

Guidance on Ownership of Documents and Liens

What is a solicitor's lien?

A solicitor's lien is a legal right that allows your solicitor to retain your documents, papers, files, or money until you pay their outstanding fees.

Why can a solicitor keep my documents or files?

The law allows this as security for unpaid costs. It is a common law right to enable solicitors obtain payment for professional work they have undertaken. They can refuse to hand over or let you see the items until the invoice is settled or secure payment is arranged.

What kind of things can a solicitor hold under a lien?

Mostly your papers and documents received or created during their work for you. For example deeds, correspondence, or files whether these are paper or electronic. They can also hold client money in some cases. However, they usually cannot retain your original Will, certain court records, or items not received in their professional role.

Who owns the documents in my file?

You (the client) generally own things like original documents sent by you, third party documents, and final version of documents. The solicitor owns their own working notes, drafts, or internal communications. You can ask for copies of your documents, but you may have to pay reasonable copying/ search fees.

What can I do if my solicitor is holding my papers because of unpaid fees?

Pay the bill or agree security, like paying into court to get papers or other documents released. You can also make a Data Protection Subject Access Request (SAR) (under

UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018) to obtain documentation which is personal data. A SAR usually overrides the lien and must be handled within one month. If it affects an ongoing case, you or your new solicitor might ask a court to order release on fair terms.

Can a court force my solicitor to hand over documents even if fees are unpaid?

Yes, in some situations, especially if keeping them would unfairly harm your case. Courts balance factors such as hardship to you, the solicitor's conduct, and the stage the case is at. The court can direct the handover of documents with conditions to protect the solicitor's right to eventual payment.

More information

Further information is contained in the following Practice Advice Note 2021 No 2, independent legal advice should be taken on its application and interpretation.