

## Case studies

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#### **Failure to provide a proper standard of service or quality, particularly for vulnerable consumers - Case studies**

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Examples below should be read in conjunction with our [Risk Outlook \[https://higher-rights.sra.org.uk/archive/risk/risk-outlook/1\]](#).

#### **Example 1**

##### **Solicitor takes advantage of vulnerable client for financial gain**

The following case illustrates the high level of dependency some clients have on their solicitors, and the law's low tolerance towards solicitors who abuse this trust.

Mr A was a sole practitioner. Mrs Y was a long-standing client until her death at the age of 95. She was under the court's protection for lacking mental capacity, and the firm held a large sum of money for her in trust in the client account.

After Mrs Y's death, her daughter and executor of her estate, Mrs Z, returned from abroad. Mr A advised her of Mrs Y's client account balance by letter. Mrs Z felt it was low, as she had found previous letters from the firm stating a much higher balance.

Mrs Z requested a copy of the files held by Mr A in relation to her late mother. She noticed the file copies of letters to her mother mentioned a series of large monetary gifts to Mr A, but the letters actually sent to her did not. Failing to obtain a satisfactory explanation from Mr A, Mrs Z reported the matter to us.

Our investigation revealed that Mr A had indeed made the transfers to the office account. Although described as 'gifts', Mr A said that Mrs Y had

refused to put them in writing. None of the transfers were recorded in the client account ledger.

The letters on the file were found to be manufactured by Mr A. There was no evidence to suggest Mrs Y was advised of the amounts taken by the firm or to take independent legal advice. It was also revealed that Mr A had charged Mrs Y for acting on several matters which did not appear to be in her interests.

When the case went before the SDT, Mr A was found to have exploited an obviously vulnerable client. He was struck off and ordered to pay costs.

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## **Example 2**

### **Firm knowingly takes on unwinnable case**

The following case illustrates the consequences firms may face if they try to take advantage of clients' lack of understanding of the legal process.

Mrs A instructed Mr Z, a solicitor with a local firm, in relation to her claim alleging a mis-sold financial product. She informed Mr Z that she had been declared bankrupt.

Mr Z agreed to act for her on a 'no win, no fee' basis. He also promised to obtain an insurance policy to protect Mrs A, in case the opposing law firm tried to recover their costs from her at a later stage.

The matter progressed normally. However, a few weeks later, Mr Z sent Mrs A an email advising her to drop her claim. The reasons cited for this advice had been known to him from the start. Mrs A was disappointed, but accepted his advice.

A few months later Mr Z contacted her again. He said the court had ordered her to pay the opposing firm's costs, which were over £30,000. Mrs A was shocked. She reminded him that she had dropped the claim on his advice, and had not been advised of any liability for costs.

Mr Z failed to respond to Mrs A's concerns, so she reported the matter to the Legal Ombudsman. The investigation by the Legal Ombudsman revealed that Mr Z had failed to advise

Mrs A at the outset that her claim had little merit. He had also failed to obtain the insurance policy, and inform her of the potential costs from discontinuing her claim.

The Legal Ombudsman ordered the firm to pay the costs incurred by the opposing firm, and pay Mrs A compensation for the considerable anxiety caused.

### **Example 3**

#### **Firm recognises and responds to their clients' needs**

The following case illustrates the practical steps firms can take to identify the specific needs of their clients and remove barriers to providing an effective service.

A small firm specialising in immigration and family law opened a new office. The office was in a neighbourhood where the residents were predominantly of Turkish descent.

Soon after opening the office, they realised that language and cultural factors could become a barrier to effective communication. The firm sought to address this by recruiting an expert to help them understand how they can meet the needs of their new client base. Following the consultation, the firm started to offer to translate correspondence into Turkish, and to give clients the option of using an interpreter.

The firm's clients appreciated these measures, and the firm found client numbers increasing as word spread of their commitment to providing a good service.

The firm was keen to see if they could mirror this success in other areas. It reviewed its procedures and spoke to clients to see if there were any practical adjustments they could make to meet specific needs relating to their clients' ethnic or cultural background, gender, religion or belief, sexual orientation, disabilities, age or other relevant factors.

This led to a number of changes that could be introduced easily for very little cost, but made a big difference to clients. For example, they discovered that a large proportion of clients with visual impairments had experienced difficulties in using their website. The firm made improvements, such as allowing users to easily change the text size to one that suits them. A search facility and sitemap were also added to help people find information more easily.

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### **Example 4**

#### **Ignored by one firm, ably assisted by another**

The following case illustrates some of the barriers people with disabilities face when trying to access legal services, and how firms can remove them.

Mrs A needed support in a legal matter. She sent an email to a local law firm, outlining her requirements.

A solicitor replied within minutes, saying he would be happy to help. He asked Mrs A to indicate her availability for an appointment. Mrs A did as requested, also mentioning she was deaf.

A week went by with no contact from the solicitor, so Mrs A emailed the solicitor's receptionist. The receptionist replied, advising she would need to talk to the solicitor before arranging an appointment. Mrs A never heard back from the receptionist or the solicitor.

A friend of Mrs A recommended a firm he had used in the past. When she contacted the firm to explain her situation, they offered to supply a sign language interpreter. Mrs A accepted.

The firm arranged for Mrs A to spend time with her interpreter before her appointment. This enabled the interpreter to understand Mrs A's specific communication needs better. It also allowed Mrs A to build trust in the interpreter.

When Mrs A went for the meeting, she noticed her solicitor was deaf aware. For instance, the solicitor had added post-it notes next to legal terms, which she would normally explain orally. This meant Mrs A felt fully aware of what the legal documents said, and what she had to do.

Mrs A's matter was concluded successfully. She was left feeling more confident about accessing legal services again.