INFORMATION SHEET

JUDICIAL FACTOR’S MANDATE

The attached mandate is in a different format than mandates granted in normal circumstances because a Judicial Factor has been appointed to the firm by the Inner House of the Court of Session to protect the clients of the firm and its creditors. The mandate is designed to balance the interests of the clients by ensuring the prompt release of the file and papers, with the Judicial Factor’s duty to make arrangements for the recovery of fees and outlays due to the firm.

The Judicial Factor is an Officer of the Court and has an obligation to recover all money properly due to the firm.  Only the Factor has the authority to pay creditors, reimburse money owed to clients and collect any money still owing to the firm.

The Judicial Factor has no prior knowledge of the clients of the firm, and may have to reinstate the accounting records to establish what money is owed to clients, creditors and the firm itself.  The Judicial Factor may therefore require information which might not generally be requested by another firm.  There must be an investigation into the circumstances which gave rise to this court appointment and this investigation, including the reinstatement of accounting records, can be a lengthy process.  For these and other reasons linked to the appointment, the Judicial Factor may require to borrow the file from the new firm or, in some circumstances where several parties have an interest in the file, retain the original and arrange for copies to be obtained so that the original can be reviewed by those entitled to see it.

The Judicial Factor’s aim is to assist the clients and ensure the swift progress of ongoing work with minimum inconvenience, but asks for understanding if additional information and assurances are requested.

Additional information on the rights and obligations of the Judicial Factor are available on our website [here](https://www.lawscot.org.uk/for-the-public/client-protection/when-firms-close-down-or-are-in-trouble/). If you have questions in relation to the mandate, you may also contact the Judicial Factor and her team on 0131 476 8195 or email: enquiry@judicialfactor.org.uk.

GDPR, Data Protection Act 2018. *For information about how we use your personal data see our privacy statement at* <https://www.lawscot.org.uk/for-the-public/client-protection/when-firms-close-down-or-are-in-trouble/> *or if you have difficulty accessing our privacy policy, contact us at the above address.*