



PRIVATE CLIENT AS A CAREER



Elderly clients



Introduction

by Patricia Wass, Private Client
Section chair

Benjamin Franklin is attributed as having said “but in the world nothing can be said to be certain except death and taxes”.

For many law students and for those retraining into a different legal discipline, the world of private client has often been avoided, because it is perceived to be full of sorry tales dealing with administrations of estates, combined with difficult tax calculations! Having practised this area of law for over 25 years, I would like to put the record straight, and say that, in reality, nothing could be further from the truth. Whilst we deal with sad situations and we have to know how to deal with tax, that is really no different from any other aspect of the law.

The Private Client world truly encompasses a variety of topics, from trusts to Court of Protection work, and from elderly clients to contentious cases. No two days in my job are ever alike.

During my career, I have tramped across Cornish fields in my wellington boots (sorting out property issues in the estates of farmers), sat by hospital beds dealing with wills and powers of attorney, dealt with the sale of some fantastic properties for private clients (which almost always require a visit!), accompanied clients to mediation with siblings in estate disputes, looked after some wonderful youngsters with special needs for the Court of Protection, liaised with lawyers in other jurisdictions when clients have owned property and assets abroad, listened to many elderly clients relate life experiences, and generally felt fulfilled and very much rewarded in the work that I have carried out.

This brochure presents the experiences of a number of private client practitioners to show you that, just as no two days are the same for me, no two solicitors' experiences will be the same.

There is currently a genuine shortage of younger

Age distribution of members of Private Client
Section compared to the profession as a whole



solicitors practising in this area, due in part to the limited teaching of the subject on the legal practice course and unfortunate perceptions of private client work. You will see from the graph above that this trend is reflected in the demographics of our members. Some 53% of the profession as a whole is under the age of 40, but only 17% of our members are in this age bracket. While this presents a serious challenge to the profession, it also presents you with a fantastic chance to progress and develop with maximum support and minimum competition.

I would encourage you seriously to consider a career in the private client arena - I am confident that you will not be disappointed, and that your career will be fulfilling and worthwhile.

And if you do decide private client is for you, the Law Society's Private Client Section can provide invaluable support and representation at all stages of your career. Membership brings significant benefits, including a bi-monthly magazine, monthly e-newsletters, free events and access to an active discussion forum. For newly qualified solicitors, a year's membership costs just £30. Turn to the back cover of this brochure for more details.

Case Study



I came to private client law as a mature graduate after several years of investment banking. My first degree was in business administration (international business), so I needed to study for the common professional exam before I could sit the legal practice course and qualify as a solicitor. Private client law is not a mandatory subject, but my university included it on the syllabus.

The first seat of my training contract was civil litigation, before I transferred to private client. It was so varied and interesting that I persuaded my training principal to let me continue with my private client workload, even after I rotated to other departments, which included heading up the family department as a first-year trainee (and the practice's only female).

In 2004, I set up my firm, Austins Solicitors, which is a dedicated private client practice. Before then, I had successfully headed up a private client department in the City.

The work is still as varied and interesting as ever. There are occasionally contentious matters to settle. In the past, I have been appointed to act as an executor or attorney on behalf of foreign beneficiaries and even, on one occasion, by the Chancery division.

A work colleague introduced me to the Association of Women Solicitors (AWS) in 2002. Soon after, I joined the national executive committee. Since then, I have held the office of honorary secretary and treasurer. In July 2010, I was elected to represent the AWS on the Law Society Council. Volunteering with the AWS has certainly supported and encouraged me to strive for a better career, by making me more aware of opportunities, challenges and issues facing solicitors today.

My route to qualification wasn't conventional, but my previous work experience has been invaluable. Flexible studying will enable more students to study while they work, as I did.

Private Client as a specialism is people-focused and relies on personal interaction between the solicitor and his or her client. To represent your clients effectively, you need to gain their confidence to find out not only what they want, but also what or who they wish to avoid. To be a good private client solicitor, you need to be able to combine academics with attention to detail. But to be an outstanding one, you need to demonstrate personal qualities and skills such as empathy, firmness, fair-mindedness, objectivity and, above all, patience.

