

Legal advice

How to get help from a solicitor

This factsheet explains how you can find help from a solicitor and whether support is available to help you pay for this.



- Solicitors are experts in certain areas of law. For example, some deal only with criminal cases and others deal mainly with helping people to buy houses.
- When you ask a solicitor to help you with a problem, they call this 'instructing' them. They may call your agreement a 'retainer'.
- You might be able to get some free legal help under 'legal aid'. But not all legal problems are covered by legal aid.
- You are entitled to free legal advice if you are under arrest at a police station, or if you appeal against detention under the Mental Health Act 1983.
- If you are unhappy with your solicitor's work, you can complain to them directly. If you are still not happy, the Legal Ombudsman might be able to look into the problem.
- You can use the Law Society website to help you find a solicitor.

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1. Do I need a solicitor?

You may have a problem at work, with the NHS or social services or in a family matter. Many problems can be resolved without getting legal advice. You might be able to resolve things by negotiating or using complaints procedures where they exist. But sometimes you might want to speak to a solicitor because:

- the problem is very important to you,
- the problem is complicated,
- you couldn't reach agreement, or
- you want something that the other person isn't willing to give you, like compensation.

A solicitor could:

- give you advice,
- send letters on your behalf,
- negotiate with someone you are having a dispute with,
- draft documents for you, or
- help you take the issue to court.

The steps that they will take will depend on the type of issue they are helping you with and what sort of help you need to sort out the problem.

2. How do I find a solicitor?

Solicitors usually specialise in one or two areas of law. A solicitor who can help you to buy a house is unlikely to be able to help you with a mental health or social care problem. You will need to find a solicitor who can help with the type of problem you are having.

The Law Society website has a list of practising solicitors. You can find this at solicitors.lawsociety.org.uk. You can search by the area of law or location. If you do not have access to the internet then you can contact the Law Society on 02073 205 650 for help with finding a local solicitor.

Finding the right solicitor

There may be several solicitors in your area that could help with your problem. It can be difficult to know which one to choose.

Even if someone you know has recommended a solicitor or if they have a good reputation, you cannot know for certain how good their service will be. You can think about the following when making a decision about which solicitor to choose:

- the area of law they specialise in,
- the firm's reputation,
- how much they charge,
- what impression you get at your first meeting ('consultation'), and
- whether they have dealt with similar problems before.

The Law Society runs an 'accreditation' scheme which shows that a solicitor has expertise in a particular area, such as representing you at a tribunal when you are sectioned under the Mental Health Act 1983. You can find out more at <http://www.lawsociety.org.uk/support-services/accreditation/>

Rethink Mental Illness cannot recommend a solicitor for you because we are not familiar with all the firms in the country and whether they offer a good service.

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3. Will I have to pay?

Solicitors can get paid in different ways. These are the different payment options for getting help from a solicitor.

a) Paying for it yourself

Paying a solicitor can be expensive. Some solicitors may offer a fixed fee for certain types of legal work. They can tell you how much the work should cost from the start. This is more common if a solicitor is helping you to move house or write a will.

For other work, solicitors may charge by the hour. They will not be able to tell you exactly how much the work will cost because this will depend on how long the work will take. But they must give you the best information they can about the likely costs and keep you updated if anything changes.¹

b) Legal aid

Am I entitled?

You may be entitled to free legal help under legal aid. Legal aid means that the government pays for your legal advice if you can't afford to pay it yourself.

Whether you are entitled to legal aid depends on the type of problem you have, your income and the strength of your case. If you win your case and get money or property as a result, you may have to pay back some of the money.

You can check whether you are entitled at www.gov.uk/legal-aid-eligibility-calculator.

What is covered?

Legal aid is available for certain areas of law, such as:

- social care,
- discrimination, and
- detention under the Mental Health Act 1983.

Since 2013 you can no longer get help with most debt, family, housing, benefits and employment issues. You might be able to get legal aid if your case is an exception, like if you are facing homelessness as a result of a debt or housing problem.

Finding a solicitor

Not all solicitors can do legal aid work. You will need to find out which firm of solicitors or other organisation does this work in your area. In some areas, Citizens Advice Bureaux or Law Centres do work under legal aid.

If you are entitled to legal aid, Civil Legal Advice might be able to give you advice by telephone. They can also point you in the direction of local solicitors who do work under legal aid. Their details are at the end of this factsheet.

c) Insurance policies

Some insurance policies cover legal advice. Check your home and car insurance policies to see whether your insurance company may have to pay towards legal advice. If you have an insurance policy, take it along when you visit the solicitor.

