Ex-director of will-writing company jailed for stealing nearly £1 million from clients

A former director of a Norwich based will-writing company, Heritage Legal & Financial Limited, has been jailed for nearly 5 years after he was found guilty of stealing nearly £1m from deceased clients' estates.

The court heard that Peter Jones had abused his position by taking cash from estates in order to increase his own property portfolio. He also apparently used the money to discharge his debts. Mr Jones' crime may mean that some charities have not have received the legacies left to them in wills.

The theft only came to light after Mr Jones was jailed for another criminal offence and he was unexpectedly absent from his office. Unable to hide his crimes whilst he was away, the missing money was noted.

Regulation of will-writing companies

Will-writing companies are not subject to regulations the same way as solicitors. Whilst law firms have to have substantial indemnity insurance (which provides recourse for clients in the event of things going wrong), many will-writing companies will simply cease to trade in the event of such a crime occurring or they may be uninsured and therefore unable to be to repay money if required to do so.

Fortunately for the beneficiaries of the estates involved in Mr Jones' crimes, the court heard that he might be able to repay the money which he stole due to the value of his property portfolio. This means that a confiscation hearing will occur later this year with regard to repayment of the stolen funds. However, there is no guarantee that all of the money will be recovered and, even if it is, that will only be after further legal process occurs.

The difficulty with the lack of regulation of will-writing companies is that the standards of service offered can vary greatly from one firm to another. This could mean that those problems may only be exposed when circumstances arise such as those in the case of Mr Jones, namely, where someone is away from their office.

Many of Mr Jones' deceased clients will have entrusted him to look after their assets and ensure that their final wishes were carried out. Although the money may be clawed back in the future, it is clear that many beneficiaries are likely to have lost out at this stage, due to Mr Jones' conduct. If, as the court heard, the theft took place over

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several years, that may mean that some of the affected beneficiaries may have since died or might have urgently needed their legacies during that period.

When making a will it is therefore vital to consider whether there is protection for the beneficiaries of your estate if things go wrong. This is not simply limited to fraud as in Mr Jones' case, but also if problems arise during the estate administration.

Why choose a law firm over a will-writing company?

Law firms have complaints procedures if there are concerns with regard to how they deal with an estate and they are also highly regulated. Also, specialist law firms will be able to manage estate administrations in a cost effective way, as they are very familiar with the processes and procedures involved.

Of course, many will-writing companies provide good services to their customers. The difficulty is that, without regulation, it is very much left to chance as to whether the will writing-firm which is employed is reputable and the estate will be dealt with correctly.

When selecting your executors or employing a firm to deal with an estate administration, it is therefore vital to consider their experience, track record and the type of recourse available to the estate if things go wrong. That may also include considering whether or not they have indemnity insurance in place.

Costs are also an important point to consider and this information should be available before any work is undertaken on behalf of the estate. For example, law firms will always provide you with a retainer letter which outlines the basis upon which they will act for you and your estate, before the estate incurs any charges.

Do you have concerns about an executor?

If you are a beneficiary and are concerned about the conduct of an executor or how an estate is being administered, it is important to consider obtaining specialist legal advice at an early stage. At Lester Aldridge, our specialist Contentious Trust and Probate team can review your concerns and advise you about these can be addressed and, hopefully, resolved.

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