

## **7 tips on how students can find a good lawyer**

*Daniel Sokol and Bradley Talbot*

While some universities prohibit lawyers from representing students at hearings, all permit students to consult lawyers about their situation, whether that be a failed module or an accusation of cheating or sexual misconduct.

If the stakes are high, students may seek a lawyer's help. Yet, few students have any experience of finding one. In this blog, two lawyers from Alpha Academic Appeals give tips on how to find and approach lawyers.

### **Ask a friend and research**

Lawyers also need lawyers from time to time, just as doctors need their own GP. Lawyers in search of legal help often find it through word of mouth. If you do not have the benefit of a personal recommendation, search Google reviews and online legal directories such as Chambers & Partners or the Legal 500. You can also read lawyers' profiles on the website.

### **Choose a specialist**

Lawyers, like doctors, tend to specialise. Choose lawyers with expertise in your type of problem. Again, look at their website for specific reference to students and claims against universities and ask the lawyers for their experience.

Due to this specialisation, you may need the input of several lawyers, for example an international student on a Tier 4 visa might benefit from the advice of a higher education lawyer and an immigration lawyer. A good lawyer should be able to point you in the right direction if further expertise is required, whether legal, medical, or otherwise.

Be aware that some lawyers will only get involved if litigation is in contemplation, so select lawyers who can help you navigate the *internal* procedures of the university, such as appeals, complaints and disciplinary proceedings.

### **Approach lawyers early**

Many students seek help just before the deadline for submission, or even after they have submitted their appeal, complaint or other document. Although some lawyers can offer urgent consultations, this may be more expensive and leaves less time to draft documents and obtain further evidence.

If you intend to get professional help, do so as early as possible and before any meetings or deadlines. Your lawyer can then advise you on the best strategy from the outset. In our experience, students who contact us later in the process have already made mistakes, some of which cannot be rectified.

### **Do not expect free advice**

Lawyers must earn a living. Unless the website clearly indicates 'free advice', do not call if you have no intention to pay.

Neither are they selling products in a bazaar. Most lawyers will not appreciate attempts to negotiate fees. By all means, ask lawyers for an approximate cost, but do not haggle. If you cannot afford it, say thank you and look elsewhere.

A good lawyer will not give specific advice without having read the relevant documents. To do so would risk giving wrong advice, with potentially disastrous consequences for the student.

If lawyers quote you an hourly rate, ask for an estimate of how many hours a task, such as drafting a statement, typically takes.

Once you have received a quote, ask for the level of seniority of the lawyer.

Solicitors and barristers are two types of lawyers and either is likely to be suitable for your case. A common analogy to understand the difference is that between GPs (solicitors) and hospital consultants (barristers). Barristers tend to have more training in written and oral advocacy.

For solicitors, trainee solicitors and paralegals are the most junior fee-earner and partners the most senior. Rates vary across the country but range from about £120 an hour for a trainee to over £500 an hour for a partner.

For barristers, seniority is determined by “year of call” (when they were “called to the Bar”) and whether they are King’s Counsel or not.

If lawyers are unaffordable, the students’ union can provide free advice. Be aware, however, that there may be long delays, especially outside term-time, and that they cannot provide legal advice. It is particularly important, therefore, to contact them early.

### **Be polite and courteous**

Within the constraints of their ethical obligations, lawyers will do everything in their power to help you, so treat them with respect. They are on your side.

Note also that part of the lawyer’s job is to give the client an honest assessment of the strengths and weakness of the case, including an assessment of the prospects of success. This means that, on occasion, the lawyer will tell a client that the case has poor prospects or even no merit. Although disappointing to hear, do not underestimate the value of that information. We have seen many students take hopeless cases to court, at a personal cost of tens of thousands of pounds, because they do not appreciate the weakness of their case.

### **Be helpful**

Before you pick up the phone or send the online form, find out the deadline for the appeal or complaint, or the date of the meeting or hearing. Identify what decision you are intending to challenge and, if you know, what you would like to achieve, for example, reinstatement onto the course or a higher degree classification or a finding of innocence.

When the lawyer invites you to send all the relevant documents, do so in an organised manner rather than sending hundreds of random, untitled e-mails and other documents.

### **Do not withhold documents from your lawyer**

Lawyers have strict duties of confidentiality towards their clients, so do not hold back. Only in the rarest of cases, such as a client admitting to involvement in terrorist activity, will they be obliged to disclose confidential information. Many a case has been lost because a student was too embarrassed about disclosing a crucial document to the lawyer. Lawyers will not judge you.

Be aware, however, that lawyers cannot advise you to say anything that they know is untrue. This means that, if you have told your lawyers that you paid someone to write your essay or had sex with another student without consent, they will not tell a soul but they cannot advise you to affirm the opposite to the university. They can advise you on the best course of action and, if appropriate, argue that the evidence against you is inadequate or flawed but they cannot advise you to say “I wrote this essay myself” or “the sex was consensual”.

These 7 tips should help you find a suitable lawyer, in good time, and establish a trusting relationship that will guide and support you through the journey ahead.

Please call us on 0800 368 9230 or fill out an enquiry form today if you need the help of a specialist education lawyer. We’re happy to have a no-obligation chat about your case and explain how we can assist you.

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