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**alternative-ate-and-funding.co.uk/**

Alternative Insurance Brokers

**Application for Alternative ATE and Funding Solutions**

Important Notes and Disclaimers

**Supporting Documents Required**

Please note that together with the completed and signed version of this application form, we will require certain supporting documents to be provided in order for us to assess the case and approach litigation insurers and funders, with a view to securing terms.

A checklist of suggested supporting documentation can be found at Section 8 below**. Please note that we cannot accept any application for litigation insurance or funding without a completed case summary**.

**Disclosure – The Insurance Act 2015**

The Insurance Act 2015 came into force on 12 August 2016.

In accordance with the Insurance Act 2015, in making this application, you are under a duty to make a “fair presentation” of the risk.

In doing so, you must disclose every material circumstance which you know, or ought to know, or make disclosure which provides the receiving party with sufficient information to put the receiving party on notice that they need to make further enquiries into those material circumstances.

All material facts that are disclosed must be substantially correct and every material representation made in good faith.

If you are not an individual, the scope of what you know or ought to know extends to what is known to individuals who are part of your senior management team, or any parties that are responsible for your insurances.

If you are in any doubt as to whether something constitutes a material fact, you should disclose it.

The insurers which take part in this service will provide indications of terms based upon the information you provide. The insurance policy will not be in force until a certificate of insurance has been issued. Completion of this form does not mean that insurance is in place.

Failure to comply with your duty to make a fair presentation of the risk can lead to the receiving party avoiding the contract (and retaining any premium), charging a higher premium and treating the contract as having been entered on those terms, or reducing any claim payments proportionally.

# Application for Alternative ATE and Funding Solutions

## Section 1 – Proposer’s Details (i.e. Law Firm’s Details)

|  |  |  |  |
| --- | --- | --- | --- |
| **Firm name:** |  | **Address:** |  |
|  |

|  |  |
| --- | --- |
| **Billing centre for case** (If different to address): |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **Lawyer name:** |  | **Lawyer e-mail address:** |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **Supervisor name** (if relevant): |  | **Firm case reference:** |  |

## Section 2 – The Claimant

|  |  |
| --- | --- |
| **Full name(s) of the Claimants:** |  |

|  |  |
| --- | --- |
| **Billing centre for case** (If different to address)**:** |  |

|  |  |
| --- | --- |
| **Have you completed KYC checks on the client?**  Please detail any KYC, Sanctions or AML issues that have arisen here. |  |

## Section 3 – Opponent Details

|  |  |
| --- | --- |
| **Name(s) of the Opponent(s):** |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **Opponent lawyers:** |  | **Opponent insurers:** |  |

|  |  |
| --- | --- |
| **Can the opponent satisfy any judgment obtained? If so, what evidence is available to support this?** |  |

## Section 4 – Retainer and Funding/ATE Details

|  |  |
| --- | --- |
| **Date firm instructed and on what basis?** (if already agreed/signed) |  |
| **What are the proposed terms including any success fee structure?**  (e.g., A% if proceeds over X or B% if proceeds over Y) |  |
| **Please briefly describe the internal approval process for offering the Claimant a CFA or DBA.** |  |
| **Name of Barrister** (if instructed) |  |
| **Please explain the retainer or anticipated retainer with the barrister(s).** |  |

|  |  |
| --- | --- |
| **Have you or do you anticipate requiring third party litigation funding to fund a portion of your fees?**  If so, please provide details of the amount of funding arranged/required and who you have approached to date? |  |
| We will require some additional information if Alternative Insurance Brokers is instructed to arrange litigation funding for your client. As this will be case specific, we will liaise with you as necessary. |
| **What are the arrangements for adverse costs?**  **Please include:**   * Estimated adversecosts to conclusion of a contested trial * Details of any existing ATE insurance cover and premiums * Potential for security for costs |  |
| Alternative Insurance Brokers can provide quotations for ATE insurance and funding for the Claimant directly or for the law firm pursuant to an indemnity from the Proposer  Please indicate by ticking the box if you would like us to consider ATE/security for costs arrangements. |

|  |  |
| --- | --- |
| **Have you or the Claimant approached any insurers or brokers for either ATE insurance or funding?**  *If so, please provide their name, the approaching party the and the outcome of those approaches.* |  |

