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Dear Mr Henley

Re: Non-payment of professional fees

Thank you for your letter of 24 March 2021, to Paul Philip and for forwarding us a copy of the letter from Professor John MacFie of 16 December 2020. Paul has asked me to respond on his behalf.

I was very interested to read the results of the surveys carried out by the Confederation of British Surgeons and by Bond Solon which demonstrates the clear problems encountered by your members in securing payment of medico-legal fees from instructing solicitors. I note the helpful recommendations in the Bond Solon report for ways in which members might ensure their contractual arrangements provide them with the best chance of successfully avoiding late or withheld payments, and with enforcing payments should problems arise.

The matters you raise will in certain circumstances raise an issue for our regulatory standards: For example, where there is evidence to suggest that the solicitor has taken unfair advantage or misled the expert or attempted to influence the opinion provided by them. These would also be engaged where a firm consistently delays or fails to make payments indicating poor systems, or problems with cashflow or financial viability, presenting risks to client funds.

It may of course be difficult in isolated cases to identify that a breach has arisen and that the matter is not simply a dispute over terms or recovery action for the courts to determine. However, we would be keen to look into serious evidenced breaches or firms which demonstrate patterns of concern and would encourage you or your members to refer these to us so we can take action where appropriate.

I would be more than happy to meet to discuss further if you would find this helpful.

Yours sincerely

**Juliet Oliver
General Counsel
Solicitors Regulation Authority**