

LOGBOOK

Name: [REDACTED]

Membership Number: [REDACTED]

COMPETENCY: 3

LEARNING OUTCOME: 3.6 – Manage a client's expectations

EVIDENCE PROVIDED: Attendance note.

OUTLINE HOW THE EVIDENCE demonstrates you meet the outcome:

Identify the needs, objectives and priorities of your client:

Existing clients of the firm (husband and wife) came to see me to obtain information about wife's mother's personal papers. All three of them have been long-standing clients of the firm, but I had not personally met any of them before. They had always dealt with one of my colleagues, who was away on holiday at the time the clients came to see me. The wife was a sole attorney for her mother under an Enduring Power of Attorney. The mother had recently fallen and was poorly in hospital. The daughter was trying to make sense of her mother's finances and other matters.

Needs: Information about mother's finances and other affairs.

Objectives: To have access to mother's (personal and legal) documents that we held in our strong room (without having to ask for her mother's permission).

Priorities: To obtain the information directly from me during our meeting.

Identify situations in which the objectives of your client may be unrealistic:

The client came to see me assuming that she could have access to her mother's personal papers simply because she was her attorney. The donor herself was in hospital and although physically frail remained mentally alert and had not lost capacity. The daughter unrealistically expected me to freely let her have sight of the documents we held for her mother. She could not understand at first why she would need her mother's permission to do that.

Take all reasonable steps to manage you client's expectations:

I explained to my client that without her mother's consent I was unable to show her the documents she was asking to see. I explained the importance of client confidentiality using the language that my clients could understand. Although they became agitated at certain points during our meeting, I remained calm and polite but firm. I also explained that I was willing to help, but that I needed permission from her mum, preferably written. I asked the client whether she could arrange this and she said that she did not want to talk to mum about it because she (mum) was not well.

REFLECTION & EVALUATION (what you learnt from the activity you undertook to meet the outcome):

I learnt that some clients have unrealistic expectations about the type of information I am able to give them. They wrongly assume that they could have free access to family member's documents, thinking that no special permission from the person herself would be necessary.

COMPLETION DATE:	20 JAN 2015
Signed & dated by Applicant	[REDACTED] 20/01/15
Signed & dated by Supervisor	[REDACTED] 28-1-15

Author: [REDACTED]

Date: 13th January 2015

Matter Ref: [REDACTED]

Attendance Note

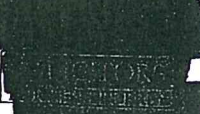
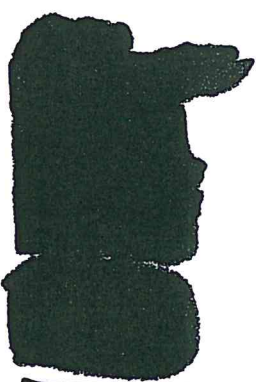
Attending Mrs J [REDACTED] and her husband at 10.40am in conference room to discuss J [REDACTED]'s mum, [REDACTED] S [REDACTED]'s affairs. J [REDACTED] is a sole attorney for mum under an EPA. J [REDACTED] said that she's come to "look at mum's papers".

Tel: [REDACTED]
Fax: [REDACTED]
DX: [REDACTED]

I explained that I would not be able to give any information about mum's personal papers to J [REDACTED] without mum's permission (written). J [REDACTED] was a little bit annoyed by this because she said she's an attorney and that should give her the necessary permission. I explained that that was not the case and that I would still need assurance that her mum would be happy for me to show any paperwork to her. I explained about the confidentiality and Judith then understood why I could not show her the papers she wanted.

I asked J [REDACTED] what documents she had found within mum's papers and J [REDACTED] said she had found a copy Will. J [REDACTED] husband then started to speak and said that they have some questions about the flat (which used to be owned 50/50 as tenants in common by [REDACTED] and K [REDACTED] S [REDACTED] (J [REDACTED]'s mum and step-dad). After K [REDACTED] death, K [REDACTED]'s share went to J [REDACTED] and his daughter, R [REDACTED]. At the time, [REDACTED] gave J [REDACTED] and her husband a lot of advice, but they are still uncertain about some things – or at least they cannot remember the facts. Note: [REDACTED] acted for S [REDACTED], NOT J [REDACTED] and her husband, so again I said that I would not be able to give them the information about this without Mrs S [REDACTED]'s permission.

