

Property Law Advice



Seeking legal advice: some guidance notes

1. The value of legal advice is very much dependent upon the input which an adviser receives. So if you're serious about obtaining good legal advice you'll need to invest some time in explaining the issue(s) on which you need advice.
2. Please don't think that your adviser (whether it's us or someone else), in asking for detailed information, copies of plans, deeds, photographs and so forth, is trying to over-complicate the issue so as to justify a higher fee! In fact it's just the opposite: the adviser is trying to make the issue as clear and specific as possible, so that they can deliver, as economically as possible, advice which gives accurate and useful answers. The alternative — vague advice, based on vague and incomplete details — would be longer, more expensive, and of little use in practice.
3. The following notes won't cover every case, but they should give you a good idea of what your adviser will need.

Making a statement

4. Almost certainly, your adviser won't know anything at all about who or where you are, or the specific problem which you have. So you need to start from the beginning, with the basics — places, people and perhaps some key dates.
5. Tell the story chronologically. If the facts are complicated, it can be useful to set the scene with a brief introductory explanation. As you go along, put all the details in: dates, people, costs, etc etc.
6. For a quick reference to places with addresses, use the postcode. But even better is [what3words](#), the website which gives every 3-metre square piece of land (and sea) on the planet a unique three-word address. You can use this resource to indicate which

area(s) of land you are concerned with, and places where things happened (parked cars, gates, accidents....)

7. A plan is often very helpful. If you don't already have a professionally-drawn plan, you can prepare a rough sketch plan and mark it up with the necessary details.
8. Photographs can also be very helpful, and can save a lot of words. Remember to identify photographs as "1, 2, 3" or "A, B, C" etc, and explain when they were taken, the point from which they were taken, and what they are intended to show. For example:

"Photo A was taken from the point marked A▷ on the plan, on 1 May 2022, and shows the position of the fallen tree."

9. If there's a dispute, tell both sides of the story: very few disputes are entirely one-sided. This doesn't mean that you're in the wrong: it just means that the "other side" might have had something relevant to say which your adviser needs to know about.
10. Some final tips:
 - Number your paragraphs, so that people can refer to the appropriate parts of your statement more easily.
 - Be consistent in the way you refer to people and things. Your advisor won't necessarily know that "my partner" in paragraph 3 of your statement is the same person as "Sam" in paragraph 12; or that "our side gate" in paragraph 7 is the same as "the blue gate" in paragraph 19.
 - Ask someone you trust to read and comment on what you have written. They may find ways in which it could be made shorter and clearer. (Please don't take it personally if they do — they are just trying to help!)

Objectives

11. One of the hazards of giving advice is failing to understand what a client is aiming to achieve. So it is very helpful — essential, in fact — to explain what your objective is. That could be:
 - Clarification of what the law does or does not permit.
 - A friendly settlement of a dispute.
 - Compensation or some other remedy from the courts.

12. You might also have some negative aims; for example:

- You would prefer not to antagonise a rather difficult neighbour
- You don't wish to spend large sums on court proceedings — a very common aim.

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