

Case studies

SRA Transparency Rules

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The following case studies explain whether the requirements to proactively publish prices, under our new transparency rules, apply in a number of scenarios. These scenarios are based on common queries we have received since the new requirements were first announced.

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One-off service to existing client

Background

Firm C offers corporate legal services to businesses only. None of the services are covered by the SRA Transparency Rules. Firm C is asked by a client's Managing Director to handle her house sale and purchase. The firm does not advertise, or offer residential conveyancing services regularly, but agrees to do it as the client is valued and brings in much business to the firm.

Our view

Firm C would not need to publish any price information for residential conveyancing services. The firm has not in any way marketed or published that they offer this service. It can do this work for the Managing Director without being subject to the SRA Transparency Rules.

Only if the firm starts publishing, as part of its usual business, that it offers this service, will it have to start providing costs information in accordance with the SRA Transparency Rules.

Referral for non-advertised service

Background

Firm D, a sole practitioner, mainly practises criminal law, but also offers services in family matters, including probate. Firm D has a high street office but no website. The firm advertises in its window front that it offers these services.

One day, A walks in and asks if the firm can handle his family probate matter and also help with an unrelated matter, the purchase of his first flat. The firm agrees to take on both matters.

One month after A's matters have all been dealt with to his satisfaction, B walks in to the office and asks the firm to

undertake her conveyancing matter, having been recommended by A. B requests the firm's price information for the conveyancing matter to be provided to her on the spot.

Our view

Firm D does not need to provide a price to B on the spot. The firm is only required to provide, on request, price information in relation to the services that it publishes the availability of.

The firm has not advertised that it undertakes conveyancing and so is not required to have price information available on request under the SRA Transparency Rules. If B asked for the firm's prices for probate services, the firm would have to provide this information on request. This is because it is one of the services covered by the SRA Transparency Rules and a service the firm advertises.

It is good practice to have information ready in advance for this type of situation, for example by having printed leaflets or similar. However, firms can also comply with this requirement by being able to provide standard price information (as set out in the SRA Transparency Rules) promptly once requested.

Although you can ask standard consumer questions, such those on an online price calculator, it would not be compliant with the rules to only provide price information after the member of the public has given detailed information about their individual case, for example through a consultation. The information you are required to provide under the rules is the same type of standard information that you would be required to publish on your website, rather than a bespoke estimate.

Bulk instructions



Background

Firm E offers debt recovery services to businesses. All of their instructions come in on mass. For example, they receive a bulk instruction from a bank to recover debts to a total value of £25m, spread over 100 different claims. The majority of the debts are more than £100,000, but there are several smaller ones of less than £100,000. On their website, they say that they are experienced in all aspects of debt recovery and can help businesses to recover debts ranging from mortgage arrears to salary overpayments.

Our view

Based on Firm E's website, the firm would have to comply with the SRA Transparency Rules as it advertises that it is experienced in all aspects of debt recovery.

A business looking for a firm to help them recover debts of under £100,000 is likely to assume that Firm E could deal with this for them based on the information they have provided. Their website suggests they would accept such an instruction. If the firm chose to only accept instructions to recover debts of more than £100,000 and specified this on its website, then it would not need to publish its prices. It is the grand total sum of the instruction that determines this.

Acting for lender in conveyancing matters



Background

Firm F acts for lenders in conveyancing matters and has contracts with several large lenders. Sometimes the lender has an agreement with the purchaser that Firm F will also act for them for a fixed fee. This is agreed between the lender, purchaser and solicitor. The purchaser then becomes a client of Firm F. Sometimes, the purchaser also asks Firm F to carry out related work for them. However, if a member of the public contacted Firm F directly and asked them to

undertake conveyancing, Firm F would decline. On its website, Firm F only publishes that it offers conveyancing services for lenders.

Our view

Firm F is not caught by the SRA Transparency Rules. For a firm to have to publish price information, it has to, as part of their usual business, publish that they offer residential conveyancing services for individuals. Firm F does not do this.

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