

Helydd interview main insights

They don't do contentious probate, which is why they use IDR

She does will drafting, LPA's, Trust administration.

"The second someone says there is a problem, we tell them we can't do it and they need litigation"

Some cases she works with IDR, some she just sends the clients directly to IDR.

They consider preventative to make sure wills are written properly and don't cause problems down the line.

She contacts Martin on LinkedIn when doing a referral.

She has referred about five cases to IDR

'Its really nice to have that safe pair of hands'

We can advise clients about dispute up to a point - here is the theory...

Here are the things you might want to try before it escalates.

If it gets beyond the point of return, we say can't do it.

She says there is a grey area in the middle where they will try and advise, before it gets to a point where they need IDR

Is there times when a factsheet can be used to find info which may help a client resolve an issue before it gets to the point of referral?

Yes - we have got our own sharepoint, like IDR has.

We can sometimes give this to clients to take away and tell them to go away and have a think before you decide to proceed with IDR

So we have our stuff, but we might also say have a look at IDR...

Their
sharepoint has
contentious
probate
information

So even though you don't
deal with contentious
probate, you have info in
the share point that helps
you deal with these tipping
point situations?

YES

Factsheets
are a
godsend

Can you think of a time
when a client has had a
problem that has been
resolved with a
factsheet?

YES

Sometimes they are
just angry, so I show
them the grounds
on which they can
dispute and ask
them if they apply,
and they say 'no'.

So she does use
factsheets to give
information to
clients to help them
understand if they
have a genuine
contentious issue

The first time she logged in she had a look at the factsheets - 'its nice to see what other people are up to'

In case you are 'having a moment' and you can check and go 'ok, I am right'

So at least once you have thought to look at IDR to confirm your own thoughts?

'Yeah - so for me, factsheets are good...'

So she would look to the IDR knowledge base to confirm technical details

Guides and resources is often what you want, or who do I need to talk to.

Meet the team is also good

'get to know who is who...'

Its always nice to put a face to a name, especially when we are working remotely

Two distinct types of contentious issue

1.

'I can't believe this person didn't sign their will, they didn't have capacity'

How far do you actually want to push this, and what evidence have you got?

Its being experienced enough to know if this has legs, or are you a timewaster.

2.

'I feel left out because my mum has given more to my sibling'

We can do a triage - there might be something in this, but you need to talk to somebody.

Often it comes down to payment

'what do you mean I have to pay for my legal fees...'

So practitioners who are less experienced may well rely on factsheets more than someone who is more experienced.

What about the IDR-U?

Not sure, but she imagines it might be good for 'our newer colleagues'

We have a few newer colleagues who would find the CPD stuff useful.

So your newer team members may find the information on here useful?

Yes.

Ours [Sharepoint] are 'light-touch'
These are the grounds on which you can contest, or if you find yourself in a contested estate, this is some of the things you might want to think about.

CDP is one of the core reasons why the IDR-N is useful.

And its good for everybody, because if you know how a dispute goes on, you know how to prevent it.

Personally, I have a background, I did a lot of litigation when I was training, so I am more alive to court proceedings [but others may not be]

Do you think there might be information on here beyond what you have got on your sharepoint?

Yeah, probably.

Would you use the IDR-N to help make a decision?

Probably not, because I have a good enough grasp to know if there is something in it.

What about if it is at the point where they are deciding whether to refer or not, is there a time when information on the IDR-N could help with that decision?

If you are ever sending anyone off to the pub to read a factsheet, would you ever consider using IDR-N to find that info, or have you got your own factsheets?

'At that point, I would ask IDR if they think it has legs'

We have got our own to an extent, but if it goes further than what we have, I would direct them to IDR.