Sarah Austin is the principal of Austins Solicitors in West London.

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What other areas might Private Client lead to?

The most obvious is contentious probate. There has been a sudden increase in contentious probate matters over the last two to three years. Disputes are usually over the validity of a will, but can arise over other issues, such as lifetime gifts made by the deceased, or poor administration of the estate by the executors. Contentious probate is a specialism in itself, requiring additional expertise in litigation; some solicitors train to be solicitor advocates, qualifying for rights of audience in higher courts.

Private Client can also lead into less obvious areas, such as working in-house for charities to protect their interests as a residuary beneficiary of an estate, or working for local authorities advising on the deprivation of an individual's liberty when they are put into a care home by social services without their consent.

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The nicest thing I have ever been asked to do is attend my client's 100th birthday party!

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Case Study



I have been practising in Private Client for about six years now, in medium-sized East Anglian firms, based in Ipswich and Cambridge. I actually trained in a shipping firm in the City of London, but chose Private Client after deciding that my most enjoyable seat had been in their wills department.

Being of a gentle disposition myself, the daily cut and thrust of litigation no longer appealed to me, having seen it first hand, but the need to be a good listener and careful draftsman did. That said, there is more to Private Client than hand-holding the nearly departed and the recently bereaved through the legal aspects of old age and death.

A certain degree of mettle is required.

This is legal practice, after all, and there will be obstructive banks and insurance companies, vexatious beneficiaries, and sometimes stubborn testators, the latter

needing to be advised firmly that their proposed will or trust may only serve to create family conflicts or unnecessary liabilities in the future.

My daily routine consists of first reviewing my post and dealing with or delegating anything that can be done quickly. I then decide what my key tasks will be for the

day. Procrastination is more than just the thief of time in this job; it is the route to a negligence claim! This is especially the case with private client, as there are seldom court missives or opposing solicitors, as in litigation, to remind one of a deadline. If you don't take stock of the matter and deal with it, it will be missed, and one day will rear its head. I try to keep my key list to a maximum of three files, as I will also have anything from one to four appointments, each lasting up to one hour, not to mention five or six calls to deal with as well. The shorter the list, the more I focus on what really needs doing, and equally importantly, I get that feeling of job satisfaction at the end of each day, knowing that I achieved what I set out to do.

In fact, the high points of this practice are often simply that - the proud feeling that one is managing a varied caseload competently, while adding real value to the client. I also enjoy the trust and responsibility placed on me by families, who rely on me to make sure that, on that fateful day, a well crafted and thought-through plan will fall into place, resulting from careful planning and analysis. The low points are dealing with bad-tempered beneficiaries who, through impatience, wilful ignorance and sometimes greed, reveal the worst sides of human nature, and impose themselves on your daily routine with invasive and impolite frequency.

Yet such is life - few of us have the luxury of choosing our clients, but the good and special ones easily outweigh the bad, and make this branch of the profession, in my view, both worthy and rewarding.

Chris Cumberbatch is a solicitor at Prettys, a 17-partner firm based in East Anglia.

Q Mightn't I get bored of doing the same things all the time?

a Boredom is definitely not an issue for private client lawyers! No two days are the same, because no two clients are the same. Knowledge of the law is only one part of the work we do. The real skill is being able to listen to your client, establish their trust, and advise them on the options open to them.

Also, nothing ever stands still! Private client law is constantly changing, as are clients' circumstances. As clients grow older, their needs change, and it is a real privilege to be able to support and guide them as time goes by.

“ My career highpoint was finishing my first French will and estate planning file. I speak fluent French, and have been lucky enough to have had training in this area of the law from a specialist in the field, so starting work within this niche part of Private Client has been a real pleasure ”

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How might my career progress?

