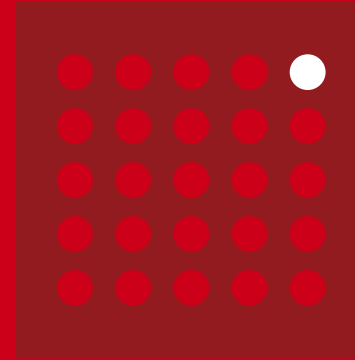


Working with ATE insurance

Mark Harvey
Cardiff and London



What is ATE?

- Legal expense insurance
- Purchased only when you need it; ie
- After The Event!



History?

- **England and Wales since 1995 alongside**
- **Conditional Fee Agreements (CFA).**
- **Lose? Pays off Defendant's costs and own disbursements**
- **Wins? Premium paid by losing Defendant.**



2013 REFORMS

- **Qualified One Way Costs Shifting ie**
- **Winning Defendant cannot recover their costs and disbursements from Claimant (unless**
- **Claimant has been found by the court to be fundamentally dishonest)**
- **Premiums not recoverable from Defendant but**
- **Still needed for own disbursements and any adverse costs orders (interim/Part 36 offers).**



How they work now

- **Enables you to offer complete protection to the client**
- **No win no fee; no adverse costs and no expenses if lose**
- **Premium is deferred;**
- **If lose-pay nothing and policy pays all off**
- **If win, premium is deducted from damages.**



Client experience

- A wholly no win no fee experience
- Disbursements may be born by Claimant or the firm (or deferred) but
- Claimant knows if wins they recover them from Defendant and
- If they lose the ATE policy pays them off.



Law firm's experience

- Gives Claimant complete piece of mind
- Disbursements may be born by Claimant or the firm (or deferred) but
- Claimant and law firm knows if wins they recover them from Defendant and
- If they lose the ATE policy pays them off.
- Funding?



Hj

Where to find them?

**What are you
looking for?**

- **ARAG**
- **Allianz**
- **DAS**
- **Temple**

- **A+ insurer?**
- **Sufficient level of indemnity?**
- **Delegated authority?**
- **Funding?**

HUGHJAMES

Good luck!

Mark Harvey
Cardiff and London

