

## Background

Are you pursuing a claim of some type utilising a Public Access Barrister?

Are you concerned about potential costs ?

You may have agreed your own Barrister's costs. Indeed your own Barrister may have offered to act on the basis of what is called a Conditional Fee Agreement. However if you lose your action or your claim is withdrawn you will almost certainly have to pay for:

- **Your Opponent's legal costs and disbursements.**
- **Your own disbursements such as Court Fees and Expert Witness Fees.**
- **Your Opponent's Insurance Premium (if applicable).**

In addition if there is a failure to improve upon an early settlement offer made by your Opponent, you may also be liable for some of your Opponent's legal costs/disbursements.

After The Event Insurance (ATE) can cover some or all of these eventualities.

## Questions

### **When will the premium have to be paid?**

The premium due is normally payable at the conclusion of the case. The premium will generally depend upon the stage at which the case ends. Your premium may well be recoverable from your Opponent. If you lose your case the premium itself is normally insured .i.e. it is no longer payable.

### **If an action is lost, how is the claim paid?**

The Insurers will generally pay the claim directly to your Opponent's solicitor.

### **Will any money be deducted from your damages if you win?**

This will depend upon whether the premium has been recovered in full or in part from the other side. If it has been collected in full, no deduction will be made. If there is a shortfall in premium collected, you could be responsible for a proportion of the premium. This will be carefully explained to you in writing at the outset.

## EFM SPECIALIST RISKS

EFM are Independent Commercial Insurance Brokers who have been working with the Bar Council in order to formalise After The Event Insurance facilities for clients of Public Access Barristers. EFM are a Bar Council Service Partner.

EFM have been established for almost 20 years and specialise in niche insurance schemes. They have been at the forefront of insurance and risk management innovation in the Banking, Telecommunications, Veterinary and Accountancy sectors.

EFM have assembled a comprehensive panel of ATE insurers, all of whom can be accessed via a single enquiry form. The panel of insurers is constantly monitored with new insurers being added and others removed as required.

## Procedures

You will need to contact us **directly**. We will ask you to complete a preliminary Enquiry Form and will progress matters from that point. You will need to ask your Barrister to provide you with an up to date written opinion regarding the prospects of success of the case to support your insurance enquiry. Following receipt of responses from our various panel insurers, we will provide you with full terms and conditions regarding the insurance cover that may be available to you.

At your request, we will also provide your Barrister with all copy correspondence and specifically the final insurance quotation.

## Contacts

Mark Felman ACII and Graham Berg ACII can both be contacted on **01702 482284** or by e-mail at [ateinsurance@efmgroup.co.uk](mailto:ateinsurance@efmgroup.co.uk)

Further information is available at [www.publicaccessbarristers.com](http://www.publicaccessbarristers.com)



SERVICE PARTNER

EFM are a Bar Council Service Partner



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This document is generic and reflects our current understanding of the law and is subject to change.

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