Career progression in Private Client is excellent. For a number of years, we have faced a drop-off in the number of good quality lawyers qualifying into this area, and it is undeniable that there is a skills gap. If you want partnership and responsibility early, then this is an ideal area for you.

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In terms of salary, all trainees are guaranteed a minimum wage, and training in Private Client will not alter this. The usual geographic and firm size factors also have an impact in private client work. These days, many firms are realising that private client work is lucrative and a worthwhile investment, so although salaries may not be the same as in large corporate firms, private client solicitors can expect to be paid the same as a property or litigation contemporary.

Case Study



Every week brings new challenges in helping my clients to manage their personal affairs, but perhaps the thing I enjoy most about my career is that, as I am by nature an organised person, I take real pleasure from each and every one of those challenges. My work passions are people, family dynamics and an intellectual challenge; all these can be found in private client work.

Not many people can say that their commute involves a leisurely 15-minute walk through town to work, but working and living in Henley-on-Thames means that my journey really is that easy.

As a mother working part-time, my three-day week speeds by. Tuesday morning is spent going over emails and catching up on correspondence from the last few days. This week, most of this is from two executors in a contentious probate matter. We act for them in their capacity as executors, but, in their capacity as beneficiaries of the estate, they are litigating through the courts. This makes correspondence between us and them extremely sensitive. Lunchtime is an excellent meal out with colleagues, marking my promotion to associate. The afternoon starts with a meeting marking the culmination of a lengthy process of preparing some inheritance tax papers for a complicated estate involving connections in Iran, Canada and England. I then finish the day by drafting a deed to bring a trust to an end.

Wednesday starts with a visit to a client in one of the villages outside of town. I am with her to talk about her will and, when we finish discussing that, I hear about her cottage, which is apparently haunted by a soldier from the Civil War! Wednesday

lunchtime is a team meeting to discuss updates in the law and recent cases colleagues have found interesting. I spend the afternoon discussing the sale of a bungalow in an estate I am dealing with. The property has been on the market for some time, and the agents and executors have various ideas about how we can make sure it sells soon.

Thursday morning is spent on a variety of matters. One of my clients comes in to see me about creating a new lasting power of attorney, and we spend some time on the detail of the form. After that, a prospective client arrives at the office unexpectedly. She and her brother are executors of their father's estate, and she is under the impression that her brother has instructed us, and that her position is being ignored. After talking to her for a while, she comes to realise that this is not the case. The afternoon is spent making sure that everything urgent has been dealt with for the week. The day finishes with a call from the prospective client who came in earlier. She and her brother have decided to instruct us formally, and we will be arranging to meet in the next few weeks.

Paula Nichols is an associate at Mercers, an eight-partner firm in Henley-on-Thames, Oxfordshire.



Case Study



When I studied the LLB (Hons) course at Nottingham Law School, I initially had no intention to practise law. It was by chance, while working as a legal clerk, that my firm decided to offer training contracts, and I applied and was successful.

I now have nearly two years' PQE, specialising in lifetime private client matters. There are three main reasons why I came to work in Private Client. Firstly, I worked for a firm that is very strong in private client work, and as a trainee, you work to the 'needs and demands of the business'. Secondly, I discovered I really enjoyed working with people. Thirdly, my supervisor in my training contract passed on to me a real passion for the field. Within a few weeks of entering the department, I felt really pleased with my progress, and quickly gained a sense of achievement.

Having worked in Private Client for over three years, I believe I have found the career for me. I enjoy meeting people and establishing a working relationship. This field constantly tests my ability to explain concepts in a meaningful way, but without sounding patronising or condescending.

It is a very difficult time in the job market at the moment, and private client work is no different. I currently work reduced hours due to the economic downturn. However, I feel fortunate that I have not been out of work, and am using the spare time to continue my professional development in the financial sector, as this is an area of interest to me and I feel it will complement the service I give to clients. My end goal is to be dually qualified as a solicitor and chartered financial planner. I feel each step I take in this field enhances my prospects, and there are always opportunities.

