



## Notes to assist you when applying for insurance cover

**Provide as much supportive information as possible** - In order to assist your application for ATE Insurance and reduce the time taken by an Insurance Underwriter to consider your application it is always best to provide as much relevant information as possible with your initial application.

**Provide sufficient information to indicate level of risk involved** - Insurers need to assess their risk exposure by considering the **percentage** prospects of success against their own cost exposure (amount they will pay out if case is lost at trial). Broadly speaking the premium will take into account these two factors, although the level of expertise and experience of the legal representatives particularly Counsel will also be taken into account as will any existing relationship and the reputation of a firm in the appropriate type of litigation.

**Provide accurate information on the amount of cover required** - The Limit of Indemnity requested should be restricted to that amount adequate to cover adverse costs and disbursements if lost at trial. It is important not to under insure. Any existing BTE legal expenses insurance should be noted.

**Provide Information as to how the case is funded** - Insurers will take into account how a case is funded. In most Clinical Negligence and Personal Injury cases the Solicitors and Counsel will be acting under a CFA and this will be an advantage. Although a CFA is not absolutely essential, it is most usual in Personal Injury cases. The fact that a case is conducted under a CFA will increase the chances of obtaining an offer. If Solicitor and/or Counsel are not under a CFA it will preclude us from approaching some insurers and restrict choice and competition. Please indicate if the case is on a Full CFA, a Part CFA or No CFA, where the Counsel is not on a Full CFA please indicate if you require own Counsel's Fees to be cover and the amount needed. If a top up to a pre-existing BTE policy is required please supply the name of the existing insurer and the amount of cover provided under the original legal expenses policy and how much is now required to top up.

**NB: Does this case have the benefit of QOCS (Qualified One Way Cost Shifting) absolutely vital to mention if it doesn't.**

**Insure early in the process** - Insurers prefer to consider cases as early as possible from the date of incident, cases will generally become more expensive to insure as they get older or when they reach a certain stage, e.g. post issue. Ultimately many insurers will not offer cover later than three months before a trial date. Applying for cover early in the case and providing as much supportive information as possible will increase the chances of obtaining an offer of cover more quickly and at a lower premium.

- **If you are able to supply as much of the information listed below (where appropriate) this will allow the Underwriter to make an informed position.**
- **If information is absent and the case is finely balanced there is a possibility that a quotation may be delayed pending further information and at worst it could be declined.**
- **Please note that there is an obligation on the part of the applicant to disclose any material fact that would have a bearing on an Insurer's decision to offer cover. Failure to disclose such facts could lead to withdrawal of liability at a future date or the avoidance of a claim.**

**Please supply copies of following documentation if available and where appropriate.**

- Completed Proposal Form\*\*
- Case Summary\*
- Particulars of Claim
- Witness statements
- Admission/Denial of Liability\*
- Defence
- Claim Form
- Advice on Merit\*
- Advice on Liability\*
- Inter-party Correspondence
- Expert Reports\*
- Relevant Section of Medical Records (if appropriate)



**You may find these guidelines to be of some use when submitting your application.**

- Try and complete as much of the Proposal Form as you can
- Please provide a brief case summary
- Please provide any supportive documentation
- Please specify how your client/s is funding their legal representatives
- Please provide a covering letter indicating why you consider your client should succeed
- Please provide a schedule of documents provided
- Please indicate the level of damages being sought
- Please indicate how much insurance cover is required to cover own disbursements and adverse costs if the case was to be unsuccessful at Trial

**Important items marked with single asterisk\***

## **Conclusion**

If in doubt please contact us directly to discuss any issues....



### **Guardian Legal Services Limited**

**Pickford House  
Pickford Green  
Coventry  
CV5 9AP**

**tel : 0207 118 1884**

**fax: 0870 479 1639**

**email : [info@guardianlegal.co.uk](mailto:info@guardianlegal.co.uk)**

**DX 13702 Balsall Common**

---