

Appointing a Professional Attorney in your LPA(s)

Individuals who have been appointed as an attorney in an LPA fulfil an important legal function. However, you do not have to be a lawyer or solicitor (or any other kind of professional) to take on the role. Many people appoint trusted family members or friends to act as their attorneys.

Despite this, there are many situations where appointing a professional attorney can be helpful, or even necessary, to ensure your affairs are managed properly.

This help guide explains the benefits of appointing a professional attorney and explores the circumstances in which you might consider doing so.

This help guide assumes you are familiar with the role an attorney plays. If you would like more background information on this, please read our [help guides](#) on 'Lasting Powers of Attorney' and 'Acting as an Attorney' first.

Why might I want to appoint a professional attorney?

There are several reasons why you might decide that appointing a solicitor to act as your attorney is right for you.

Knowledge and experience

Attorneys have to make very complex decisions about another person's finances, or health and welfare. Professional attorneys will be able to call upon extensive knowledge and experience in order to deal with these matters as effectively as possible. This might involve taking advantage of tax reliefs/exemptions, benefits or other health and care support that a non-professional attorney might not have known about.

It's important to consider how complicated your personal arrangements are likely to be. For example, if you have property in several different jurisdictions, it may be difficult for a 'lay' attorney to take control of these effectively. You may decide that it's more appropriate to appoint a solicitor as your attorney in complex cases such as these.

Easing the burden on family and friends

Acting as an attorney can be challenging and time-consuming. The role usually involves a significant administrative burden, which you may not want to place on a loved one. If your intended appointees don't respond well to paperwork or organisational tasks, being called upon to act as your attorney could become very stressful for them. It's also

important to consider that you would be asking your attorney to take on this role at a time when they already have to come to terms with you being very unwell.

Avoiding legal difficulties and risks

If an attorney breaches their legal duties, it's possible for them to be held personally and financially responsible. If a family member or friend isn't completely clear on their role, this could lead to mistakes being made with your affairs and welfare. Not only could this undermine your best interests, it could also leave your attorney personally liable to 'make good' the damage they have caused.

A professional attorney will be fully aware of their legal duties, as well as the consequences of breaching them.

Impartiality

Unfortunately, family ties can often be the source of drama and dispute. If you foresee any issues arising from appointing one or more family members as your attorney(s), appointing a professional attorney could be a useful precaution. A professional attorney will be independent, removed from any family disputes and therefore ideally placed to manage your affairs in line with your wishes.

In the absence of anyone suitable

Not everyone has a family member or friend they feel they can ask to act as their attorney. There are many reasons why this might be the case, but whatever they are, appointing your solicitor as a professional attorney can be an ideal solution. Ultimately, you should only appoint an attorney that you trust completely to act in your best interests. If you're not comfortable appointing any of your loved ones as your attorney, then appointing a professional is likely to be the only solution.

What is the process of appointing a professional?

The process of appointing a professional attorney is very straight-forward. When you are making your LPA(s), your solicitor will ask who you have chosen to name as your attorney(s). At this point, you can ask your solicitor if they or another member of their firm will act in this capacity. At Roche Legal we have a policy that only named directors can act as attorneys, not the firm as a whole.

How much does it cost to appoint a professional attorney?

There will be no additional cost for appointing a professional attorney at the time of making your LPA. However, if your professional attorney is called upon to act for you in the future, they will need to be paid for any work they undertake in that capacity.

When you sign an LPA that appoints a professional attorney, you will agree to a professional charging clause. This clause states that your professional attorney is entitled to charge their usual hourly rate for the time spent acting as your attorney. This full hourly rate will apply whether the attorney is dealing with complicated aspects of your affairs, or whether they are making decisions that could easily have been made by a 'lay' attorney.

A professional attorney will usually be authorised to seek payment from any funds they are managing on your behalf.

Appointing a mix of professional and 'lay' Attorneys

It's usually recommended that you appoint either more than one attorney or one attorney and a replacement attorney.

With this in mind, you may decide that you wish to appoint a professional attorney alongside family members or friends. Appointing one professional attorney amongst a total of three, for example, is one way to provide the other 'lay' attorneys with the expert support and other benefits that a professional can bring.

Of course, if you choose not to appoint professional Attorney in your LPA, your family members or friends will still be able to seek legal advice from specialist solicitors to help carry out their duties, should they wish to.

How Roche Legal can help?

Dealing with legal issues can be confusing and stressful. We understand this, and we're always on hand to untangle jargon and offer support.

If you need advice on any of the issues raised in this help guide, please don't hesitate to [get in touch](#). Roche Legal is an award-winning legal practice, offering practical and caring advice.

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