

Useful Information

Paralegal Law Firm Capacity

Landlord Legal Assist Limited is a paralegal law firm and are not regulated by the SRA. Therefore, we are not permitted to undertake any reserved activities as per the Legal Services Act 2007, including the right to conduct litigation on behalf of a client and are not on the court record as acting.

Paralegal law Firms which represent clients do so with the client entering his, her or its' name on the court record as a litigant in person. The right to conduct litigation relates solely to the actual conduct of court actions. Subject to any other prohibition (principally but not exclusively the Compensation Act 2006 if relevant), Paralegal Law Firms are free to advise/assist clients before and after litigation, and during it too (to the extent that such advice and assistance does not include having conduct of the litigation). At Landlord Legal Assist Limited we act principally in an administrative capacity by assisting Claimants to draft documentation to be permissible with the court to ensure that there are not any significant delays in respect of litigation or the court timetable to ensure compliance with the overriding objective and to correspond on behalf of our clients when authority is granted, with confirmation of the same previously being provided by the SRA. Our clients review all documentation and sign the same in their own name, prior to their service and review all documentation before it is served on any third party in order to comply with the reserved activities.

Our clients have sight of all correspondence sent by our firm and the same is not sent without prior approval or amendment by the client and/or any witnesses. We act in an administrative capacity only on our client's instructions and do not seek to undertake any reserved activity. Our clients are entirely aware as to the capacity in which we act and we confirm on instruction that we are not authorised by the SRA and are unable to undertake any activity which is deemed to be regulated as per the Legal Services Act (2007).

We have previously been provided with confirmation from the SRA that clients are permitted to use our address for service, should they provide their authority to do so as per our Authority to Communicate.

Our terms and conditions, website and corresponding documentation makes the capacity in which we are able to act clear to any instructing client and any third party and complies with the SRA regulations and that of the Institute of Paralegals. Further, on receipt of any instructions, all clients proceed to sign our Authority to Communicate for the reference of all parties to a claim. A further copy is filed with the court to confirm our capacity in assisting the Claimant as acting as a Litigant in Person as a paralegal law firm at the commencement of this legal action and is placed on the court file for any presiding Judge's review.

Litigants in person always have the right to conduct litigation in their own name and we instructed to assist our client in this matter in acting as a Litigant in Person, in the capacity of a paralegal law firm.

The right to conduct litigation is a reserved activity by virtue of section 12 (1) (b) of the Legal Services Act (2007). The right to conduct litigation is the right to start and defend proceedings before any court in England and Wales, together with ancillary functions thereto. As a paralegal law firm, we do not have the right to be listed in the court record as conducting litigation behalf of a client or to undertake any reserved activity.

As a paralegal law firm we act in an administrative capacity only and do not undertake any reserved activities. We are fully aware of the regulations regarding the Legal Services Act 2007 and ensure to act in accordance with the same and ensure that our client is advised accordingly prior to receiving any instruction. At no time does Landlord Legal Assist Limited or any employee undertake any prohibited action in accordance with the Legal Services Act.

It is common for paralegal law firms to be assist and/or advise litigants in person. Whilst this is permitted however, practical differences may be encountered. When a solicitors' firm (or other authorised Group of Eight lawyer) is "on the record" as representing a litigant then certain things are implied; e.g. that the firm speaks for and has absolute authority to bind the client and that service of documents on the firm constitutes good service on the litigant. These implied terms are not automatically present where a paralegal law firm is acting for a litigant in person (or, indeed, has managed to become agent of record on the court record). An opponent may therefore seek proof of the paralegal law firm's authority to speak on behalf of its client, to bind the client, and that service on the paralegal law firm constitutes good service on the client, etc. Typically they may request a confirmation authorising the same.

The right of a successful client to recoup the cost of the paralegal law firm's expenses by way of an award of costs is something of a grey area and is determined by the Judge residing over the case at the hearing/trial. We always state to any potential client, prior to instructing us that any costs incurred in respect of our administrative fees charged are awarded at the discretion of the Judge and may therefore not be recoverable in full or at all. The fees of a paralegal law firm are often significantly lower than a solicitors' firm and therefore utilising the services of a paralegal law firm assists in reducing costs of a claim overall.