My daily work revolves around listening and instilling confidence, so the client has peace of mind that their problem is in good hands. The client has to feel comfortable with you. At the end of the day, in order to survive as a private client solicitor, a loyal client base is essential.

There is a complete satisfaction at the end of the day to hear from your client that they have peace of mind by knowing you have been to see them and sorted things out that were bothering them.

Kathryn Baguley is an assistant solicitor at three-partner firm, Anderson Partnership Solicitors, based in the East Midlands.

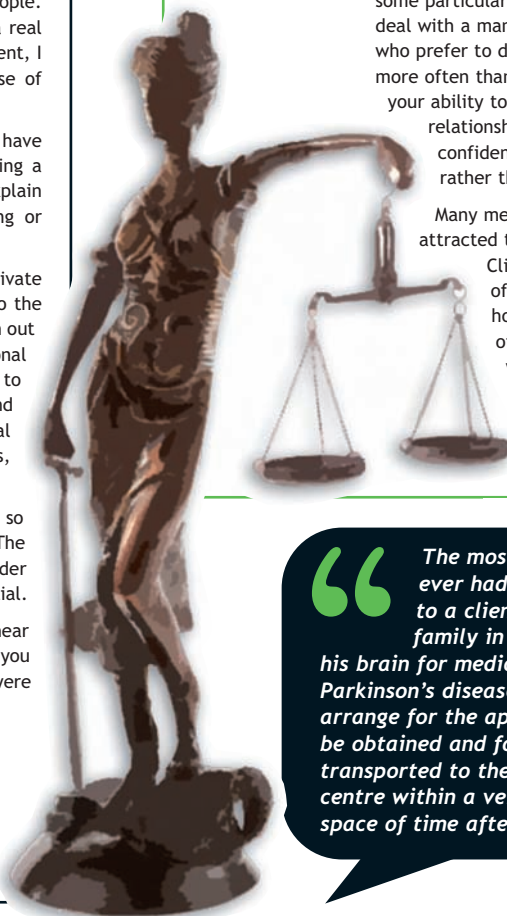


I've heard that Private Client work is rather male-dominated. Is that true?



Traditionally, law has been a male-dominated profession, but membership statistics often don't give the full picture. Both men and women can and do have successful careers in Private Client. There will always be some particular clients who prefer to deal with a man and, equally, those who prefer to deal with a woman, but more often than not, it comes down to your ability to establish a relationship of trust and confidence with your clients, rather than your gender.

Many men and women are attracted to a career in Private Client because they can often work flexible hours around family and other commitments, without experiencing the 'glass ceiling' which can exist in other areas of law.



The most unusual thing I've ever had to do was related to a client with no close family in the country, who left his brain for medical research into Parkinson's disease. I needed to arrange for the appropriate consents to be obtained and for the organ to be transported to the medical centre within a very short space of time after he died



Case Study



I decided I wanted to work in Private Client having studied the elective on my LPC at Nottingham Law School. Before that, I had studied English law and French law at the University of Leicester, including a year studying French law in Strasbourg and working in the European Parliament during the plenary sessions.

Through the Private Client elective on the LPC, I discovered the breadth of issues dealt with by private client solicitors, and found out how the law in relation to, for example, mental capacity, was put into practice, to get the best possible outcome for the client.

In fact, the aspect of my work which I find most rewarding is the fact it helps people from all walks of life with matters they would not be able to deal with on their own, and that they gain peace of mind from it.

I also enjoy the significant demands of working in Private Client, as there is a fine balance to be struck between the black letter law and practical considerations. I find it both interesting and challenging that the drafting of a document has to be very precise, as even using a wrong word here or there or leaving a definition too vague can have massive implications on the lives of a client, beneficiaries, trustees, executors or countless others, later on, possibly years down the line. Indeed, on one of the cases

I worked on, another firm of solicitors had incorrectly defined a class of beneficiaries, and instead of dividing up an estate between three people (as had been the testator's wish), it had to be divided between 12.