## Section 5 – Case Details

|  |  |  |  |
| --- | --- | --- | --- |
| **Type of case** |  | | |
| **Forum**  (court, tribunal etc.) |  | | |
| **Jurisdiction**  (NB. If jurisdiction is disputed, please provide details) |  | | |
| **Applicable law**  (NB. If the applicable law is disputed, please provide details) |  | | |
| **Percentage prospects of successful outcome** |  | | |
| **Full value of claim** (excluding costs) |  | | |
| **Minimum acceptable figure** |  | | |
| **Have any offers of settlement been made or received?** |  | **Details of offers:** |  |
| **Details of any non-financial remedy that may be applicable** |  | | |
| **Has a Letter of Claim** (or equivalent) **been sent?** |  | **Date filed:** |  |
| **Have proceedings been commenced?** |  | **Date proceedings commenced:** |  |
| **If proceedings have not been commenced, when will the claim become statute-barred for limitation?** |  | | |
| **Have there been any preliminary decisions?** |  | | |
| **Are there any preliminary matters to be determined prior to the substantive trial?** |  | | |
| **Has a Defence been filed?** |  | **Date filed:** |  |
| **HHas a trial date or window been set?** |  | **Date of trial/window:** |  |
| **Are there any upcoming hearings or deadlines?** |  | | |
| **Is a counterclaim to be expected? If so, on what basis?** |  | | |

## Section 6 - DBA Advice

|  |  |
| --- | --- |
| **Has the CFA/DBA agreement been considered by specialist costs Counsel?** |  |
| **Have you recommended the client obtain independent legal advice before entering the CFA/DBA?** |  |

## Section 7 - Insurance Requirements

Please complete the table below with figures inclusive of VAT (if cover is required for VAT).

Please exclude any costs funded by pre-existing insurance from the sections for amount of cover required.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Costs incurred to date** | **Cost from now to conclusion** | **Amount of cover required for costs to date?** | **Amount of cover required from now to conclusion.** |
| **Own lawyers’ fees** |  |  |  |  |
| **Own disbursements (excluding barrister’s fees)** |  |  |  |  |
| **Own barrister’s fees** |  |  |  |  |
| **TOTAL COVER REQUESTED (inclusive of VAT if applicable)** | | | **£** | |

## Section 8 – Documents

Help us to help you. Well-presented cases have a better chance of obtaining for insurance. Please enclose all relevant documentation you think insurers will need to consider the case. If further information is required, completion of the assessment is likely to be considerably delayed. We may require you to provide documents as part of this application process by electronic means. We will provide the necessary details and reference where required.

Examples of the types of documentation required (where available) include:

* **Case summary** (including a commentary on the facts, liability, quantum and enforcement. It must also include your views on the prospects of success);
* **CFA/DBA or other terms of the retainer***;*
* **Costs budget** (an itemised schedule of projected costs referring to stage in the litigation, up to and including the hearing);
* **Barrister’s advice on the case (if available);**
* **Barrister’s advice on the drafting of the CFA/DBA (if applicable);**
* **Pleadings;**
* **Correspondence with the opponent;**
* **Experts reports;**
* **Witness statements**

Section 9 – Declaration

1. I/We declare that the information contained in this form and accompanying enclosures represents a “fair presentation” of the risk.
2. I/We believe that the level of insurance requested in Section 7, is sufficient to pursue the claim to the conclusion of a fully contested trial, unless otherwise stated.
3. I/We agree to be bound by Alternative Insurance Brokers Terms of Business, as set out below.

|  |  |  |  |
| --- | --- | --- | --- |
| **Signature:** |  | **Date:** |  |
|  |  |  |  |
| **Print name:** |  | | |

**Once the application form has been completed, please return the same together with the supporting documentation to ate@alternativeinsurancebrokers.co.uk (please note that we run a paperless office, and any applications submitted by post will therefore take longer to be processed)**