need to instruct solicitors and incur costs.

Small Claims Track Trials are informal hearings where each party sets out his/her case and a Judge decides the outcome bearing in mind the relevant law and facts of each case based on the information before the Court. It is therefore important that a case is presented well so that the Judge can make a fair decision. For that reason, although the Small Claims Track process is aimed at those who can represent themselves, a solicitor can help present your case in the best possible light which may increase your prospects of success.

Cases vary significantly in the amount of work that needs to be done to present them effectively. The amount of work is influenced by the complexity of the facts and law, the extent the key facts are in dispute, the volume of evidence needed to support a case and the conduct of your opponent. For many reasons, therefore, litigants often benefit from legal representation, though it is often difficult to assess the level of fees which would be incurred at the outset. This inevitably leads to uncertainty for those wishing to instruct solicitors to assist them. Our Fixed Fee structure is designed to provide clarity in relation to

court costs during each stage of the Court proceedings.

The nature of the Small Claims Track is that a party's legal costs are not usually recoverable, win or lose, save for nominal levels of fixed costs. These rules are in place to encourage parties to seek justice without the risk of having to pay their opponent's potentially significant costs.

The drawbacks of this are:

- Solicitor's cost incurred in pursuing or defending a claim may outweigh any benefit
- Parties may be disadvantaged by not seeking legal advice, especially if they have little or no previous experience of the court process
- Although the sum in dispute may be modest, the issue of fact and law may be complex
- Court proceedings can be stressful and time consuming

Accordingly, we have developed an affordable fixed fee service which allows you to choose the level of support you require during each stage of the proceedings. Therefore our services can be tailored to your requirements.

Initial Instruction	Fixed Cost
In all cases, at the point of instructing us, we will charge you a flat fee to review the relevant paperwork, discuss the matter with you and provide general advice. This may be in the form of a meeting with you, considering document sent to us or discussions on the telephone, limited to a maximum of one hour.	£100.00 plus VAT

Pre-Action	Fixed Cost
A) Pre-action Protocol Letter of Claim (Claimant)	£100.00 plus VAT
B) Response to Pre-action Protocol Letter of Claim (Defendant)	£100.00 plus VAT

Statement of Case	Fixed Cost
C) Assisting in the preparation of Claim Form and Particulars of Claim (Claimant)	£200.00 plus VAT
D) Assisting in the preparation of Defence (Defendant)	£200.00 plus VAT
E) Assisting in the preparation of Defence and Counterclaim (Defendant)	£250.00 plus VAT
F) Advice on merits Claim/Defence including review of paperwork	£250.00 plus VAT

Evidence	Fixed Cost
G) Assisting in the preparation of Directions Questionnaire	£75.00 plus VAT
H) Assisting in the preparation of Witness Statement (includes 1 hour attendance and drafting of 1 witness statement)	£500.00 (£250.00 per additional witness statement) plus VAT
I) Review documents and general advice on evidence	£200.00 plus VAT

Trial	Fixed Cost
J) General advice on Trial preparation if representing yourself	£200.00 plus VAT
K) Representation at Trial	Subject to quotation
L) Instruction of Agent/Barrister	£100.00 plus VAT
M) Agent/Barrister representation at Trial	Subject to quotation

Block Packages

Statement of Case	Fixed Cost	Evidence	Fixed Cost
Claimant (elements C and F)	£390.00 plus VAT (saving £60.00 inc VAT)	Dealing with all evidence stages (elements G, H and I)	£700.00 plus VAT (saving £75.00 inc VAT)
Defendant (elements D and F)	£390.00 plus VAT (saving £120.00 inc VAT)		Additional witness statements charged at £250 plus VAT each
Defendant including counterclaim (elements E and F)	£450.00 plus VAT (saving £50.00 inc VAT)	Additional Witness Statements	£250.00 plus VAT

Bolt ons

You may wish to supplement our services with the following:

Experts

Identify appropriate Expert and obtain quote £100.00 plus VAT

Instruction of Expert £250.00 plus VAT

Questions to Expert £100.00 plus VAT

Review and advising on Expert report £150.00 plus VAT

Small Claims Mediation

Our fees for conducting a telephone conference with a mediator will be charged at a reduced hourly rate of £150.00 plus VAT.

Conditions

We will not go on the Court record as acting on your behalf. This means that all paperwork from the Court and your Opponent will come directly to you and it will be your responsibility for you to forward those documents on to us if you require our assistance or advice in accordance with the fixed fee schedule.

You will be conducting the case with our assistance and will be expected to carry out the majority of the work, including preparing initial drafts of statements of case and witness statements with our guidance. We will then edit those documents for use in the proceedings.

This scheme is only applicable to standard Small Claims Track monetary disputes. In certain circumstances your case may be especially complex or include non-monetary elements and may be outside the scope of this fixed fee structure. If this is the case we will explain why we believe the work falls outside the fixed fee structure and will provide you with an estimate of our fees for dealing with the matter.

You need to carefully consider whether the cost of instructing us is proportionate to the value of the dispute i.e. the costs outweigh the benefits. We recognise that there will be circumstances where you may wish to instruct us nonetheless.

Once you have decided what work you would like to us assist you with, we will require payment of the flat fee (applicable in all cases at the point of first instruction) and the elements chosen before we commence work. You will need to bear this in mind if there are Court deadlines to adhere to. Failure to comply with Court deadlines may be detrimental to your position and could lead to your claim and/or defence being struck out. You will be responsible for paying all disbursements i.e. court fees, barrister's fees etc in advance.