I started my training contract last September, and can honestly say that every day at work is like a snowflake - no two are the same! My day normally starts with checking my post and emails and seeing if there is anything urgent to be acted upon. I will then have a variety of work to do through the day. I may be drafting documents, such as a will or a trust deed, visiting a client to take instructions for a lasting power of attorney, meeting with executors to explain their role and take instructions from them, witnessing a will, inspecting an empty property on behalf of executors, or even tracing missing beneficiaries of an estate. There is also always the possibility that I will need to go out to take instructions on and complete an emergency will.

I would advise anyone thinking of a career in law to consider Private Client seriously, as it is an interesting and ever-growing field, offering a wealth of possibilities.

James Dent is a trainee solicitor with Harvey Ingram LLP, a 31-partner firm with four offices, based in the West Midlands.

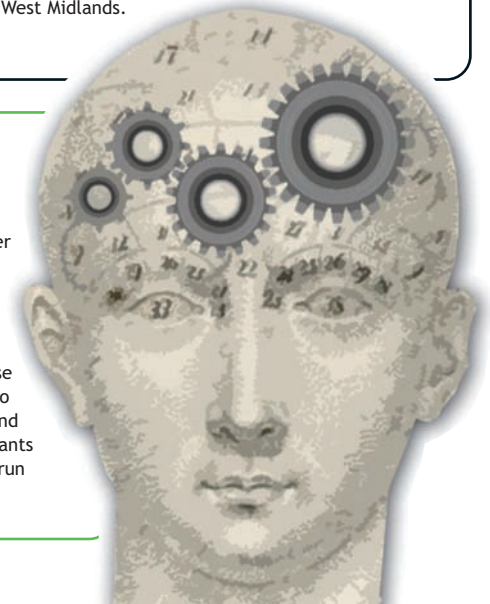


What further training might I need to practise?

Like every solicitor, you will be required to complete a certain number of hours of continuing professional development throughout your career, but you may also feel that you wish to develop a particular area of practice.



You can train with a number of specialist providers, many of which also act as membership bodies to support private client lawyers. These include not only the Private Client Section of the Law Society, but also the Society of Trust and Estate Practitioners (STEP), which supports and represents all those working in the field, including solicitors, accountants and financial advisers, and Solicitors for the Elderly. All these bodies run seminars and workshops on a regular basis.



What we do the Law Society Private Client section

If you do decide Private Client is for you, the Law Society's Private Client Section can provide invaluable benefits, support and representation at all stages of your career. **Annual membership starts at just £30.**

The Section was launched in 1997, and focuses on wills, financial planning, trusts, tax planning, Court of Protection and elderly client, care planning, and estate administration.

Benefits include:

- six editions of *PS* magazine a year, including articles written by leading commentators and practitioners, providing up to 12 hours of CPD a year through an online quiz;
- regular e-alerts including case law updates, news, and commentary from Lesley King, private client practice head at the College of Law;

- free additional publications every year - recent titles include a guide for lay trustees, and a guide to marketing to private clients;

- exclusive access to members-only content on the Section website, including discussion forum and all previously published Section resources;

- exclusive access to free, CPD-accredited events, including seminars and webinars - in the last year, members were invited to attend 17 regional seminars and 10 webinars, all free of charge;

- discounted entry to other CPD-accredited Private Client Section events, including the Section's flagship annual conference; and

- discounts on related Law Society products and events, including 20% off related Law Society Publishing titles.

The Section is led by an executive committee of senior practitioners in the field, which also works to support members by representing the profession's views and needs to government and other organisations, from probate genealogists to charities. In 2010, we have been particularly involved in debates about the potential regulation of will-writers, an issue of great importance to private client solicitors in a competitive market, and even more vital for clients, who may be let down by unregulated will-writers. The committee also responds to relevant consultations and helps the Law Society draw up related practice notes.

Membership of the Section is open to solicitors and trainee solicitors working with private clients. Join now to access these invaluable benefits and to make your voice heard.

Find out more at www.lawsociety.org.uk/privateclient

private client