The type of legal advice you can get under the insurance policy may be wider than the scope of the insurance. For example, your car insurance policy might cover the cost of legal advice if you have a problem at work.

d) 'No win, no fee'

In some cases solicitors will agree not to charge you if you don't win the case. The official name for this is a 'Conditional Fee Agreement', but they are often called 'no win, no fee' agreements. They are common if you make a claim against someone for an injury. This could be because of a road traffic accident, a medical procedure or an accident at work.

Even if you have a no win, no fee agreement, you might still have to pay costs if you lose. Your solicitor should explain this before they start working for you.

If you win your case, you will have to pay a larger fee than someone who does not have a no win, no fee agreement. Again, your solicitor should explain this from the start.²

e) Free help

When a solicitor gives you legal help for free, this is called 'pro bono' advice. You can find out whether there is a local solicitor who offers free advice at www.lawworks.org.uk.

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4. What if I am arrested?

If you are arrested you have a right to free legal advice. You could try to speak to a solicitor you've used before, or you can use the 'duty solicitor' scheme. If you would like to speak to a solicitor, the police will contact the Defence Solicitor Call Centre (DSCC) to pass on your details. A solicitor should then contact you by telephone to give you advice. You may see the solicitor in person if you are accused of a more serious offence and:

- the police want to interview you,
- you cannot communicate by telephone, or
- you are vulnerable.³

If you feel unwell or vulnerable because of your mental illness, you should tell the police and your solicitor as soon as possible. They can try to make sure you get care if you need it.

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5. What if I am in hospital under the Mental Health Act 1983?

If you are in hospital under the Mental Health Act 1983 (often called 'being sectioned'), you can appeal to the Mental Health Tribunal. If you make an appeal then you can get free legal help from a solicitor.

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6. How can I complain about my solicitor?

You should raise your concerns with your solicitor to begin with. If this does not help then you should follow the firm's complaints procedure. Your solicitor should give you information about the complaints procedure at the start of your case.⁴

If you are not happy with the firm's response to your complaint then you can take the issue to the Legal Ombudsman. The Ombudsman is independent and can investigate complaints about solicitors if you have already tried to resolve it with the firm. The Ombudsman's details are at the end of this factsheet.

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Civil Legal Advice

Civil Legal Advice can help you to find a solicitor who works under legal aid.

Tel: 0345 345 4 345 (9am to 8pm Mon- Fri, 9am to 12.30pm Sat)

Text: 'legalaid' and your name to 80010

Web: <https://claonlineadvice.justice.gov.uk/>

Law Society

The Law Society maintains a list of practising solicitors in England and Wales. You can use their website to find a local solicitor.

Tel: 020 7320 5650 (Monday to Friday from 09:00 to 17:30)

Web: <http://solicitors.lawsociety.org.uk/>

Email: findasolicitor@lawsociety.org.uk

Legal Ombudsman

The Legal Ombudsman can investigate your complaint about a solicitor if you have already complained to the solicitor directly and if you are unhappy with their response.

Tel: 0300 555 0333 (8.30am – 5.30pm Mon – Fri)

PO Box 6806,

Wolverhampton,

WV1 9WJ

Web: www.legalombudsman.org.uk

Email: enquiries@legalombudsman.org.uk



¹ Solicitors Regulatory Authority Handbook Code of Conduct 2011 (Version 12), Outcome 1.13.

<http://www.sra.org.uk/solicitors/handbook/code/content.page> (Accessed 15/01/15)

² As note 1, at O(1.4), IB(1.17).

³ PACE Code of Practice, Code C (2014) Notes for Guidance, para 6B.

⁴ As note 1, at O(1.9), O(1.10), IB(1.22).

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This factsheet is available
in large print.

Rethink Mental Illness Advice Service

Phone 0300 5000 927
Monday to Friday, 9:30am to 4pm
(excluding bank holidays)

Email advice@rethink.org

Did this help?

We'd love to know if this information helped you.

Drop us a line at: feedback@rethink.org

or write to us at Rethink Mental Illness:

RAIS
PO Box 17106
Birmingham B9 9LL

or call us on 0300 5000 927.

We're open 9:30am to 4pm
Monday to Friday (excluding bank holidays)



Leading the way to a better
quality of life for everyone
affected by severe mental illness.

For further information
on Rethink Mental Illness
Phone 0121 522 7007
Email info@rethink.org

 [facebook.com/rethinkcharity](https://www.facebook.com/rethinkcharity)

 twitter.com/rethink_

 www.rethink.org

Need more help?

Go to www.rethink.org for information on symptoms, treatments, money and benefits and your rights.

Don't have access to the web?

Call us on 0121 522 7007. We are open Monday to Friday, 9am to 5pm, and we will send you the information you need in the post.

Need to talk to an adviser?

If you need practical advice, call us on 0300 5000 927 between 9:30am to 4pm, Monday to Friday. Our specialist advisers can help you with queries like how to apply for benefits, get access to care or make a complaint.

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