

# After the Event Insurance for Clinical Negligence

## The Litigation Advantage Scheme

from Temple Legal Protection



The experts in legal expenses insurance

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*"We have been using Temple as providers of ATE insurance since 2001. The Scheme has worked extremely well and we have been very pleased with it. All of the staff at Temple have always been helpful, friendly and above all, efficient both in relation to their Underwriting and claims handling. We are happy to recommend them."*

Roger Wicks, Partner, Gadsby Wicks



For a free health check of your  
ATE insurance provision,  
please call our specialists  
on **01483 577877**

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# Welcome

## to Temple Legal Protection

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The use of ATE insurance, linked to CFAs, has become increasingly important in funding Clinical Negligence litigation. At Temple, we understand that the dynamics of Clinical Negligence cases are vastly different to other types of personal litigation. They can be costly, time consuming and sometimes unpredictable. Many of the country's best-known law firms insure their clients with Temple Legal Protection because they trust us to find the right funding options for them; reliable products with competitive premiums backed by unrivalled expertise and a reputation for excellence in Underwriting support.

Unlike others who are only willing to insure limited areas of litigation beyond personal injury, we can arrange cover for any Clinical Negligence legal action pursued in England or Wales that has reasonable prospects of success. From delays in diagnosis and poor surgical technique to dental negligence or cosmetic surgery, we can provide a wide range of competitive insurance options to help your clients afford to litigate. Because the premium is deferred, and only payable if the case is won, this creates a level playing field for clients against their opponents. It also helps reduce the need to abandon a case because of their fear of being exposed to financial risk.

Our highly skilled team - many of whom are lawyers themselves - bring together a wealth of insurance and legal experience. This gives us an understanding of your business and helps us ensure that our products and service meet the needs of you, your law firm and your clients.

Our products have been tested by the Courts, in fact, our policy wording, premium levels and processes have all been upheld by the Supreme Court Costs Office, the Court of Appeal and the House of Lords. On significant occasions, the Court has accepted evidence from Temple that has assisted regulators in their approach and decision-making on ATE insurance matters.

We evolve and adjust our products in line with legal changes in order to ensure that clients continue to have access to justice. This has helped Temple to become the natural first choice among Solicitors for ATE insurance for Clinical Negligence disputes in the UK.

From arranging cover to paying claims promptly, you can trust Temple to recognise and respond to the issues you face in all types of Clinical Negligence litigation.



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# Key Features

## The Litigation Advantage Scheme

A combination of a CFA and ATE insurance from Temple gives you and your client the confidence to pursue their claim, without the fear of having to pay any costs orders. With fixed premiums and fully delegated authority, this allows you to be able to plan ahead with your client regarding the level of deductions from their damages, thus strengthening your relationship with them. Arranging cover early helps minimise your client's exposure to litigation risk. With cover from as little as £250, our Litigation Advantage Clinical Negligence Scheme offers the following protection and support from a trusted insurer:

- Competitive premiums
- Fully Delegated Authority Schemes
- Simple online Policy Issuing System for easy administration
- No set-up costs
- The ability to run cases up to and including trial without obtaining prior approval
- Full Part 36 cover for adverse costs (including interlocutory appeals)
- Disbursements cover (excluding counsel's fees)
- Fully retrospective cover
- Deferred premiums - payable at the end of the case
- Self-insured premiums - the client pays nothing if the case is lost
- Staged premiums – the premium matches the risk at each stage of the case
- Prompt Underwriting decisions for top-up and referrals



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## Delegated Authority Scheme

Our delegated authority scheme aims to offer you the widest scope of cover in the market. In addition, we keep reporting requirements to a minimum, leaving you free to concentrate on the litigation.

A scheme is suitable for a firm with a large volume of litigation that can demonstrate a good track record of success. Your firm would issue the policies on behalf of the Underwriters, without needing to complete a proposal form for each case. A scheme also empowers you to make decisions in the case that would otherwise need consent from Underwriters, enabling you to run a case through to trial without referral to Temple. We will work with you to design the ultimate scheme for your firm, based on your caseload and track record.

Because of the complexities involved in Clinical Negligence litigation, we understand that, occasionally, a case may fall outside the eligibility criteria of your scheme. In these circumstances, the claim will be referred to our experienced Underwriters for assessment, free of charge.

## Our Premium Structure

Clinical Negligence cover from Temple comprises a two-part premium:

- Premium for part A: covers your experts' reports limited to liability and causation and is usually recoverable from the defendant.
- Premium for part B: covers the defendants' costs and the balance of own disbursements. It is normally recovered from the awarded damages and only payable if the case is successful.

