

Legal Ombudsman: complaints about probate and estate administration

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The Legal Service Board's Consumer Panel has published an analysis of complaints received by the Legal Ombudsmen about probates and estate administration.

The report involved a review of 150 cases and was produced in response to the Legal Services Board's request for evidence in considering whether to regulate estate administration and will-writing.

Complaints about costs occurred in 22% of cases relating both to excessive costs and a lack of information. Key reasons included failure to give clear and realistic estimates, failure to give a breakdown of costs and a lack of communication from solicitors where final bills exceeded estimates.

Another major cause of complaints was delay, including failure to progress a case, arising in 27% of cases. Although the Legal Ombudsman concluded that some of these delays were caused by external issues, it found that in other cases poor service had been provided. Commonly raised issues were slow responses to letters and phone calls, repeatedly pushed back timelines, inaccurate estimates as to the timeframe and inadequate explanations for delay.

In 11% of cases, the complaint raised was that the solicitor did not provide legal advice which would reasonably have been expected. Instances of poor service highlighted by these complaints included failure to alert consumers to their rights, or to the potential consequences of taking a certain course of action, or to their inclusion in a will (it is not clear from the report but presumably this is post death – the example given being of an executor and beneficiary being informed seven years post death!), or to a change in fee earner.

Failure to follow instructions also featured as a complaint in 13% of cases. The most common reasons for these complaints were failure to follow instructions specified in a will, failure to send copies of letters and documents as promised, releasing papers to parties against instructions and financial detriment due to the way in which money from the estate was handled.

Lack of communication, although a component of many of the above complaints, also featured as a complaint in its own right as consumers felt they were not kept updated, despite requests, and that solicitors failed to respond to letters and phone calls.

Complaints were also received that solicitors failed to keep papers, including sensitive documents, safe.

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