

## Our Mission



We put our clients at the heart of what we do and are committed to providing a comprehensive, professional legal service.

Our reputation is built upon understanding our clients' needs and helping them to achieve the best result for their circumstances.



If you have any further questions relating to this brochure, then please contact [legal@timms-law.com](mailto:legal@timms-law.com)

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SOLICITORS



Why have I  
been asked to  
**wait in reception?**

We understand that your involvement in your elderly or vulnerable relative or friend's life is very important, but there are several reasons why lawyers may need to meet your relative or friend alone.

**To help you understand the professional duties that we have to our clients, we have put together this brochure for you to read.**

## Client Identification



Like all lawyers, we have an ethical obligation to make it very clear who our client is.

The client is the person whose interests are most at stake in the legal planning or legal problem. The client is the one (and the only one) to whom the lawyer has a professional duty of care, competence, diligence, loyalty, and confidentiality. This is regardless of who is paying the bill.

## Independent Instructions and Conflicts of Interest



Initially we will need to see our client alone to establish the nature of their legal query and who the interested parties are.

It is especially important that we see our client alone initially as our client's interests and those who might later benefit from the outcome of the legal query might have conflicting interests.

For example, our client may come to our office wishing to change their Will to leave one of their two children out and our client may have been brought to our office by the child that they wish to benefit in the Will.

If the benefitting child is allowed to sit in on the meeting, then the non-benefitting child would have good grounds to challenge the validity of the Will later on the basis that the benefitting child had influenced our client's instructions.

Further, if a client is wishing to make a gift of their property to their children (perhaps in the belief that this will avoid the payment of care fees), then it would be important that we are able to advise our client as to the risks involved in making such a gift so that they can make a decision as to whether to proceed, without feeling the pressure of the children who stand to benefit from the proposed gift.

It is therefore very important that we see our client alone, to ensure that the instructions we are taking are completely independent and free of undue influence.

## Confidentiality



We also have an obligation to keep information and communications between our client and us confidential. That means that we cannot share client information with other family member, without our client's approval.

We find that some clients want all the information to be shared with their family member, but others just want family members to be given limited information and updates. However, some clients do not wish to share anything.

It differs from person to person, but it is essential that we see the client alone first.

## Capacity



We have special ethical responsibilities when working with clients whose capacity for making decisions may be reduced, diminished or compromised.

We must treat everyone with the same attention and respect to which every client is entitled.

Meeting privately with the client and giving them enough time to explain what they want helps us to ensure that they understand the issues and that they are making their own choices.

We find that most people who come to Timms can tell us what the problem is and understand how we can help.

Assessing our client's capacity to make decisions is part of our getting to know them. When family members answer questions on behalf of the client, it makes it difficult for us to determine our client's level of understanding.

Occasionally, we will need to ask relatives or friends for additional details such as addresses, dates of birth and phone number, but this will only be once we have established our client's instructions.

Sometimes we may feel the need to obtain a capacity report from a capacity assessor, as an extra precaution, but this will be discussed with the client, if necessary.

There will also be times when we conclude that our client does not have the legal capacity to proceed and when that happens we will explain to you and our client that we are unable to act.