

PROPOSAL FORM

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

What cover does this insurance provide?

This insurance will indemnify your client for the costs awarded against them by a Court or other tribunal and will also indemnify your client for their own disbursements other than your own counsel's fees. This insurance does not indemnify your client in respect of your own fees.

Why should I apply for insurance?

Insurance is an effective funding method for all types of commercial litigation. There is no requirement that the case is run under a CFA. Insurance should be considered in every case, not just the high risk cases. The financial risks of litigation can be transferred to the insurer.

How is the premium paid?

The premiums for Temple policies 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 insures the premium in addition to the adverse costs.

Is there any cost to apply for ATE insurance from Temple?

No, there is no charge whatsoever – our assessment of your client's case 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 your client's case where you conclude that your client's case has reasonable prospects of success.

You should not apply simply because the case has become more risky, as it is likely in those circumstances that we may decline your case.

Why might Temple decline your application?

There are a number of reasons why Temple may decline cases. Key reasons are as follows:

- If we are not satisfied that the case has reasonable prospects of success
- If relevant information is not sent to us with this application
- If documentation, relevant to the success of the case, is unavailable

1. This form should be completed and signed by you, the solicitor, and then evidenced and signed by your client as true and accurate. It should then be sent, along with copies of all supporting documents either by email ate@temple-legal.co.uk or in hard copy form to Temple Legal Protection, DX: 83188 Guildford or Fax 01483 300943

2. Document Checklist:

In order to facilitate your application quickly, please ensure that all sections of the proposal form are fully completed where appropriate.

We also require copies of the following documents, where available

- | | |
|---|----------------------------------|
| ◆ Key relevant correspondence from/to any party relating to the dispute | ◆ Pleadings |
| ◆ Contractual documents being relied on | ◆ Witness statements |
| ◆ Expert reports | ◆ Counsel's opinion |
| ◆ Copy of your risk assessment and/or advice to your client | ◆ 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 application).

If this case is declined by Temple, the papers will be confidentially 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 or your client must disclose it.

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

Section A Details of the Proposer

1. Full Name:

Address:

Date established/date of birth: / /

Occupation or nature of Business:

2. Please state the domicile of the Proposer:

If a business, please state the approximate turnover and gross profit for the last financial year

Turnover £ Gross Profit £

3. Is it likely that an application for security of costs will be made against the Proposer:

4. Is the Proposer aware of any other insurances which may be relevant to this dispute:

5. Is the Proposer, or has the proposer, ever been insolvent or been made bankrupt or discharged from bankruptcy in the last five years, or been a director of a company which has been declared insolvent in the last three years:

6. Has the Proposer been convicted of a criminal offence (other than a motoring offence not resulting in imprisonment):

Section B Proposer's Legal Representation

If you have placed business with Temple previously do not answer question 3 of this section. Otherwise, please answer all questions.

1. Name and address of the firm:

DX:

Tel. No:

Fax No:

Name of the Partner dealing with this legal action:

E-mail:

Your case reference:

Normally we prefer to correspond with our customers by e-mail. Please indicate your preference for any future communication

E-mail

hard copy letter

2. Your own Counsel:

Chambers:

17. What are your own legal fees to date: £
- What are you own counsel's fees to date: £
- Please provide an estimate of your own additional legal fees up to and including trial: £
- Please provide an estimate of your Counsel's additional fees up to and including trial: £

Section E Cover Required

When completing this section please note the cover that may be provided will insure your client for their liability for the opponent's legal costs and disbursements and your client's liability for their own disbursements. Any cover provided will not insure your client for your own legal fees or for your own counsel's fees.

1. Own Disbursements.

- a) What is the cost of your own disbursements, excluding Counsel's fees, incurred to date £
- b) What do you estimate the additional cost of your own disbursements, excluding Counsel's fees, to be that are likely to be incurred up to and including trial. £

2. Opponent's Costs.

Please give your best estimate of the opponent's total costs, already incurred and to be incurred, including their own disbursements and counsels fees, up to and including trial. (Please include VAT if applicable) £

TOTAL SECTION E

£

3. Has the opponent issued any notice to you that they are funded by a CFA and/or have the benefit of ATE insurance:

Please note, if cover is provided, the total shown in Section E will be used by Temple to assess the basis of the Limit of Indemnity.

Declaration

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

I/We warrant that all information I/We have provided to the Solicitor is true, accurate and complete and I/We understand that the Solicitor has relied on this information to complete this Proposal and Temple will rely on the same information.

Solicitor:

Proposer:

Name in Capitals

Name in Capitals

Date

Date