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Panorama Highlights Dangers of Using Will Writers

In this week's Panorama programme, presenter Vivian White highlighted the risks in using a will writing service. Many people are under the false impression a 'will writer' is a solicitor, but unlike a solicitor they do not have to undergo any training, have insurance, and are not regulated by any organisation which ensures that they conduct their activities in the interests of the consumer and provide some form of redress, if things go wrong. If they go out of business, there is little that can be done- sometimes the will cannot be found, even where charges have been made for storing it.

Andrew Poole's wife, Suzanne used a will writer, but the will failed to include any provision for him, leaving the entire estate in trust for his stepdaughters. Caroline Bielanska, Chief Executive of Solicitors for the Elderly, appeared on the programme, and expressed concern that a spouse had not been provided for. The will writers appeared to have failed to advise on his right to bring a claim against the estate for inadequate provision. She said, 'a specialist solicitor would have asked why a spouse was left out, kept a detailed record of those reasons and advised of the high risk that the will would be challenged'. Solicitors are in the business of giving legal advice, taking into account the client's domestic and financial circumstances- it does not appear that Suzanne Poole received any such advice'.

The lack of regulation has enabled many will writers to adopt high pressure selling techniques which was illustrated in the programme, often offering wills for a low or discounted fee, and then recommending themselves to be appointed as executors, selling other services without full advice, such as transferring the home into a trust in an attempt to avoid care fees. Terms and conditions can be poorly worded and difficult to understand. In secret filming undertaken by the BBC for the programme, an elderly couple was not told the details of charges which were confusingly set out in writing but then taken away by the will writer.

The fear of solicitors costs, prompts some people to use will writers. Nadia Cowdrey of Griffith Smith Farrington Webb LLP solicitors, Brighton commented, "Solicitor's are required to set out in writing the basis of their charges, and in many cases wills are undertaken for a fixed fee with free storage of wills and other documents."

Nadia Cowdrey said, "This programme highlights the potential for getting it wrong without full legal advice and the need for proper regulation of will writers. It can be very costly to undo after you have gone and can leave your

family in disarray when they have to pick up the pieces as problems generally only come to light when you have died.”

Notes to Editors:

1. *Nadia Cowdrey is a member of Solicitors for the Elderly (SFE) which is a national organisation of lawyers, such as solicitors, barristers, and legal executives who are committed to providing and promoting robust, comprehensive and independent legal advice for older and vulnerable adults, their family and carers.*
2. 67% of consumers wrongly believe that all will writers are solicitors, research has shown. A survey of more than 1,000 people revealed that 82% assumed that training and qualifications are required before someone can become a will writer. The Fellowship of Professional Willwriters and Probate Practitioners commissioned the survey.
3. Solicitors are regulated by the Solicitors Regulation Authority and must follow the Solicitors Code of Practice and Solicitors Accounts Rules.
4. Solicitors have to undertake regular continual training.
5. Research from Which? identified that many people were not given full advice about costs upfront by will writers, particularly for the cost of probate (Feb 2010).
6. Members contact details:
7. www.solicitorsfortheelderly.com