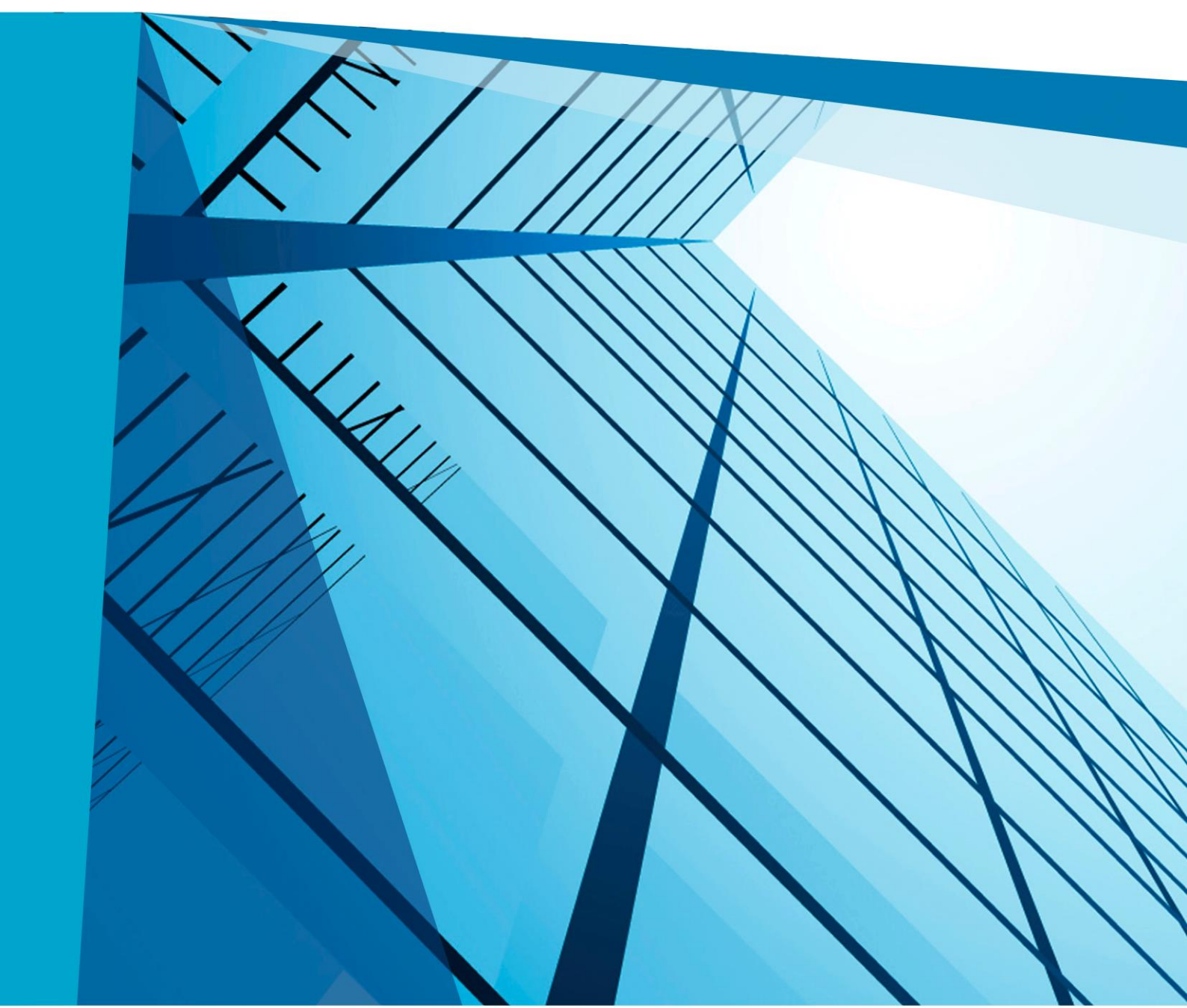


LITIGATION FUNDING AND AFTER THE EVENT (ATE) INSURANCE

2019 PROPOSAL FORM



1. Please complete all sections of this Proposal Form and return to Marsh Limited (Marsh) along with any relevant enclosures to the address detailed in Section 8. Signing this Proposal Form does not bind the Solicitor or the Client in any way.
2. Marsh would like to remind you of a policyholder's (and its insurance agent's) duty to disclose all material facts and the consequences of not doing so under English Law. It is necessary to disclose all information which a prudent insurer would wish to consider in deciding whether or not to accept a risk, upon what terms and at what price. Failure to comply with this duty may give the insurer the right to avoid the policy from its inception.
3. Any Solicitor which is advising about the purchase of ATE is conducting a regulated activity as they are intermediating insurance business. Where this is incidental to the provision of legal services then the firm must be authorised by the Solicitors Regulation Authority (SRA) as an Exempted Professional Firm (EPF) in order to undertake this activity. If you do not have an EPF/FCA registration number you will need to contact the SRA to arrange for your firm to be registered.
4. In good time before negotiations with the Insurers commence, we wish to establish a proper understanding of your client's insurance requirements. We will assist where necessary in the gathering and collation of material risk information and in its preparation for submission to the Insurers who we consider to be appropriate.

