

Palmerslaw

Guide to funding contentious probate claims

Moving forward
together >



At Palmers Solicitors, we understand that losing a loved one is an extremely difficult time.

We also understand that this can be exacerbated by family members disputing the Will, if one exists, or arguing over how the estate is being managed by the Personal Representatives.

We know that contentious probate matters are of high emotional, financial, and sentimental importance to people, particularly where there are competing views as to the deceased's wishes and where high-value inheritances are at stake.

We also know that legal funding to pursue a contentious probate claim will probably be at the forefront of your mind and you may have a number of questions.

With this in mind, we have produced this short guide which outlines the various ways that a claim can be funded.

Our expert team has extensive experience in all aspects of probate and Will disputes and can ensure that you receive clear, decisive support, as well as advising you on the most appropriate option to fund your claim.



Before the event insurance

You may find that you already have insurance in place to help you with the cost of bringing a claim. Many home, motor or personal insurance policies may include this as part of their overall cover so it's worth checking the small print.

If you are unsure, we can help you go through the policy document and advise you if your legal fees are included as part of the cover.

After the event (ATE) insurance

This is a type of bespoke insurance policy designed to cover the costs associated with legal action or a dispute.

It insures you against the potential risk of having to pay for the other side's cost in the event that your claim is unsuccessful and, in such situations, also covers the cost of your own fees.

Importantly, you do not need to pay the insurance premium until after the case is concluded so, if you win your case, the other side will pick up the bill for all legal costs and you will pay nothing.

Litigation loans

It may be possible to obtain funding from a specialist litigation lender. If you choose this option we can make the lender aware of the relevant legal facts of the case as they will require us to indicate the chance of success of either bringing or defending a claim.

Usually the lender will also carry out credit checks against you and consider the overall value of the estate before agreeing funding.

Conditional Fee Agreements

A Conditional Fee Agreement (CFA) is often referred to as a 'no win no fee' arrangement.

This is where you pay no costs upfront for any of the legal work relating to your case. If your claim is unsuccessful, you pay nothing.

If your case is successful you will pay a fixed, pre-agreed percentage of the financial compensation you win, to cover your legal costs.

Before accepting your case on a Conditional Fee Agreement, Palmers Solicitors would need to conduct a preliminary assessment of the prospects of your case succeeding.



How can Palmers Solicitors help?

We are able to offer you advice on the most appropriate funding option to suit your particular circumstances.

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Our expertise covers all types of Wills and Probate disputes, including:

- Challenges to the validity of Wills
- Inheritance Act 1975 claims (claims for provision from an estate)
- Disputes with personal representatives (executors and administrators)
 - including claims against personal representatives and removing personal representatives
- Trust disputes – including challenging trustees' decisions and removing trustees
- Broken promises made by the deceased (promissory estoppel)
- Funeral and burial disputes
- Ash disputes
- Lasting Power of Attorney and Deputyship disputes – challenging decisions made by Attorneys / Deputies

We are also able to provide mediation services if you are involved in any of the above disputes, in the hope that it might be possible to resolve the dispute in an informal and less contentious manner.

Our expert contentious probate team include ACTAPS accredited members, meaning they possess a high level of expertise and experience in dealing with contentious trusts and probate disputes.

If you believe that you may be entitled to pursue a claim, get in touch and speak with one of our experts for further guidance.



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