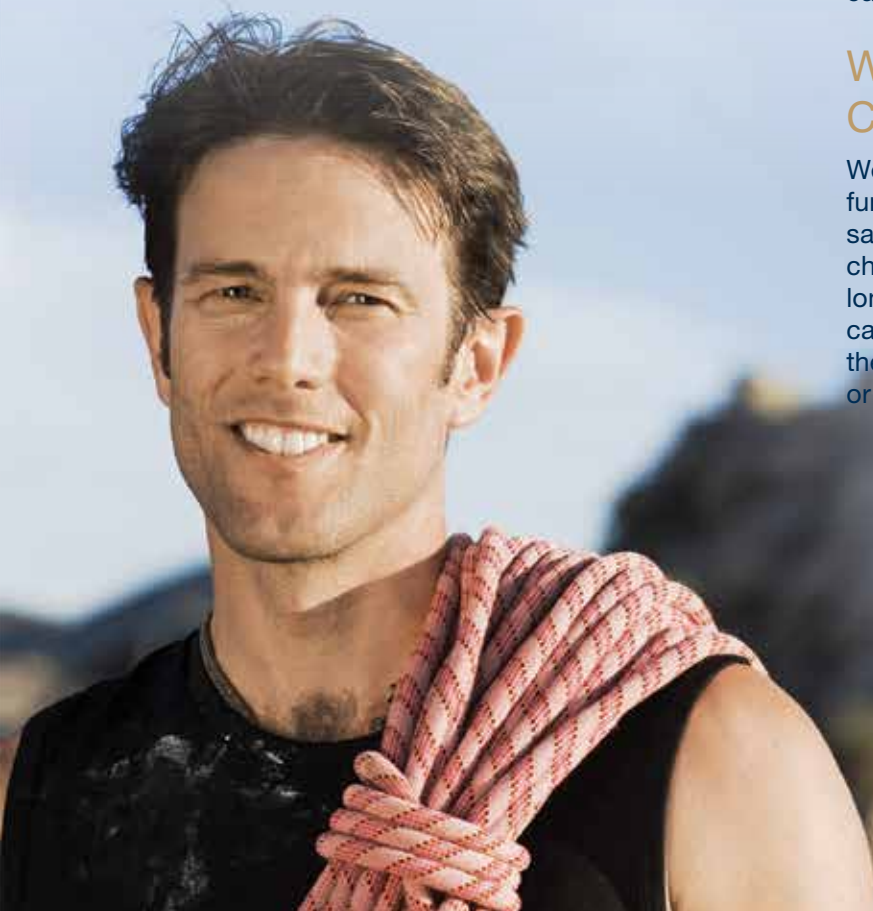
If the case is lost or abandoned, part of the cover under a Temple policy provides indemnity for the full cost of the premium. The policy limit is defined to include the premium in addition to the sum insured.

## Temple Online Policy System

"TOPS" - provides an easy, quick and comprehensive online tool to administer your scheme, enabling you to maintain the records of insured cases via simple status codes. These are updated by you every six months, or when there is a material change in the status. TOPS can also be used to download documents and analyse your caseload.

## What if I have a Legal Services Commission (LSC) franchise?

We are happy to offer ATE insurance where public funding is withdrawn because the case no longer satisfies the costs-benefit analysis ratio, or a change in the client's circumstances means they no longer qualify for public funding. We can also cover cases that have existing BTE insurance but where the indemnity provided by the policy is inadequate, or becomes exhausted.



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# Partnership

## Together we are Stronger

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We take a partnership approach to our business and work with Solicitors nationwide. Working with us gives you direct access to our team of specialist Clinical Negligence Underwriters and the benefit of our experience at the forefront of the legal expenses insurance market. This gives us insights into the challenges you face, and helps us to anticipate your needs and adapt our products to suit.

### Trust

We trust you to get on with your business - litigation. This is why we offer you the widest authority with our Delegated Authority Schemes, enabling you to run cases up to and including trial without prior approval. As a Temple partner, you can trust us to offer you intelligent advice and decision-making, based on relevant experience and understanding of the complexities involved in clinical negligence cases.

### Flexibility

A flexible approach is essential in business. If you need bespoke cover, we will happily tailor our insurance products to the needs of your firm and your clients.

### Service

There is more to legal expenses insurance than what is written down on paper. The service you receive from your insurer is key. With Temple, your dedicated Scheme Manager will have overall responsibility for ensuring that you get the right support throughout the life of the scheme. You will also be allocated your own Business Support Manager who will ensure Temple always delivers the best level of service.

### Innovation

We have played a key role in the ATE insurance market since its conception and were the first to introduce the deferred, contingent and self-insured premiums that are now standard industry practice. We have retained this model post LASPO and continue to evolve and adjust our products in line with legal changes to ensure that your clients continue to have access to justice.



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# The next step

## How Can I Arrange a Scheme?

Talk to us. In order to advise you on the best ATE insurance, we need to understand your needs. During our initial conversation, we will discuss your firm's caseload, your procedures and experience, explain how ATE insurance from Temple can help support you in your Clinical Negligence litigation and answer any questions you may have. We are happy to talk to you over the phone or in person at your offices.

For ATE cover you can trust, please call us now on **01483 577877** for an initial discussion or to arrange a visit to your offices, or make an enquiry at [ate@temple-legal.co.uk](mailto:ate@temple-legal.co.uk)

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For more information on how working with Temple Legal Protection can benefit your firm, please call us now on **01483 577877** or visit [www.temple-legal.co.uk](http://www.temple-legal.co.uk)

We offer ATE Insurance schemes for many types of litigation, including:

- Commercial Litigation
- Defamation
- Personal Injury and Industrial Disease

The following legal expenses products are also available:

- Employer Legal Protection
- Commercial Legal Expenses
- Tax & VAT Disputes Scheme
- Intellectual Property
- Group and Affinity Schemes

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