

Proposal Form

Advice on applying for After-the-Event Insurance with Temple

Why should I apply for insurance?

Insurance should be considered in every case, not just the high risk cases.

Insurance is an effective funding method for many types of commercial litigation.

There is no requirement that the case is run under a CFA.

Is there any cost to apply for insurance from Temple?

No, our assessment is free.

When should I apply for insurance?

You should apply for insurance as soon as you are able to make a reasonable risk assessment of the case. You should not apply simply because the case has become more risky, as it is likely that we will decline your case.

Are there any reasons why the application for insurance is likely to be declined?

There are a number of reasons why Temple are likely to decline cases which you should be aware of before you submit your case:

- If this case does not have reasonable prospects of success
- If relevant documentation is incomplete or relevant information is not included

How is the premium paid?

The premiums are all payable at the end of the case. If your client wins the case then the premium should be recovered from the opponent. If your client loses, then the policy actually self insures the premium.

1. This form must be completed and signed by both the solicitor and the client [and then evidenced by the client/proposer as true and accurate] and then returned to:-

Temple Legal Protection Limited DX: 83188 Guildford 2

2. Please include the following, as applicable:

- ◆ All correspondence relating to the dispute
- ◆ Contractual documents
- ◆ Expert reports
- ◆ Copy of your firm's risk assessment
- ◆ Pleadings
- ◆ Witness statements
- ◆ Counsel's opinion
- ◆ Any other relevant information

Please note that since we do not charge any assessment fee we cannot incur the costs of returning your papers (do not include any original documents with this proposal). If this case is declined by Temple, the papers will be destroyed.

3. Completion of this form does not mean that insurance cover is in place.

4. All material facts must be disclosed. A material fact is one that may influence the acceptance of this proposal, or the terms offered. If you are in any doubt as to whether something constitutes a material fact you should disclose it.

Non-disclosure or misrepresentation of any material fact may invalidate any insurance policy.

PART C - Details of the Opponent

1. Full name and address of the opponent.
2. Legal status of the opponent, (e.g. Limited Company, individual.)
3. Do you consider that the opponent will be able to pay damages and costs? YES/NO
If "YES" please enclose copies of any Status Reports obtained.
4. Details of any additional parties in the dispute.
5. Details of the opponent's solicitors.

Name of firm:

Address:

PART D – Details of the Legal Action

1. Have you applied to any other insurer for cover in respect of this risk? YES/NO
If "YES" has any other insurer declined this risk?

2. Category of Dispute - please tick

- | | |
|----------------------------------------------------------|--------------------------------------------------|
| <input type="checkbox"/> Competition Disputes | <input type="checkbox"/> Intellectual Property |
| <input type="checkbox"/> Construction Disputes | <input type="checkbox"/> Media Disputes |
| <input type="checkbox"/> Contractual/Commercial Disputes | <input type="checkbox"/> Professional Negligence |
| <input type="checkbox"/> Defamation | <input type="checkbox"/> Property Disputes |
| <input type="checkbox"/> Employment Disputes | <input type="checkbox"/> Sale of Goods |
| <input type="checkbox"/> Insolvency Disputes | <input type="checkbox"/> Other, please specify |

3. Date the cause of action arose :
4. Date you were instructed:
5. Have legal proceedings been commenced: YES/NO
If "YES": in which legal forum?
at what stage is the action?
6. Are you claiming or defending?
7. Is there likely to be a Counterclaim? YES/NO
If "YES", give details
8. Has liability been admitted or denied? YES/NO.
If "YES" On which date
9. Have you complied with any pre-action Protocols? YES / NO / NOT APPLICABLE
10. Has ADR been attempted? YES/NO
If "YES", please give details of the outcome of the ADR.
11. Please attach a summary of the dispute including relevant dates / amounts in dispute / remedies required.
12. If an Expert has been appointed, please provide relevant details.

If an Expert has yet to be appointed, please provide a description of the expertise that will be sought.

13. Details of any settlement proposals to date:

14. What is the lowest value of settlement the proposer considers acceptable: £
15. Have you entered into a CFA? YES/NO Date of Agreement: Percentage uplift:
If YES, please provide a copy.
16. Have you or will you be instructing Counsel? YES/NO
If YES, please name the Chambers and the Counsel :
17. What is the lowest value of settlement instructing solicitors consider acceptable?
18. What do you think are the prospects, in percentage terms, of achieving this?
19. Please give brief details of the main arguments, **in your opinion** that might be used by the opponent.

PART E - Cover Required

20. Please estimate your own disbursements up to and including trial £
21. Please give your best estimate of the opponent's total costs to *trial* (including their disbursement) £
- TOTAL** £

Declaration

I/We declare that after a full enquiry the statements and particulars contained in this proposal are true and that I/We have not suppressed or misstated any material facts. I/We agree that this Application together with any other information supplied by me/us shall form the basis of any Certificate of Insurance issued. I/We undertake to inform Underwriters of any material alteration to these facts occurring before the completion of the contract or at any time thereafter.

I/We warrant that all information I/We have provided to the Appointed Representative is true, accurate and complete and I/We understand that the Appointed Representative has relied on this information to complete this form and Underwriters will rely on the same to provide insurance.

Client Proposer's Signature

Solicitor (Appointed Representative)

Name in Capitals

Name in Capitals

Date

Date