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## **Article**

### **Title: Law firm reveals risks of ‘nightmare’ will writing companies**

Date: August 2010

**By Ben Holden, solicitor specialising in Wills and Probate**

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Local law firm, Phillips Solicitors, has warned of the risks the public are being exposed to by unregulated, unqualified and uninsured will writers.

Ben Holden, solicitor at Phillips specialising in wills and probate, warns ‘Some of the main problems include badly drafted wills that render the deceased’s estate wholly or partially intestate, poor tax planning and ‘vanishing wills’, as well as hidden charges which inflate the advertised price of the will.’

Other solicitors and members of the Law Society, specialising in will writing, trusts and probate, have provided examples of shoddy, badly written and not legally binding wills that have been written by unregulated will writers. In these cases the solicitor has stepped in to clean up the mess.

The findings of recent Law Society research indicate the full scale of the risk faced by the public in using a will writer who, unlike a solicitor, is not legally qualified, regulated and insured should something go wrong.

Ben continues ‘Solicitors know so many cases of people who have turned to them for help after being left with what can only be described as nightmare wills by will writers, many of which are not worth the paper they are written on. This is a widespread trend. We hear many stories of unregulated, uninsured will writers misleading too many people as to their supposed but absent expertise. What is most worrying is that their victims are often unaware that their will writers are not regulated, nor is there any mechanism for complaint. As the will writer is not insured, there is no means of redress if things go wrong.’

The Law Society research found that some will writers were advertising low cost wills, but that in reality the customer was given a much larger bill at the end of the process. In some cases, will writers were appointing themselves as executors and offering related legal services for

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which they were not trained or regulated, such as powers of attorney, obtaining probate, conveyancing and even tax advice, at an additional cost.

Other cases involved the will writing company being wound up and disappearing with all of their clients' will documents, or family members being left out of a will against the wishes of the client.

'There may be rare instances when the solicitors get it wrong,' says Ben, 'but the difference between a solicitor and a will writer is that solicitors are legally trained, robustly regulated and are covered by indemnity insurance, which provides recompense to clients. Most will writers are not insured.'

The Law Society reminds everyone to use a solicitor. Whatever your question they are qualified to answer.

Ben concludes: "Anyone wishing to write a will should seek the services of a solicitor, otherwise they risk a will which reflects nothing of their wishes. We also urge anyone who has used a will writer to check the accuracy and suitability of their will with a solicitor before it is too late and they leave their loved ones with unnecessary problems."

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## **ENDS**

### **Notes to editors:**

The Law Society conducted its research on a qualitative feedback basis.

Other case study examples of wills made by non-solicitor will writers include:

- Excessive charging for ineffective wills, for example not including tax planning when the clients had been told they had. Often the excessive charge is masked behind a hefty "storage fee" which the clients are told to pay for their will to be lodged with the firm concerned.
- Will writers appointing themselves as executors and offering related legal services for which they are not trained or regulated (such as powers of attorney, obtaining probate, conveyancing and tax advice).

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