If you have any queries about completing this form, please contact us:



0207 3573808



0207 3571391



Robert.Murrant@marsh.com



Katie.Armstrong@marsh.com

SECTION 1 – PROPOSER’S DETAILS

Proposer’s Name	
Proposer’s Address	
Proposer’s Status (e.g. Individual, Company, Executor, etc)	
Is the proposer the Claimant or Defendant in the proceedings?	
Proposer’s Solicitor	
Address	
Solicitor Acting	
Telephone No	
Email Address	
Solicitor File Ref	
FCA/EPF Number	
Proposer’s Counsel (if instructed)	

SECTION 2 – OPPONENT’S DETAILS

Opponent’s Name	
Opponents Solicitors	
Opponent’s Insurers (if known)	
Address	
Can the opponent satisfy any judgement obtained, and what evidence is available to support this?	

If no insurer is yet known or there is no insurance, what checks have been conducted to ensure the Opponent has the finances to meet the damages and costs? (Continue on a separate sheet if necessary)

--

SECTION 3 – DETAILS OF THE CASE

Type of Case	
Date of cause of action	
Date instructed	

What is your assessment of the prospects of success in this case (%)? Is this the prospects of success against each opponent?	
Type of remedy sought	
If monetary: a. The amount sought	a.
b. The minimum amount that will be accepted by the proposer?	b.

SECTION 4 – RETAINER

Please indicate the type of Retainer you will be acting on:

Private Fee Paying	
Full (100%) CFA or DBA	
Partial CFA If partial CFA, what is the percentage of the firm's risk?	
Date of CFA or DBA	
If you are now acting under a CFA or DBA, were you previously acting under a BTE policy? If so, what is the limit of indemnity?	
Will Counsel be acting under a CFA?	
Have all alternative methods of funding been discussed and documented with the proposer?	

SECTION 5 – INSURANCE REQUIREMENTS

Please indicate below what cover is required and the amount (Inclusive of VAT):

	Costs to Date	Maximum Estimated Costs to Trial
Own Solicitors Fees		
Own Disbursements		
Counsel's Fees		
Opponents Cost/Disbursements		
Total cover required		

Has an application been made to an alternative ATE provider or broker for this risk? (If so please provide full details including any declinatures, quotes or requests for further information)	
Does your client have benefit of any pre-existing legal expenses insurance which will cover this dispute?	
Do you anticipate an application for Security for Costs?	
Please confirm the amount of Security required	
Will you be applying for a Freezing Order?	

SECTION 6 – LITIGATION FUNDING REQUIREMENTS

Please indicate below what funding is required and the amount (Inclusive of VAT):

	Amount of Funding Required	
Own Solicitors Fees		
Own Disbursements		
Counsel's Fees		
Total Funding Required		

SECTION 7 – CASE SYNOPSIS

Please give a brief synopsis of the current position with your case:

Is liability admitted?	
If Yes, please give details (continue on a separate sheet if necessary)	Admission of Breach Admission of Causation
Have there been any settlement offers? If Yes, please give details (continue on a separate sheet if necessary)	
Has mediation, or other ADR, been suggested? If so, by whom? Was this rejected and, if so, by whom and for what reason?	YES <input type="checkbox"/> / NO <input type="checkbox"/> Date of issue:

Have proceedings been issued? Date	
If Yes, please advise of the stage that the proceedings have reached	
Please give full details of any interlocutory applications by any party reasonably envisaged or already made	
Have you been advised whether any opponent is represented under a CFA/CCFA or has an ATE policy?	YES <input type="checkbox"/> / NO <input type="checkbox"/> Date/Window::
Has a trial date been set/trial window been allocated?	

SECTION 8 – SUPPORTING DOCUMENTATION

Before submitting your proposal, please use the following as a checklist of the documents to be submitted with this proposal and tick the relevant boxes showing the documents enclosed with this application:

- Case Summary (including any facts, liability, quantum)
- Cost Budget (estimated costs to trial)
- Counsel's Advice
- CFA or DBA including risk assessment
- Correspondence with the opponent(s)
- Witness statements
- Pleadings
- Expert reports

SECTION 9– DECLARATION

Declaration (to be signed by Proposer and Solicitor): I/We declare the information submitted in this form and accompanying enclosures is true to the best of my/our knowledge and belief. I/We agree this proposal will form the basis of the contract between the Insured and:

Signed (Proposer)	Signed (Solicitor)
Print Name	Print Name
Date	Date

SECTION 10 - COMMUNICATION AND PROCESSING

When you have completed the above or you have any queries, please return documents electronically to:



0207 3573808



0207 3571391



Robert.Murrant@marsh.com



Katie.Armstrong@marsh.com

Please note that all information provided to us will be kept confidential and will be disposed of confidentially if the Proposal is declined.



The St Botolph Building
138 Houndsditch
London EC3A 7AW
Tel: +44 (0)20 7528 4444

www.jlt.com