J [REDACTED] said that she just wanted to know whether it was "all done" at the time – she meant the transfer of the property from mum and K [REDACTED]'s name to mum and hers and R [REDACTED]'s name. She said she was concerned that it might not have been done and was anxious to know. She said she remembered seeing [REDACTED] with mum and signing a "document". I had a look at the deeds whilst they waited. The desk in the conference room is large and we were sat opposite each other and so we were sat too far away from each other for them to see any of the documents I was looking at. Also, I was extra careful and discreet with them. I found the TR1 and a completed share certificate for the management company and I could see that all this was dealt with in 2012. I confirmed to J [REDACTED] that it was all in order and that it had been dealt with. She asked me to confirm that she was holding the 50% together with R [REDACTED] (on a trust) and I confirmed that was the case. J [REDACTED] said she had a question about the ownership following K [REDACTED]'s will and again I said I would not be able to give her the information without mum's permission. I explained again that mum was [REDACTED] client. J [REDACTED] then said that [REDACTED] knows the family well and especially her mother and that she was sure that he wouldn't mind providing this information to J [REDACTED] and I said that I could speak to [REDACTED] and ask him to contact J [REDACTED], or her mum directly. I again said that I was not able to give out that information, but I explained generally what it meant owning a property as tenants in common and also what it means if part of the property is held in a trust. J [REDACTED] then asked me about what would happen if mum died, and I said that mum's will would then be followed. We did not go into any more detail than that. Even though J [REDACTED] had told me that



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they had found a copy of mum's will, I was not going to discuss it with her. I again gave her very general examples of different options that might apply when a tenant in common dies.

I then asked J [redacted] to tell me about her mum's health situation and she said that mum's still very frail, but is getting better. She's still on a cocktail of antibiotics and is being fed by a tube. Mentally she is ok and still has capacity. When I asked J [redacted] whether it would be possible to get her mum's written permission, J [redacted] said she does not want to upset mum as she's feeling weak. She said that she understood why I couldn't give her the information and said they will have to keep looking through mum's paperwork and hope that they'll have their questions answered that way.

In terms of the future, they have not made any plans. J [redacted] has only recently got involved in with mum's affairs and is not trying to make sense of everything. Documents are not where mum had said that they would be. For example, mum had said that the copy of the will was in the "black box", but it wasn't. Many other documents cannot be found, but J [redacted] said she will keep looking. I said that if she'll still need information from me after looking through the flat, then I would be happy to help as long as I have her mum's written permission to do that. J [redacted] said that she understood.

J [redacted]'s husband then said that they would also need [redacted] to send them details about his fee notes for the advice he gave to J [redacted] mum re K [redacted]'s will. I said I would pass this message on to [redacted]. They asked me whether I could let them have this information and I said I could not. J [redacted] said that [redacted] knows the family well and she didn't think he would mind giving her this information, but I basically said that under no circumstances would I give out [redacted] billing information without his consent. I explained about confidentiality again and I THINK they accepted this, however, they did not look very happy about it. I said that I would let [redacted] know that they asked for this information. When I asked WHY this information was needed, Mr [redacted] said that they might have a potential dispute in their hands should S [redacted] pass away. He did not want to give me any more info than that, but said that [redacted] "knows all about the problems we've had" and I got the feeling that the friction with K [redacted]'s daughter, R [redacted], is causing the problems and they expect it to continue after S [redacted] dies. J [redacted]'s mum knows nothing about this because they do not want to upset her.

They are taking one week at a time with S [redacted] at the moment. They expect her to stay in hospital for months and then, depending on her health, she might be able to go back living in the flat with carers looking after her or, if not fit enough, then into a care home. J [redacted] said mum does not want to go into a care home, but they'll just have to wait and see how well mum recovers.

Attendance charged separately.